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**Subject: Objection of Overdevelopment at Burgoyne Lane / Street, Pearson Avenue, Gordon**

Dear Minister,

I must clearly express my disapproval of Develotek's planned development at the above forementioned location, Gordon (SSD - 82395459).

I'm a 97 year-old resident who raised her three young children on the upper North Shore. I'm appalled to review a proposal which essentially punishes private owners of surrounding heritage-listed properties who are conserving and preserving Sydney's historic significance for future generations.

Critical attention must be given to what holds **"State Significance"**, including Sydney's unique heritage homes and the Gordondale Heritage Conservation Area (HCA), **made meaningless by this proposal**.

We must adopt a more forward-thinking approach. As NSW Heritage Minister Penny Sharpe recently pointed out, NSW lacks a comprehensive heritage strategy<sup>1</sup>. The need for action is urgent!

This development serves to manipulate 'affordable housing' and 'Transport Oriented Development' planning laws, seeking quick approval for an outsized project which would **imminently be rejected** under Ku-ring-gai Council's Preferred Alternative Scenario, which is due to be gazetted around the same time as the exhibition period for this SSD closes, delivering enhanced housing supply and affordability overall, in particular, within this TOD suburb.

Due consideration **must been given to critical planning consideration** in a location underpinned by its heritage value, historical significance, and environmental importance. A one-sized blanket approach is entirely unacceptable in this location. On this basis alone, the proposal is incapable of acceptance.

I have taken the time to meticulously analyse and assess the Developer's application and I'm baffled at the misleading and deceptive nature of the submission, including flawed methodologies biased in favour of the Applicant, and sweeping generalisations, aimed at emotionally leveraging the Government's sensitivity to housing supply and affordability as the basis for its justification. Only the minimum required affordable contribution is proposed (i.e. 2% of GFA), with most of these proposed apartments set to remain unaffordable.

Below outline a few critical issues pertaining to this application which illustrate its disingenuous and misleading nature, and erroneous conclusions. Given this, **the application must be dismissed**.

- **Heritage assessments** justifying its acceptance based on "back yards, fencing, vegetation, and tennis courts", with design attributes tokenistic (e.g. bricks).
- **Design claims** it is "suitable in scale" yet breaches TOD limits and surrounded by low-rise heritage listed dwellings and a HCA.
- **Contextual setting** downplayed, assuming development in the Gordondale HCA up to 22m immediately South of the site, yet the Council has explicitly called for this area to be

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<sup>1</sup> Revealed: The plan to protect Sydney's heritage buildings, Julie Power, SMH, 18 May 2025.

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“fully protect” (refer Appendix 1). The State Government has also confirmed any TOD development in these areas **must be assessed by Council**<sup>2</sup>.

- **Visual privacy** impacts appear greatly distorted based on digital overlays to downplay accurate impacts, with claims “proposed vegetation” will sufficiently mitigate impacts. Further weakness is illustrated by statements the “windows and balconies will provide good passive surveillance of the surrounding streets”.
- **Overshadowing assessments** conclude appropriateness based on shade in an otherwise area of full sun is a “good outcome”.
- **Ku-ring-gai Council’s Preferred Alternative Scenario** is dismissed on the basis it is “yet to be finalised”, rather than acknowledging it specifically excludes this area for development given its historical significance and biodiversity value (refer Appendix 1).
- **Social impacts** belittled based on flawed visual analysis, inappropriate community consultation and engagement for a development of this magnitude (breaching DPHI requirements), and traffic impacts are understated in an area already stretched.
- **Environmental impacts** are de-emphasised – the eradication of 62 mature, established, and exotic trees dating back to Federation and critical to Ku-ring-gai’s tree canopy and green-web is major environmental destruction.
- Finally, no **option analysis** was assessed regarding feasible alternative locations, contravening EP&A Regulation. I note under Council’s Preferred Alternative Scenario, greater housing supply and affordability outcomes would be delivered in this suburb

Yours sincerely,

Norma Hale

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<sup>2</sup> <https://www.planning.nsw.gov.au/policy-and-legislation/housing/transport-oriented-development-program/transport-oriented-development/#-frequently-asked-questions-> (refer answer to question: ‘Will the policy apply in heritage conservation areas?’).

**Appendix 1 - Extract from Ku-ring-gai Council's Preferred Alternative Scenario outlining the 'Reason for Exclusion and Detail Plan' in relation to the proposed development site.**

Location	Site Refer Figure #	Description	Property Included in TOD	Property Included in Preferred Scenario	Reason for Exclusion and Detail Plan
Gordon	1	Portion of Burgoyne Street - Pearson Avenue	Yes	No	<p>This block consists of seven properties (3A, 3B, 5A, 7 Burgoyne Street, 1 &amp; 3 Pearson Avenue, and 4 Burgoyne Lane). These properties are located on the edge of the revised TOD boundary neighbouring low density housing to their north and C12 Gordondale Estate Conservation Area to their east and south.</p> <p>There is a high concentration of Heritage Items adjoining this block which would likely limit its development potential. Furthermore, one of the properties (3A Burgoyne Street) contains biodiversity that supports core biodiversity land.</p> <p>Unlike TOD, the Preferred Scenario excludes these seven properties from high density development. This is to avoid interface impacts on the adjoining Heritage Items and C12 Conservation Area which is proposed to be fully protected. This is consistent with <b>Principle 1 - Avoid Environmentally Sensitive Areas, Principle 2 - Minimise Impact on Heritage Items, Principle 3 - Preserve Heritage Conservation Areas, and Principle 5 - Manage transition impacts.</b></p> 