

Ms Prity Cleary
Planning Officer
Development Assessment and Sustainability
NSW Department of Planning, Housing and Infrastructure
Submitted via the NSW Major Projects Portal

2 October 2025

Dear Ms Cleary,

RE: SSDSSD-83431958 Residential development with infill affordable housing- 16-20 Middle Harbour Road, Lindfield – 98 Apartments incl 19 Affordable units

Please find accompanying the reasons for my objection to this MHR Lindfield Investments Pty Ltd residential development. In addition to this being an inappropriate development for its location with major impacts on surrounding dwellings, there exist a number of inaccuracies in the Environment Impact Statement (EIS).

There are several instances where key information is inconsistent. Is the Deep Soil cover 24.6% or 21.5%? Is the FSR 3.16:1 or 3.01:1? Is the number of car parking spaces 196 or 188? This proposal needs to be presented clearly and accurately for an assessment on exhibition. This is not the case and it should now be returned to the proponent for correction and resubmission. This submission does not meet SSD standards and requirements and without accurate data would be open to challenge.

This development proposal breaches the principles of good urban planning on many levels.

- The proposal is advocating development which would isolate a one-storey dwelling between two 10 storey towers
- The proposal does not respect the scale and form of the existing locality
- The 10 storey development will have an unacceptable impact on neighbouring properties
- The proposed setbacks do not meet statutory requirements and are incompatible with the existing surrounding development.
- The proposed development does not fulfill the objective of the TOD controls in Chapter 5 of the Housing SEPP which is to ensure development is of an appropriate bulk and scale.
- The building design presents a long 41.34m façade of 10 storeys to Middle Harbour Road without any open central space to assist in mitigating its bulk and dominance over neighbouring properties and the surrounding area.
- The development contributes to habitat and foraging loss for the endangered species Large-eared Pied Bat (*Chalinolobus dwyeri*).

Additionally:

- The existing ground level has been incorrectly identified, resulting in the height of the building in excess of 28.6m.
- The development site is over 550 metres walking distance from Lindfield Station. Highest

densities and building height should be close to the station and transition down. This is not the case, at 31m this is higher than Council's Preferred scenario limits for this site.

- The Affordable apartments are not as the EIS states 'well distributed' throughout the building. Of the 19 units, 9 are located on the lower ground floor, which is below the Ku-ring-gai Council recommended habitable level of 87.53 AHD, with another 6 at upper ground level.
- The conjecture that the isolated house at 22 Middle Harbour Road would be able to be developed is ludicrous, as the marginal feasibility of a development on this site would ensure it would not be taken up. Added to this is the Flood Report highlighting that floodwaters discharge across the development site to 22 Middle Harbour Rd.
- The Traffic Report highlights a lack of competence by Varga Consulting with numerous errors arising from their lack of understanding of the site and surrounds which highlight that they have not attended the site.

I also object to the proposal on the following grounds due to non-compliance, inconsistencies or flaws with:

- Ku-ring-gai Local Environmental Plan (KLEP) 2015
- Ku-ring-gai Development Control Plan (DCP) 2024
- Apartment Design Guideline (ADG)
- SEPP Housing 2021

This development application was lodged in order to take advantage of the TOD SEPP savings clause whilst Ku-ring-gai council submits the TOD Preferred Scenario KLEP amendments to the Minister for Planning in accordance with Land and Environment Court mediation agreement of November 2024. Council lodged the KLEP amendments with the Minister in May.

In contrast to the EIS contentions of its suitability, this development is excessive in terms of mass, height and bulk. It causes massive impact to the environment and the surrounding area as the land supports an overflow into the Gordon Creek Catchment. The development does not address the high levels of negative impacts it will have on surrounding properties, including Heritage Items and specifically Trafalgar Avenue Heritage Conservation Area.

Flood Risk – Site Water Management (DCP24) not met

- The objective of DCP24A 'To ensure that development does not increase surface and subsurface runoff to downstream properties.' Not met.
- DCP24B 'To ensure adverse impacts are not increased beyond what was present prior to the development. To achieve a high level of residential safety and amenity'. Not met.
- DCP 24C 'To ensure that development does not increase surface and subsurface runoff to neighbouring properties. To consider the existing capacity of the public drainage system.' Not met.
- DCP24D.3 states 'Subsurface water management systems are to be designed to transfer subsurface water through, around or under the proposed development to maintain the natural subsurface water regime.' It must be 'demonstrated that the natural flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property; infrastructure; groundwater dependent ecosystems; threatened

species, populations, and ecological communities.’ This requirement has not been met and the effects to the down-gradient surrounding properties and infrastructure have not been addressed.

The Southern Catchments Flood Study 2023

The study has highlighted 5 points in the immediate vicinity on Middle Harbour Road where stormwater overflows neighbouring land, flooding into yards, overflowing across properties, and ponding in streets. These points are cited in the study as numbers 28, 31,37, 49 and 51.

The Study states that ‘a significant major overland flow path forms between Middle Harbour Road and Tryon Road with upstream contributions from areas downstream of the railway line.’ Floodwaters from the railway line (at Russell Ave and Strickland Avenue) flow into low lying areas between roads partially inundating individual properties.’

‘During the 1% AEP flood, floodways and flood storage areas are largely contained within the downstream watercourses and along the trunk drainage lines discharging to the watercourses in the upstream of the catchment. Some roads adjacent to major overland flow path crossings, including Middle Harbour Road and Bancroft Avenue, act partially as floodways adjacent to the discharge point into the watercourse.’

Recently, in March 2022, a major flooding event occurred at the intersection of Trafalgar Avenue and Middle Harbour Road. Houses along Middle Harbour Road had their front yards, which carry the Gordon Creek, flooded, with the accompanying water surge causing some of the bridges to their residences washed away. Residents were isolated or not able to enter their properties.

With the replacement of slow draining grassed areas with hard surfaces and drainage aimed at moving the water offsite, this Surge Effect will be exacerbated in times of high precipitation. This Surge impact is not covered in the Flood Impact Assessment, nor is its likely impact on neighbouring properties.

In light of the increasing rainfall level expected in Sydney, and along the Ku-ring-gai ridgeline, caused by Climate Change, this development should be rejected.

This development is in a significant flood prone area and will require extensive underground works and excavation to deliver 3 lower ground and basement floors. The excavation level will be in excess of 15m from the existing ground level. The water flow disturbance will be significant for both upgradient and downgradient properties.

The site topography accentuates the flood issue as the area along Middle Harbour Road falls substantially from Pacific Highway to the intersection with Trafalgar Avenue, a fall of approximately 19m. This is an intersection which floods numerous times each year.

The proposed development site falls approximately 2m from north to south and 5m from its western to its eastern boundary resulting in a relatively steep slope through the site. The combination of these falls creates catchments draining both eastward and southward to downslope properties, with greatest impact on 22 Middle Harbour Road.

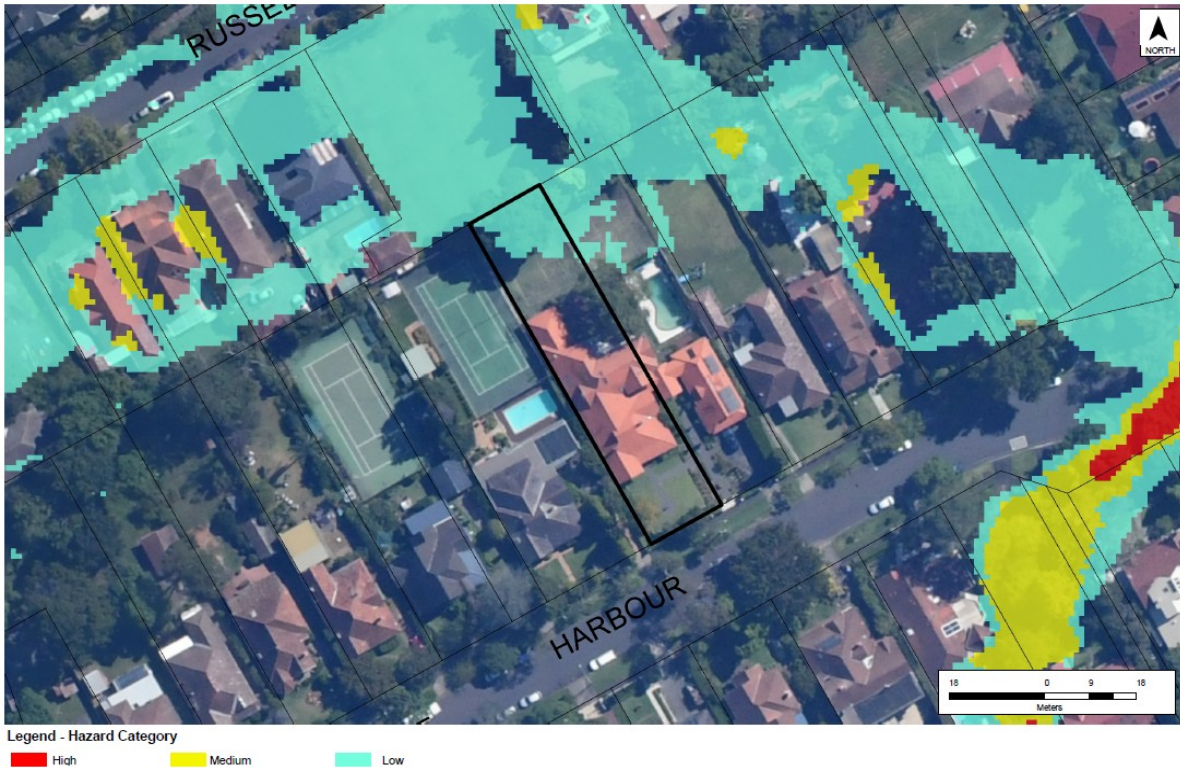
The excavation and replacement of the grassed areas with predominantly hard surfaces will cause damage and blockages to the free flow of water into Gordon Creek and then into Middle Harbour. Furthermore, the development is significantly in excess of the 30% site coverage required by the Ku-ring-gai DCP making the problem even worse.

The Flood Impact Study fails to address the impacts of this development both upgradient and downgradient of the site. The development of this site and the disturbance it will cause will exacerbate an already problematic flood prone area, affecting numerous homes on Russell Avenue and Middle Harbour Road. The cumulative impact of two 10 storey developments in close proximity cannot be underestimated in terms of their negative impact on the site water management. These should not be progressed until Council has sufficient funds to improve the current water flow situation.

The Ku-ring-gai Council supplied certificate for 18 Middle Harbour Road represents the most current flooding information available held by Ku-ring-gai Council at the time the certificate was created. The designated flood level and minimum required floor level varies across the property, however the minimum habitable floor level is confirmed as 85.64 -87.53AHD. This is higher than the proposed lower ground floor apartments.

The Martens Flood Assessment

- The site is identified as being affected by an overland flow path in the north-eastern corner of No. 18-20 Middle Harbour Road.
- Based on the modelling results under existing conditions, floodwaters overtop Russell Avenue and flow across 22 Middle Harbour Road, entering the site along its northern boundary. **This is a statement in error as it cannot flow across 22 Middle Harbour Road and then enter the site. It must enter the site across 16-20 Middle Harbour Road.**
- The flows then continue along the drainage depression at the rear of the site in a north easterly direction, ultimately discharging onto 22 Middle Harbour Road.
- The Martens Report states 'The existing conditions at the site were found to show areas of high, medium, and low flood hazard on the site. The site experiences significant inundation during the 1% AEP and PMF events.'
- The PMF (Probable Maximum Flood) event results in increased overtopping and a broader flood extent at the rear of the site compared to the 1% AEP event.



Source: Martens Flood Report

Excessive building and Height - non-compliant

- The maximum building height stated as 28.6m is exceeded across the site to a maximum of 31 m. This is in excess of the allowable height under the TOD SEPP requirements where an affordable height bonus of 30% is allowed. The proposal represents a gross over development in terms of height, scale and bulk in stark contrast to the adjoining 1-2 storey residences, in the direct vicinity of 2 Heritage Items and a Heritage Conservation Area (HCA).
- The height of the structure is incompatible for the area with 10 storeys on the Middle Harbour Rd frontage and overtopping Russell Avenue by over 8 storeys.
- There is no site coverage data presented in any of the reports but it is clear the coverage is in excess of 50%
- The slope of Middle Harbour Road from the western boundary to the eastern boundary of the site is approximately 5 metres. However, no adjustment has been made to reduce the height to address the sloping topography of the site so that it aligns with the natural slope of the land as required in the ADG.
- The proposed multi storey apartment block and height is not consistent with the desired future character and streetscape and will have material impact on neighbour amenity and the environment. Council's preferred scenario for this site has a maximum of 6-7 storeys, not 10 storeys. Similarly, the FSR under the Preferred Scenario is 1.8:1 not the massively overdeveloped 3.16:1.

The development ignores the Ku-ring-gai DCP controls:

- Excessive site coverage in excess of the DCP controls. There is no statement in the documents clarifying the site coverage percentage, but it is clear it exceeds 50%. The DCP site coverage maximum is 30%. This is comprehensively exceeded.
- Deep soil cover should be a minimum of 50%, but is halved to only 24.6%
- The site is classified for an FSR of 1.8:1 under the Preferred scenario, not the 3.16:1 of this proposal.
- Its location in the vicinity of 2 Heritage Items and visually impacting two HCAs, the adjacent Trafalgar Avenue HCA, and Clanville Avenue HCA and its associated requirements are not met.
- The streetscape and strategic context as required in the DCP are ignored.
- Communal open space is increased from DCP setting of 10% to a proposed 29.9% that will impact the noise factor for the immediate vicinity and adjoining properties.
- As mentioned earlier the proposal does not meet the DCP requirements for site water management and its impact on neighbouring properties.

Building Setbacks and Separation to the adjoining Heritage Conservation Area (HCA) are ignored:

- The DCP 19F requires a setback of 12m from an adjacent HCA. The proposal has a tangential border with the Trafalgar Avenue HCA at its north eastern corner. There is only a 4m setback to this HCA where it should be a 12m setback.
- Adjacent height with a building mass exceeding 8m from existing ground level, requires an additional setback of 6m from the HCA, including balustrades, to be applied. Additional setbacks in height are required if the development exceeds 12m in height, which it does.
- The current setbacks above 4 storeys exceed the height limit of 8m for a setback next to a HCA, and no further setbacks exist above 12m.
- This proposal has taken no consideration of its setting adjacent to a HCA.

Gardens, Setting and Curtilage (DCP 19F) – non-compliance

- Garden settings in the vicinity of a Heritage Item are not to be adversely affected in terms of overshadowing or physical impacts on significant trees.
- The lack of adequate deep soil cover will impact the ability of large trees to be established in order to both maintain the existing streetscape canopy but also mitigate the height and bulk of the development. The proposal has a deep soil cover of only 24.6%, well below the required 50%.

Other Setbacks as required are not met: (DCP 7A) – non-compliance

- Though the 10m setback from Middle Harbour Road meets part of this requirement, this is encroached by ground floor terraces/courtyards which reduces this setback significantly. There is also no 2m articulation zone behind the street setback as required. This is a non-compliance issue. There should be a consistent non-encroached 10m setback plus 2m setback. The current setbacks are not acceptable. Especially with a 41.34m unbroken front façade of the building addressing Middle Harbour Road.
- **Current side and rear setbacks are an inadequate 4m, not the 6m stated in the documents.** These setbacks have been significantly encroached by terraces and courtyards on both the lower and upper ground floor levels. For side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building

the requirements are: a minimum of 6m from the side boundary for all levels up to the fourth storey and a minimum of 9m to the fifth storey and above.

- A setback of 9m is required from the boundary to a lower density site. This applies to all boundaries. Again, not met.
- The proposal needs to be amended to provide a minimum 10m front, unimpeded and increased rear and side setbacks to contribute to a reduction in bulk and scale.
- Housing SEPP requirement for residential flat buildings to provide a minimum of 9m from the side and rear boundary up to the fourth level when located next to lower density residential development are not met.

Statutory Context

- The proposal ignores the fact that the DPHI has been in regular discussions with Ku-ring-gai Council and has supported the development of a Preferred Scenario that would meet the target dwelling numbers of the TOD scenario while protecting the heritage, character and environment of Lindfield and the surrounding targeted suburbs. This process was agreed as part of a legal mediation between DPHI and Ku-ring-gai Council and cannot be set aside. Council has in June formally tabled the TOD Preferred Scenario, following 7 months of design and community consultation.
- To undermine Ku-ring-gai Council's imminent Local Environment Plan (LEP) by allowing State Significant Developments (SSDs) to be approved within weeks of the approval of this Preferred scenario would be grievous, mischievous and disingenuous on behalf of the NSW Government.
- The Ku-ring-gai Preferred Scenario will amend the planning controls that apply to this site to retain to a maximum FSR of 1.8:1, not the proposed 3.16:1. It would be an incongruously high development dominating the surrounding lower density dwellings.
- Within the context of the existing Ku-ring-gai local Environment Plan as it relates to heritage items, this proposal does not meet the requirements of the current Development Planning Controls (DCPs) with regard to front, rear and side setbacks and height of building setbacks. This proposed development is located in the close vicinity of 2 Heritage items and is adjacent to the Trafalgar Avenue Heritage Conservation Area (HCA) and should be rejected.
- The development is sited on Flood affected land and fails to meet the requirements of the Ku-ring-gai Council DCP for ensuring neighbouring properties upgradient and downgradient are not impacted.
- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, and streetscape. The development is excessive in height, mass and site coverage, and does not comply with the Ku-ring-gai Local Environment Plan (LEP), Development Control Plan (DCP) or the Apartment Design Guide (ADG).

Design Quality

- The proposed future building envelope provides extremely poor solar access and will negatively overshadow residential properties in the vicinity of the site. The proposed 31metre building will negatively impact on the privacy of neighbouring residents and

overshadow them, replace garden views with carpark entrances and concrete, while towering over the Heritage Items at 19 Russell Avenue and 9 Middle Harbour Road.

- The interface between the 10 storey development and neighbouring single storey dwellings is excessive, incompatible and unacceptable.
- The building design presents a long 41.34m facade of 10 storeys to Middle Harbour Road without any open central space to assist in mitigating its bulk and dominance over neighbouring properties and the surrounding area.
- When viewed from the street and public domain, the development fails to establish a harmonious relationship which respects the existing local context balancing the desired future character of the street and surrounding buildings through appropriate heights and built form as required by SEPP (Housing) Schedule 9. The proposal fails to meet Design Principle 1 and 2 in Schedule 9.
- The design is completely out of context with the neighbouring homes of the area. It does not address solar and privacy concerns of neighbouring properties, particularly on the western and eastern sides.
- It fails to meet the Chapter 5 objective of the TOD Housing SEPP controls which is to ensure development is of an appropriate bulk and scale to its environment.

Built Form:

This development's Built Form and Urban Design are inappropriate for the location. Its bulk, height, excessive site coverage and density at 10 storeys display a lack of integration into the surrounding area.

- The development substantially exceeds the maximum heights allowed and sits in an area known for its Federation and interwar homes, with 2 close heritage items, and one HCA adjacent and another in close proximity.
- It ignores any orderly transition to the surrounding low-density homes and will offer an abrupt transition to the low density dwellings on its eastern side and will ensure that the 22 Middle Harbour Road will be an isolated single storey dwelling between two 10 storey towers.
- There is no consideration for the amenity, privacy and overshadowing that will occur to the neighbouring dwellings.
- Shadowing on neighbouring dwellings to the west will be particularly severe, especially in mid-winter.
- The development does not meet the required setbacks for the site's location
- The development will dominate the skyline. The excessive height, bulk and scale of the proposal will have an unacceptable visual and heritage impact on the area and its streetscape.
- Loss of Privacy due to the reduced setbacks and removed vegetation and old growth tree canopy will impact the amenity of neighbouring dwellings.

Future Character of Lindfield

The proposal mentions regularly that this development 'reflects the anticipated future character of the area' echoes the proponent's understanding of the 'uncharacteristic' size and design of the proposal for Lindfield.

- The community has consistently supported lower level density developments further from the town centre as part of our desired future character of Lindfield.
- The fact that his proposal was submitted after the commencement of the Alternate Scenario process to the initial TOD development, approved by the DPHI, shows an egregious disrespect for the community and council led process of determining the best future character for Lindfield.
- The future character of Lindfield is reflected in the Preferred Scenario as developed by the community with Ku-ring-gai council to meet the dwelling targets. This Scenario places high density developments such as this proposal close to town centres or the Pacific Highway corridor.
- This proposed development is 550 metres walking distance from the train station and should comply under the Low and Mid-Rise controls, rather than those of the TOD.

Environmental and Amenity Loss

- The proposal fails to demonstrate a "high level of environmental amenity for any surrounding residential or other sensitive land use".
- The extent of the overshadowing, loss of solar and privacy in adjacent dwellings will significantly reduce the livability of these surrounding homes.
- The development essentially steals the amenity and solar access from adjacent houses.

Environmental Heritage will be negatively impacted

The site is located adjacent to Trafalgar Avenue Heritage Conservation Area (HCA), which includes a Heritage Item at 19 Russell Avenue (Item 149). It also is located opposite the Heritage Item at 9 Middle Harbour Road, 'Laurabada,' dwelling house (142), and within close vicinity of Heritage Item at 34 Middle Harbour Rd (Item143).

Russell Avenue sits higher topographically than Middle Harbour Road. Part of the street to the east is located within the Trafalgar Avenue Heritage Conservation Area. The dwellings fronting the eastern part of Russell Avenue highlight early and late Federation periods in the Queen Anne, Arts and Crafts and Bungalow styles with some inter-war Old English examples.

Middle Harbour Road is characterized by Federation and Interwar homes built in the early part of the 20th century. The houses at 16 and 18 Middle Harbour Road reflect this character, both having reference to Federation architectural styles that are clearly visible. Both have face brickwork, with no. 18 sitting on a rusticated sandstone base. Both have roofs which are hipped and gabled, with slate or terracotta tiles. These buildings contribute to the character of the Middle Harbour streetscape and character of Lindfield.

The proposed development will not only remove two contributory late Federation dwellings but insert an uncompromisingly modern and bulky 10 storey building. The heritage report acknowledges that the proposed buildings will be significantly visible from the Russell Avenue and its heritage item at no.19, as well as the greater part of the Trafalgar Avenue HCA. 'Where the building will be most visible from within the HCA will be from Russell Avenue which sits higher than Middle Harbour Road.'

The highest impact will of course be in Middle Harbour Rd and the heritage item at no.9. This will be a glaring visual intrusion into the streetscape context of low density dwellings of the 20th century architecture. No amount of brickwork or sandstone colour will mitigate its anomalous intrusion.

The Heritage report also states that due to the height of the development, it will be visible from the Clanville Avenue HCA as well as the Heritage item at 34 Middle Harbour Road.

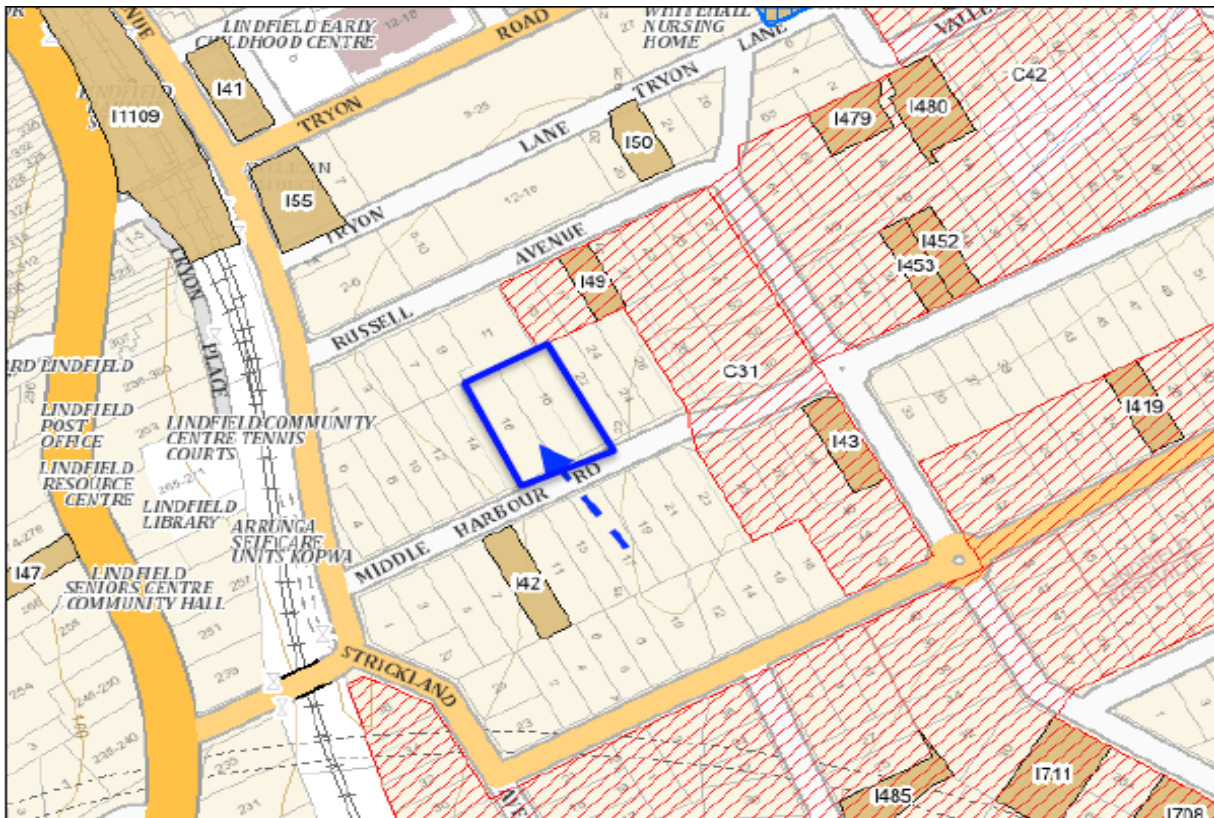


Figure 17: Detail, heritage map showing heritage items and Conservation Areas in relation to the subject site. The site is outlined in black and shaded dark blue.

It is understated in the HIA report paid for by the proponent, but it is clear that this development will have a major detrimental impact on the heritage of the area, its heritage items and the integrity of the HCAs and should be rejected.

Visual Impact

The proposed development sits in the midst of predominantly single storey homes and adjacent to Trafalgar Avenue HCA and in close proximity to 2 heritage items.

The development will dominate the area while presenting a design and bulk that is completely foreign to that of the heritage and low-density dwellings which will surround it.

This size of development should be located in the town centre or on Pacific Highway so that a suitable transition from a large 10 storey building to low density residential can be undertaken in a manner that reflects good principles of urban planning.

The impact of the size of the development from the surrounding streets of Middle Harbour Road, Russell Avenue, Trafalgar Avenue will be immense. As a 10 storey building on an upward slope on Middle Harbour Rd it will be visible to the whole eastern side of the street as it rises above the tree canopy in the order of 4 or 5 storeys. It will dominate Russell Avenue to the north protruding behind the heritage homes and Trafalgar Avenue HCA by over 8 storeys. It will be the largest building as one drives or walks down Middle Harbour Rd from Lindfield Avenue. It will impact the heritage item at 9 Middle Harbour Road as the visual dominance of a 10 storey building across the road from the heritage item will dominate the streetscape whether one approaches from the east or west.

It is clear that the Visual Impact Report is misleading and inaccurate in order to minimise its impact. The HIA is more closely aligned to the fact that from Russell Avenue an 8 storey monolith will rise above single storey buildings. Chelmsford Avenue and Lindfield Avenue will be no different. With the loss of most of the trees on the site, the development will be visually greater than highlighted in the VIA.

Overshadowing.

- Direct sunlight into western properties is severely diminished in winter, with number 14 Middle Harbour Rd unlikely to receive any direct sunlight into its living areas at this time.
- Stipulated in the ADG is that living spaces receive at least 2 hours of sunlight. This must also apply to the existing residences west of this massive development.
- The EIS report is clearly in error in stating that the loss of sunlight to these residences is minor. The EIS cannot meet the requirement for 2 hours of sunlight for internal living spaces, it can only state 2 hours 'of solar access to their outdoor amenity spaces' in midwinter. This development ensures dark and damp neighbouring residences where previously there was sunlight.
- **The Ku-ring-gai DCP states that '3 hours of sunlight must be allowable on 21st June in living rooms, private open spaces and communal open spaces.'** This applies to new developments and adjoining dwellings. No.14 Middle Harbour Road has unobscured sunlight for possibly one hour in mid-winter.
- The proposal needs to clearly assess the REAL direct sunlight into living areas, and onto these adjoining residences and amend the development as necessary to meet the specific requirements as per the Ku-ring-gai DCP and ADG.
- The shadow diagram for the south and west side of the development is particularly appalling with not only all the residences west of the development being in shade for the majority of the day in mid-winter, but that the shadow will extend across Middle Harbour Road to the residences on the other side.
- No mention is made of 4 hours of direct sunlight for solar collectors and hot water services as required by the Ku-ring-gai DCP. This is because this requirement cannot be met.
- At 9+ storeys above neighbouring properties, this proposal is essentially too big for the site.

Setbacks and Building Separation

- As previously mentioned, the setbacks for the Heritage Items and HCAs do not meet the requirements of the Ku-ring-gai DCP 19F and 19D
- As a residential Flat building the current proposal fails to meet the setback requirements for sloping sites in Ku-ring-gai DCP 7A.3 and 7A.4
- Due to the steepness of the block and the height of the proposed development commencing upslope, the setbacks need to be far larger to ensure privacy, direct sunlight and residential amenity for adjacent residences.

Privacy and Noise

- This development does not meet the DCP23.7/8 Acoustic and Visual Privacy requirements of minimising the impact of noise and privacy loss on neighbouring buildings and their occupants.
 - Private open spaces and principal living spaces of the adjacent dwellings are to be protected from direct or unreasonable overlooking from all new residential developments
 - When designing and siting active open space areas (eg BBQ areas, communal areas etc) regard is to be paid to potential noise impacts on adjacent buildings
- The surrounding dwellings on all sides will be overlooked by the proposed development as its height at 31 m will be 9 storeys higher than the adjacent single storey dwellings. Trees alone will not be able to mitigate the overlooking and loss of privacy in both outside and, for some, their interior spaces.
- Number 14 and 22 Middle Harbour Road, which is dominated by the development with less than the required setback for the scale of the new development will be particularly vulnerable.
- Substantial measures need to be taken to ensure that legal battles over the loss of privacy will not ensue, as Lindfield is predominantly a family area.
- The construction of two outdoor communal spaces, one each at level Lower and Upper Ground Floor, and another on four sections on the rooftop will cause undue noise to be carried to neighbouring residences, and further afield. These communal spaces on the rooftop are positioned predominantly at the corners of the building overlooking the single storey residences in Russell Avenue, Middle Harbour Road and Trafalgar Avenue.
- The communal open spaces on the lower and upper ground floor are open on both the west and east boundary, ensuring that noise will be directed straight into no.14 and no.22 respectively at ground level. Screen planting may assist the visual privacy but not the acoustic privacy. This aspect needs to be redirected to street level or contained within the building site to minimise impact to neighbours.
- These communal spaces need to be reviewed to reduce overlooking and include noise abatement measures to ensure that the amenity of neighbouring residents is not affected.

Social Impact

- There is no positive social impact for existing residents.
- Residents are exhibiting high levels of being stressed, angry and emotional about the devastation to our community, the destruction of our heritage, our tree canopy and wildlife.
- The daily visual impact of the development and the changes to their landscape and ability to enjoy their home environments will have a psychological toll on existing residents.
- The development will dramatically and negatively impact on the surrounding residences.
- Approximately 12 neighbouring dwellings will be seriously impacted by this development. Loss of sunlight and privacy are major issues that will lead to a sense of depression for these residents.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly be negatively impacted due to increasing overdevelopment of the neighbourhood.

Traffic and Parking issues will be exacerbated

- With an additional 196 cars, the local streets surrounding the development will be clogged. The streets are not wide and with trucks arriving into the development during construction and for ongoing services will be a real and persistent problem.
- Currently this section of Middle Harbour Road is a commuter parking area with parking that will only be exacerbated by the lack of adequate parking on site in this development.
- As a bus route Middle Harbour Rd often requires cars in the opposite direction to stop on the side to let the bus pass. The traffic report does not address this issue which will be complicated during construction and the expected additional street parking.
- The cumulative impact of other developments has not been addressed.
- Weekend and weekday traffic is currently a major issue in Lindfield and the Pacific Highway, with choke points at Strickland Avenue and the Havilah Rd underpass experiencing longer and longer delays.
- The projected net increase of an additional 17 vehicles an hour AM and 13 vehicles PM reflects a massive 10-13 times greater traffic flow along this section, and potentially the whole, of Middle Harbour Road.
- **Have Varga Traffic Planning visited the area? Their Heavy Vehicle Route Map is nonsensical! It involves two illegal turn settings.** They do not understand that one cannot turn right from Middle Harbour Road into Archbold, nor from Chelmsford Avenue. Nor can vehicles turn right from Archbold into Middle Harbour Road. Trucks will not be able to use Capper Street, essentially a laneway, with tight corners. This will only leave Lindfield Avenue as the major artery during construction!
- **There is no mention of the fact that both ends of Middle Harbour Road have 'traffic calming' measures which aim to inhibit the flow and speed of traffic.**
- During construction, the intersection of Middle Harbour Road and Lindfield Avenue will be a major problem, causing trucks and vehicles to clog the other streets.

Water and Sewerage systems.

- The water pressure in various parts of Lindfield has already decreased as more residents and businesses have relocated here.
- The addition of at least 200 toilets, showers/baths and washing machines that will be added to a sewerage system that has not been substantially upgraded since the late 19th century cannot be ignored as part of any EIS. See Sewerage Systems EIS Guideline | Planning.nsw.gov.au.
- Council records show that Sydney Water has had in excess of 50 sewer leaks over the past 2 years in Ku-ring-gai
- **The EIS has not addressed these critical issues.** A thorough assessment of the current water and sewerage system's ability to accommodate significant high density population growth is required.
- **The cumulative impact of this and other proposed developments in the area needs to be reviewed with a cap on total additional residents in an area until improved infrastructure is undertaken.**

Tree Canopy and Biodiversity

- The Proposal has identified 49 significant trees in the development area. Of these, less than half, being 21 existing trees, will be retained. 26 trees categorised as of medium retention value, one of high value and one of low value will be removed from the site. Additionally, one tree deemed to be in poor condition is also expected to be removed. Any new trees that will be planted, will be with a substantially reduced deep soil cover and hence will not reach the canopy cover or height of the old growth trees.
- The current canopy cover is substantial and will be severely reduced to a level of only 30.2%, below the DCP 50% target. **No numbers of new trees are included in the Bird Tree Consultancy report to support this target.**
- This is a massive destruction and will decimate the mature tree canopy that is essential for our bird life and small animal habitats.
- KMC Greenweb mapping highlights remnant landscape and remnant canopy, which occurs in the location of the single Turpentine tree central to No. 18-20, which is proposed to be removed.
- The proposed works area contains a patch of native vegetation, mapped as PCT 0 - Exotic and Planted Vegetation under the NSW State Vegetation Type Mapping. However, floristic surveys conducted by ESEA (2025) determined that this vegetation is most closely defined as PCT 3136 - Blue Gum High Forest, associated with a Threatened Ecological Community (TEC) Sydney Turpentine-Ironbark Forest of the Sydney Basin Bioregion which is listed as critically endangered under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This needs a further review.
- The vegetation to be removed was found to exhibit potential habitat features for one (1) fauna species in the locality - the Large-eared Pied Bat (*Chalinolobus dwyeri*).

- For the purpose of this BDAR assessment, this species was assumed present, based on the availability of suitable habitat within the locality, and due to numerous previous sightings in very close proximity to the proposed works area. The species polygon boundary was aligned with the associated PCT 3136 on the subject land.
- ***Chalinolobus dwyeri* (Large-eared Pied Bat) is a Serious and Irreversible Impact (SAII) candidate species and is considered at risk of serious and irreversible impact as a result of the proposed vegetation removal works.**
- Many of these mature trees surrounding the proposal are many decades old. All measures possible need to be employed to ensure they are maintained and not removed or inadvertently damaged as a result of this development. They also form a rich and layered habitat and biodiversity for which our area is known.
- It remains incredibly important that as Gordon Creek flows across and over this land to stormwater drains that flow directly into Middle Harbour and Davidson National Park, that extra precautions need to be in place to avoid any inadvertent damage or spills during construction.
- The number of vegetation communities and species that are fully or partially dependent on subsurface/groundwater flows need to be protected. Any changes to groundwater will have significant impacts.
- One Matter of National Environmental Significance was identified as having potential to be adversely affected by the Proposal. *Pteropus poliocephalus* (grey-headed flying-fox) is listed as Vulnerable under the EPBC Act and it is considered that this species is likely to use some of the Site for seasonal foraging.
- Ku-ring-gai is described as an "environmentally sensitive area" for migratory species who utilise the vegetated ridgeline such as Lindfield as they migrate north to south. The loss of the vegetation from developments impact on migratory species through loss of foraging and sheltering resources. Many protected, and declining obligatory migratory birds such as Yellow-faced Honeyeater (*Caligavis chrysops*) and White-naped Honeyeater (*Melithreptus lunatus lunatus*) rely on the canopy that spans this north-south corridor to navigate, rest and forage. The biannual honeyeater migration and also, occasionally the Critically Endangered Regent Honeyeater (*Anthochaera Phrygia*) follows this vegetated belt. Koel, specifically the Eastern Koel, is a migratory bird that travels from Southeast Asia to Australia breeds annually in canopy trees along the rail corridor.

Engagement Process does not meet SEARs Requirements

The Engagement Process does not meet the SEARs requirement for the proponent to engage with the community, councils and key agencies during the preparation of the EIS. The Engagement Process:

- Has not undertaken any mailing to surrounding and affected properties in Russell Avenue, Trafalgar Avenue, Middle Harbour Road and Strickland Avenue. These are purportedly to be undertaken prior to commencement of construction. **No mailout or contact of surrounding neighbours has occurred prior to this EIS to inform, ascertain and consult on issues.**
- The contact programme relied on in this engagement report is that the proponents Mr Yang

and Mr Yu have had discussions since May 2024 with landowners from No. 12 through to No. 28 Middle Harbour Rd, this is only 6 neighbours. These discussions have primarily been to elicit further site amalgamation of these neighbouring properties into this SSD application. This cannot be extended to state these were informative and consultative discussions regarding the proposed development.

- The only discussion prior to the EIS was with DPHI. No other discussions with related bodies such as Council, other statutory bodies, government agencies or relevant stakeholders were undertaken.
- The Report relies heavily on the Ku-ring-gai Council community engagement process in determining the Alternate Scenarios rather than engagement specific to this SSD.

It is apparent that the Engagement process has been both highly limited and compromised. **It does not meet the requirements to inform and consult as part of the SEARs engagement process and should be resubmitted or the SSD rejected.**

Infrastructure and Public Space

- Lindfield is regularly classified by Ku-ring-gai Council as having very limited open space and parks for its current population. This Proposal will just exacerbate the issue.
- The SSD risks unsustainable development, straining local infrastructure and exacerbating environmental and biodiversity decline.
- This SSD proposal will further increase the demand on old infrastructure and local services and will create a need for additional medical centres, schools, childcare, libraries etc. which have not been assessed as to the number required to meet this significant increased population of thousands of new residents.

Community Benefit

- The SSD proposal offers no benefit to the existing community and will exacerbate and overwhelm existing infrastructure and community services particularly the local schools, parking, community services and facilities.
- Affordable housing should be held in perpetuity and not for just 15 years.

Conclusion

This proposal is fraught with inaccuracies, inconsistencies and documentation with no professional oversight of the EIS and SEARs programme. Incomplete processes in the Engagement requirements, blatantly inaccurate information in this basic TIA report, non-compliance with the Ku-ring-gai LEP or DCP, Housing SEPP and ADG.

It is a massive overreach in terms of the site coverage, ignores the Flood issues and the impact on 22 Middle Harbour Road where floodwaters discharge towards this site flowing first across the development site. Additionally, No. 22 Middle Harbour Rd will be an isolated dwelling with minimal development potential with a marginal financial feasibility.

The proposed development does not meet the setback and separation requirements of the Ku-ring-gai DCP or that of the ADG. It ignores the rights of neighbouring properties to solar access and

privacy. It expects neighbouring properties to provide the trees for privacy from this development while ensuring that the required setbacks on the development boundaries are encroached.

The visual impact of the bulk and height of this development will dominate the vicinity. The visual impact on the surrounding area will be immense as the design does not attempt to fit into the local character of low-density homes, heritage items and Heritage Conservation Areas.

The immense negative impacts on surrounding residents in terms of sunlight, privacy and amenity, the impact on heritage, the potential for increased flooding impacting neighbours both upgradient and downgradient, the destruction of the mature tree canopy all support the need to reject this application.

In terms of all aspects of the SEARs program this proposal has produced inaccurate and misleading information with regard to the Visual Impact Assessment, and has not engaged in community consultation in any meaningful manner.

Development cannot continually remove old growth trees, threatened biological communities and habitats for threatened native fauna, while relying on other undeveloped neighbouring properties to carry the load. Eventually the cumulative effect will result in irreversible devastation of habitat for birdlife, fauna and the loss of native vegetation and trees essential for foraging.

I strongly urge you to reject this application as it will have irreversible and devastating consequences in its current form. The proposed development is patently inappropriate for the location in question given the topography, flood zone and its impact on adjacent dwellings, HCA and heritage items.

Yours Sincerely,

Ursula Bonzol