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12 June 2025

Minister for Planning & Public Spaces
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

RE: SSD-82395459

HERITAGE IMPACT REVIEW—3A-7 Burgoyne Street, 1 and 3 Avenue, and 4 Burgoyne Lane, Gordon

1.1 Purpose

The Property Owner of 16 Park Avenue, Gordon, engaged Touring the Past Pty Ltd to conduct an impartial heritage review of the potential impact of the State Significant Development Application (SSDA) for the demolition of existing structures and tree clearance to facilitate the construction of pair of residential flat buildings of seven-to-eight stories at 3A-37 Burgoyne Street, 1 and 3 avenue, and 4 Burgoyne Lane, Gordon (subject site).

The proposal (SSD-82395459) is lodged under the *State Environmental Planning Policy (Housing) 2021* and seeks to take advantage *inter alia* of the Transport Oriented Development (TOD) policy (gazetted on 13 May 2024). The development is currently on exhibition. The Minister for Planning and Public Spaces is the consent authority. The LGA is Ku-ring-gai Council.

1.2 Methodology

The author of this report is an appropriately experienced independent built heritage practitioner.

This report's assessment is informed by a non-invasive ground truthing of the subject place (from the public realm) and its immediate and broader setting undertaken in mid-May 2025.

The terminology and principles in this document are based on sound, values-based heritage management approaches, as expressed in *The Australia ICOMOS Charter for Places of Cultural Significance* and *The Burra Charter* (rev. 2013). The *Burra Charter* provides a philosophical underpinning to heritage practice in Australia. While it must be read holistically, the following definition is considered to be of particular relevance to the assessment of heritage impacts associated with the proposed development:

Article 8. Setting

Conservation requires the retention of an appropriate setting. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Due heed is taken of the Government Architect NSW's *Better Placed: Design Guide for Heritage* (2019) and *Guidelines for preparing a statement of heritage impact* (June 2023) prepared by the NSW Department of Planning and Environment.

Particular attention has been paid to the following documents:

- Marches Partners Internal, *Burgoyne Street, Gordon et al*, architectural drawings dated 22 April 2025
- Mike Cass Creative, *Landscaping plans*, 23 March 2025
- Weir Phillips Heritage Statement of Heritage Impact (SoHI), dated April 2025
- Audax Urban, *Visual Impact Assessment*, 27 April 2025

The document entitled *Guidance to Transport Oriented Development* (TOD), issued in May 2024 by the NSW Department of Planning, Housing and Infrastructure, has also been reviewed, including its explicit acknowledgement that the TOD planning policy is intended to co-exist with culturally significant heritage places and their settings.

This report has also taken into account Ku-ring-gai Council's Preferred Scenario Exhibition Document (4 April 2025), particularly in relation to the Gordon Transit Oriented Development (TOD). Having reviewed the affected land in person and the related nearby heritage assets, I support the Council's position that the subject site should be excluded from the TOD, as the heritage and environmental impacts that would inevitably emanate from a dense mid-rise development at this location would be detrimental and challenging to mitigate.

1.3 Assessment

From a heritage impact perspective, the key question is whether or not the proposed works in their current form would have an acceptable effect on the setting of the adjoining and nearby heritage places; i.e. those historic sites within the practical viewshed of the development. These heritage places have been identified in Section 4.1 of the Applicant's SoHI, along with their Statements of Significance and *inter alia* a summary setting description.

These heritage interfaces are most sensitive to the east and south of the subject properties, where there is a definable historic environment of early-to-mid 20th-century high-end suburban development—a type that is integral to the identity and broader character of Ku-ring-gai.

In my view, it is a self-evident finding of the SoHI—albeit under-emphasised within that document—that the existing low-scale suburban context, along with its mature tree canopy, are defining aspects within the setting of the identified heritage assets and the heritage conservation area. It is self-evident that the articulated significance of the affected heritage places is, at the very least, complemented and strengthened by their well-established settings of one to two-storey buildings (mainly residences) and verdant landscaping.

It is an entrenched heritage planning concept that the setting of a culturally significant place should be managed with due sensitivity.

Sustaining heritage values requires more than not physically impacting the built fabric or maintaining some unobscured public realm sightline/s. Such objectives are the bare minimum. It is a deeply-seated tenet of the *Burra Charter* and the heritage policy of the *Ku-ring-gai Development Control Plan* that serious consideration is given to the visual and sensory

character of sites that are deemed culturally significant at a holistic level (not just their street frontage) as well as their commensurate setting.

The expectation that a new tall development should actively and sympathetically respond to an established historic setting need not necessarily undermine the Housing SEPP's higher density objectives. However, it does require thoughtful development responses and is often not conducive to achieving an unbounded development yield.

The proposal in its current form is readily interpretable as one that has paid little genuine heed to safeguarding the setting of the nearby heritage places. The weight afforded by the SoHI to an assumed hypothetical future of domineering tall developments in the vicinity of the subject sites, as opposed to the reality of the existing built and historic environment (the latter of which is excluded from the TOD), raises concerns for me as to the exactitude and rigour of the heritage impact assessment that has taken place.

In my view, the establishment of a pair of notably 'top-heavy' seven-to-eight-storey flats (maximum height of 26 metres), accompanied by extensive mature tree clearance, at the subject site would have a blatant and adverse impact upon the setting of the relevant heritage places to the east and south. The impact would unduly diminish their significance.

The height differential and sheer corpulent bulk of the scheme would result (into perpetuity) in an aggressive and dominating visual relationship with the 'in the vicinity' heritage places. Whether looming in the backdrop of the heritage items that address Park Avenue or Garden Square, or through the uncomfortable contrast that would occur with the development and the adjoining heritage place at 9 Burgoyne Street (Item I1), the presence of this development within the setting of this historic environment would be inescapable and overriding.

Realistically, the various 'mitigatory' design measures discussed by the SoHI can only have a finite effect on alleviating the core problem, which is that the scheme's scale is overly ambitious for its context, and would prove too discordant and incompatible with the close setting of culturally significant places.

The solution is not complicated. Should Council's preferred scenario for the subject site not be implemented, then the only means of meaningfully reducing the magnitude of the proposal's heritage impact is to reduce its overall footprint, height, and its conspicuousness 'top heaviness'.

To this end, I make the reasonable recommendation that the height of the proposal above ground to the south and east boundaries of the subject site be reduced to three storeys (maximum height 9.5 metres), with higher levels strategically positioned to be at least substantially concealed from these more heritage-sensitive interfaces. This would result in a more moderated but still dense built form that would have a far more considerate transition to the low-scale historic sites in the east and south. Serious consideration should also be given to reducing the visual heftiness of the built form, particularly to its upper levels, to ensure a more deferential development altogether.

Please contact this office if you have any queries in relation to the above.

Yours faithfully,

Patrick Wilson

PATRICK WILSON

Director and Principal Heritage Consultant

Touring the Past Pty Ltd

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