

Department of Planning Housing and Infrastructure
 Locked Bag 5022
 PARRAMATTA NSW 2124

Via: NSW Major Projects Portal
 Attention: Liam Spinks

28 January 2026

Dear Mr Spinks

Re: SSD-78669234 27-29 Tryon Road Lindfield - Amended Proposal

Thank you for the opportunity to provide a submission on the State Significant Development Application amended proposal at 27-29 Tryon Road for 65 apartments including 14 infill 'affordable' dwellings.

Friends of Ku-ring-gai Environment Inc (FOKE) are writing to **object** to the proposed amended development which seeks development consent for a new residential flat development with in-fill affordable housing.

Gyde describes the original development proposal as follows:

The proposed development originally incorporated:

- Demolition of existing structures and site preparation / earthworks;
- Construction of 4 basement levels including 101 car parking spaces with vehicular access via Tryon Lane;
- Construction of a 7-9 storey residential flat building across 4 apartment blocks, including 62 units comprising a mix of 1, 2 and 3 bedroom apartments; and 14 affordable units;
- Communal open spaces on the ground floor and roof terrace; and
- Landscape works including tree replacement."

Gyde's report of 17 December 2025 describes the key proposed amendments to the SSD proposal as:

- Revised building layout, including amended courtyard and rooftop communal open space and associated changes;
- Increased setbacks, including basement setbacks and improved building separation;
- Reduced car parking provision;
- Relocation of the waste collection area; and
- Additional landscaping and deep soil."

Our summary the main summary of changes to the amended proposal include:

- 11-unit reduction from 76 to 65, still including 14 affordable units.
- 9 storey, no significant height reduction at 28.6m.
- Still needs a 4.6 variation for the air con units on the roof.
- Increased building setback distances to 6 metres up to Level 4, and to 9 m above Level 4 on the eastern and western boundaries; setback above level 8 of 12m.
- Front setback of 6 metres retained.
- Rear setback of 2.5m increased to 6m above level 4. Set back to Tryon Lane at ground level 2.5m.
- 2 apartment blocks instead of 4.

- Parking spaces reduced from 136 to 101, as requested minimums by KDCP and Housing SEPP. Also reflecting the reduction in units.
- Deep soil increased marginally from 25% to 25.7%
- Landscaped areas increased from 24.7% to 31.85%.
- Marginally increased basement setbacks for deep soil planting

We believe the amendments to be minor in considering the impacts of the whole proposal.

FOKE is not opposed to development or against appropriate TOD infill proposals but wish to support apartment development that is respectful in design, scale, consideration of heritage, the environment and biodiversity, infrastructure and liveability constraints of the area and adhere to the prescriptive standards and policies which apply to the site.

The proposal is submitted as an amended Minister's 'saved' application under the NSW Government's Transport Oriented Development (TOD) SEPP. TOD is a blunt, top down 'one size fits all' instrument which does not respect neighbourhood character, scale, heritage, environment or infrastructure constraints.

There has been no consideration by the NSW Government of master planning of the four Ku-ring-gai TOD 2 areas, for which the government is providing for all Sydney Metropolitan TOD 1 areas.

Despite the TOD proposed 23,200 additional dwellings, now 24,562 dwellings under the gazetted TOD Preferred Scenario, the NSW Government is not proposing to provide or fund any new or additional community services, infrastructure such as schools or hospitals, in providing new community facilities, additional rail services or in improving traffic and parking facilities in Ku-ring-gai, despite the predicted 58,000 - 62,000 population increase in the four TOD. The TOD SEPP does not support, promote, encourage or guarantee an ecologically sustainable development outcome.

Council's strategic planning studies never envisaged such an abrupt urban vertical intrusion of nine storeys such as the TOD SEPP allows (with the 30% bonus for affordable infill housing), particularly impacting heritage conservation areas, heritage items, tree canopy, biodiversity and areas of high environmental sensitivity such as Ku-ring-gai exhibits.

The TOD SEPP violates the principle of orderly development and the expectations of the community. The TOD SEPP overrides local planning controls particularly at a time when broader strategic planning was well progressed in Ku-ring-gai.

We note that there are several other State Significant developments currently proposed for Lindfield amounting to 2288 new dwellings in the form of luxury apartments and infill 'affordable' dwellings:

3 and 3a Beaconsfield Parade for 88 apartments
 5,5a and 7 Beaconsfield Parade for 151 apartments.
 9-21 Beaconsfield Parade for 377 apartments
 2-4 Drover's Way and 9a Gladstone Road for 119 apartments
 5-7 Middle Harbour Road for 62 apartments
 11-19 Middle Harbour Road for 173 apartments
 16-20 Middle Harbour Road for 100 apartments
 24,26,28 Middle Harbour Road for 94 apartments
 59-63 Trafalgar Avenue and 1a&1b Valley Road for 220 apartments
 1-5 Nelson Road for 167 apartments
 10-14 Milray Street and 3 Havilah Road for 200 apartments
 2-4 Woodside Avenue and 1-3 Reid Street for 89 apartments
 2-8 Highgate Road for 84 apartments
 12-16 Bent Street for 115 apartments
 9-17 Balfour Street for 140 apartments
 19-25 Balfour Street for 98 apartments

With the proposed 65 apartments at 27-29 Tryon Road that brings the total new apartments currently lodged to **2363**.

The total TOD dwelling increase proposed for Lindfield of 9400 new dwellings is unsustainable within 400 metre area of Lindfield station, Pacific Highway and rail corridor, without major upgrading to local roads, sewerage, water, community services and facilities.

The cumulative impact of the proposed new TOD apartments must be considered particularly with the amount of car and truck traffic and parking that will be traversing Lindfield's narrow local, roads and laneways to the Pacific Highway intersections which are high pedestrian activity areas and significant traffic areas along Tryon Road, Strickland Avenue, Archbold Road, Lindfield Avenue, Balfour Road underpass and the Pacific Highway.

When assessing the number of car spaces proposed for 65 new dwellings the car spaces proposed in the new development of 101 is totally inadequate considering the average car ownership per household in Lindfield is 2 cars per dwelling. Street parking will become impossible due to already parked out streets with commuter and resident car parking in and around Lindfield Station the Lindfield centre, Tryon Road, Lindfield Avenue, Russell Avenue, Milray Street and Nelson Road.

Gazetted TOD Preferred Alternative Scenario

In response to the blunt top down 'one size fits all' NSW Government TOD SEPP, Ku-ring-gai Council planned and submitted to the Minister for Planning the TOD Alternate Scenario for the four TOD suburbs, Roseville, Lindfield, Killara and Gordon based on seven essential planning principles to:

- Avoid environmentally sensitive areas
- Minimise impacts on heritage items
- Preserves heritage conservation areas
- Minimise tree canopy impacts
- Manages transition impacts
- Ensures appropriate building heights and
- Supports local centre revitalisation

Ku-ring-gai Council adopted the council's exhibited TOD Preferred Scenario at the Extraordinary Meeting on 5th June 2025 and is now the legal environmental planning instrument which was gazetted on 14 November 2025. The Bridgestone Pty Ltd proposed development does not respect the prevailing planning instrument in accordance with Divisions 3.3 and 3.4 of the EP&A Act 1997.

The type of building typology being proposed is not consistent with Ku-ring-gai's planning instrument, the Housing SEPP or the Apartment Design Guidelines (ADG).

The current KLEP 2015 planning controls for this site are as follows:

- Land use zone – R4 High Density Residential
- Minimum Lot size – 1500m²
- Maximum FSR – 1.3:1
- Maximum building height – 18.5m
- Street frontage minimum 24m

The Ku-ring-gai TOD Preferred Scenario gazetted on the 14 November 2025, must be given weight under Section 4.15 (1)(a) (ii) of the EP&A Act 1997 as a "legal instrument" or under Section 4.15 (1)(e) being within "the public interest" of the EP&A Act.

We object to the amended proposal on the following grounds:

Excessive building and Height - non-compliant

The proposal for 27-29 Tryon Road is an overdevelopment of the site. The height is breached across Level 9 which houses the air conditioners.

This proposal seeks a maximum building height of 28.6m which exceeds the maximum KLEP 2015 building height control by 10.1m. The proposal needs to be amended to comply with the prevailing planning instrument.

The development represents a gross over development in terms of height, scale and bulk in stark contrast to the adjacent 1- 5 storey Federation/Inter-War and contemporary apartment residences and the State and local heritage items and 3 heritage conservation areas.

Contrary to the arguments advanced in the Clause 4.6 request the proposal:

- the request is unreasonable and unnecessary.

- the proposal does not have a satisfactory relationship with neighbouring properties.
- is not of an appropriate height bulk and scale.
- the proposal will not provide apartments of high amenity due to deficient levels of solar access and cross flow ventilation. 50% or 7 of the 14 affordable dwellings will experience no solar access. 17 dwellings will not have cross flow ventilation creating a lower standard of living particularly for families living in 11 of the 3-4 bedroom affordable dwellings.
- does not provide an appropriate height transition to the surrounding lower density land and therefore is not compatible with the future desired streetscape character of Lindfield.
- provides insufficient landscaping which is not in keeping with the landscaped character of the area which is of tall tree canopy and substantial garden settings.

Considering the above, the applicants Clause 4.6 request is not considered to be well founded and does not provide sufficient environment planning ground for the consent authority to support the variation.

Bulk and Scale - non-compliant

- The proposal does not address or provide adequate and specific assessment of the issue of bulk and scale.
- The degree of building separation is inadequate to provide good amenity and liveability particularly to the surrounding lower density development and adjacent State and local heritage items and three heritage conservation areas.
- The proposed street frontage setbacks are inconsistent with the existing surrounding developments and will result in visually dominant development that detracts from the character and streetscape and amenity of surrounding properties fronting Tryon Road, Tryon Lane and Russell Avenue.
- The street frontage setback of 10 metres is not met along Tryon Road and similarly along the Tryon Lane with the frontage set back to the lane being only 2.5m.
- The set back of 2.5m along Tryon Lane is in breach of the prescriptive standards and will limit the type and amount of screening with appropriate planting along the entrance of the building due to the lack of deep soil.

Statutory Context

- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, streetscape and existing heritage character and desired future character of Lindfield.
- It is inappropriate that this SSD proceed when the community has participated in a statutory consultation process regarding an amendment to Ku-ring-gai's draft Local Environment Plan 2015 (LEP) with the recommendation that Ku-ring-gai Council adopt the amendments as attached to its Council Report of 22 May 2024 and forwarded the documents to the Minister for Planning for gazettal.
- Ku-ring-gai Council undertook strategic planning for an alternative Transport Oriented Development (TOD) to cater for approximately 9,400 dwellings in the Lindfield Transport Oriented Development area. The decision was as a result of a mediation agreement between Ku-ring-gai Council and the NSW Government following the commencement of the TOD SEPP legal challenge in the Land & Environment Court.
- The development proposals undermine Ku-ring-gai Council's gazetted LEP amendments to KLEP 2015, by the NSW Government allowing ill-prepared SSDs to 'pop up' anywhere is not only grievous but disingenuous considering the court mediation agreement of November 2024. If this SSD is approved, it effectively "pulls the rug" from Ku-ring-gai Council's exhibited now gazetted planning instrument.
- The Ku-ring-gai community has diligently made submissions, often at great personal and family cost, as they have often occurred during Christmas and Easter holiday periods in 2024 and 2025. If the SSDs are approved (there are currently 31 SSDs registered in Ku-ring-gai as of January 2026) and ignore Ku-ring-gai Council's gazetted Ku-ring-gai's Local Environment Plan (LEP) they will have no social licence, as the community will feel betrayed by a NSW planning system that prioritises overdevelopment and developer profit over that of community, public interest and amenity.
- The exhibited proposed standards in the TOD Preferred Scenario for this site are FSR 1.3:1 and 18.5m in height which is a maximum of 6 storeys.
- The affordable housing bonus fails to compensate for the additional impact that the development will have on the community in perpetuity. The proposal only provides affordable housing for a 15-year period. This clearly will not contribute to long term housing affordability or social stability in the area.

- The level of density and bulk presented in this TOD 'saved' development is NOT the 'desired future character' of Lindfield particularly when the development is more appropriate for Lindfield commercial/business zones.
- The proposal does **not** align with the desired future character of the area as envisaged by both the TOD controls and Council's Stations Precincts SEPP by delivering higher density in proximity to Lindfield Station. The proposed development **steps up not down** in height towards the low-density residential zone to the east.

Design Quality

- The proposed future building envelope provides extremely poor solar access (generally only two hours) and will negatively overshadow residential properties to the east of the site particularly the properties at 22-26 Russell Avenue.
- The proposed buildings will negatively impact on the privacy of neighbouring residents and proposed apartments planned for 24-26 Russell Avenue and heritage listed property at 22 Russell Avenue and the adjacent units along Tryon Road.
- The poor interface between the 9 storey SSD and neighbouring 1-5 storey homes apartments and town houses is unacceptable.
- The design is completely out of context with local heritage item - the Federation period State Heritage Listed Uniting Church at 33 Tryon Road and the Inter-War neighbouring homes of the area along Russell Avenue, Trafalgar Road and Valley Road which are in heritage conservation areas C22, C31 and C42.
- The design team has failed to provide adequate consideration regarding the interface with adjacent homes and 2-3 storey town houses and 4-5 storey contemporary apartments in Tryon Road, and particularly the site isolation of heritage item Lindfield Uniting Church at 33 Tryon Road, the proposed infill 8-10 storey apartment proposals for 24-26 Russell Avenue and 59-63 Trafalgar Avenue and 1 and 1a Valley Road Lindfield.

Built Form and Urban Design

- The SSD proposal is an overdevelopment of the site and totally out of proportion to the existing and future desired amenity of Lindfield, for a residential area which contains a consistent pattern of intact Inter-War and Federation 1-2 storey residential housing and 2-3 storey townhouses and the 4-5 storey contemporary apartments in Tryon Road.
- The layout, site coverage, height, bulk, scale, separation, setbacks, interface and articulation fail to adequately address and respond to the context, site characteristics, streetscape and existing and future character of the locality.
- The proponent has shown no genuine commitment to respond to neighbours' concerns over the impact of the SSD on *their* privacy, amenity, heritage, neighbourhood character and how the SSD proposal will drastically diminish their property values from overlooking, solar and privacy issues.
- The SSD proposal devalues the visual amenity of neighbouring properties who will lose their solar access, natural cross-ventilation and outlook.
- The SSD proposal is incompatible with the heritage properties at 22 Russell Avenue and 33 Tryon Road, 3 Valley Road, the Crown Blocks Conservation Area (C22) Trafalgar Avenue Conservation Area (C31) and Middles Harbour Road Conservation Area (C42) which are primarily 1-2 storeys in height.
- The SSD proposal will have negative impacts on heritage items including on neighbouring properties which have been maintained and renovated at great cost to be in keeping with the heritage character.
- The SSD proposal does not respect the early subdivision pattern of either the Clanville, Seldon or Runnymede Estate subdivisions containing Federation and Inter-War Housing.

Heritage

- Lindfield historic character defined by its Federation and Inter-War architecture and garden suburb layout, risks being eroded by overshadowing, visual intrusion, by the SSD proposal by these 2x 9 storey buildings which will clash with Lindfield's predominant low-density aesthetic.
- Increased density will irreversibly degrade the State heritage significance of both the Uniting Church at 33 Tryon Road, local heritage listed 22 Russell Avenue, 3 Valley Road and the heritage significance of the Trafalgar Avenue HCA, Crown Blocks HCA and Middle Harbour Road HCA

- The proponent has significantly downplayed the heritage significance of the adjacent heritage home's visual amenity for 22 Russell Avenue, 3 Valley Road and the Lindfield Uniting Church at 33 Tryon Road Lindfield and surrounding three HCAs.
- The proposed bulk and scale of the 9 storey buildings will visually dominate and detract from the setting of the heritage items at 33 Tryon Road (Lindfield Uniting Church), 22 Russell Avenue 3 Valley Road and the Trafalgar Avenue HCA, Crown Blocks Estate HCA and Middle Harbour Road HCA.
- The SSD proposals will potentially lower the property values of the HCA and the properties adjacent in having 2x 9 storey proposals towering and dominating the 1-5 storey residential streetscape of Tryon Road, Russell Avenue and Tryon Lane.

Environmental, Amenity Loss and Overshadowing of Adjoining sites

- The SSD proposal fails to demonstrate a **"high level of environmental amenity for any surrounding residential or other sensitive land use"**.
- The amended Solar Access diagrams show that the proposals will severely overshadow the private open space and swimming pool of the existing dwelling at 24 Russell Avenue and will potentially impact the solar access to the western facing apartments proposed for 24-26 Russell Avenue if allowed to be developed. No analysis is provided about the potential over shadowing of the proposed development at 24-26 Russell Avenue if developed to its potential.
- Significantly 7 (50%) of the affordable 14 units will not receive any solar access at all and 17 units (26.2%) will not receive cross flow ventilation meaning a number of families will have to put up with lower standards of living in the complex.

Visual Impact

- The height of the proposed building will be the tallest building in Lindfield and not the desired future character of Lindfield. The current prescriptive standards will only allow for a maximum of 6 storeys in Tryon Road and Russell Avenue.
- The height will have a significant negative impact on visual amenity for the neighbouring properties in Tryon Lane, Russell Avenue, Trafalgar Avenue, and Valley Road. It will negatively impact on the privacy and solar access of neighbouring properties.
- The 'box type' facade of the residential flat building is unsympathetic to the surrounding local heritage context, Inter War homes, 2-3 storey townhouses and 4-5 storey apartments and streetscape. Its architecture is completely out of context and will be a negative visual blight.
- The building massing of the proposal is inconsistent with the Design Principles in Schedule 9 particularly Design Principle 1- Context and Neighbourhood Character, Design Principle 2 - Built Form and Context and Design Principle 6 - Amenity.

Traffic Parking and Transport

- The proposal will exacerbate the impact on the existing significant traffic congestion and parking along Tryon Road, Russell Avenue, Lindfield Avenue and Milray Street which is parked out with shoppers, business and commuter cars during the day and weekends.
- The traffic generated from this development will further endanger pedestrians walking to and from the Lindfield rail station and particularly at the entrance of Tryon Lane with Lindfield Avenue and the young children and families that attend the Ballet School which operates in the Masonic Hall on the corner of Tryon Lane and Lindfield Avenue.
- The report only takes into account the traffic movements from 27-29 Tryon road and not the cumulative traffic movement impacts of all current proposed SSD apartment developments for 24-26 Russell Avenue, 1- 5 Nelson Road, 5-7 Middle Harbour Road 11-19 Middle Harbour Road, 59-63 Trafalgar Road and 1 and 1a Valley Road; 16-20 Middle Harbour Road, 10-14 Milray Street and 3 Havilah Road; 2-8 Highgate Road and 2- 4 Woodside Avenue and 1-3 Reid Street Lindfield of which are all proposed SSD's currently and being proposed for the east side of Lindfield within 400m of Lindfield station and Lindfield Avenue. Together the development proposals when approved amount to 2363 new apartments and significant additional associated car movements within the Lindfield Rail Station precinct, the Pacific Highway, the Lindfield centre and surrounding local narrow parked out streets.
- The traffic report fails to appreciate the poor standards of neighbouring interconnected roads and laneways. Trucks will be competing with local primary school drop off and collection periods in and around Tryon Lane, Lindfield Avenue, Strickland Avenue, Balfour Road underpass and the Pacific Highway which are all very narrow and congested streets with parking with cars and trucks regularly queuing to exit onto the Pacific Highway.

- The argument that residents living close to the railway line will travel by bus or train to work and other day to day activities is not realistic or practical. Most of the families in Lindfield area have at least **two** cars per residence and in most cases, workers do not travel to work by train or bus, but by car. The under provision of car parking space per apartment to service the 62 x 3-4 bedroom apartments will mean that residents will be forced to find parking on the surrounding streets which are already at capacity.
- The North Shore Rail Line is experiencing major interruptions to services and has been reported in the Sydney Morning Herald that the North Shore Line is one of the worst performing lines on average for the past five years. The report indicated that 20% of the T1 North shoreline services did not arrive on time in the 2024 -2025 financial year. There was a blackout report on the rail line recently. There are regular interruptions on weekend for rail maintenance.
- Local roads and street parking are at this point unable to accommodate the resulting increase in cars due to the congestion in and around the Pacific Highway, Lindfield Avenue and Lindfield Rail Station. Local streets are parked out with commuter parking and by people visiting the local shopping and business centre.

Noise, Vibration and Privacy

- The noise and vibration during construction will create high levels of noise pollution and negatively impact on the liveability of residents living in neighbouring streets.
- The main driveway and entrance to the parking levels to the apartment complex is situated adjacent western boundary to 22 Russell Avenue which will experience ongoing noise and pollution from delivery trucks and cars entering the building next door.
- Noise and vibration will have a negative impact on the abundance of local birdlife in and around the locality of the development.
- The traffic plan for trucks while construction will have to be reconsidered due to the poor egress from the site through Lindfield Avenue, Tryon Lane, Russell Lane which will need to egress Strickland Avenue and Balfour Road Underpass to enter the Pacific Highway.
- The roof top communal open space on Level 8 will experience noise from the Lindfield railway line and traffic from the Pacific Highway due to its high elevation.
- 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
- 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 provision of an outdoor communal terrace space with Bar-B-Qs and which encourages large outdoor seating areas for large groups on Level 8, will cause undue noise to be carried to neighbouring residences, and further afield. The communal space on the rooftop is positioned predominantly overlooking the residences in Tryon Road but the potential noise will be carried across to Nelson Road, Valley Road, Russell Avenue and Trafalgar Avenue.
- 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.

Trees and Landscaping

- The SSD proposal plans to remove 14 trees and established garden and will greatly reduce the area for deep soil planting of mature canopy trees. Four of the trees to be removed are categorised as High Category Trees (Trees 8,17,20 and 23) and are described by Naturally Trees arborist 'as in good health and condition'. Additionally, there are also 2 Category A trees (Trees 1 and 2) that could be potentially adversely affected by TPZ disturbance due to the deep excavation for 4 basement parking levels. Therefore, any approval should require a project arborist on site to ensure appropriate measures are in place to protect and maintain the health of the root zones of the two trees specified.
- The Naturally Tree's report also refers to Category A trees that are to be relocated and replanted namely Trees 11,12, and 13. This needs to be specified in any condition of consent that these trees are stored appropriately to ensure that they are replanted as part of the new landscape works.
- A Deep Soil level of only 25.7% is far below the KDCP requirement of 50%. The lack of deep soil landscape areas to the 6m perimeter of 3 boundaries and 2.5m on the western boundary (Tryon

Lane) and the substantial areas of paved pathways and courtyards within the setbacks, fails to maintain established landscape character with the planning of suitable tall mature trees.

- The trees specified in the landscape plan only are proposed to grow to 1.5m which is below Ku-ring-gai Council's DCP standards of a minimum of 1.8m.
- Ku-ring-gai LGA's character is its iconic majestic trees. This tree canopy contributes significantly to the liveability of Lindfield. It provides protection from over-exposure to UV radiation, improves air quality, cools local environments and supports wildlife habitat. This development proposal does not support the growth of tall canopy trees due to inadequate deep soil area, which is characteristic of Ku-ring-gai.
- The SSD proposal will remove 14 trees resulting in habitat and canopy loss. This will severely impact on nesting, food and shelter for birds, possums and other wildlife, fungi and insects. New trees often take years to establish and grow to provide suitable habitat.
- The removal of 14 trees will undermine the Ku-ring-gai's Urban Forest Strategy that aims to increase canopy cover percentage in residential zoned areas up to 40%.
- The current controls for the SSD proposal will result in the loss of mature tree canopy - at a time of biodiversity extinction and increasing heat waves. On environmental grounds the proposed SSD should be rejected.
- Ku-ring-gai's tree target is based on the NSW Government's target that recognises the importance of canopy in improving the liveability and amenity in residential areas. The proposed development setbacks of 6m on southern boundary and 6m on eastern and northern boundary will not be adequate for the planting of large mature canopy trees which are the characteristic of the Lindfield streetscape landscape. 2.5m setback on the western boundary along Tryon Lane will not allow for any deep soil planting for effective vegetative privacy screening.

Ecologically Sustainable Development (ESD)

- The World Meteorological Organization (WMO) confirmed that 2024 was the warmest year on record, as has the past ten years 2015-2024.
- We are now going beyond the global mean temperature of more than 1.5°C meaning that we need high quality net zero buildings.
- The development fails as net zero buildings.
- Construction is one of the biggest contributors to global warming. To reduce embodied carbon, we need new ways of design, construction, use and reuse of buildings. This is not evident in the SSD proposal.

Biodiversity

- 14 trees are proposed to be removed across the consolidated site. Trees provide critical wildlife corridors to the neighbouring bushland reserves. The removal of these trees fails to protect, maintain and preserve the tree canopy and established landscape character of Lindfield.
- There has been no environmental impact statement about the impact of the development on the Grey-headed Flying-fox (*Pteropus poliocephalus*; GHFF) for which there is a large colony in Gordon and Powerful Owl (*Ninox strenua*) and other wildlife. The grey headed flying fox colony fly over Lindfield each night to trees they forage.
- The applicant has not provided a comprehensive ecological report or case studies for this development despite the wildlife that exists in the locality.
- The Report fails to acknowledge that 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 TOD SSDs 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 Pacific Highway/ rail corridor.

Water Management

- Lindfield is renowned for having old and poor sewerage pipes. The additional population from this development will place an unacceptable level of pressure on the existing sewerage system and should not proceed until the sewerage network is upgraded.

- The cumulative impact on the additional proposed 65 apartments for 27-29 Tryon Road and the expected 9400 TOD units for Lindfield, will exacerbate the issues of old water pipes bursting or leaking unless upgraded. There are already over 2363 new apartments listed in Lindfield as TOD SEPP proposals on the NSW Major Projects Portal and yet Sydney Water is only assessing one TOD proposal at a time and not the cumulative impacts of the proposed 2364 apartments on the water supply infrastructure.
- It is unclear in the proposals what measures are to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements.
- The water pressure has been significantly reduced over the past few years due to the increase of development in Lindfield. Additional dwellings will only exacerbate water pressure issues in Ku-ring-gai unless upgraded.
- The report indicates there is still infrastructure requirements to be worked out with Sydney Water. The Surex Consulting Report which is not dated states "There is an existing Sydney Water Corporation (SWC) 225 sewer main that traverses the site servicing the existing dwellings on the site only. We understand that Bridgestone Projects will engage a Water Serving coordinator to liaise with Sydney Water to confirm any infrastructure requirements. Once these are received then we will be able to confirm method of connection."
- We question with climate change how reliable the proposed rainwater harvesting water supply tank will be in providing the amount of water intended for non-potable applications such as irrigation, toilet flushing, and cooling systems across the development.

Social Impact

- Increasingly children will be living in the proposed apartments and yet HILLPDA do not draw attention to the fact that there are no places within the 9 storey proposed buildings for children to socialise, to play safely or to ride a bicycle. The ground floor courtyard and 8th level terrace are completely unsuitable for children to play, kick a ball or to ride a bike for exercise.
- We question why the DPHI are neglecting to require TOD infill proposals to plan for children's physical, emotional and social needs in providing suitable safe play and recreation areas for children of various ages within multi storey developments.
- The development will negatively impact on the sense of community and what residents value about living in Lindfield which is losing its village feel.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly change due to the extreme TOD SSD proposals.
- If forced to move out due to loss of privacy and liveability due to overbearing development residents are facing the dilemma of where to move or live in Sydney due to the NSW Government's housing policies. People are very reluctant to live in poorly built apartments and to pay the high cost of strata management and quarterly fees. Recent Lindfield examples of \$3000-6000 per quarter is being charged.
- Increasingly people are nervous about the poorly built quality of the new apartments and are reluctant to buy into apartments that may have ongoing exorbitant costs for building rectifications.
- Residents feel high levels of emotional distress about the loss of trees and tree canopy and the consequence of this for the survival of Ku-ring-gai's rich birdlife and wildlife. Ku-ring-gai has the equivalent numbers of flora and fauna species as the entire British Isles.
- The term 'solastalgia' perhaps may describe the feelings of many Lindfield residents, a scientific term that describes the emotional distress felt when existing residents witness the destruction and degradation of their local environment as proposed by the two Lindfield SSD proposals.
- There is still a question as to the accountability of affordable housing dwellings under the management of registered Community Housing Providers. Will this be another service industry which is not accountable such as private certification? Who will be responsible for monitoring and managing the Community Housing Provider and ensuring there are no mismanagement? We are not assured just as the private certification business is not accountable.
- Currently it is difficult to make a complaint about a Community Housing Provider. If a complaint is unresolved, the only remedy is for the renter to contact the Department of Communities and Justice (DCJ) or the NSW Ombudsman or complaint to the Registrar of Community Housing. A stressful and time-consuming process for already under resourced members of the community.
- We cannot find any reference in the amended proposal as to the proposed Community Housing Provider proposed for this development which proposes 14 affordable units. Why?
- The occupants of a significant number of the 14 affordable dwellings will have reduced liveability standards (lack of solar access and cross flow ventilation) and generally smaller sized apartments than the luxury market intended 3-4 bedroom appointed apartments. This is encouraging social and class distinctions within developments.

- Gyde responds to the concerns expressed in earlier public submissions relating to the negative impact on property values of neighbouring properties, with the statement “Property values are not a material planning consideration.” However, the developer’s financial viability is ‘a material planning consideration’ in the assessment by developer and the DPHI. Consideration of potential adverse financial and environmental impacts on neighbouring property values should be of consideration particularly when developers are regularly testing limits and exceeding development standards. The inequity of the NSW Government and DPHI in favouring the viability and profit making of developments in continuing to allow breaches and the approval of excessive developments as against the proper consideration of the detrimental impacts and potential adverse resulting loss of neighbour’s property values, livelihoods and wellbeing, should be an equitable planning consideration.
- Gydes report quotes the statistic that 79.7% of households in the Ku-ring-gai are family households and why the proposed development will be providing 62 of the 65 apartments to be 3-4 bedroom family sized. However, the Gydes report nor the development proposal refers to the provision of any planned areas for safe supervision of play and recreation for children within the apartment complex.

Flood and Weather Risks

- Ku-ring-gai has experienced extreme climate-driven weather events including wild storms in recent years (2020) and excessive rainfall (2022) that have brought down trees and led to electricity blackouts and reports of local flooding in the vicinity.
- Precipitation from this site will flow directly downslope to the Gordon Creek and directly in Middle Harbour. The replacement of grassed areas and large tree vegetation with hard surfaces and concrete will exacerbate the potential for flooding from water surges.
- Blackouts in Lindfield have been more prevalent in recent years.

Bushfire Risk

- Ku-ring-gai is one of the most fire prone local government areas in Sydney being surrounded by three National Parks.
- Lindfield is bushfire prone with its proximity to bushland valleys that connect to the Lane Cove National Park and Garigal National Park.
- Bushfire considerations are not examined despite the development proposal being within 1km (as the crow flies) of Seven Little Australians Park which adjoins Garigal National Park.
- The most significant bushfire event in recent memory that affected West Lindfield and resulted in the loss of several homes occurred in January 1994, during which approximately 20 homes were lost in the West Lindfield/Killara areas due to the Eastern Seaboard Bushfires. Embers from that fire reached homes and gardens adjacent to the Lindfield rail line corridor.
- With climate change bushfires are predicted to become more frequent and intense.
- We note in the *Minerva Fire Engineering Concept Report (2 December 2025)* states as the Conclusion “It is the finding of this report that subject to approval from the Principal Certifying Authority and relevant applicable stakeholders during the design process, the proposed Performance Solutions nominated on Table 2 related to the subject development can be demonstrated to meet the relevant Performance Requirements of the BCA **pending further fire engineering analysis** (our emphasis). This report only addressed the identified variations from the NCC DtS Provisions listed in Table 1. All other aspects of the design, with regards to fire life safety, are assumed to be compliant with the NCC DtS Provisions. **This document shall not be used for Construction Documentation and compliance with the Performance Requirements of the BCA will need to be conducted through a formal fire engineering assessment by a Registered Certifier – Fire Safety in the subsequent Fire Engineering Brief and Fire Engineering Report as part of the formal fire strategy approvals process.**” (our emphasis).

Public Space

- There is no sportsfield, playground or park with playground facilities within an easy walking distance from the proposal. The closest open space, sports fields, parks or playground is approximately 100m to the Lindfield Green. The Village Green behind the Lindfield Avenue shops is predominantly a ‘pocket park’ of green open space, with limited seating and no children’s playground facilities. The Green is primarily green open space for the benefit for the residents who reside in the units above the shops or visitors to the centre with an outlook from the businesses/cafes surrounding it.
- Seven Little Australians Park is approximately 800m away and is an unpaved bush walking track. The closest playground for children is in the adjoining suburb of Roseville. The local tennis club in Russell Avenue is a private club and not open to the public for tennis or recreation.

- The limited provision of communal open space is provided on the 8th floor of the building and will not offer good recreational spaces for children to play or enable playground equipment. The courtyard on the ground floor is essentially a landscaped pathway with some seating. With the proposed number of 62 of the 65 3-4 bedroom apartments typically designed for families, the provision of play and recreation spaces will be very important for social interaction and physical exercise. The development plan proposes only limited ground floor and rooftop passive and respite open spaces not suitable areas for children's play and recreation.
- With the provision of 14 affordable units in the complex the question remains will the occupants of the affordable units be prevented from using the rooftop communal open space which is happening in other parts of Sydney where there are forms of apartheid existing within established infill housing, in excluding occupants living in the affordable units from accessing certain parts of the apartment complex such as areas of common open space on top floor terraces, indoor gymnasiums and swimming pools etc.? There needs to be condition allowing families in the affordable dwellings in being able to access all common areas and facilities of the complex without restriction.

Community Benefit

- The SSD proposal offers no community facilities or services to benefit the existing community and will exacerbate and overwhelm existing infrastructure and community services particularly the local schools and community services.
- Affordable housing should be held in perpetuity and not for just 15 years. There are no units to be provided in perpetuity in the apartment complex. Affordable units only available for fifteen year will create social dislocation for those without a secure ongoing tenancy.

Insufficient Environmental and Infrastructure Studies

- The SSD risks unsustainable development, straining local roads, street parking and infrastructure and exacerbating environmental and biodiversity decline.

Conclusion

The amended State Significant Development Application proposal is not compliant with bulk and scale, height, and inconsistent with Ku-ring-gai's LEP and Housing SEPP and ADG. The proposal will have a negative impact on heritage, environment, traffic, parking, urban design, neighbourhood character, visual amenity, liveability, tree canopy, biodiversity, open space, infrastructure and community benefit.

As such the SSD development application should be rejected as it neither adequately addresses and fails to incorporate the KLEP 2015 and all standards of the SEPP (Housing 2021) and ADG.

The resulting TOD SSD development will negatively impact the net zero emissions target that council is proposing to achieve by 2040.

The proposed development is not in the public interest as it does not demonstrate public benefit or strategic merit but significant profit for the developer. The use of the TOD SSD pathway appears to be a deliberate tactic to circumvent local and state planning controls to add additional high-density housing which will be more than the current demand for luxury apartments in Ku-ring-gai.

At the time of writing there are already over 600 apartments in Ku-ring-gai ready to buy off the plan or already built, and over 400 apartments available for rental. There is no shortage of apartments to purchase in Ku-ring-gai.

The 65 luxury apartments proposed for 27-29 Tryon Road will not solve or assist with the affordability or housing crisis but likely to keep increasing luxury apartment cost. We understand that most luxury apartments in Ku-ring-gai are bought by foreign and local investors or downsizers and not those in the community that are needing housing the most.

The 14 affordable dwellings should be in perpetuity.

Thank you for considering the submission. It is to be hoped that the DPHI will take on board our concerns and reject the minor amendments to the proposed development at 27-29 Tryon Road Lindfield.

Yours faithfully,

Kathy Cowley

Kathy Cowley

PRESIDENT

cc Mayor and councillors Ku-ring-gai Council

cc General Manager Ku-ring-gai Council

cc Matt Cross MP Member for Davidson

cc The Hon Chris Rath MLC Shadow Minister for Planning