

Mr John McKee,  
General Manager  
Ku-ring-gai Council  
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Attention: Amy Ayling

18 July 2022

Dear Mr McKee

**Re: DA0260/22 - 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 Inc (FOKE) strongly object to this development application.

We have noted that this is now an amended application, following the relocation of the second dwelling closer to the main house with the driveway and carport removed.

Irrespective of these changes 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 earlier.

**Firstly**, the proposed site for the Secondary Dwelling is over a Riparian Zone, with plans to use high pillars to raise the building 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. The secondary dwelling must also meet these setback requirements. The proposed plan ignores this condition.

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 secondary dwelling does 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 development as proposed is essentially being built in the front garden of the block, fronting Middle Harbour Road and will be detrimental to the streetscape.
- The secondary dwelling is to be raised above the current garden to be level with the floor level of the existing dwelling in order to address the Gordon Creek flooding issues. This will make it highly visible.
- The impact of the loss of substantial trees and shrubs will have a significant impact on the streetscape.
- The proposed materials of weatherboard siding and corrugated roofing do not match the principal residence or any of the houses along Middle Harbour Road or Trafalgar Avenue.
- We object to the statement that the secondary dwelling will not be visible, it will be highly visible and intrusive from both Middle Harbour Road and Trafalgar Avenue. Currently the front garden and balcony of the principal residence are very visible. A dwelling with a corrugated iron roof with a floor level equal to the balcony will be extremely detrimental to the views into, and across, the property.
- The proposed design is not sympathetic to the design of the principal dwelling or neighbouring high-quality and heritage dwellings.
- 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 comments made in the DA's Statement of Environmental Effects (Ku-ring-gai DCP 2021), that the proposed location can be considered the 'rear yard' of the property, lack validity. The comment that the setback is 'atypical' as cited is not supported. All 5 neighbouring properties along Middle Harbour Road (Nos 30A, 32, 32A, 34 and 34A) retain the same setback. Including 55 Trafalgar Ave, all 6 properties are in one setback line and have the similar issue of a small back yard. This setback is typical of the dwellings in the immediate vicinity of the proposed development and hence we cannot support any statement of uniqueness that would allow this Development Application any extra merit. **If allowed, this will set a very detrimental precedent to allowing secondary dwellings to be constructed in the front yards of dwellings within HCAs.**

**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 reduced

- the landscape quality of the street will be adversely affected
- the materials, design and height of the proposed dwelling are not sympathetic to the streetscape and will be highly visible due to their height and location from both Middle Harbour Road and Trafalgar Avenue.

The addition of the proposed secondary dwelling to be built at the front of the property facing Middle Harbour Road 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 and specifically for one within an HCA.

Its proposed position near the Gordon Creek floodway, built of materials that do not match those required of a secondary dwelling within an HCA, nor matching the existing setbacks of the principal dwelling should be sufficient to reject this application. Add to this that the proposed dwelling will be highly visible and hence detrimental to the views across the Heritage streetscape and neighbouring heritage items. This proposal 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 development 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.**

FOKE strongly recommends that Council reject this planning proposal.

We look forward to your response.

Yours sincerely,

Kathy Cowley  
PRESIDENT

cc Mayor and Councillors