

Ms Kiersten Fishburn
 Secretary
 NSW Department of Planning, Housing and Infrastructure
 Submitted via the NSW Major Projects Portal

20 May 2025

Dear Ms Fishburn,

Re: Submission to [State Significant Development Residential Flat Building with In-fill Affordable Housing, 3-9 Park Avenue Gordon \(SDD - 78775458\)](#)

Thank you for the opportunity to provide feedback on the State Significant Development Application proposal at 3-9 Park Avenue, Gordon (SSD - 78775458).

Friends of Ku-ring-gai Environment (FOKE) have been strong advocates for the protection of Ku-ring-gai's neighbourhood character, environment, heritage and liveability for the past 30 years.

FOKE wishes to express its objection to the [State Significant Development Residential Flat Building with In-fill Affordable Housing, 3-9 Park Avenue Gordon \(SDD-78775458\)](#) on the following grounds:

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 and future character of Gordon.
- 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 9,012 dwellings in the Gordon Transport Oriented Development area. This FOKE understands 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 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 19 SSDs in Ku-ring-gai as of 20.5.25) 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 before 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.
- The community has strongly expressed that the level of density presented in this development is NOT the 'desired future character' of Gordon.

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.
- The proposed 31-metre-high building will negatively impact on the privacy of neighbouring residents and overshadow them, remove their 'green views' by 'harsh concrete views', both adjacent, opposite and near 3-9 Park Avenue, Gordon.
- The interface between the 9 storey SSD and neighbouring 1-2 storey heritage houses is excessive, incompatible and unacceptable.
- The design is completely out of context with the neighbouring homes of the area.
- The design team has failed to provide adequate consideration regarding the interface with 2 Park Avenue. The interface does not comply with the ADG setback requirements to the upper levels. The 'facade design' solution fails to address privacy concerns. Measures include high windows positioned (at 1.6 meters) and angled window openings are insufficient solutions.

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 Gordon.
- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, streetscape and existing and future character of the locality.
- The applicant showed 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 who will lose their solar access, natural cross-ventilation and outlook.
- The SSD proposal is incompatible with the heritage conservation area on either side of the Park Avenue and Khartoum Avenue.
- The SSD proposal will have negative impacts on heritage items in Park Avenue, including on neighbouring properties.
- The SSD proposal does not respect Park Avenue's history. Park Avenue is one of Gordon's most significant and oldest heritage streets (that predate the 1890s railway line). It is the home of Annie Forsyth Wyatt (1885-1961) founder of the National Trust of Australia (NSW) who led the NSW conservation movement to protect NSW's built, natural and cultural heritage. Park Avenue is also the home of John Job Crew Bradfield (1867-1943) the revered engineer who was the chief proponent of the Sydney Harbour Bridge. On the corner of Park Avenue and Rosedale Road is a garden memorial named after him. The SSD proposal will have a huge detrimental impact to this cultural heritage.

Heritage

- Gordon's 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 for a 9 storey building which will clash with Gordon's low-density aesthetic.
- FOKE has run many Australian Heritage Festival heritage walks over the years that include Park Avenue, Gordon. These guided walks have highlighted Gordon's heritage and environmental values and in particular how the 'natural form' dominates the 'built form'. Recently FOKE organised a 'Gordon Heritage in Peril' walk to celebrate the 2025 Australian Heritage Festival. The overwhelming response from the public was that this area should be protected, not destroyed by a SSD.
- Park Avenue is part of the [Gordondale Estate Conservation Area\(PDF, 88KB\)](#) yet this seems to be ignored by the SSD applicant.



Environmental Amenity

- The SSD proposal fails to demonstrate a "high level of environmental amenity for any surrounding residential or other sensitive land use".
- The height of the building will cause severe overshadowing and deprivation of sunlight enjoyed at the adjoining property in Park Lane and adjacent properties in Khartoum Avenue.
- The extent of the overshadowing is exacerbated by the additional temporary affordable housing bonus. This will significantly reduce the liveability of residents living in 'the affordable units'.
- It is negative that the applicant's report states, "at least they will continue to receive at least two hours of solar access at mid-winter". The report fails to indicate the amount of access they would get presently and what they would get if there was no affordable housing bonus.

Visual Impact

- The height of the proposed building - 9 storeys high (over 30 metres) - will be the tallest building on east side of Gordon and will tower over the Park Avenue ridge dominating the ridgeline and impacting on residents in East Gordon, St Ives and Killara.
- Park Avenue is one of the highest points in Gordon. The height will have a significant negative impact on visual amenity for the neighbouring streets, including those in Heritage Conservation Areas. It will 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.

Transport

- The proposal will have an adverse impact on the existing extreme traffic congestion and exacerbate road and pedestrian danger.
- Park Avenue is one of the few access roads to the Pacific Highway, as well as to Mona Vale Road.
- The traffic generated from this development will endanger pedestrians at the three pedestrian crossings to Park Avenue.
- School buses and NSW Transport buses (used during track work) already cause traffic standstill in Park Avenue.
- Park Avenue is a singular access road across the North Shore Railway line and is already a 'traffic choke point'.
- During life threatening emergency events, emergency vehicles (ambulances, fire engines, police) will not be able to access or leave Park Avenue - as it is the main and only road to the eastern side of Gordon.
- The SSD proposal does not provide the necessary quantitative evidence of vehicle counts and its Traffic Study is insufficient.
- The SSD proposal will result in the lengthy queueing times at the intersection of the Pacific Hwy and Park Street for vehicles wishing to access the Council Carpark, Railway car park, and Pacific Highway (in both directions).
- Park Avenue is only, one of two key access points, for traffic in the Gordon to access the Pacific Hwy. This SSD proposal will further compromise the accessibility for the existing community.
- The traffic report fails to appreciate the poor standards of neighbouring interconnected roads including Rosedale, Khartoum and Robert Street and Werona Avenue as an alternative route to the Pacific Highway (via St Johns Ave). Many of Gordon's roads are narrow, poorly surfaced and heavily parked out.
- The additional traffic from the proposed development will create further congestion and confusion at the Park Street intersection at the unaligned Werona Ave/Pearson Ave crossing.
- The accumulated traffic will endanger cyclists lives despite having a "cycle path" along Park Avenue.
- The proposed additional density will make Gordon Railway Station inaccessible for existing and future residents and commuters. Gordon Railway Station is a major commuter station and the additional street parking by residents will be overwhelm the existing commuter parking capacity and traffic.
- The SSD proposal is unacceptable because of its negative increased contribution to permanent traffic gridlock.
- In case of an emergency vehicles (ambulance, fire, police) will not be able to exit onto the Pacific Highway. This will endanger lives.

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.
- Noise and vibration will have a negative impact on the Grey-headed Flying-fox (*Pteropus poliocephalus*), Powerful Owl (*Ninox strenua*) and local birdlife in and around the neighbouring Ku-ring-gai Flying-fox Reserve.

Ground and Groundwater Conditions

- The excavation for underground carparking will remove the soil and thus sterilise the site of future remnant regrowth of tall canopy trees.

Trees and Landscaping

- The SSD proposal plans to remove many significant trees and reduce the tree canopy cover for the site.
- Ku-ring-gai LGA's character is its iconic majestic trees. This tree canopy contributes significantly to the liveability of Gordon. It 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 Park Avenue's two Critically Endangered Ecological Communities (CEEC), as Park Avenue and neighbouring streets contain Sydney Turpentine Ironbark Forest (STIF) trees (CEEC), and Blue Gum High Forest trees (CEEC). 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 that contribute toward their extinction should be rejected.
- The SSD proposal will remove over 35 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.
- The proposal will have a detrimental impact on the existing canopy cover in Park Avenue.
- The removal of 35 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 requirements for deep soil planting and tree targets and lead to a net loss of trees.

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 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

- As mentioned earlier, Park Avenue contains a large and diverse suite of vegetation communities including Critically Endangered Ecological Communities (CEEC), most notably Blue Gum High Forest (BGHF), and Sydney Turpentine Ironbark Forest (STIF). These ecological communities are located on both private land and on public land (street verges). They provide critical wildlife corridors to the neighbouring bushland reserves.
- FOKE hold serious concerns for the on-going survival of these two CEEC, since along Park Avenue there exists remnant STIF and BGHF trees. It is considered likely that the proposal which results in such high levels of BGHF and STIF clearing and will contribute to the functional extinction of those TEC.
- The SSD proposal site is located very close to the Ku-ring-gai Flying-fox Reserve that is a nationally important camp for the Grey-headed Flying-fox, a species listed as vulnerable under both New South Wales and Commonwealth legislation. The grey-headed flying-fox has suffered major population decline over the last decade and are listed as 'Vulnerable' under the NSW Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999. Eleven other listed species have also been recorded in the Reserve, which includes a known Powerful Owl nest site. To FOKE's knowledge there has been no environmental impact statement about the impact of the development on the Grey-headed Flying-fox (*Pteropus poliocephalus*; GHFF) and Powerful Owl (*Ninox stenua*) and other wildlife.
- The SSD proposal site is also in close proximity to the bushland within the fenced railway corridor, which NSW Rail has signage identifying it as "environmentally sensitive". Echidnas have been sighted in this railway bushland corridor. The applicant has not provided a comprehensive ecological report for this development.
- The north-south railway line near Park Avenue has also been identified as an "environmentally sensitive area" for migratory species who utilise the vegetated ridgeline as they migrate north to south. The loss of the vegetation along the Park Avenue ridgeline could have a significant 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. The proposed SSD could result in permanent loss of this important resource for migratory birds.
- 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 3-9 Park Avenue site.
- The applicant has not justified how the SSD proposal will not have a significant detrimental impact on biodiversity leading to local extinction.

Water Management

- Gordon is renowned for having old and poor sewerage pipes. In 2015 a section of the sewer along Stoney Creek in Ku-ring-gai Flying-fox Reserve (near Park Avenue) was inspected through management holes, relined and seals replaced to avoid overflows¹. 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.
- The stormwater runoff into Stoney Creek and Rocky Creek, 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.
- Garbage trucks could also add to the traffic congestion.

Social Impact

¹ <https://sydneybats.org.au/ku-ring-gai-flying-fox-reserve/history-of-stony-creek-valley/>

- The development will dramatically and negatively impact on the sense of community and what residents value about living in Gordon.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly change due to the SSD proposal.
- 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 Gordon residents, a scientific term that describes the emotional distress felt when existing residents witness the destruction and degradation of their local environment as proposed for 3-9 Park Avenue.

Flood Risk

- On the eastern side of Gordon Railway line, the land slopes gently down to Rocky Creek then onto Garigal National Park. Flooding has been known to occur in Rosedale Road, opposite the Gordon Recreational Park. On Park Avenue's eastern end (Werona Avenue & Pearson Avenue) and western end (Rosedale Road) the land slopes steeply, thus presenting a flood risk to downstream neighbours. The stormwater from the proposed SSD presents a flood risk to Gordon and should be a reason for its refusal.
- FOKE notes that Gordon has experienced extreme climate-driven weather events including wild storms in recent years (2020) that have brought down trees and led to electricity blackouts.

Bushfire Risk

- Ku-ring-gai is one of the most fire prone local government areas in Sydney, especially in East Gordon and St Ives with its close proximity to bushland valleys that connect to the Garigal National Park, and which could spread to Park Avenue, with amber attack, intense fire smoke and even house to house ignition as occurred in Los Angeles fires in January 2025.
- With a bushfire in East Gordon and St Ives residents may need to urgently evacuate. If Park Avenue has the traffic congestion intensified by the SSD proposal, then people may not be able to evacuate and could be trapped in their cars and die.
- The high-density SSD proposal for 3-9 Park Avenue Gordon up to 800m from the station, could heighten bushfire risks by placing more residents in bushfire danger without adequate mitigation measures. The applicant needs to provide more thorough bushfire risk assessments.
- With increasing temperatures there is a real issue that there will be a bushfire.

Public Space

- Gordon has the lowest ratio of usable open space/sportsfields/playground provision per head of population in Ku-ring-gai. The SSD Proposal will overwhelm existing open space and reduce liveability for the present and future population.

Community Benefit

- The SSD proposal offers not benefit to the existing community and will overwhelm existing infrastructure and community services.

Insufficient Environmental and Infrastructure Studies

FOKE emphasizes that the applicant has failed to provide critical studies (e.g., environmental, traffic, parking, water, sewerage, and utilities) 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

Friends of Ku-ring-gai Environment (FOKE) is of the view that the State Significant Development Application proposal at 3-9 Park Avenue, Gordon (SSD- 78775458) should be rejected as it will have a negative and detrimental impact on heritage, environment, traffic, urban design, neighbourhood character, visual amenity, liveability, tree canopy, open space, infrastructure and community benefit. As such FOKE requests that this SSD be rejected.

Thank you for considering FOKE's submission. It is to be hoped that the NSW DPIH will take on board 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 Paul Scully MP Minister for Planning and Infrastructure

cc The Hon Scott Farlow MP Shadow Minister for Planning