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 - Celebrating 30 years of Caring for Ku-ring-gai



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

13 August 2025

Dear Ms Cleary

Re: State Significant Development SSD82899468 1-5 Nelson Road Lindfield - Residential apartment dwelling with in-fill affordable housing for 89 dwellings

Thank you for the opportunity to provide a submission on the State Significant Development Application proposal at 1-5 Nelson Road Lindfield

Friends of Ku-ring-gai Environment Inc (FOKE) since its establishment 30 years ago, has been a strong advocate for the protection of neighbourhood character, environment, heritage and liveability of Ku-ring-gai. In Ku-ring-gai we have a council that promotes good orderly strategic planning to ensure that development is in keeping with the area.

FOKE, like residents in this area, is not opposed to development or against appropriate infill proposals but support development that is respectful of sensitive design, scale, heritage, environment, infrastructure constraints and liveability.

The NSW Government TOD SEPP under which this concept plan is inappropriately considered, is a blunt, top down 'one size fits all' instrument which does not respect neighbourhood character, scale, heritage, environment, or infrastructure constraints. There will be no NSW Government master planning for Lindfield as for TOD Tier 1 areas. Therefore, there is no plan for master planning for additional services, new infrastructure, or in providing new amenities, schools or in improving traffic or parking within Ku-ring-gai for the 4 TOD Tier 2 suburbs.

The TOD SEPP is not based on realistically achieving ecologically sustainable development and the proposed development will negatively impact the net zero emissions target that Ku-ring-gai Council is proposing to achieve by 2040.

Moreover, Council's strategic planning studies never envisaged such an abrupt vertical intrusion such as the TOD SEPP particularly in impacting heritage conservation areas and areas of high environmental sensitivity. The TOD SEPP violates the principle of orderly development and the expectations of the community and the statutory standards of the KLEP 2015.

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

- Land use zone – R2 Low Density Residential
- Minimum Lot size – 930m²
- Maximum FSR – 0.3:1 and
- Maximum building height – 9.5m

We note that Castle Hill Pty Ltd has two current concept plans No 3 (1-5 Nelson Road) and No 7 (11-19 Middle Harbour Road SSD82900461) for Lindfield currently on public exhibition with the DPHI to take advantage of the TOD SEPP savings clause.

Planning Ingenuity states that "SSDA 82899468 seeks consent for a Concept SSDA being for the concept envelope for the site and no actual works. SSDA 82899468 Planning Ingenuity Pty Ltd REF: M250135 35 A Detailed SSDA will be sought following approval of the Concept SSDA."

Rushing apartment block proposal approvals based on 'concept' or 'indicative' plans without firm or exact details is a clearly designed to limit the public's full and proper examination of the proposal in order to ensure appropriate place-based planning and development outcomes for the sites.

The reports for the two concept plans have been prepared by the same consultants and probably why there is an error in Appendix 13 Geotechnical which referred to the site in Middle Harbour Road rather than 1-5 Nelson Road.

As a Concept Proposal, this SSD includes numerous references in the various reports, such as the Geotechnical and Flood Risk, ESD, Carparking, Landscaping, Traffic and Parking and Communal Open Space Assessments all of which need further investigation to be undertaken prior to a finalised DA approach. Many of the Architectural and design aspects which impact adjoining dwellings are still to be determined such as Privacy Impacts, including heritage listed items and Cromehurst School, Noise and Vibration, Impacts on Biodiversity, Flood Impact Study, and additional Heritage studies.

The Community Engagement Process has been criticised and been regarded by local residents as being rushed and inadequate. As a resident within the vicinity of the proposal I never received a flyer or the edited flyer that was purportedly letterboxed to residents and therefore was unaware of the webinar conducted by Planning Ingenuity on the 21 May 2025.

The Concept SSD needs to be rejected, and any future proposal exhibited for comment with the full details and reports included for public exhibition and assessment.

Ku-ring-gai Council TOD alternative Scenario

Ku-ring-gai Council over the past several months has exhibited and adopted a preferred set of Planning Controls which require amendments to the KLEP 2015 and SEPP (Housing). The NSW Planning Minister received the KLEP amendments around mid-June 2025. Ku-ring-gai Council is currently awaiting the Minister's concurrence and gazettal of the amendments to the KLEP 2015 and SEPP (Housing).

In response to the blunt top down 'one size fits all' NSW Government TOD SEPP which does not promote or deliver development which considers council's seven principles for ecological sustainable development. Ku-ring-gai Council has developed an alternate scenario for the four TOD suburbs, Roseville, Lindfield, Killara and Gordon in order 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

The proponent's SSD concept proposals override council's strategic planning and local planning controls and severely undermine the existing statutory planning framework in NSW.

Council's analysis of the TOD SEPP demonstrates that the type of building typology being proposed is not consistent with Apartment Design Guidelines (ADG).

We understand that the draft KLEP amendments must be given weight under Section 4.15 (1)(a) (ii) of the EP&A Act 1997 as a "proposed instrument" or under Section 4.15 (1)(e) being within "the public interest" of the EP&A Act. The EIS and associated documents have not considered the above Draft Amendments despite the exhibited proposed amendments to the instrument.

When the proposed development is assessed against the set of Council's preferred set of Planning controls or the controls of the NSW Government's Low and Mid-Rise Housing (LMRH), the proposed development would represent a gross overdevelopment in terms of bulk and scale compared to the adjoining existing developments and likely future development under Council's preferred set of Planning Controls or LMRH. Council's preferred scenario and proposed instrument sent to the Minister retains the sites 1-5 Nelson Road Lindfield under the current zoning of R2 and FSR of 0.3:1 and a height limit of 9.5m.

Planning Ingenuity describes the concept development as follows:

- Demolition of the existing site structures.
- Construction of 9 storey residential flat buildings containing:
 - 167 apartments comprising 34 x 1 bedroom, 98 x 2 bedroom and 35 x 3 bedroom with 143 units are for the market and 24 units are nominated as affordable rental housing, equating to 17% of the total assessable gross floor area (GFA).
 - 10602m² of passive communal courtyard open space on ground floor and top floor.
 - 3 basement levels comprising 251 residential car spaces.
- Civil works including stormwater and services.
- Concept Landscape Masterplan including the removal of 29 trees and 4 tree groups.

We submit FOKE's strong objection to the proposal on the following grounds:

Excessive building and Height - non-compliant

The proposal for 1-5 Nelson Road is an overdevelopment of the site and not in keeping with the KLEP 2015, the proposed instrument, or DCP or Section 155 (2) Chapter 5 of the SEPP (Housing) which permits a maximum building height of 22 metres for a residential flat building and under Section 18 in Chapter 2 of the SEPP (Housing) an additional 30% building height above the maximum building height control is permitted for in-fill housing comprising of at least 10 % of the development. In this circumstance the maximum building height for the proposed development is 28.6m.

This proposal seeks a maximum building height of 32.35m² measured to the top of the lift overrun which exceeds the maximum building height control by 3.75m.

The proposal needs to be amended to comply and represents an over development in terms of height, scale and bulk in stark contrast to the adjoining 1-2 storey Federation/Inter-War and contemporary residences and heritage conservation area.

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 for the heritage conservation area.
- the proposal will not provide apartments of high amenity due to deficient levels of solar access and cross flow ventilation in a significant number of proposed dwellings.
- does not provide an appropriate height transition to the surrounding lower density land and therefore is not compatible with the desired streetscape character or heritage listing of 9 Nelson Road, 15 Nelson Road, 6 Lightcliff Road, 8 Lightcliff Road, 12 Lightcliff Road, 14 Lightcliff road and 33 Tryon Road Lindfield.
- does not ensure that the height of buildings is appropriate for the adjoining lower density residential and open space zones to protect local amenity.
- provides insufficient landscaping which is not in keeping with the landscaped character of the area.
- the proposed multi storey apartment block and height is not consistent with desired future character and streetscape and will have material impact on neighbour amenity and the environment.

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

Street frontage and setback control - non-compliant

The proposal is not in accordance with street setback control in Part 7A.3(1) of the Ku-ring-gai DCP (KDCP).

The proposed development generally does not achieve the minimum setback:

The proposed street front setback is 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 both fronting Nelson Road, and Tryon Road and Lightcliff Avenue.

The proposal needs to be amended to provide a minimum 10m street frontage setback to and which will also allow for greater landscape areas within the front setback and side boundary setbacks and contribute to a reduction in bulk and scale when viewed from the surrounding public domain.

The proposed setbacks do not provide an appropriate interface with the adjoining low density zones and Crown Blocks heritage conservation area.

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 future character of Lindfield.
- It is inappropriate that this SSD proceed when the community has participated in a statutory consultation process regarding a new Ku-ring-gai's draft Local Environment Plan (LEP) with the recommendation that Ku-ring-gai Council adopt the amendments to the KLEP 2015 as attached to its Council Report of 22 May 2024 and forward the documents to DPHI.
- Ku-ring-gai Council has undertaken strategic planning for an alternative Transport Oriented Development (TOD) to cater for approximately 9,000 dwellings in the Lindfield Transport Oriented Development area. We understand was a part of a mediation agreement between Ku-ring-gai Council and the NSW Government following a legal challenge at the Land & Environment Court. To undermine Ku-ring-gai Council's imminent LEP by allowing ill-prepared SSDs to 'pop up' anywhere is grievous, mischievous and disingenuous on behalf of the NSW Government. If this SSD is approved, it effectively "pulls the rug" from Ku-ring-gai Council's mediation efforts and plan for a TOD alternative. The Ku-ring-gai community has diligently made submissions, often at great personal and family cost, as they have often occurred during holiday periods in 2024 and 2025. If the SSDs are approved (there are currently 34 SSDs in Ku-ring-gai as of 14.8.25) and ignore Ku-ring-gai Council's new Ku-ring-gai's draft Local Environment Plan (LEP) they will have no social licence as the community will feel betrayed by a NSW planning system that prioritises developer profit community interest.
- 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 in the area.
- The level of density presented in this development is NOT the 'desired future character' of Lindfield particularly when the development is more appropriate in the Lindfield commercial zones not R2 residential zones.

Current Cumulative Lindfield SSD Impacts not Assessed

We note since February 2025 there are 17 State Significant Developments currently proposed for Lindfield amounting to 2315 new dwellings in the form of luxury apartments with infill 'affordable' rental dwellings:

Namely:

3 and 3a Beaconsfield Parade for 88 apartments
 5,5a and 7 Beaconsfield Parade for 80 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
 27-29 Tryon Road for 76 apartments
 59-63 Trafalgar Avenue and 1a&1b Valley Road for 220 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
 24-26 Russell Avenue for 50 apartments
 19-25 Balfour Street for 98 apartments

With the proposed 167 apartments proposed for 1-5 Nelson Road this brings the total new apartments currently being proposed to **2315**. This dwelling increase is unsustainable within the locality of 400-500 metres of Lindfield station, Pacific Highway and rail corridor.

The cumulative impact of all the proposed 17 lodged applications for SSD DAs for new apartments must be considered particularly with the amount of additional traffic and parking shortfall which is now proposed for Lindfield's narrow local roads and laneways to the railway station and Pacific Highway intersections and arterial roads such as the Eastern Arterial Road. This is on top of existing issues with the traffic congestion in the Lindfield Centre and on the Pacific Highway and collector roads.

The Traffic report by JMT Consulting only considers traffic movements surrounding the site and local pedestrian network not the broader TOD Lindfield transport/pedestrian network.

Design Quality

- The proposed future building envelope provides extremely poor solar access (only two hours) and will negatively overshadow residential properties in the vicinity of the site particularly the first five properties along Tryon Road No 20, 32, 34, 36, and 38. The homes will be in shadow from 9am through to 3 pm.
- The proposed 32-metre-high building will negatively impact on the privacy of neighbouring residents and overshadow them.
- The interface between the 9 storey SSD and neighbouring 1-2 storey homes and the Crown Blocks Conservation Area (C22) is excessive, incompatible and unacceptable.
- The design is completely out of context with the Federation and Inter-War neighbouring homes of the area.
- The design team has failed to provide adequate consideration regarding the interface with Nelson Road, Tryon Road and Lightcliff Avenue.

Built Form and Urban Design

- The SSD proposal is an overdevelopment of the site and totally out of proportion to the existing and future amenity of Lindfield a R2 residential area which contains a consistent pattern of well-maintained intact Inter-War and Federation 1-2 storey residential housing.
- The layout, 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 proposed building massing does not provide a well-considered visual transition between the development and the established homes within the visual catchment of the site leading to a dominant, abrupt and overwhelming bulk and scale impacts on neighbouring properties.
- 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 proposed building design does not respect local context nor the desired future character of the street and surrounding buildings through appropriate height and built form.
- 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.
- The SSD proposal devalues the visual amenity of neighbouring properties in Tryon Road who will lose their June solar access from 11 am - 3pm, natural cross-ventilation and outlook.
- The provision of part of the Community Open Space on the proposed rooftop generates adverse Acoustic Impact and Overlooking Impact to adjoining properties which does not achieve "high level of amenity" as required in the ADG guidelines.
- The SSD proposal is incompatible with the Crown Blocks Conservation Area (C22) which has a significant number of registered heritage listed properties within a HCA in Lindfield.
- The SSD proposal will have negative impacts on heritage items in Nelson Road, and Lightcliff Avenue including on neighbouring properties which have been maintained and renovated to be in keeping with the heritage character and significance of the Crown Blocks HCA.
- The SSD proposal does not respect the early subdivision pattern of Lindfield.

Heritage

- Lindfield historic character, is defined by its Federation and Inter-War architecture and garden suburb layout, risks being eroded by overshadowing, visual intrusion, by the SSD proposal for the two 9 storey buildings which will clash with Lindfield's low-density aesthetic.
- The proposal is within the Crown Blocks Conservation Area (C22) which is described "*The Crown Blocks Conservation Area has historic significance as Crown Blocks which sold in the 1890s whose boundaries are evident through the following streets: Tryon Road, Nelson Road and the boundary of original large lots. The area has historic significance for the further subdivision of Crown Blocks as Mackenzie Estate in 1907, Lightcliff Avenue and Slade Avenue in 1916 and Belhelvie Estate in 1919. The area has aesthetic significance for the intact Federation and Inter-war houses, with some examples of mid to late twentieth century development. Nelson Road consists mainly of Federation period houses with consistent siting, massing and architecture. Lightcliff Avenue represents a significant example of cohesive subdivision and development with housing styles including Inter-war Mediterranean and Old English. The Seven Little Australians Park and Killara Oval are important inclusions to the HCA, providing large landscape elements of high visual amenity.*"

- Increased density will irreversibly degrade the heritage significance of both the heritage conservation areas and heritage items in the Crown Blocks HCA due to the Council's incapacity to refuse detracting development such as the proponent's concept application.
- The proponent has significantly downplayed the heritage significance of the Crown Blocks HCA and heritage items in the HCA. The sight lines and visual amenity of the properties in the Crown Blocks HCA will be significantly impacted by the proposal being on sloping steep blocks.
- The SSD proposal will potentially lower the property values of the HCA and the heritage properties within the HCA in having 9 storey proposals towering or dominating the 1-2 storey residential streetscapes.
- The concept proposal does not reflect the historic subdivision pattern of the Deposited Plan which is a key component of the established streetscape and heritage significance of the area. The amalgamation of the three lots (1-5 Nelson Road) and resulting proposed built form fail to respond to or incorporate the historical lot configuration, therefore undermining the integrity of the established subdivision pattern.
- Friends of Ku-ring-gai Environment Inc. (FOKE) established in 1994, has run many Australian Heritage Festival heritage walks over the years that include within 400m of Lindfield Station. These guided walks have highlighted Lindfield's heritage and environmental values and in particular how the 'natural form' dominates the 'built form'. Recently FOKE organised a 'Lindfield Heritage in Peril' walk to celebrate the 2025 Australian Heritage Festival. The overwhelming response from the public from people across Ku-ring-gai and Sydney was that this area should be protected, not destroyed by inappropriate SSDs.
- The proposed development at 1-5 Nelson Road will also be in the vicinity of the following heritage listed items and conservation areas not mentioned in the Urbis report.
 1. 33 Tryon Road, Lindfield (Sydney Korean Community Church) State Listed.
 2. 22 Russell Avenue, Lindfield (dwelling house) Local Listing
 3. 3 Valley Road, Lindfield (dwelling house) Local Listing
 4. Trafalgar Avenue Conservation Area, C31
 5. Middle Harbour Road Lindfield Conservation Area, C42
- The Urbis Heritage Report acknowledges that the concept design requires more refinement to assess potential heritage impacts.

Environmental and Amenity Loss

- The SSD proposal fails to demonstrate a **"high level of environmental amenity for any surrounding residential or other sensitive land use"**.
- There has been no Visual Impact Analysis (VIA) from nearby residential properties or an analysis of the View Loss from nearby residential properties. There will be direct Overlooking Impact from existing front streetscape or to rear yards of the properties situated on side and rear boundaries of the proposal which is why the proposal does not achieve "high level of amenity" as required by SEARS.
- The extent of the overshadowing is exacerbated by the additional temporary (not in perpetuity) affordable housing bonus. This will significantly reduce the liveability of residents living in 'the affordable units'.
- The above breaches and inadequacies result in poor amenity and also do not achieve the requisite "high amenity" for surrounding residential developments as required under issue 7 of the SEARs document.
- The provision of part of the community open space on the proposed rooftop generates adverse acoustic impact and overlooking impact to adjoining properties which does not achieve the "high level of amenity" as required under issue 7.

Visual Impact

- The Visual Impact analysis has not included an analysis from nearby residential properties nor an analysis of "View Loss" from nearby residential properties or from Cromehurst School.

- The height of the proposed building - 9 storeys high (over 30 metres) - will be some of the tallest buildings in Lindfield or even the height of the Commercial buildings on Lindfield Avenue and will tower over surrounding residences in Nelson Road, Tryon Road and Lightcliff Avenue.
- The height will have a significant negative impact on visual amenity for the neighbouring streets, including those homes in the Crown Blocks HCA is situated as such that all properties sight lines and privacy will be impacted by the 9 storey proposals which towers over the adjacent 1-2 storey residences. It will also negatively impact on the privacy of neighbouring properties.
- The 'box type' facade of the residential flat building is unsympathetic to the surrounding local heritage context and streetscape. Its architecture is completely out of context and is a negative visual blight.
- The proposal exhibited is not the desired future built character for the Low and Mid-Rise Housing (LMHR) zone in which the proposal is situated.

Traffic Parking and Transport

- The Traffic Report is flawed in that it has not considered the cumulative impacts of the additional proposed 17 TOD SSDs currently proposed within 400 metres of Lindfield railway station and the traffic movements from 2315 additional dwellings. not does the report appear to acknowledge the specific observations and concerns expressed by local residents.
- The proposal will have an adverse impact on the existing traffic congestion and exacerbate road and pedestrian danger along Tryon Road and in and around the vicinity of the Cromehurst School, which provides care and education for children with moderate to severe intellectual disabilities.
- Lindfield Avenue is a singular access road on the east side of the railway line from Gordon through to Roseville and traffic generated from this site will exacerbate the 'traffic choke point' at Havilah Road underpass to the Pacific Highway and Lindfield Avenue, the intersection of Strickland Avenue with the Pacific Highway and Tryon Road intersection with Arterial Road.
- Tryon Road on weekdays is parked out on both side of the street, limiting traffic to a single lane in peak times due to increased traffic generation to the centre and rail station.
- The SSD proposal will result in exacerbating the lengthy queueing times at the intersection of the Lindfield Avenue and Havilah Rail underpass at both intersections with Lindfield Avenue, Strickland Avenue and the Pacific Highway.
- The traffic report fails to appreciate the poor standards of neighbouring interconnected roads. Many of Lindfield's roads are narrow, poorly surfaced and heavily parked out without commuter parking particularly within 400 meters of Lindfield rail station.
- The SSD proposal is unacceptable because of a potential of exacerbating traffic gridlock on Lindfield Avenue's access to the Pacific Highway intersections.
- The argument that residents living close to the railway line will travel by train to work and other activities is not practical or factual. Most of the families in this area have at least two cars per residence and don't all travel to work by train or activity due to the lack of connections from the north shore to other parts of Sydney.
- In case of an emergency vehicles (ambulance, fire, police) will not be able to exit quickly due to the current existing traffic conditions onto the Pacific Highway let alone the cumulative impact of car movements from 2315 additional dwellings. This will endanger lives unless the road network in and around the Lindfield railway station and Pacific Highway is improved.

Noise and Vibration

- 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.
- There will be substantial disruptions to surrounding properties with regard to noise, dust and traffic during the construction.

- There is the potential for concurrent noise, dust and traffic from construction of other nearby TOD SSDs which are currently being assessed for approval by the DPHI for approval namely, 27-29 Tryon Road; 59-63 Trafalgar and 1a and 1b Valley Road; 24 and 26 Russell Avenue; 11-19 Middle Harbour Road; 16-20 Middle Harbour Road; 24.26 and 28 Middle Harbour Road and 5-7 Middle Harbour Road; 2-4 Woodside Avenue and 1-3 Reid Street; and 2-8 Highgate Road which are all proposed within the 400 -500 metre radius on the east side of the Lindfield railway station. This list does not include the 8 TOD SSD proposals currently being processed by either council or the DPHI on the west side of Lindfield railway station and the Pacific Highway.

Ground and Groundwater Conditions

- The excavation for three basement levels of basement carparking will remove the topsoil and thus sterilise the site of future remnant regrowth of tall endemic canopy trees such as Sydney Turpentine Ironbark trees and Blue Gums which are itemised as indicative endemic replacement trees on the landscape concept plan.
- The deep soil setbacks on boundaries will be minimised from 6 m to 3m or less due to hard paving and pathways indicated in the landscape concept plans. The proposed setback of deep soil areas will not support the growth of endemic canopy trees such as on the indicative plant palette of Sydney Turpentine, Blue Gums or Angophoras if they are to establish and thrive.

Trees and Landscaping

- The SSD proposal plans to remove 29 trees and 4 tree groups including the endangered and protected Sydney Turpentine or Eucalyptus pilularis.
- The Keystone Ecological Biodiversity report states *"The proposal will remove almost all of the current extent of STIF on site. STIF is already highly fragmented in its local occurrence. These do not represent important areas of habitat and therefore the loss of the small isolated patches on site will not significantly increase fragmentation or isolation. Connectivity across the landscape will be virtually unaltered with no appreciable increase in distance between fragments in the immediate vicinity due to the very small size of the patches on site and the retention of STIF trees around the edge of the proposed development."* However, the report does not explain or remedy how the STIF on adjoining 7 Nelson Road and Lightcliff Avenue properties will be protected from the impacts of deep excavation from the proposed 3 basement parking levels within a few metres of the neighbouring boundaries.
- Only 26% deep soil cover of the required 50% deep soil area is proposed which is not compliant with councils standards.
- The concept plan indicates that the deep soil areas will be covered with large areas of paving in front of each dwelling or by pathways.
- The lack of deep soil area will significantly reduce the ability for canopy trees to grow to provide privacy, shade or to mitigate the excessive height and bulk of the development.
- Ku-ring-gai LGA's character is its iconic majestic tall canopy trees with homes nestled within the tree canopy. This tree canopy contributes significantly to the liveability of Lindfield. Canopy provides protection from over-exposure to UV radiation, improves air quality, cools local environments and supports wildlife habitat.
- FOKE holds serious concerns for the on-going survival of Ku-ring-gai's two Critically Endangered Ecological Communities (CEEC), as remnants such as Sydney Turpentine Ironbark Forest (STIF) trees (CEEC), and Blue Gum High Forest trees (CEEC) remnant of which exist in private gardens. As these Threatened Ecological Communities (TEC) are both listed under NSW (Biodiversity Conservation Act 2016) and Commonwealth (Environment Protection and Biodiversity Conservation Act 1999) legislation, any planning decisions and removal of remnant trees that contribute toward their extinction should be rejected.

- The removal of 29 trees and 4 tree groups will result in habitat and canopy loss. This will severely impact on nesting, food and shelter for birds, possums and other wildlife, fungi and insects which are prevalent in Lindfield and Ku-ring-gai.
- The proposal will have a detrimental impact on the existing landscape character in Nelson Road. Only 3 trees are proposed to be retained along the front setback and front verge. New trees take years to grow and establish and will depend on the care they are given and the amount of deep soil provision which is already significantly compromised by excessive hard surfaces such as proposed paved areas, driveway and pathways.
- There are several neighbouring canopy trees marked on the concept landscape plan situated along fence lines within neighbouring properties that will be at severe risk of root damage from the deep excavation for 3 basement carparking levels within metres of the root zones.
- The removal of 29 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 significant loss of 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 controls will result in significant loss of tree canopy.
- The proposal does not provide adequate and sufficient areas for deep soil and the planting of canopy trees which will lead to a net loss of trees not a gain.

Ecologically Sustainable Development (ESD)

- SLR Consulting Australia Pty Ltd (SLR) were engaged by Castle Hill No.3 Pty Ltd to provide a qualitative Ecologically Sustainable Design (ESD) assessment for the proposed development at 1-5 Nelson Road, Lindfield. The report confirms some ESD measures will be implemented but concludes *"The report body contains recommendations regarding other ESD features, such as a mechanical ventilation system, domestic hot water, other appliances, and operational waste. These features will help achieve significant reductions in energy and water required by the development both in building and operation, in addition to ensuring that the residential units are pleasant spaces to reside. It is recommended that the proposed ESD initiatives continue to be developed and implemented throughout this project."* Hopefully the recommendation will be carried out.
- 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 proposed development fails currently as a net zero building.
- 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

- The importance of maintaining and enhancing the extensive tree canopy in Ku-ring-gai is a key issue because the canopy enables "biolinkages" with the surrounding National Parks for a wide variety of species.
- Ku-ring-gai is described as *"exhibiting environmental splendour of such a scale it is of national significance."* Unique features of Ku-ring-gai include: Most of the last remnants in the Sydney "bioregion" of the toweringly tall Blue Gum forests (the "bioregion" extends from Nelson Bay to Bateman's Bay and from the coast to the mountains). The largest number of threatened species (plants and animals) in the bioregion for a local

government area. It is noteworthy that Ku-ring-gai has similar numbers of bird and plant species as the entire British Isles. 4 National Parks in and around Ku-ring-gai: Ku-ring-gai Chase National Park Lane Cove National Park Garigal National Park Dalrymple Hay Forest National Park (Nature Reserve).

- The Keystone Ecological Report has not carried out complete study of the biodiversity within the site or within the vicinity.
- The Keystone Ecological Biodiversity report states "*The proposal will remove almost all of the current extent of STIF on site. STIF is already highly fragmented in its local occurrence. These do not represent important areas of habitat and therefore the loss of the small isolated patches on site will not significantly increase fragmentation or isolation. Connectivity across the landscape will be virtually unaltered with no appreciable increase in distance between fragments in the immediate vicinity due to the very small size of the patches on site and the retention of STIF trees around the edge of the proposed development.*" However, the report does not explain or remedy how the STIF on adjoining 7 Nelson Road and Lightcliff Avenue properties will be protected from the impacts of deep excavation from the proposed 3 basement parking levels.
- 29 trees and 4 tree groups are proposed to be removed. Trees provide critical wildlife corridors to the neighbouring bushland reserves containing flora and fauna biodiversity.
- 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 Ku-ring-gai or the Powerful Owl (*Ninox strenua*) and other local birds and wildlife. The grey headed flying fox colony fly directly over Lindfield each night to the areas they forage for food.
- It is not unusual for local Lindfield residents (as in the case of my residence which is situated within 250m of the Nelson Road properties) to find the carcass of ring-tailed possums in their gardens which is evidence of the Powerful Owl presence in the area.
- 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 in the rail corridor.
- The ABC radio program, [How many animals REALLY live in your house?](#) found that in one Brisbane suburban house over 1,150 unique species of animals, plants and fungi were identified over a 12-month period. The applicant needs to provide a similar long-term study for the biodiversity that exists within the locality of the proposed development.

Water Management

- The proposal only provides the Morrow 'desk top' Geotechnical Study does not include a full geotechnical report satisfying the requirements as only a preliminary site investigation has been conducted. Until such time as this requirement is met this proposal should not be rejected.
- 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 rebuilt.
- Any stormwater runoff leading into Garigal National Park will create environmental degradation through weed and pollutants from increased stormwater from the hard surface of the SSD proposal.
- It is unclear what measures are to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements.

Social Impact

- The development will dramatically and negatively impact on the sense of community and what residents value about living in Lindfield which is losing its community/village feel.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly change due to the TOD SSD and LMHR 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 charges. Media reports have suggested that as many as 60% of new apartment blocks have rectification issues.
- Many 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.
- 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.
- SSD proposals will increase the demand on 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 ability as to uptake of a significant increase in population of thousands of new residents. The 17 TOD SSDs being assessed currently for Lindfield support an increase of over 5000 additional residents which is doubling the population of the current Lindfield TOD area.

Flood and Climate Risk

- 1-5 Nelson Road is situated within the Gordon Creek Catchment. Surprisingly, the proponent has not referred to the flood study carried out in 2023 by Ku-ring-gai Council which is relevant to this proposal being in the catchment of Gordon Creek Catchment area. Ku-ring-gai Council engaged BMT in February 2023 to conduct flood studies and as a result released the "Middle Harbour Southern Catchment Study". The key findings of the council's 2023 study include:
 1. *"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."*
 2. *"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, Moore's 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."*
 3. *"Due to the short flood warning time available and the high hazard flow present within urban areas a large portion of the catchment would likely be isolated during major flood events, although it is unlikely that this isolation would extend beyond a few hours. However, consideration should be given to this potential isolation when considering future placement of vulnerable communities or critical infrastructure in the catchment. Overall, the outputs of this study provide an improved understanding of flood behaviour that will aid in Council's management of flood risk and establish the basis for subsequent floodplain management activities"*
- S&G's report A flood impact and risk assessment (FIRA) is "to be detailed later". S&G limits their liability as their report is limited to "visual observations and to the information

including the referenced documents made available at the time when this report was written”.

- The proponent’s report by S&G Consulting indicates the stormwater and water sensitive urban design will only be dealt with at the DA stage which is unsatisfactory considering there are flood and pooling issues to consider relating to Lightcliff Avenue and Nelson Road referred to in the council’s flood study. The S&G report ends with this recommendation:

“A comprehensive geotechnical investigation is essential before advancing with the design and construction process. To ensure that the proposed development is built on a stable foundation, a detailed investigation should be carried out within the designated footprint of the development area.

The Intrusive investigation can be used to assess the nature and sequence of the subsurface strata, including physical and mechanical properties for use in specifying geotechnical design parameters. The investigation must consist of at least five boreholes extending to a minimum depth of 5 m below the proposed excavation level.

Furthermore, geotechnical inspections and verifications may be necessary during construction to confirm that design requirements and assumptions are met. These assessments can include verifying foundation materials, assessing soil/rock bearing capacity for shallow footings, and inspecting bored piles.”

- Ku-ring-gai being has experienced extreme climate-driven weather events including wild storms in recent years (2020) that have brought down canopy trees and led to electricity blackouts. Blackouts in Lindfield have been more prevalent in recent years.

Bushfire Risk

- The applicant has not provided a bushfire assessment risk report. Ku-ring-gai is one of the most fire prone local government areas in Sydney, particularly in Lindfield with its close proximity to bushland valleys that connect to the Garigal National Park, which could spread to Nelson Road by ember attack, intense fire smoke and even house to house ignition occurred in the West Lindfield fires in January 1994.
- Nelson Road is approximately 200-400m as the crow flies from Seven Little Australians Park. Seven Little Australians Park which adjoins Garigal National Park.
- With Ku-ring-gai surrounded by 3 National Parks and with increasing temperatures there is the potential for bushfires in Lindfield. The January 1994, bushfires in the West Lindfield area destroyed at least seven homes on Winchester Avenue, and damaged others. These fires were part of a larger outbreak that impacted the northern Sydney region, including the Lane Cove National Park during the 1993-94 Australian bushfires. The fires were fuelled by high temperatures and strong north-westerly winds, spreading rapidly and causing significant damage.

Public Space

- There is no sports field, playground or park within an easy walking distance from the Nelson Road proposal. The closest sports fields, parks or playground is approximately 1 km walking distance to Tryon Road Oval, East Lindfield, Bert Oldfield Park, Killara is 1.7km away, Regimental Park, Killara is 1.9km away or Roseville Park 1.6km away from the proposed development.
- The Lindfield Village Green behind the Lindfield Avenue shops is generally green open space, lawn with limited seating, no playground facilities, and a dysfunctional water feature. The Green is primarily for the benefit for the residents who reside in the units above the shops within the shopping precinct or visitors to the centre as an outlook from the businesses/cafes surrounding it.

- The SSD proposal will overwhelm existing centre open space and reduce liveability for the present and future population. There are no new parks or playgrounds planned for the east side of Lindfield in the Lindfield Public Domain Plan.
- The only provision of communal open space is on Level one within the building or Level 9 which will be impacted the adjacent train line and and traffic noise and pollution from the significant traffic in and around Lindfield railway station, shopping precinct and Pacific Highway all within 500m of proposal.
- Considering there will be families living in the 2 and 3 bedroom units there is no safe play areas for the children to ride bicycles or to exercise or for playground equipment to be in the plans. The communal space is designed for adults as quiet retreats and not for young children who will come to live there.
- The communal open space on the ground level is directly facing the neighbour's property at 7 Nelson Road reducing the privacy and potentially generating unacceptable privacy and noise levels from the significant number residents who will reside at 1-5 Nelson Road.

Community Benefit

- The SSD proposal offers no benefit to the existing community and will overwhelm existing infrastructure and local community services.
- The need for high amenity as part of the proposed development is particularly important given the fact that the nearest public park is significantly greater than the accepted 400m walking distance from the proposed development.

Community Housing Provider (CHP)

- Landmark Group Property Management Pty Ltd has been assigned to the management of the 24 affordable rental units of which will be 'affordable' for only 15 years.
- In checking the reviews for this company the Landmark Property Management Group Pty Ltd appears to have a mixed reputation, with some employees experiencing positive and negative aspects of their work environment. The company has also received both positive and negative feedback regarding their handling of client and tenant issues. Some reviews suggest potential improvements in streamlining processes and providing more support to both employees and clients.
- It will be very important to vet the proposed CHP providers by the DPHI and council to ensure that they act in the best interests of the people renting the 'affordable' units.
- The report states that the location of affordable housing apartments is indicative in the **concept scheme** and will be determined at the Detailed SSDA Stage and will ensure a **reasonable** provision of residential amenity. This is totally unsatisfactory. The housing scheme should be a top priority for the provision of affordable rental accommodation.

Affordable Housing

- Provision of affordable housing units, operated by Landmark Group Property Management Pty Ltd, should be provided in perpetuity (beyond the 15-year minimum requirements), otherwise the population will once again be displaced in 15 years and lose established networks and area connections leading to social issues.
- There is general concern in the community that the 'affordable' component of the apartment block will not be 'affordable' and there are valid questions as to how the 'affordable' units will be managed by the CHP. Residents are questioning whether the affordable component of 24 units end up being market price units following construction.

Insufficient Environmental and Infrastructure Studies

The applicant has failed to provide critical SSDA information (e.g. to support the intensified SSD proposal of nine storeys. Without these verified independent studies, the SSD risks

unsustainable development, straining local infrastructure and exacerbating environmental degradation.

Conclusion

In summary the proposed development:

1. Not compatible with the desired future character
2. Fails to comply with KLEP 2015, KDCP, SEPP (Housing) 2021 and ADG standards.
3. Overshadows neighbourhood properties and dominates heritage listed properties.
4. Inadequate setbacks, building separation and visual privacy.
5. Impacts on the development potential of adjoining sites.
6. Inadequate solar access to dwellings and inequitable solar access to affordable housing.
7. Inadequate deep soil zones for planting canopy trees.

We reiterate that the State Significant Development Application proposals at 1-5 Nelson Road are not compliant in height, setbacks and should be rejected as it will have a negative and detrimental impact on local heritage, environment, traffic, urban design, neighbourhood character, visual amenity, liveability, tree canopy, open space, infrastructure and community benefit. As such the SSD concept proposal should be rejected.

Thank you for considering the submission. It is to be hoped that the NSW DPIH will consider our concerns and reject the proposal.

Yours sincerely,

Kathy Cowley

Kathy Cowley
PRESIDENT

cc Ku-ring-gai Mayor and Councillors
cc Matt Cross MP Member for Davidson
cc The Hon Alister Henskens SC MP Member for Wahroonga
cc The Hon Scott Farlow MP Shadow Minister for Planning
cc Ms Nicolette Boele MP Member for Bradfield