

Subject: Objection to Develotek Development Proposal: Burgoyne Lane / Street, Pearson Avenue, Gordon

To whom it may concern:

I am writing to formally object to the above forementioned development proposal (SSD - 8239 5459) 78775458). It's concerning to see that the project, as described, places profit above the protection and preservation of this area's heritage and the environment.

This initiative appears to opportunistically exploit 'affordable in-fill housing' and 'Transport Oriented Development' planning laws to fast-track approval for a set of overbearing and excessive high-rise Apartments, violating fundamental planning principles which **should see this site explicitly excluded from development**.

The proposal neglects the historical significance of the area, dating back to the 1830s. According to the NSW Heritage Manual¹ and case law² context, streetscape, and visual integrity are crucial, which this proposal does not respect.

Rationale for the project is based on the Developer's view of "future desired density", however disregards the existing context, being a high concentration of heritage listed dwellings and the Gordondale HCA, immediately to the south of the site. The blatant disregard for this critical interface is further exposed by the following:

- Lack of regard to Council's Preferred Alternative Scenario, which has now been formally endorsed, calling for explicit preservation of this location, given the heritage significance and value of this area, together with its environmental importance. **Four critical planning principles are breached by this proposal, noting Council's Scenario exceeds the State's housing and affordability targets, particularly in Gordon**
- Design characteristics, which includes the bulk of the built form to the southern end of the site, towering 26m high (breaching TOD controls), destroying sight-lines and the privacy of numerous residents, with no regard to heritage cohesion
 - *This is particularly evident where the Developer claims the design is "most appropriate" given it locates the bulk away from the northern boundary, but has scant regard to the impact of the development on surrounding listed heritage items and the Gordondale HCA immediately south of the site*
- Only a 3m laneway (i.e. Burgoyne Lane) and private owners' deep back-yards, tennis courts, and vegetation justified as providing appropriate transition between a high concentration of low-rise heritage listed dwellings and high-rise built form, creating an abrupt and jarring interface, violating Council's recommendation this area is excluded from development (given transition impacts)
- Misleading assertion that the Gordondale HCA may be developed up to 22m high (refer Figure 19, page 65 EIS), when Council has sole responsibility for determining development in this zone (as confirmed by the State), and Council has explicitly called for this HCA to be "fully protected"
- Visual impacts distorted by assessing impacts at the lowest topographic points from surrounding locations, vs acknowledging elevations of homes along Park Avenue, and therefore accurate extent of significant visual intrusion

¹ NSW Heritage Manual (pages 4 and 7).

² Scott v Woollahra Council [2017] NSWLEC 81, which upheld that visual relationships and setting between heritage items are material to their ongoing value.

Millers Point Community Assoc Inc v Property NSW [2015] NSWLEC51, which found that the social and environmental context of heritage items was critical to their assessed significance.

- Disregarding social impacts of the community by misrepresenting and selectively excluding feedback relating to concerns around heritage preservation and protection, along with attributing issues to TOD planning legislation when issues are project specific

It is further concerning to review the extent of misleading and deceptive representations regarding other critical considerations, including:

- Overshadowing - that it is a “good outcome” given surrounding back-yards are otherwise in full sun
- Claims the “majority of on-site trees are retained” when the report clearly indicates 62 of the 115 trees are set to be destroyed, causing extensive and irreversible environmental devastation (with many trees contributing to Ku-ring-gai’s green-web, Blue Gum High Forest, critical wildlife)
- Community consultation and engagement - there has been a complete failure to properly engage for a development of this magnitude, breaching DPHI requirements. A high-level flyer, one day of door knocking, and community feedback selectively ignored, puts into question the integrity of the entire application
- Traffic - one only needs to review traffic along Park Avenue, Peason Avenue, Werona Avenue to understand the traffic in this area is operating at capacity and therefore it cannot be concluded as having “minimal impact”

Finally, no alternative sites were assessed, despite EP&A requirements to do so and Council’s Scenario providing far reaching development opportunities, which would not impact the heritage significance or the environmental importance of this location.

For the myriad of reasons articulated above, it is imperative this proposal is rejected by the State.

Regards,
Michelle Shannon