

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

12 June 2025

Dear Ms Fishburn,

Re: Objection to State Significant Development Application SSD-82395459 – Proposed Residential Flat Buildings at [3a,3b,5a, 7 Burgoyne and 1&3 Pearson Avenue and 4 Burgoyne Lane, Gordon](#) (SSD-82395459)

Friends of Ku-ring-gai Environment (FOKE) is a community organisation that advocates for the protection of Ku-ring-gai's neighbourhood character, environment, heritage and liveability since 1994.

Recently FOKE recently celebrated World Environment Day (5 June 2025)¹ by holding the event - [Sydney's environmental heritage – Ku-ring-gai](#) and which was posted on the [United Nations Environment Programme \(UNEP\) 2025 World Environment Day map](#). During this event, FOKE highlighted its concern about the SSD development at [3a,3b,5a, 7 Burgoyne and 1&3 Pearson Avenue and 4 Burgoyne Lane, Gordon](#) (SSD-82395459) as it is located in one of the most environmentally sensitive areas of Gordon that includes high biodiversity values, particularly its 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. The excessive scale of the SSD development, with 106 apartments, is too intense for this site and will lead to fragmentation of vital wildlife corridors.

As such, FOKE wishes to express its strong objection to the proposed development at [3a,3b,5a, 7 Burgoyne and 1&3 Pearson Avenue and 4 Burgoyne Lane, Gordon](#) (SSD-82395459).

Statutory Context and Development Standards - Non-Compliance with SEARs

- 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.
- The 7,000+ sqm development on Burgoyne Street, Burgoyne Lane and Pearson Avenue, Gordon is completely out of scale and character with the surrounding heritage conservation areas and heritage houses.
- 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

¹ <https://www.foke.org.au/ku-ring-gai-goes-global-2/>

the recommendation that Ku-ring-gai Council adopt the amendments to the KLEP 2015 as attached to its Council Report of 5 June 2025 and forwarded to the DPHI.

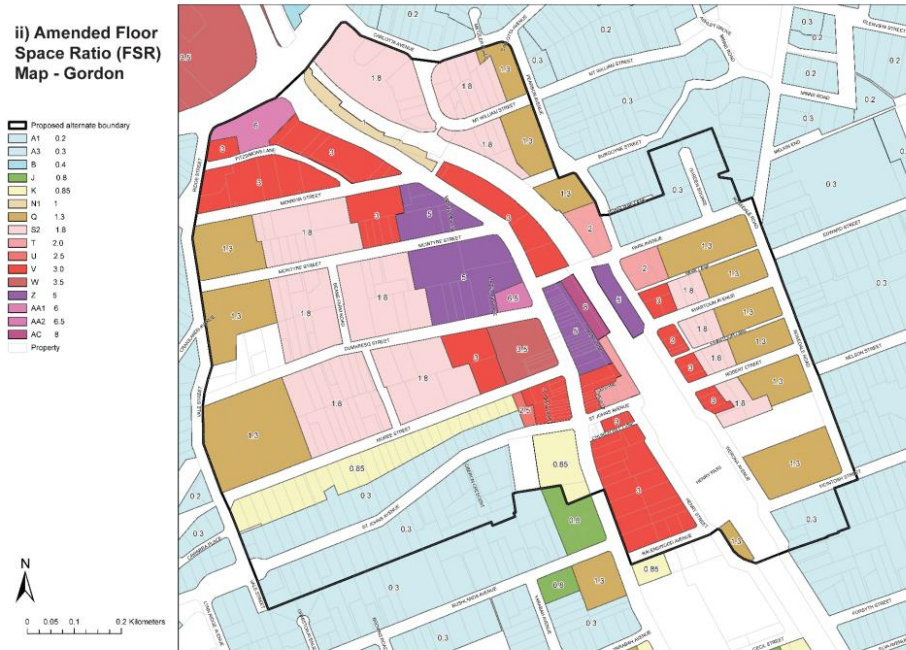
- Ku-ring-gai Council has undertaken strategic planning for an alternative Transport Oriented Development (TOD) to cater for approximately 9,012 dwellings in the Gordon Transport Oriented Development area. FOKE understands this to be part of a mediation agreement between Ku-ring-gai Council and the NSW Government following a legal challenge at the Land & Environment Court. To undermine Ku-ring-gai Council's new 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 20 SSDs in Ku-ring-gai as of 30.5.25) 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 proposal does not align with Ku-ring-gai Council's TOD Preferred Alternative Scenario (5 June 2025) and ignores its critical planning principles that specifically excluded the Burgoyne Street and Park Avenue precinct from development, due to the heritage and biodiversity significance.

The Environmental Impact Statement (EIS) fails to align with the amended Local Environmental Plan (LEP) maps and clauses submitted to the Department of Planning, Housing and Infrastructure (DPHI). The applicant's heritage impact statement is insufficient and undermines Ku-ring-gai Council's commitment to retaining heritage significance in TOD areas. The proposal's proximity to HCAs risks transitional impacts, and unacceptable overshadowing, interface impacts and loss of privacy to neighbouring and heritage listed properties.

The proposal is destructive to managing transitions between high-density R4 zones and lower-density R2 heritage conservation areas.

The applicant's EIS fails to align with Council's alternative TOD boundary, which excludes Low and Mid-Rise Housing Policy application within the TOD area to protect HCAs. The proposed development's reliance on TOD SEPP controls, rather than the Council's Alternative Plan, undermines local planning efforts.

The proposal contravenes the resolution for Ku-ring-gai Council's TOD alternative – preferred scenario – proposed amendments – post exhibition (5 June 2025), as outlined in the maps below:



Nor does the proposal comply with ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 1.3 Objects of Act *a) (b), (c), (d), (e), (f), (g), (h), (i), (j)*.

The proposed development poses unacceptable environmental risks with the removal of significant tree cover, undermining Ku-ring-gai's urban forest strategy and threatening local biodiversity, and is contrary to the Environmental Planning and Assessment Act 1979. The area has high biodiversity values with Commonwealth and NSW environmental legislation for with critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest.

Inadequate Assessment of Project Impacts (SEARs)

Environmental Impacts:

- The SSD proposal threatens to remove many significant trees and reduce the tree canopy cover on 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.
- FOKI holds serious concerns for the on-going survival of Burgoyne Avenue's two Critically Endangered Ecological Communities (CEEC), as Burgoyne 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.
- 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 for biodiversity and liveability.
- The proposal does not provide adequate and sufficient requirements for deep soil planting and tree targets and lead to a net loss of trees.

The EIS does not address the cumulative loss of tree canopy, critical for Ku-ring-gai's biodiversity and climate resilience. This omission contravenes SEARs' requirement for a detailed assessment of environmental impacts and the NSW Government's urban tree canopy targets.

If the proposal is approved it will wipe this already fragmented ecological community. It is also in close proximity to the Ku-ring-gai Flying Fox Colony.

Biodiversity Impacts:

- 62 trees are proposed to be removed (>50% of trees on-site). This is an unacceptable level that will have severe repercussions for tree canopy, wildlife and biodiversity protection
- The applicant fails to provide a comprehensive biodiversity statement and ignores both Commonwealth and NSW environmental legislation to protect this endangered species.
- The applicant does not provide a comprehensive or peer reviewed biodiversity assessment of the site. Nor does it consider key threatening processes –fragmentation of habitat, loss of trees, impact of construction and accompanying noise.
- The proposal is located in an important wildlife corridor connecting the Lane Cove National Park to the Garigal National Park via the garden suburb of Gordon and as such is of environmental significance. It is also part of Ku-ring-gai's Green Corridors, supporting biodiversity including its Critically Endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest (STIF). The development poses a significant threat to Ku-ring-gai's urban forest, which is critical for biodiversity, climate resilience, and community amenity. The removal of mature trees to accommodate the proposed buildings and associated infrastructure would exacerbate the loss of canopy cover, contrary to the NSW Government's goal of increasing urban tree canopy. The proposal has not adequately addressed the cumulative impact of tree loss in the context of multiple State Significant Developments (SSDs) in Ku-ring-gai, which collectively threaten the area's ecological integrity.
- Tree Canopy Preservation: Ku-ring-gai, including Gordon, is renowned for its extensive urban tree canopy, which is critical for biodiversity, carbon sequestration, and mitigating urban heat island effects. Burgoyne Street is characterized by mature native and exotic trees,

many of which are likely to be impacted by the proposed SSD due to site clearing and construction.

The Burgoyne Street precinct:

- is a Biodiversity Hotspot that supports local wildlife, including threatened species such as the Powerful Owl and Grey-headed Flying Fox.
- The Environmental Impact Statement (EIS) underestimates the ecological impact of tree removals. It is also in close proximity to Ku-ring-gai Chase National Park and other green corridors amplifies the ecological sensitivity of the site.
- It does not acknowledge the environmentally sensitive land on the north-south railway line near Burgoyne Avenue and its migratory birds, many of them endangered.
- The site contains the seedbank of Blue Gum High Forest and Sydney Turpentine Ironbark Forest - Critically Endangered Ecological Communities.
- Burgoyne Street precincts topography, features slopes leading into creeks and valleys and as such is highly sensitive to development impacts. Large-scale construction, such as the proposed 106-apartment complex, could disrupt soil stability and exacerbate erosion, stormwater runoff, potentially affecting nearby waterways and ecosystems.
- Burgoyne Street's environmental sensitivity is integral to Gordon's and Ku-ring-gai's garden-suburb identity, that is valued by the community. The area's green, leafy character is central to residents' quality of life and mental well-being. The proposed development's incompatibility with this character.
- FOKe holds serious concerns for the on-going survival of these two CEEC, since within and surrounding Burgoyne Street 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 close 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 Burgoyne 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 Burgoyne Avenue valley 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 Burgoyne site.

- The applicant has not justified how the SSD proposal will not have a significant detrimental impact on biodiversity leading to local extinction.

On environmental grounds this proposed SSD should be rejected.

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. The United Nations Environment Program note that materials used in construction are contributing to the climate crisis; that the production and use of materials such as cement, steel and aluminium have a significant carbon footprint; and to reach net zero emissions building materials must be renewable and reusable. There is an urgent need to avoid waste through a circular approach; shift to ethical and renewable building materials; and improve decarbonisation of conventional materials. The applicant fails to achieve this.

Unacceptable Traffic Generation

- The development will exacerbate congestion on Burgoyne Street, Pearson Avenue and Burgoyne Lane, and potentially Rosedale Road that is a major access road to St Ives.
- The additional traffic generated by 106 apartments, will exacerbate congestion on Burgoyne Street, Pearson Avenue, and surrounding roads, which are already highly congested.
- The absence of comprehensive traffic and parking studies in the EIS undermines the ability to assess the development's impact on local road safety and accessibility, particularly for pedestrians and cyclists.
- Burgoyne Street leading into Pearson Avenue does not have the capacity to cope with additional proposed car parking spaces entering and exiting it, as well being a significant entry and exit road to the Pacific Highway.
- Already there is insufficient street parking in the area. The proposed development will compound and entrench the unavailability of street parking/loading/ deliveries.
- The additional traffic generated from the proposed development will create danger for drivers and particularly pedestrians. It will also endanger the safety of its occupants and neighbouring residents, particularly during emergency events, when emergency vehicles (ambulances, fire engines, police) will be required but may not be able to transport residents to lifesaving services, due to traffic congestion.
- The additional traffic that will be generated by the proposed development will have a negative impact on traffic entering and exiting the Pacific Highway and Mona Vale Road, already a highly congested entry point.

Affordable Housing Deficiencies (SEARs)

- The EIS claims an affordable housing component but does not provide the name and ABN of a registered community housing provider or documentation of their agreement, as required by SEARs.
- FOKE's analysis of similar SSDs suggests the affordability criteria (e.g., \$900,000 for an average renter) does not meet NSW Government standards, undermining the development's public benefit justification. This is inconsistent with the Council's resolution to apply a 5% affordable housing requirement in specific TOD areas.

- The proposal fails to promote genuine and long-term affordable housing with its provision to provide affordable housing for only a 15-year period.
- Thus, the proposal raises questions about the development's public benefit and justification for overriding local planning controls.

Design Quality Concerns

The proposal:

- fails to demonstrate a high level of environmental amenity for the surrounding residential and environmentally sensitive land use – both the surrounding high quality architectural and heritage listed homes and the forested landscape of Burgoyne Street.
- the overall size, bulk, height and scale (3 buildings, ranging from part 5/6 storey to 9/10 storey at the rear of the site). This will have negative impacts on shadowing / privacy / solar access / streetscape / character / amenity and views.
- The design reflects a poorly designed box type structure across two towers, unsympathetic to the surrounding local heritage character, with a focus on maximising density. The proposal is a harsh, abrupt and jarring interface between high-rise apartment blocks and existing low-rise dwellings (both adjacent, immediately opposite, and directly behind). It is aesthetically unpleasing, and its modernist architectural style is disrespectful to the environmental sensitivity of the area.

Visual Impacts

The proposal will have negative visual impact on:

- Burgoyne Street precinct is a forested landscape and is one of Gordon's most significant streets.
- The proposed height will have a negative impact on the landscape as the built form will go beyond the existing canopy of trees and 'greenery'. This will fundamentally reverse the existing character of the area where the 'natural' form dominates the 'built' form. This new structure will thus have a negative and irreversible impact on Gordon's character, heritage and environment.
- The scale and density of the proposed buildings are inconsistent with Gordon's low-density residential character, as defined in the Ku-ring-gai LEP.

Ignores Heritage Significance

The proposed development is near heritage conservation areas and local heritage items. The scale and density of the proposed residential flat buildings are incompatible with the low-density, garden-suburb character of Gordon, which is defined by its heritage significance, tree canopy, and single-storey dwellings. Clause 5.10 of the KLEP 2015 mandates the conservation of environmental heritage, including associated settings and views. The proposed high-rise structures risk overshadowing and visually dominating heritage items, undermining their cultural and aesthetic value. This contravenes the objectives of KLEP 2015 to protect Ku-ring-gai's unique built environment.

The proposal's transition protections are inadequate. It fails to manage transitions between high-density R4 zones and lower-density R2 heritage conservation areas. Without clear, enforceable controls on setbacks, heights, and landscaping, this proposal could overshadow existing homes, reduce privacy, and disrupt the neighbourhood's aesthetic views and amenity.

The excessive height and footprint are disproportionate and excessive to the surrounding low-rise streetscape and heritage context. TOD building heights are breached, visual privacy implications materially downplayed, overshadowing significantly understated, setbacks grossly inadequate, unacceptable transition impacts given surrounding low-rise residential footprint.

The proposal fails to respect the existing heritage value and significance of the area (being one of the earliest settlements in Ku-ring-gai dating back to the 1830s). The development is justified through the applicant's "perceived view" of the "future desired density" of the area. The applicant fails to show respect to surrounding heritage homes and the Gordondale Heritage Conservation Area.

Burgoyne Street includes and neighbours heritage-listed properties and HCAs, as identified in Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). These areas are defined by their low-density, garden-suburb character, with significant tree cover integral to their aesthetic and environmental value. The proposed high-rise development risks disrupting this character through overshadowing, visual dominance, and tree loss, contravening Clause 5.10 of KLEP 2015, which mandates protection of heritage settings.

The development's proximity to heritage-listed properties² risks negatively impacting the area's cultural significance.

The proposed 26-metre-high structure immediately opposite and adjacent heritage homes, and the Gordondale Heritage Conservation Area (HCA) cannot "sympathetically" integrate or value the heritage of the area and will have negative impacts on the following heritage items:

- 9 Burgoyne Street, "Eudesmia", dwelling house, Local, Lot 1, DP 331718
- 1 Garden Square, Local, Lot 1, DP 324029
- 2 Garden Square, Local, Lot 2, DP 525971
- 4 Garden Square, Local, Lots 5 and 6, DP 11485
- 21 Mount William Street, Local, Lot B, DP 413691
- Bradfield Memorial Garden, Intersection of Park Avenue and Rosedale Road, Local, Part Road Reserve
- 2A Park Avenue, Gordon Pre-School building, Local, Lot 12, DP 852087
- 11 Park Avenue, Local, Lot 2, DP 213017
- 12–14 Park Avenue, Local, Lot B, DP 347149
- 16 Park Avenue, Local, Lots 16 and 17, Section 2, DP 975243
- 23 Park Avenue, Local, Lot 2, DP 524698
- "Annie Wyatt House", dwelling house, 26 Park Avenue, Local, Lot 2, DP 525879
- Baptist Church and Manse, 20–22 Park Avenue, Lot 23, DP 747780

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 Burgoyne Avenue) was inspected through management holes, relined and seals replaced to avoid overflows.³
- The additional population from this development will place an unacceptable level of pressure on the existing sewerage and water supply system and should not proceed until this infrastructure is built.
- The stormwater runoff will have negative impacts on the aquatic environment leading into Stoney Creek, Rocky Creek, Middle Harbour.
- The SSD development would exacerbate environmental degradation through weed and pollutants from increased stormwater from increase in hard surface.

² <https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2015-0134#sch.5-pt.1>

³ <https://sydneybats.org.au/ku-ring-gai-flying-fox-reserve/history-of-stony-creek-valley/>

- 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 proposal will irreversibly negatively impact residents' existing homes and amenities.
- The proponent offers no improvements to local amenities or benefits to the local community. Instead it will overwhelm the capacity of existing infrastructure and community services.
- The development will dramatically and negatively impact the sense of community and what residents value about living in Gordon.
- Already many residents feel a sense of 'grief' that their homes and neighbourhood will significantly and irreversibly change due to the proposal.
- The loss of trees and tree canopy will negatively impact on residents as well as have negative cumulative impacts on canopy connectivity, impacts adjoining remnants of endangered and critical ecological communities that connect to the Garigal National Park.
- The term 'solastalgia' describes what many Gordon residents feel. This scientific term describes the emotional distress felt when existing residents witness the destruction and degradation of their local environment, and which leads to higher rates of mental illness.

Insufficient Environmental and Infrastructure Studies

The applicant fails to provide critical studies (e.g. ecological, traffic, parking, water, stormwater run-off, water pressure, sewerage, energy and utilities) to support the intensified SSD proposal. Without these verified independent studies, the SSD risks unsustainable development, straining local infrastructure and exacerbating environmental degradation.

The proposed development will significantly increase residential density in Gordon without corresponding upgrades to local infrastructure, including water, sewerage, utilities, and public transport.

Conclusion

Friends of Ku-ring-gai Environment (FOKE) is of the view that the State Significant Development Application proposal at [3a,3b,5a, 7 Burgoyne and 1&3 Pearson Avenue and 4 Burgoyne Lane, Gordon](#) (SSD-82395459) should be rejected as it will have a negative and detrimental impact on Gordon's environment, heritage, traffic, urban design, neighbourhood character, visual amenity, liveability, tree canopy, open space, infrastructure, community and neighbourhood liveability.

Friends of Ku-ring-gai Environment urges the NSW Department of Planning, Housing and Infrastructure to refuse SSD-82395459 due to its inconsistencies with the Ku-ring-gai Council's TOD Preferred Scenario (5 June 2025), its non-compliance with SEARs and its devastating impacts on such an environmentally and heritage sensitive area.

As such we seek a refusal for this development.

Yours sincerely,
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