

Mr McKee,  
General Manager  
Ku-ring-gai Council  
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22 April 2022

**Re: DA0411/21 - 55 Trafalgar Avenue, Lindfield**

In order to protect the integrity of Ku-ring-gai's Heritage Conservation Areas (HCA), overall streetscape and garden character, Friends of Ku-ring-gai Environment strongly object to this development application.

This Development Application contravenes a number of the objectives of Council's own DCP Part 5, Secondary Dwellings, Riparian zone and HCA dwelling requirements and should have been rejected in the initial stages.

**Firstly**, the proposed site for the Granny Flat is over a Riparian Zone, with plans to use 2 metre high pillars to raise the building and carport above the Gordon Creek that crosses the site. All neighbouring buildings have been set back to take this easement into account to avoiding flooding, meeting the DCP requirement not to undertake works on or near a natural waterway.

In the recently released Draft Middle Harbour Southern Catchment Flood Study, Volume 1, the intersection of Trafalgar Avenue and Middle Harbour Road is identified as an area of ponding at the roundabout in both the 2016 and 2020 studies.

"Key findings of the report include:

- Due to the steep and highly urbanised nature of the upstream catchment, critical flooding in the Middle Harbour Southern Catchments would occur due to intense, short duration rainfall which would provide very little flood warning time.
- During flood events, the greatest concentration of flow would occur along areas of lower elevation (including local creeks, property backyard and roadways) which run parallel to the major trunk drainage discharging into Gordon Creek, Moores Creek and their tributaries. During rare and extreme events these areas would be subject to high hazard floodwaters conveying a significant amount of flow, which would likely exceed the capacity of the low-lying creeks, backyards and roadways in these locations leading to high depth flooding."

**Secondly**, with regard to the DCP Part 5 for a secondary dwelling, the proposed Granny Flat and Parking area do not meet the stated requirements of:

- retaining the existing Ku-ring-gai landscape and neighbourhood character of a single dwelling in a garden setting.
- maintaining the character of the streetscape.
- ensuring that setbacks provide sufficient area for access and planting
- ensuring street and side setbacks for secondary dwellings comply with the street and side setbacks applicable to the principal dwelling.
- ensuring that secondary dwellings preserve the amenity of the neighbouring dwellings
- ensuring the secondary dwelling does not confuse the interpretation of a heritage place
- to minimise the impact on the neighbourhood character.

- The secondary dwelling is to incorporate similar or complementary design and construction features, finishes, materials and colours to the principal dwelling.

The proposed development fails to meet any of these DCP objectives as:

- The Granny Flat and parking area are essentially being built in the front garden of the block, fronting Middle Harbour Road and will be detrimental to the streetscape.
- The Granny Flat and parking area are to be raised by 2 metres above the current garden to address the Gordon Creek flooding issues ensuring it will be highly visible.
- The neighbouring properties will have their garden views removed and be overlooked by this building.
- Significant trees will need to be removed to accommodate the development and parking area with a proposed driveway on Middle Harbour Road ensuring a loss of the majority of current plantings.
- The proposed driveway for the Granny Flat has the potential to be a traffic hazard as its entry/exit is close to a busy roundabout.
- The impact of the loss of substantial trees and garden will have a significant impact on the streetscape.
- The proposed dwelling does not meet the setback requirements of the houses along Middle Harbour Road as these are set back from the Gordon Creek, as required by council.
- The proposed materials of weatherboard and corrugated iron do not match the principal residence or any of the houses along Middle Harbour Road or Trafalgar Avenue.
- The proposed design is not sympathetic to the design of the principal dwelling or neighbouring high-quality and heritage dwellings.

**Thirdly**, the proposed development is in an HCA. Additionally, within 100 metres are 3 Heritage Listed homes. Secondary dwellings within an HCA have additional DCP requirements “to ensure that new secondary dwellings respect the established streetscape, the historical patterns of the development within the HCA, including the characteristic rhythm and built form spacing.”

This Development Application does not meet these objectives,

- it will have an adverse impact on the streetscape on both Trafalgar Avenue and Middle Harbour Road,
- the existing Middle Harbour Road setbacks are not maintained which will impact the rhythm of the buildings
- the existing significant landscaping and tree canopy will be removed
- the landscape quality of the street will be adversely affected
- the materials, design and height of the proposed dwelling and parking area are not sympathetic to the streetscape and will be highly visible due to their height and location fronting Middle Harbour Road.

Our additional concerns are that the plans show a final proposed built upon area (BUA) that is higher than the recommended maximum for this land size. The architectural plans propose to replace existing paving off the principal building with permeable paving. This suggests that the secondary dwelling will result in a greater BUA than permitted. This should be investigated by Council.

The addition of the proposed Granny Flat, to be built on the Middle Harbour Road frontage will substantially degrade the Heritage aesthetic of the streetscape, significantly reduce the current landscape quality of the street, and does not meet the Council’s DCP requirements for a secondary dwelling.

Its proposed position over the Gordon Creek floodway, in line with the front garden of neighbouring properties within an existing HCA should not be allowed. It conflicts with the DCP requirements for

both secondary dwellings and for developments within a Heritage Conservation Area. It is contrary to current standards for a Riparian zone to minimise works on or near a natural waterway.

If allowed, this will set a bad precedent that will negatively affect the intended preservation of the character of our built and natural heritage within Ku-ring-gai.

Mr McKee, FOKE strongly recommends that Council reject this planning proposal.

We look forward to your response.

Yours sincerely,

Kathy Cowley  
PRESIDENT  
cc Mayor and Councillors