

Statement of objection to SSD-82395459

Reference: SSD-82395459

Residential Flat Buildings (x 2) at Burgoyne Street, Burgoyne Lane and Pearson Avenue, Gordon

I lived in Gordon for more than 10 years. It is heart-breaking to see an opportunistic attempt by developer to lodge application while the Kuring-Gai council is formulating an alternative to NSW government TOD.

I have been only given 3 weeks to read 38 Appendixes and 174 pages of EIS to give comments on the proposal. This is more than a full-time job. My findings may only be scratching the surface of a bigger problem the proposal presented.

The application SSD-82395459 should be rejected or at least put on hold considering the Kuring-Gai council had submitted the preferred scenario to the NSW Department of Planning, Housing and Infrastructure for approval. If the preferred scenario is approved, it will replace the current TOD planning controls.

The application should also be rejected because it has misleading/incomplete/inaccurate information. It whitewashes the irreparable damage to Gordon heritage, environment and biodiversity. It downplayed the traffic jam it will cause during the construction and the long-term impact to the traffic after. My reasons of having such an opinion are detailed below:

1. Flawed Traffic Impact Statement

[Affected SEAR Assessment criteria: Transport]

1.1 Inadequate data inputs

A single day traffic data collection conducted on 22 Oct 2024 07:00-09:00 and 16:00-18:00 is inadequate to be used as a base case measurement (Refer Section 3.4, Appendix 10). An extended period of measurement is required, says, 2 weeks.

It should also measure the maximum traffic rate (as number of cars per minute), not just an aggregate of number of cars over the data collection period. This will be more realistic to measure the actual peak hour traffic.



Figure 1 Traffic banking beyond Burgoyne Lane along Pearson Avenue during peak hour (08:31 20 May 2025)

The traffic at the junction of Park Avenue/Wade Lane as well as the junction of Park Avenue/Pacific Highway must also be measure and considered in the analysis. This is because it is common to have traffic jam along the Parks Avenue during the peak hour, and it will have a flow-on effect on Pearson Avenue.

The foot traffic for people to cross the Parks Avenue, the Werona Avenue and the Pearson Avenue must also be considered. There are zebra crossings, and the increasing foot traffic will detrimentally affect how quickly cars can be cleared from the Pearson Avenue to Park Avenue.

1.2 Incorrect junction configuration

The representation of the junction is misleading in “Appendix 10: traffic impact assessment” is misleading. It is not a cross junction. This is because Pearson Avenue and Werona Avenue is not aligned, as illustrated in the google map below.

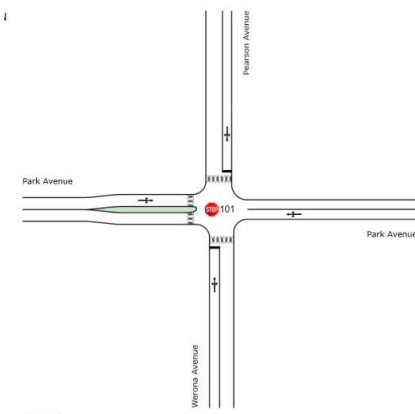


Figure 2 Misleading junction configuration.

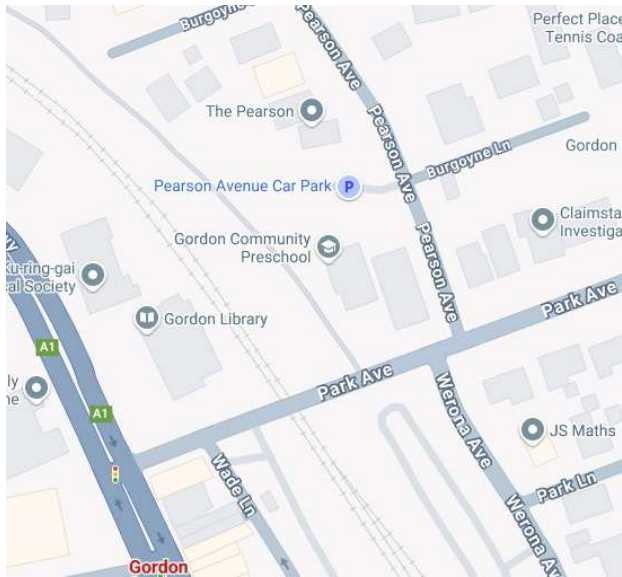


Figure 3 Twin junctions of Park/Pearson and Park/Werona Ave

For traffic going between Pearson Avenue and Werona Avenue, a car must turn to Park Avenue first before entering Werona Avenue and vice versa. This is a common route for the local residents to drop people to the station. However, Park Avenue is prone to be jammed because of the traffic light backlog to clear the car from Park Avenue to Pacific highway. Once the backlog reaches the junction of Park Avenue/Werona Avenue. The local traffic will grind to a halt.

It is unclear what are the assumption and parameters used in the traffic modelling. As a minimum, the following parameters must be included.

- Time for a car to clear from Pearson to Park Avenue, and vice versa.
- Time for a car to clear from Park Avenue to Werona Avenue, and vice versa.
- Time for a car to clear from Park Avenue to Pacific highway, and vice versa.
- Time for a person or a group of people to cross Park Avenue, Werona Avenue, Pearson Avenue
- Probability a person is crossing the Park Avenue or Werona Avenue or Pearson Avenue.

The traffic model is at best lacking details, or worst misleading.

In addition, the impact of the traffic along Burgoyne Street, which is a narrow lane way is not evaluated.

Its conclusion of having negligible impact should be rejected completely.

2. Impact to the Heritage buildings

[Affected SEAR Assessment criteria: Design Quality, Built Form and Urban Design, Visual Impact]

The proposal ignores the impact and the significance of the heritage buildings around the site. In particular. The site is surrounded by the designated heritage conservation, the Gondondal Estate Conservation Area

[Ref: https://www.krg.nsw.gov.au/files/assets/public/v/1/hptrim/information-management-publications-public-website-ku-ring-gai-council-website-planning-and-development/c12_gordondale_estate_conservation_area.pdf]

The two houses at 9 Burgoyne Street and 8 Pearson Avenue are also heritage listed.

The marked-up map below illustrated the proximity of the proposed development to the heritage buildings.



Figure 4 Conservation area and heritage building adjacent to the site

The two adjoined 7-storey building (if realized) will destroy the heritage of Gordon, rendering the conservation area meaningless. The building is too tall and too dense to preserve the history of the Gordon. The high-rise buildings will make an odd and abrupt contrast to the low-rise heritage buildings neighbourhood. There is no consideration for visual harmony or consideration to their privacy.

The height of the building is also in breach of the TOD limit.

- Its sun shadow will cast over the Gordondal Estate Conservation area, especially during winter.
- There will be no privacy for all the homes in the surrounding area of the twin tower.
- The impact to heritage building of 9 Burgoyne street is totally ignored in the design. It is unacceptable and an eyesore to have two 7-storey high buildings adjacent to a heritage

building. The practice of engaging an architect, whom the developer paid for to write a report stating the building heritage being insignificant is irrelevant as there is a clear conflict of interest.

3. Trees and Landscaping

[Affected Assessment criteria: Trees and Landscaping, Biodiversity]

The proposal includes the destruction of 62 trees out of 115, out of which 56 (i.e. ~50%) are planned to be cut to make ways of the proposed twin towers. There were no attempts to preserve them. It is unclear if and how many of the remaining 53 trees will survive post-construction as the impact to the root system is not known without a proper root map, as stated in the limitation of the Arborist report that “No soil assessment nor underground root investigations have been performed.”

The Appendix 23 - Arborist Report also noted that the areas of 3A Burgoyne Road as ‘Support for Core’, and ‘Canopy Remnant’ mapped on 3A, 3B, 5A and 7 Burgoyne Road including on the street verge. The general objectives and controls that apply to all development on Greenweb lands are:

1. To preserve the natural environment of Ku-ring- gai in the social, economic and environmental interest of the community.
2. To retain, consolidate and improve existing bushland, significant vegetation and habitat for flora and fauna.
3. To support the protection and recovery of critical habitat, regionally significant and threatened ecological communities, species and populations.
To capture carbon, contributing to climate control.
4. To allow for adaptation of native flora, fauna and ecological communities to climate change.

In particular, 3A Burgoyne Road is marked as biodiversity significant.

The proposal makes no viable attempt to maintain the biodiversity. It should be

- mandatory to keep any trees that is taller than 5 meters, and
- there should be a bond deposit to guarantee the health of the preserved trees for at least 2 years post-construction.

4. Disingenuous Social Engagement

[Affected SEAR Assessment criteria: Engagement. Social Impact]

One day when I return home from work, I found a one pager, printed in black and white, seeking comments on a proposed development. My first thought was if it is a scam, or a marketing exercise to get our opinion for free. I tried to call with the given number 4 times, but no one answered. This is the level of engagement that the proposed development provided.

The evaluation of the social impact is pseudo-scientific, for example, on the social impact. For example, the “Evaluated Significance” is stated as “Negative” and “Almost Certain + Minor = Medium”. There is no justification or explanation of how this is formulated. There should be at least

two attributes to categorize a potential impact; Probability [Very Likely, Likely, Unlikely] and Significance [Critical, Major, Medium, Minor].

In addition, table 10 in [Appendix 35 - Engagement and SIA Report.pdf](#), many of the negative impacts are downplayed and the positive impacts exaggerated. There is also no proper explanation of how the proposed mitigation is being effective.

For example, on the “increased bulk, height, scale and density” in the mitigation specified has no justification how the requirements in Visual Impact Assessment are unlikely and have no significant residual impact.

Social Impact	Social Elements of Value to People	Evaluated Significance	Mitigation/Enhancement	Residual Impact Significance
Increased bulk, height, scale, and density Changes in the area can lead to potential permanent change in the sense of place The development may have impacts to visual amenity to the local community	Way of life Community Surroundings	Negative Almost Certain + Minor = Medium <i>Reference: Urban Design Report (Audax Urban, 2025)</i>	<ul style="list-style-type: none"> Requirements for Visual Impact Assessment ensure that the proposal addresses landscape setting and incorporates measures such as high-quality design elements that respond to local context The urban design elements of the proposed project development include many aspects that can improve the perception of the bulk and scale such as: <ul style="list-style-type: none"> Significant recesses and zones of articulation in its built form to reduce overall massing, Minimum overall setbacks that respect the transitioning from low to higher density 	Neutral Likely + Minor = Medium Subject to the implementation of the proposed urban design and Landscape Plans, the proposal is unlikely to cause a significant residual impact. The SEARs for this proposal reflect the density provisions in the current planning policy and precede Council's ongoing consideration of alternate TOD scenarios .

Table 1 Extract of Table 10 of Appendix 35 - Engagement and SIA Report

More significantly, the proposal effectively ignores the Ku-ring-gai Council approved alternative housing solution. The Ku-ring-gai Council is the elected body to represent the residents of Gordon, if the proposal makes no attempt to discuss the merit/demerit of the proposal as advised by the council.

The social engagement is merely a paper exercise and is not a genuine attempt to address the concern of the community and it lacks critical details to provide any meaningful feedback.