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 - Celebrating 30 years of Caring for Ku-ring-gai



Mr Max Tran
 Senior Planning Officer,
 NSW Department of Planning, Housing and Infrastructure
 Submitted via the NSW Major Projects Portal

22 June 2026

Dear Max

Re: State Significant Development SDD-83478456 at 21, 23 & 25 McIntosh Street and 55 Werona Avenue Gordon amended plan - Residential apartment dwelling for approximately 151 including infill affordable housing apartments and 31 TOD affordable housing apartments

Thank you for the opportunity to provide a further submission on the **amended** State Significant Development Application (SSD) proposal at 21, 23 & 25 McIntosh Street and 55 Werona Avenue, Gordon.

Please read this submission with our earlier objection dated 10 September 2025. The amendments whilst considering some of the impacts on *Eryldene* have made the situation far worse for adjoining neighbours at 57, 53, 51A, 49 Werona Avenue, 12, 16, 18, 18A Forsyth Street, 17, 19, 27 McIntosh Street (as identified on the 'McIntosh' Street & Werona Avenue, Gordon, NSW 2027 Landscape Documentation page 1).

Friends of Ku-ring-gai Environment Inc (FOKE) since its establishment over 30 years ago, has been a strong advocate for the protection of Ku-ring-gai's neighbourhood character, environment, heritage and liveability. In Ku-ring-gai we work with our local government council to ensure good orderly strategic planning that is in keeping with our area.

FOKE, like residents in this area, is not opposed to development or against appropriate infill proposals but supports development that is respectful of sensitive design, scale, heritage, environment, infrastructure constraints and liveability. As such, FOKE further objects to this amended SSD as the plans in their current form fails to respect these values.

Significantly the SSD will have significant negative impacts on the State Heritage listed house *Eryldene* Historic House and Garden (*Eryldene*) at 17 McIntosh Street, Gordon and other surrounding properties along McIntosh Street, Werona Avenue and Forsyth Street.



Photo of *Eryldene* taken by FOKE to promote FOKE walk celebrating Australian Heritage Festival, 4 May 2025

Since the applicant, CPDM, put in this request for SEARs on 2 May 2025 Ku-ring-gai Council has updated its Ku-ring-gai Local Environment Plan 2015 with the TOD preferred alternative plan to the Transport Oriented Development (TOD) which was gazetted by the NSW Government on 14 November 2025.

The Ku-ring-gai Council Local Environmental Plan amendment excludes 21, 23 and 25 McIntosh Street and 55 Werona Avenue, Gordon from the TOD controls and is now within the R2 Low and Mid-rise housing zone. On this basis the NSW Department of Planning, Housing & Infrastructure should withdraw SSD-83478456.

The proponent's amended SSD significantly overrides council's strategic planning and local planning controls.

We understand that KLEP 2015 must be given weight under Section 4.15 (1)(a) (ii) of the EP&A Act 1997 as the "proposed instrument" or under Section 4.15 (1)(e) being within "the public interest" of the EP&A Act.

When the proposed development is assessed against the set of Council's preferred set of Planning controls or the controls of the NSW Government's Low and Mid-Rise Housing (LMRH), the proposed development re[presents a gross overdevelopment in terms of bulk and scale compared to the adjoining existing developments and likely future development under Council's preferred set of Planning Controls or LMRH. The current zoning for this site is R2 (Low Density Residential), FSR of 0.3:1 and a height limit of 9.5m.

Statutory Context

- The layout, height, bulk, scale, separation, setbacks, interface and articulation fail to address and respond to the context, site characteristics, streetscape and existing heritage character and future character of Gordon.
- Ku-ring-gai Council has in place an alternative Transport Oriented Development (TOD) to cater for 9,012 dwellings in the Gordon Transport Oriented Development area. In the NSW Government allowing ill-prepared SSDs to 'pop up' anywhere is grievous, mischievous and **disingenuous**. If this SSD is approved, it effectively "pulls the rug" from Ku-ring-gai Council's mediation efforts and plans for a TOD alternative.
- There are currently 31 SSDs and proposed and 5 Housing Development Authority SSD recommended proposals in Ku-ring-gai as of 18 June 2026, being 6382 proposed number of new apartments and over \$6 billion of estimated construction costs. Every SSD proposal that we have examined breaches Ku-ring-gai Council's Local Environment Plan (LEP) and will have no social licence as the community feel betrayed by a NSW planning system that prioritises developer profit over local strategic planning and community interest.
- The affordable housing bonus fails to compensate for the additional impact that the development will have on the community in perpetuity. The proposal only provides 27 affordable dwellings for a 15-year period. This clearly will not contribute to long term housing affordability in the area.
- The level of density presented in this development is NOT the 'desired future character' of Gordon particularly when the development is more appropriate in the Gordon commercial zones not R2 residential zones.

We submit FOK's strong objection to the amended proposal on the following grounds:

Built Form and Urban Design

- The SSD proposal is an overdevelopment of the site and totally out of proportion to the existing and future amenity of Gordon.
- 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 the locality.
- The amended plans have increased the GFA by approximately 5%, though submissions consistently raised the issue of the original height and GFA already being inconsistent with either the TOD or Ku-ring-gai Council height and FSR limits.

- The development is above the maximum heights allowed and sits outside the council's alternative gazetted TOD boundary and is situated at the farthest extremity of the 400m TOD boundary. The proponent's request for a variation allowing it to exceed the allowable height under existing TOD planning controls is unjustified.
- It ignores any orderly transition to the surrounding low density homes and will stand alone surrounded by 1-2 storey intact Inter War and Federation heritage homes.
- **The proposal does not comply with the maximum Height standard.** The exceedances have increased under the amended plans, increasing to 2.35m (8.2%) above the maximum permissible building height. The Clause 4.6 Variation Request should be disallowed as the removal of one storey would meet the standards and allow a less intrusive development . There is no justification for the overrun of the SEPP Height standard.
- SSD proposals we have examined appear to know that the SSD standards can be exploited to allow for greater height to incorporate lift overruns, rooftop plant and services in increasing the height of the development in allowing more floor space for luxury dwellings.
- The proposed density is inconsistent with that envisaged heights and density under council's TOD Alternative plan or the LMR Housing controls.
- The design and materials used are inconsistent with the surrounding dwellings within an Heritage Conservation Area and in close proximity to the state-listed Heritage Item *Eryldene*. A more considered and sympathetic choice of materials is required.
- The SSD proposal devalues the visual and acoustic amenity of neighbouring properties who will lose their solar access, natural cross-ventilation and outlook.
- This SSD proposal with its unsympathetic design and bulk with regard to the existing streetscape will ensure that the resale or development value of neighbouring properties will be negatively impacted at 57, 53, 51A, 49 Werona Avenue, 12, 16, 18, 18A Forsyth Street, 17, 19, 27 McIntosh Street (as identified on the 'McIntosh' Street & Werona Avenue, Gordon, NSW 2027 Landscape Documentation page 1).

Design Quality

- The proposal continues to represent an over development in terms of height, scale and bulk in stark contrast to the adjoining 1-2 storey Federation/Inter- residences within the heritage conservation area.
- The interface between the proposed three 9 storey (ranging from 29.85m – 30.5m) buildings and neighbouring 1-2 storey homes and the Gordon Park Estate, McIntosh and Ansell Conservation Area is excessive, incompatible and unacceptable.
- FOKe **disputes** the applicant's heritage report that states: "The design of the proposed scheme is sensitive to the characteristics of the Gordon Park Estate, McIntosh & Ansell Conservation Area (C22)"
- There is incongruity between the applicant's heritage statement that "The chosen materials of sandstone cladding, face brick and white render present a natural, recessive colour scheme that is complementary to the predominantly Federation and Inter-war character of buildings in the HCA" ([page 50](#)) and the applicant's visual image of it ([page 32](#)). FOKe puts the case that the design **is strongly out of character** to "the predominantly Federation and Inter-war character of buildings in the HCA". The applicant's original heritage report, however, also modifies its claim that the design is complementary to its surroundings by saying "façade articulation requires further development at future stages to ensure that there is a dialogue between the building and the proximate significant items"

Affordable Housing do not meet required standards

- Many of the affordable dwellings are in the most unliveable parts of the buildings due to lack of solar access and lack of cross flow ventilation.

Affordable Units	No Solar	No cross Ventilation	Located on Levels Gd & 1	Total Units
Building A	0% (0/4)	50% (2/4)	50%	4
Building B	100% (4/4)	75% (3/4)	75%	4
Building C	44% (10/23)	3% (9/23)	61%	23
TOTAL	45%	45%	61%	31

- **Approximately 50% of affordable units are subterranean units, located below natural ground level. This is not allowed under Ku-ring-gai Council DCP rules. Both Building B and C contravene this important aspect of liveability by constructing apartments below exiting ground level**
- As shown above, the majority of affordable units are located on levels Ground and 1 across the three buildings, and predominately in the south facing areas of the development with minimal solar access and cross ventilation. This is inconsistent with the TOD SEPP rules requiring the spread of affordable units throughout the development.

Street frontage and setback control - non-compliant

The proposal is not in accordance with street setback control in Part 7A.3(1) of the Ku-ring-gai DCP (KDCP).

The amended development proposal still does not achieve the minimum setbacks.

The proposed street front and side setback is inconsistent with the existing surrounding developments and will result in visually bulky and dominant development that detracts from the streetscape character and amenity of surrounding properties.

- Non-compliant on the following Ku-ring-gai Council Development Control Plan (KDCP) 7A and 19F:
 - 10 metre setback from Building to street frontage of 10 metres, without encroachments such as balconies and other structures. NOT MET
 - Residential flat buildings are to provide a 2.0m articulation zone behind the street setback. NOT MET
 - Residential flat buildings are to provide side and rear setbacks to land which is zoned differently for lower density residential development: a minimum of 9m from the side and rear boundary up to the fourth storey; a minimum of 12m from the side and rear boundary for the fifth storey and above. Currently these are only partially met on the western elevation. Setbacks need to be increased on the eastern and rear boundaries. The western setbacks are encroached by balconies and structures. NOT MET
 - Where there is a uniform building setback within streets, new buildings are to respect the established pattern and not be located forward of adjacent buildings. Where variations in setback exist, the larger setback will apply. NOT MET
 - The side and rear setback requirements will not ensure deep soil, landscaping and tall canopy trees are accommodated to all sides of the building. NOT MET
- As this development is adjacent on two sides to the C15 and C17 Heritage Conservation Areas (HCA) then increased setbacks apply. When adjacent to a Heritage Item or Heritage Conservation Area (HCA), increased setbacks are required.
 - Front setback of a development next to a Heritage Conservation Area is to be greater than the HCA setback. The 10 metre setback is not sufficient and the development will dominate the HCAs and Heritage item. NOT MET
 - A 12m building separation to a HCA is required. There is only a 6 metre setback, with encroachments, on the eastern boundary to C15. NOT MET
 - A stepped façade is required with greater setbacks above 8m from ground level. An additional setback above 8m, equal to the new height difference and then another setback for anything higher. No setbacks on the rear or eastern elevations. NOT MET
 - The location of new buildings is to ensure that significant views to and from places within the HCA are retained. The proposed development will block views to the HCAs from both an eastern and western viewpoint. It will block views to the Heritage Item from the east and compromise its heritage context overall. NOT MET.
- The site coverage is 46% which substantially exceeds the KDCP site coverage maximum of 30%.

Future Context Analysis Incorrect

- Comments regarding the visual context of the development in the Response to Submissions are overwhelmingly inaccurate.
- The whole area surrounding the eastern, southern side of the development is zoned R2 with a Height limit of 9.5 metres and FSR of 0.3:1. It is NOT zoned R3 and never has been zoned as

anything other than R2. I contend that this attempt to impose an R3 rating into the figures provided has been inadvertently or intentionally been added.

- Contrary to the comments within the Evolving Context Section 4.4 of the Response to Submissions, it has always been clear what the zoning of this area would be. It has consistently been an R2 zone. The proposed development exceeds the 400metre radius from the Gordon station and hence situates itself incongruously within an R2 zone.
- The comment on page 31 of the Response to Submissions are completely incorrect where it states 'These successive shifts demonstrate that the strategic planning context is not agreed and continues to evolve at a rapid pace. In circumstances where the strategic direction is in flux and no consolidated long-term framework has been finalised, it is difficult for proponents to reliably predict the intended future character for the precinct.' THERE HAS NEVER BEEN ANY ZONING FOR THIS AREA OTHER THAN R2. We are happy to provide the earlier documents if requested.

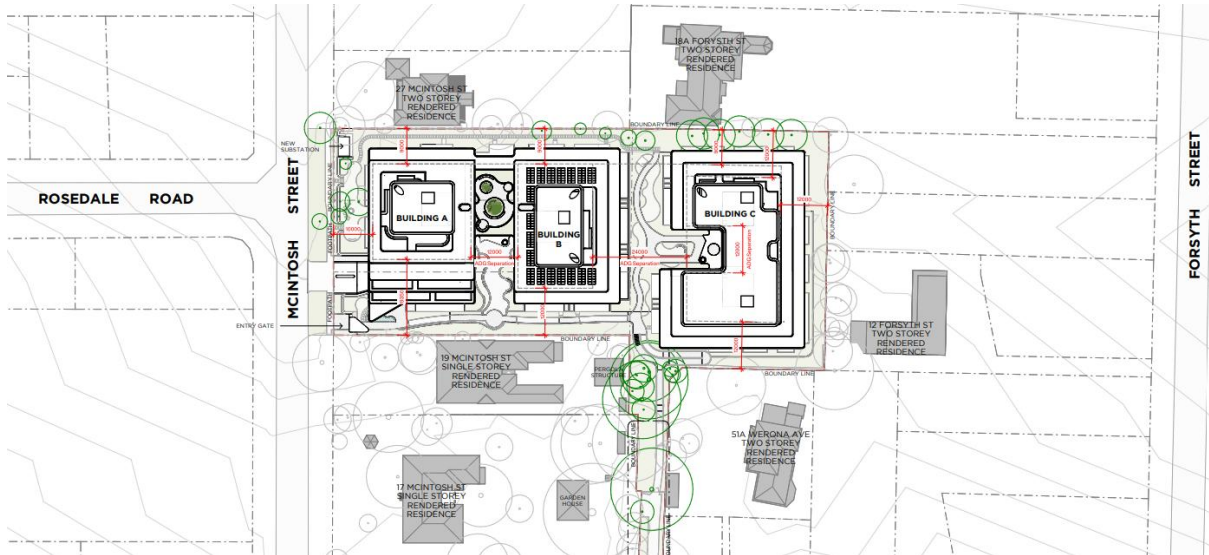


Figure 32 Future context – Ku-ring-gai preferred scenario zoning with LMR controls and infill Affordable housing bonus

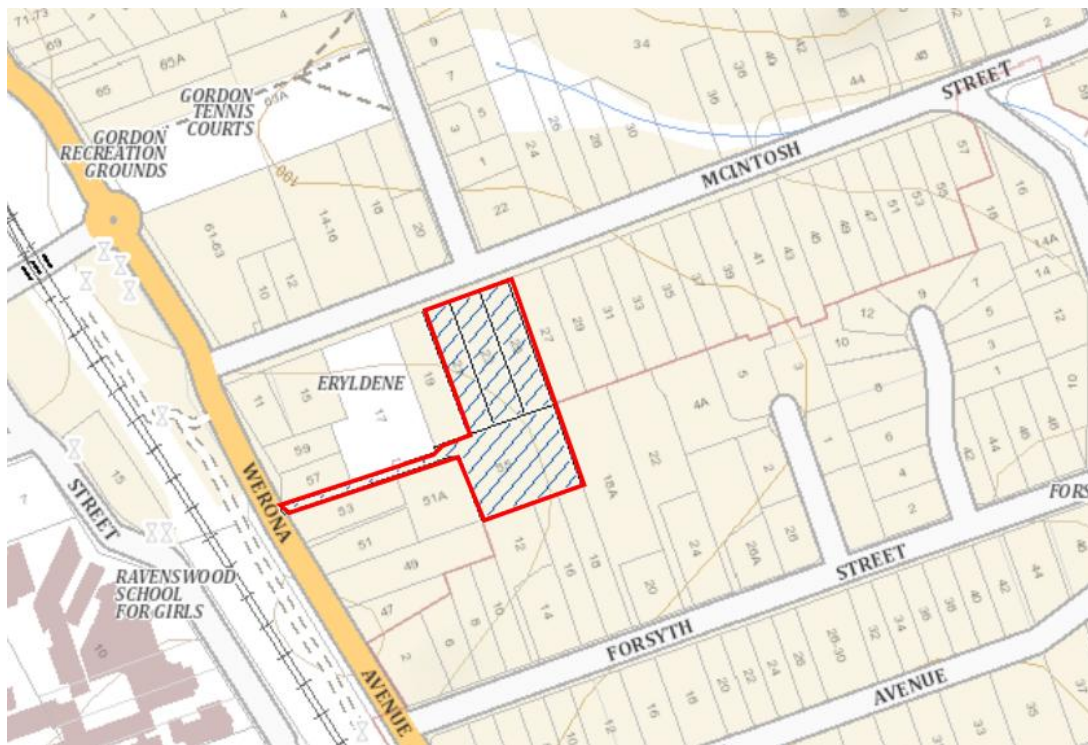
Environmental Amenity

The SSD proposal fails to demonstrate a **"high level of environmental amenity for any surrounding residential or other sensitive land use"**.

- The overshadowing impacts are significant and do not achieve the standards prescribed by the TOD SEPP, ADG or Ku-ring-gai DCP.
- The eastern elevations highlight a length of the development along the 126 boundary length at a height in excess of 30m with only a 6m setback from the boundary fences to properties at 27 McIntosh St and 18A Forsyth St.
- Building C has been moved to within 6m of the rear Southern and Western boundaries degrading the amenity and privacy to 51A, 12, 14, 16, 18, 18A Forsyth Street.
- The loss of visual and acoustic privacy to dwellings in the rear and sides will be severe as the setbacks are inadequate for the bulk and height of the proposed development.



From Appendix H: Architectural Plan



From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 28



Figure 2 Heritage context, site identified in red (Source: Gyde Consulting)

From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 10

As shown in the above image the site is surrounded by low-density heritage housing. The height and bulk of the proposed three 9 storey towers would be out of character with the surrounding built form and would overwhelm the established heritage streetscape, impacting on amenity, privacy and solar access.

Overshadowing is incorrect and significant

The shadow diagrams presented appear intentionally positive. It is stretching their credibility of the proposal that a 31m high development, approximately 9metres away, will not have more than slight impact on 19 McIntosh St at 11am and 12pm. These shadow plans need to be reworked to improve their accuracy.

- The bulk and height of the proposed three apartment buildings will continue to dominate the landscape and overshadow adjacent properties and reduce their natural sunlight in winter, particularly affecting neighbouring properties at 57, 53, 51A, 49 Werona Avenue, 12, 16, 18, 18A Forsyth Street, 17, 19, 27 McIntosh Street (as identified on the 'McIntosh' Street & Werona Avenue, Gordon, NSW 2027 Landscape Documentation page 1).
- Overall, the Shadow diagrams presented severely understate the amount of shadow to the western and, particularly, the southern neighbouring properties will receive in mid-winter.
- Solar Access requirements in the KDCP are NOT MET. It is a requirement that
 - Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within residential development in adjoining lower density zones.
 - **Note:** Where an adjoining property does not currently receive the required hours of solar access, the proposed building is to ensure that solar access to neighbours is not reduced by more than 20%.
 - Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.

Impact on 12 Forsyth Street is Severe and Unacceptable

The proposed development essentially removes all direct sun into the dwelling and garden from 9am in mid-winter.

The proponent acknowledges this issue and justifies it with the statement that 'A **nominated 25 sqm area of private open space within the rear yard receives direct sunlight between 9am and 12 noon.**' But then goes on to state that there is overshadowing of portions of this tiny located area between 11am and noon!

The justification that this will be a redeveloped site where this will not be a concern, references once again the lack of accuracy that 12 Forsyth Street is zoned R2 with a height of building of 9.5m.

The proposed development will devalue this property for any redevelopment potential. It is completely unacceptable as part of the TOD SEPP and ADG guidelines that a neighbouring dwelling has its complete winter sun removed by a new development.

Any approval of this development needs to address this appalling outcome for 12 Forsyth St.

Incompatibility with Local Planning Controls & Character

- The proposed three 9 storey (ranging from 29.85m -30.5m), 151-unit development is inconsistent with the Ku-ring-gai Local Environmental Plan (LEP) and Development Control Plan (DCP), which promote low-rise, fine-grained built form and aim to preserve the area's garden suburb character.
- This proposal fails to satisfy SEARs requirements for appropriate built form, bulk, scale, and streetscape integration.
- The scale of the site is massive, consisting of four individual lots, with a total area of approximately 7,776 sqm with a FSR 2.5:1.

FOKE **disputes** the applicant's Heritage Report that states "The subject site is located within a Transport Oriented Development (TOD) Area on the TOD Sites Map in accordance with Chapter 5 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP)" ([page 1](#)). This is untrue as with the Ku-ring-gai Council's public exhibition of its alternative TOD scenario. In essence the bulk of this development is outside the 400metre walking distance from the train station.

Excessive building and Height - non-compliant

In its current amended form it represents an over development in terms of height, scale and bulk in stark contrast to the adjoining 1-2 storey Federation/Inter-War and contemporary residences on either side along McIntosh Street and Forsyth Street. It is unacceptable that part of the subject land represents an interruption to the contiguous conservation area on the south side of McIntosh Street.

- the proposal does not have a satisfactory relationship with neighbouring properties.
- is not of an appropriate height bulk and scale for the heritage conservation area.
- does not provide an appropriate height transition to the surrounding lower density land and therefore is not compatible with the desired streetscape character
- does not ensure that the height of buildings is appropriate for the adjoining lower density residential and open space zones to protect local amenity.
- provides insufficient landscaping which is not in keeping with the landscaped character of the area.
- the proposed multi storey apartment block and height is not consistent with desired future character and streetscape and will have material impact on neighbour amenity and the environment.

Clause 4.6 Request should be denied

The proposal is an overdevelopment of the site. The proposed development seeks consent for a building up to 30.95m in height. Therefore, the proposal exceeds the maximum permissible building height by 2.35m (8.22%) when measured from existing ground level.

The proposal needs to be amended to comply and represents an over development in terms of height, scale and bulk in stark contrast to the adjoining 1-2 storey Federation/Inter-War and contemporary residences and heritage conservation areas.

Contrary to the arguments advanced in the Clause 4.6 request the proposal:

- the request is unreasonable and unnecessary.
- the proposal does not have a satisfactory relationship with neighbouring properties.
- is not of an appropriate height bulk and scale for the heritage conservation areas within which it is located.
- the amended proposal does not minimise impact on neighbouring properties.
- The amended development proposal still fails to respond to the existing and proposed character of the neighbourhood with the minimal additional side setbacks and built form changes.
- the proposal will not provide apartments of high amenity due to deficient levels of solar access and cross flow ventilation in a significant number of proposed dwellings. 11 apartments will have no solar access and 34 apartments will have no cross ventilation at all.
- does not provide an appropriate height transition to the surrounding lower density land and therefore is not compatible with the desired streetscape of the area.
- the proposed multi storey apartment block and height is not consistent with desired future character and streetscape and will have material impact on neighbour amenity and the environment. Councils preferred scenario for the area remains at R2 Residential.
- the proposal fails to achieve a “*high level of environmental amenity*” required under Issue 7 of SEARS.
- The majority of the development is outside the 400m radius of the Train Station.

Considering the above, the applicants Clause 4.6 request is not considered to be well founded and does not provide sufficient environmental planning grounds or justification for the consent authority to warrant support of the variation and departure from the Height of Building Development Standard.

Current Cumulative Gordon SSD Impacts not Assessed

FOKE notes that since February 2025 there have been 6 State Significant Developments proposed for Gordon amounting to possibly 890 new dwellings, if approved, in the form of luxury apartments with just 2% infill ‘affordable’ rental dwellings:

These include:

- 3-9 Park Avenue Gordon (100 apartments including 31 affordable) CPDM P/L **SSD-78775458 approved.**
- 3a,3b,5a, 7 Burgoyne and 1&3 Pearson Avenue and 4 Burgoyne Lane Gordon (106 apartments including 2 in perpetuity) Willow Tree Planning/DPG Project 54 Pty Ltd **SSD-82395459 approved.**
- 21, 23 & 25 McIntosh Street and 55 Werona Avenue Gordon (151 apartments including 27 infill and 4 in perpetuity) CPDM Pty Ltd (listed 5/5/25) **SSD-83478456**
- 1 & 1a Edward Street and 25 & 27 Rosedale Road Gordon (136 apartments including 23 affordable) **SSD-85549710**
- 29-33 Rosedale Road and 2a-4 Edward Street Gordon Lateral Consulting Group (233 apartments including 43 affordable) **SSD-85838457**
- 1A and 1-7 Carlotta Street Gordon 90 bed residential care and 150 -165 independent living units **SSD-64935477**

The cumulative impact of all the proposed 6 lodged applications for SSD DAs for new apartments and independent living units must be considered particularly with the amount of additional traffic and parking shortfall which is now proposed for Gordon’s narrow local roads and laneways within the railway station and Pacific Highway precinct. This is on top of existing issues with the traffic congestion along Werona Avenue onto Henry Street underpass and the Park Avenue railway bridge leading to the Pacific Highway.

- The application does not consider the **cumulative multiplier effect** of other SSDs and future development applications as a result of the amendments to the LEP 2015 which has massively rezoned Gordon, Killara, Lindfield and Roseville.
- The combined impact of these projects, if approved, will severely strain infrastructure, increase congestion, and reduce local amenity.
- A failure to assess this cumulative burden renders the proposal incomplete and inconsistent with responsible planning standards.

Design Quality

FOKE **disputes** the applicant's heritage report that the "The design of the proposed scheme is sensitive to the characteristics of the Gordon Park Estate, McIntosh & Ansell Conservation Area (C22) and the extant structures located on the subject lot" ([page 53](#)).

This proposal significantly affects the two Heritage Conservation Areas that it abuts. It aims to remove 25 McIntosh Street from the Gordon Park Estate, Macintosh and Ansell HCA, It will overwhelm 19 and 17 McIntosh street, as well as the remainder of the Gordon Park HCA to the west of the development. This development will have a significant and destructive impact on the two HCAs next to it as well as the continuation of the Gordon Park Estate, Macintosh and Ansell HCA directly across the road.

FOKE **disputes** the applicant's heritage report that states the "form, massing and materiality of the proposal is informed by the local visual context of the site's intersection location and its sloping topography, additionally the proposal respects the established setback pattern of the McIntosh streetscape" ([page 53](#)).

The proposed development does not meet the heritage provisions of the TOD scheme, that 'a *development should be appropriate to the context, and build upon the features of the HCA*'. Nor does it meet the provisions of KLEP 2015.

Heritage

It is disappointing that the [applicant's Heritage Report](#) Appendix S Heritage Impact Statement fails to acknowledge the impact of 9 storeys towering over *Eryldene* (page 33). The [applicant's Heritage Report](#) is **disingenuous** in claiming: "*Eryldene* is located towards the centre of its lot and is surrounded by a significant garden. The vegetation within and in front of the heritage listed site already largely screens views towards the subject site. The additional impact on views, in terms of the visibility of the new development behind (from the southeast) of *Eryldene*, is minor. There would be a sufficient buffer around *Eryldene* to appreciate it in isolation" ([page 2](#)).

FOKE strongly **disputes** the applicant's heritage report that the impact on *Eryldene* will be "minor" and puts the case that the impact of three 9 storey towers on *Eryldene* will have a devastating impact on this State Heritage house and garden.

FOKE also **disputes** the applicant's heritage report claim that *Eryldene* heritage significance would be shielded by the 8 storey towers by 19 McIntosh Street ([page 53](#)).

It is fundamentally unfair that 19 McIntosh Street, a contributory heritage item and the neighbouring property to *Eryldene* on its western side, appears to be relied upon as a buffer zone to protect *Eryldene* from development impacts. While *Eryldene*'s heritage protection is critical, as a State Heritage listed item, the burden should not fall disproportionately on its neighbouring contributory heritage property to protect it. This is particularly concerning given that heritage conservation works are currently underway at 19 McIntosh Street. Allowing a nine-storey building to be constructed immediately adjacent to this contributory heritage item would undermine its heritage significance and amenity and 'sacrificing' it to protect another heritage property.

The shadow diagrams affecting *Eryldene* are misleading insofar as they rely on the existing contributory heritage dwelling at 19 McIntosh Street to provide an assumed visual and solar buffering effect. In doing so, the proposal effectively externalises its heritage mitigation strategy, treating 19 McIntosh Street as a de facto buffer despite it being a separate heritage asset with its own conservation value. This reliance is not a legitimate substitute for on-site design responses to overshadowing impacts on *Eryldene*.

The height, bulk and scale of the proposed SDD will negatively impact on the [Gordon Park Estate McIntosh Grant Conservation Area \(C15\)](#) that has historical significance as part of the 1823 Ansell 40 acres land grant purchased by McIntosh and the late 19th century subdivision of Gordon Park Estate. The proposal will negatively impact on the Conservation Area's aesthetically significant intact inter-war houses. It is unacceptable that the proposed SDD-83478456 includes the 25 McIntosh Street property that is located within the [Gordon Park Estate McIntosh/Ansell Grant Conservation Area \(C15\)](#).

The [Gordon Park Estate, McIntosh/ Ansell Conservation Area \(C15\)](#) is listed for the following reasons: *Historically, the area represents the fine residential development of Gordon during the nineteenth and twentieth century. The area provides evidence of the 1823 land grant to Michael Ansell and the subsequent subdivision of this grant by Robert McIntosh as the Gordon Park Estate. This subdivision demonstrates the development resulting from the construction of the North Shore rail line at the end of the nineteenth century.*

The area largely retains the overall form and layout of the original subdivision pattern with consistent streetscapes of houses in their garden setting. The building stock includes a high proportion of quality houses, representing examples of late federation and inter-war architecture. The buildings survive reasonably intact within mature gardens.

The conservation area is of local heritage significance in terms of its historical, aesthetic and representative values. This satisfies three of the Heritage Council criteria of local heritage significance for local listing (NSW SHI, 2024).

Negative impact on *Eryldene* Historic House and Garden



Photo of *Eryldene* taken by FOKE to promote FOKE walk celebrating Australian Heritage Festival, 4 May 2025

The applicant duly acknowledges *Eryldene*'s statement of significance as outlined on the State Heritage Inventory in its heritage report ([page 33](#)):

Eryldene is of outstanding cultural significance being the most intact surviving example of the work of William Hardy Wilson, the prominent early twentieth century Australian architect, artist, writer and advocate of the Colonial Revival style. It comprises a residence, complementary outbuildings and garden setting, reflective of the close similarity of interests of both architect and client, Professor E G

Waterhouse. The garden was developed by its owner to a remarkable individual character and was the setting for his world-renowned efforts in developing the nomenclature and hybridisation of camellias. It remains a resource for their study. The house, gardens and outbuildings are significantly intact, with some room settings retaining their original furnishings and detail (Moore et.al 1988:17).

The place is also of considerable aesthetic significance for its demonstration of an exemplary example of a garden as an extension of a house, with a series of open air rooms carefully furnished with trees, shrubs and flowers, superbly proportioned garden structures (temple, garden study, teahouse/tennis pavilion, fountain, pigeon-house)(Read, S., Heritage Office, 2004).

FOKE puts the case that the SSD should be dismissed on this heritage statement alone.

- *Eryldene* is probably one of the most significant heritage properties in Ku-ring-gai and Sydney. The house was designed by architect Hardy Wilson who was also an artist and conservationist and is renowned for designing *Eryldene* one of Australia's most significant neo-Georgian buildings. In the rear garden facing the SSD is also Hardy Wilson's unique Chinese pagoda which is one of the most significant pieces of Chinese inspired architecture in the nation.
- The proposal will have devastating and irreversible impacts on *Eryldene*, a national treasure. It will negatively impact on *Eryldene*'s aesthetics and environment. The intense adjacent development threatens the garden's microclimate and its internationally recognised camellia collection. The SSD threatens the health of *Eryldene*'s garden due to overshadowing, altered air flow patterns, soil moisture content variations and increased pathogens.
- *Eryldene* is a rare and intact combination of outstanding early 20th-century architecture with a uniquely significant horticultural collection. Hardy Wilson designed *Eryldene* house and garden for the renowned Professor Eben Gowrie Waterhouse. The house and garden are a unique blend of cultural and natural heritage and which is managed by the Eryldene Trust and opened to the community over 30 years.
- *Eryldene* was heritage listed in 1979 and is included on the NSW State Heritage Register and the heritage schedules of the Ku-ring-gai LEP 2015, as well as being classified by the National Trust. *Eryldene* is located within the [Gordon Park Conservation Area \(C17\)](#) under Ku-ring-gai LEP 2015.
- The proposed 9 storey apartment buildings to the rear and adjacent to *Eryldene*'s boundaries will substantially and negatively impact the conservation, use and activation of the house and garden museum. It drastically and permanently reduces *Eryldene*'s visual amenity and destroy its curtilage.
- The substantial excavation for underground car parking will affect surface and subsurface water flows - impacting *Eryldene*'s significant camellia collection and mature garden; with construction vibrations potentially damaging its heritage buildings and garden structures.
- The intensity of development will substantially reduce its landscape vista characterised by large canopy trees, relying on deep soil planting and impacting biodiversity, the visual character of the HCA, its microclimate and potentially increasing heat island effects.
- *Eryldene*'s context set within neighbouring low-rise residential development would be substantially impacted, adversely affecting its streetscape setting and historic context.

Amendments fail to acknowledge the aesthetics of *Eryldene*'s viewlines

The proposal for 21, 23 and 25 McIntosh Street and 55 Werona Avenue (SSD 83478456) fails to adequately consider curtilage, viewlines and the aesthetic experience of the public visiting *Eryldene* House and Garden.

Eryldene is a human-scale house and garden whose significance depends on carefully framed viewlines that establishes visual relationships between buildings, garden landscape, flowering camellias, tree canopy and skyline. It is an aesthetic experience that was carefully planned by its original owner Professor E.G. Waterhouse in partnership with renowned architect Hardy Wilson. The house and garden have been designed as an artistic visual experience that promotes the beauty of nature.

Eryldene represents one of the most successful aesthetic interrelations between garden and architecture. It was one of the first Australian houses specifically designed to fit within a planned garden setting with vistas and visual effects of textures, patterns and colours. The integrated design includes Colonial Georgian symmetry as well as an Oriental Chinese 'Moon Gate' that asks for contemplation on the beauty of nature. The long, low house is nestled in a landscape that values dappled shadows of overhanging branches that reflect on white walls with contrasting vibrant colours from its surrounding gardens. These aesthetic concepts are totally missing in the applicant's proposal. Architecturally, *Eryldene* represents the only surviving, unaltered examples of a William Hardy Wilson exemplary architecture. He was passionate to revive a colonial tradition of classic simplicity using Georgian period designs and complementing it with Eastern architectural styles as embodied in the Tea House and Moon Gate.

The Temple in the front garden is important aesthetically and the views of the building will negatively impact on it.

The proposed development will shatter the aesthetic experience of visiting *Eryldene*. It is important to preserve *Eryldene*'s views through its gardens, through its Moon View gate, as well as towards the Pigeon House (also designed by Hardy Wilson – built in 1922), and through the myriad of paths circling the garden. Visual 'rooms' are intrinsic to the *Eryldene*'s garden design, aesthetics and heritage value. The proposal does not demonstrate how these essential artistic viewlines can be preserved. The height and scale of the proposal are incompatible with the historic setting and curtilage.

The rear wall of the garden study, directly opposite the Tea House has a bronze sculpture of a boy playing with cat. Great care was made by *Eryldene*'s original owner Professor E. G. Waterhouse to ensure the sculpture was placed at the correct height to ensure balance and 'framing'. All this spatial providence has been ignored by the applicant's proposal.

The Moon Gate frames the Tea House walking the west but is also significant walking to the east and enhances the view to the garden. Architect R. Keith Harris was commissioned to design this Moon Gate entrance and reflects traditional Chinese moon gates – built in 1936 – a turbulent decade for China leading to the Sino-Japanese War with the destruction of Chinese temples and historical structures from aerial bombing, looting and war crimes. The Tea House is one of the most significant Asian inspired heritage buildings in Australia.

The proposed bulk and height neighbouring *Eryldene*'s heritage context are excessive and completely inappropriate. Despite a neighbouring property being used as a 'buffer zone' this is completely inadequate to protecting the visual integrity of *Eryldene*'s viewlines. The tall built form rising above the roofline will intrude into views from within the garden and from important public approaches, thereby compromising the aesthetic and experiential qualities of peace, contemplation and meditation.

This development will not reinforce *Eryldene*'s Stare Heritage listing. Instead, the proposed nine storey towers will dominate and fracture the established low-rise character around *Eryldene* and into the views in and out of its gardens. Notable influential British town planner Léon Krier emphasised the need for human-scale development and the danger of tall buildings degrading heritage, visual coherence and relationships with nature. These town planning principles should be a reason to refuse SSD-83478456.

Cultural and artistic values

Eryldene's garden and architecture have been recognised and recorded by prominent Australian photographers including Harold Cazneaux. The photographs provided below by the applicant are an insult to their artistic photographic heritage of *Eryldene*. The amended proposal risks destroying the compositional settings that made these artistic photographs part of Australian photographic history. The inclusion of Harold Cazneaux's *Exterior view of Eryldene, house and garden path, Gordon, New South Wales, c. 1930* in the [National Library of Australia](#)'s collection (see photograph below) recognises the national significance of *Eryldene*'s viewlines.



Harold Cazneaux's *Exterior view of Eryldene, house and garden path, Gordon, New South Wales, c. 1930* in the National Library of Australia's collection

The three nine-storey towers will irreversibly damage the viewlines of *Eryldene's* garden setting as evidenced in the applicant's photomontages below:

6.1.5.5 View 1.1 – Eryldene Estate. View from lower garden, looking east



Figure 45 View 1.1 existing view (Source: Gyde Consulting)



Figure 46 View 1.1 revised scheme (Source: Modata)

From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 66

6.1.5.6 View 4.1 – Eryldene Estate. View from entry pathway looking east



Figure 47 View 4.1 existing view (Source: Gyde Consulting)



Figure 48 View 4.1 revised scheme (Source: Modata)

From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 67 & 68

6.1.5.7 View 5 – Eryldene Estate. View from Chinese pavilion



Figure 49 View 5 existing view (Source: Gyde Consulting)



Figure 50 View 5 revised scheme (Source: Modata)

From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 69

6.1.5.8 View 6 – Eryldene Estate. Upper lawn looking east towards the 'Moon Gate'



Figure 51 View 6 existing view (Source: Gyde Consulting)



Figure 52 View 6 revised scheme (Source: Modata)

From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 70 & 71

International and professional guidance

ICOMOS and the UNESCO World Heritage Centre consistently advise against high-rise developments that intrude into the setting, skyline or view corridors of heritage places. The proposal does not align with this guidance and does not demonstrate how the development will avoid adverse impacts to *Eryldene's* heritage significance.

Fails NSW State Heritage legislation

The amended proposal does not address the fundamental concerns regarding the inappropriate height, scale and bulk of the neighbouring proposed buildings and their impacts on the State Heritage-listed *Eryldene* House and Garden.

While the amendments introduce additional setbacks on the western side adjacent to 19 McIntosh Street and *Eryldene*, the development remains excessively large in relation to *Eryldene's* heritage context. Building A, reaching a height of up to 19.35 metres above the fourth floor, and will continue to generate overshadowing impacts and diminish the aesthetic values, visual prominence and setting of *Eryldene*.

The proposal also fails to enhance the amenity of neighbouring properties. The bulk and height of the proposed three 9 storey towers will continue to dominate the landscape and overshadow adjacent properties and reduce their natural sunlight in winter, particularly affecting neighbouring properties at Werona Avenue (as identified on the 'McIntosh' Street & Werona Avenue, Gordon, NSW 2027 Landscape Documentation page 1). The amended SSD-83478456 retains the unacceptable visually intrusive built form that would irreversibly destroy *Eryldene's* heritage viewlines, adversely affecting both the heritage setting of *Eryldene* and the future amenity of surrounding neighbouring homes.

For these reasons, the amended SSD-83478456 proposal should be refused. It fails to protect *Eryldene's* significant heritage sightlines, garden views and visual relationships that contribute to the

heritage significance of *Eryldene*. Approval in its current form would result in unacceptable and irreversible harm to *Eryldene*'s heritage, aesthetic and cultural values.

Connection to the conservation movement

Eryldene's architect Hardy Wilson and Professor Waterhouse played an important role in supporting the early NSW conservation movement. Annie Forsyth Wyatt (1885-1961) the founder of the Ku-ring-gai Tree Lovers' Civic League (1927) and NSW National Trust (1945) lived not far from them and was very much influenced by Professor Waterhouse's commitment to the aesthetics of gardens and heritage buildings.

- The SSD's increased density will irreversibly degrade the heritage significance of both the heritage conservation areas and heritage items in the [Gordon Park Estate, McIntosh/ Ansell Conservation Area \(C15\)](#)
- The SSD proposal will potentially lower the property values of the HCA and the heritage properties within the HCA in having three 9 storey (ranging from 29.9m-30.5m) proposals towering over the 1-2 storey residential streetscapes.
- The concept proposal does not reflect the historic subdivision pattern which is a key component of the established streetscape and heritage significance of the area. The amalgamation of the three lots and resulting proposed built form fail to respond to or incorporate the historical lot configuration, therefore undermining the integrity of the established subdivision pattern.
- Friends of Ku-ring-gai Environment Inc. (FOKE) established in 1994, has run many Australian Heritage Festivals (supported by the NSW Government) guided walks to *Eryldene* over the years starting at Gordon Railway Station. These guided walks have highlighted Gordon's heritage and environmental values, highlighting how the 'natural form' dominates the 'built form'. FOKE organised a 'Gordon Heritage in Peril' walk to celebrate the 2025 Australian Heritage Festival (4 May 2025). The overwhelming response from those attending the walks (including Ku-ring-gai locals as well as residents living in suburbs across Greater Sydney) was that this area should be protected, not destroyed by inappropriate SSDs.
- FOKE's guided walks highlighted how Gordon is a rare blend of fine domestic architecture set within a landscape of critically endangered indigenous forests and established gardens. Historically Gordon is an aesthetic expression of the 'garden suburb', twentieth century town planning and conservation movements.)

Other heritage and neighbouring homes affected by the SSDs are:

The bulk and height of the proposed three apartment buildings will continue to dominate the landscape and overshadow adjacent properties and reduce their amenity, privacy and natural sunlight in winter, particularly affecting neighbouring properties in Werona Avenue, Forsyth Street and McIntosh Street (as identified on the 'McIntosh' Street & Werona Avenue, Gordon, NSW 2027 Landscape Documentation page 1).

'Rochester', 51A Werona Avenue (locally listed)

Building C has been moved to within 6m of the rear Southern and Western boundaries and its additional height will degrade the heritage, privacy, amenity and solar access.

49 Werona Avenue, Gordon - directly adjoins the proposed site's Southern rear boundary and will have unacceptable direct impacts on the amenities, privacy and completely overshadow the property. The scale, sheer bulk and design of the proposed development bring unacceptable impacts to neighbouring properties and should be refused.

12 and 14 Forsyth Street, Killara - Building C has been moved to within 6m of the rear Southern and Western boundaries and its additional height will degrade the privacy and solar access.

17 McIntosh Street – the height and bulk of the development will result in overshadowing, visual intrusion, and contextual disconnection, especially for *Eryldene*, which holds state-level heritage significance.

19 McIntosh Street – Contributory Heritage Item

The impact on this contributory heritage item is profound. It is unfair that this property – that is undergoing heritage renovations be impacted by three 9 storey buildings. Nor should it be 'sacrificed' as a buffer zone to protect its neighbouring property *Erydene*.

21, 23 and 25 McIntosh Street are proposed for demolition, despite being located within the Gordon Estate, McIntosh and Ansell Heritage Conservation Area (HCA) under the KLEP. Insufficient consideration has been given to ensuring that any replacement development respects and responds appropriately to the character, significance and heritage values of the Heritage Conservation Area.

This proposal does not meet requirements for protecting Environmental Heritage or the cultural context of heritage items.

The three 9 storey proposal is out of scale in height and density and not only threatens the State Heritage listed values of *Erydene* House and Garden but Gordon's established character and infrastructure capacity. While some of the adjoining and adjacent buildings are not necessarily heritage listed, they are of compatible size and scale with extensive landscaping afforded by the lower density of development.

Visual Impact

View from Rosedale Road looking toward the South form



Existing



Proposed

[Applicant's Report Page 63](#)

- The Visual Impact analysis has not included an analysis from nearby residential properties nor an analysis of "View Loss" from nearby residential properties.
- There will be direct overlooking Impact from existing front streetscape or to rear yards of the properties situated on side and rear boundaries of the proposal which is why the proposal does not achieve "high level of amenity".
- The height and mass of the proposed buildings - three 9 storey (5,228.09 sqm to 5,259.46 sqm) will be some of the tallest buildings in Gordon and will tower over surrounding residences in McIntosh Street, Werona Avenue, Forsyth Street and views from Rosedale Road.
- The height will have a significant negative impact on visual amenity for the neighbouring streets, including those homes in Forsyth Street, McIntosh Street, Rosedale Road and Werona Avenue who will lose their visual amenity and privacy by the 9 storey proposals which towers over the adjacent 1-2 storey residences.
- Higher density and elevation will allow balconies and windows to overlook neighbouring properties, significantly reducing privacy.
- The 'box type' facade of the residential flat building is unsympathetic to the surrounding local heritage context and streetscape. Its architecture is completely out of context and is a negative visual blight.
- The proposal exhibited is not the desired future built character for the Low and Mid-Rise Housing (LMHR) zone in which the proposal is situated.

Noise Impacts

- The neighbourhood will suffer intense noise pollution during the construction phase from machinery, trucks, and site activity that will disrupt nearby residents' daily lives. The weight of the demolition trucks will have significant damage on local roads.
- Converting the existing driveway of 55 Werona Avenue into a footpath for residents could still have noise impacts on *Eryldene* and other neighbours adjacent to this access walkway.
- The combined impact of loss of light, privacy, noise, and green space reduces liveability and may harm long-term community cohesion.

Traffic Parking and Transport

- The [applicant's traffic report](#) Appendix BB Traffic Assessment is **disingenuous** with its photos of the streetscape showing very little traffic. This is not the true nature of traffic surrounding the proposed SSD site.
- Ingress and egress of the proposed 178 car owners living and visiting in the three 9 storey (ranging from 29.9m - 30.5m), with underground parking will be extraordinarily challenging entering McIntosh Street. It also will create a significant impact on neighbouring properties.
- The traffic impact on MacIntosh and Rosedale Road will be considerable because of the two levels of basement carpark, including bicycle parking and location for waste services, and loading bay with entry and exit via McIntosh Street.
- The Traffic Report is flawed in that it has not considered the cumulative impacts of the additional TOD SSDs currently proposed within 400 metres of Gordon railway station and the increased traffic movements.
- The proposed development along with other proposed and planned developments for the area will have an adverse cumulative impact on the local road network with no indication of significant additional infrastructure provided. Traffic in the vicinity of Gordon Station and the arteries between the East Gordon hinterland and the Pacific Highway are already problematic.
- The traffic study ignores the function of McIntosh Street as one of the few routes connecting East Gordon to Arterial Road via Arthur Street, Kylie Ave and Wattle Street.
- The Traffic Study fails to recognise the arterial function of Rosedale Road between Park Ave and McIntosh Street.
- The cumulative impact of increasing density in this area will result in increased traffic congestion around the Gordon Railway Station, reduce opportunities for on-street parking and increased congestion at the two access points across the Railway at the Werona Ave underpass and the Park Street overpass.
- The cumulative increase in queuing times at the intersection of the Pacific Hwy and Park Ave for vehicles wishing to access the Pacific Highway will intensify.
- Werona Avenue is already a busy road that runs on the east side of the railway line from Gordon to Roseville. The additional traffic generated from this proposed site will exacerbate existing 'traffic choke points' at Havilah Road underpass to the Pacific Highway and Henry Street underpass and Park Avenue Railway Bridge to the Pacific Highway.
- McIntosh Street and surrounding streets are parked out on the weekdays and often on weekends if there is a special event on in the City, limiting traffic to a single lane in peak times due to increased traffic generation.
- The traffic report fails to appreciate the poor standards of neighbouring interconnected roads. Many of Gordon's roads are narrow, poorly surfaced and heavily parked out even with railway commuter parking.
- The argument that residents living close to the railway line will travel by train to work and other activities is not practical or factual. Most of the families in this area have at least two cars per residence and don't all travel to work by train or activity due to the lack of connections from the north shore to other parts of Sydney.
- In case of an emergency, vehicles (ambulance, fire, police) will not be able to exit quickly due to the current existing traffic conditions onto the Pacific Highway let alone the cumulative impact of car movements from 2315 additional dwellings. This will endanger lives unless the road network in and around the Gordon railway station and Pacific Highway is improved.
- The intersection of Pacific Highway, McIntosh Street, and Werona Avenue is already heavily congested during peak hours.
- McIntosh Street is a major local access route from East Killara and East Lindfield, and the proposed development will exacerbate traffic delays, safety risks, and parking overflow.

- No comprehensive plan is presented for upgrading key infrastructure — roads, stormwater, water mains, sewerage infrastructure or utilities — to accommodate increased demand.
- The Transport Impact Assessment concludes that the “traffic impact assessment therefore demonstrates that the subject application is supportable on traffic planning grounds.” However, concerns have been raised by local residents that surrounding streets are already heavily trafficked, with on-street parking reducing effective road widths and creating constrained and potentially unsafe conditions. There are also significant concerns regarding emergency access, particularly in the event of a major bushfire, where congestion could impede access for emergency services such as ambulances and fire trucks. Given the proximity of surrounding bushland reserves, the area may be vulnerable to ember attack in extreme fire conditions, highlighting the importance of maintaining safe and reliable evacuation and access routes.
- There are also ongoing concerns regarding traffic conditions on Rosedale Road, particularly in relation to vehicle speeds. A recent incident near Gordon Recreational Park and McIntosh Street on 29 November 2025, involving a pedestrian collision during a police pursuit, has further highlighted safety risks in the area. This reinforces community concerns about traffic speed and road safety along this corridor.
- The Transport Impact Assessment photographs of McIntosh Street and Rosedale Road do not reflect observed local conditions, as these streets are typically busy. As a result, the images underrepresent actual traffic volumes and may not provide an accurate basis for assessing existing traffic impacts.

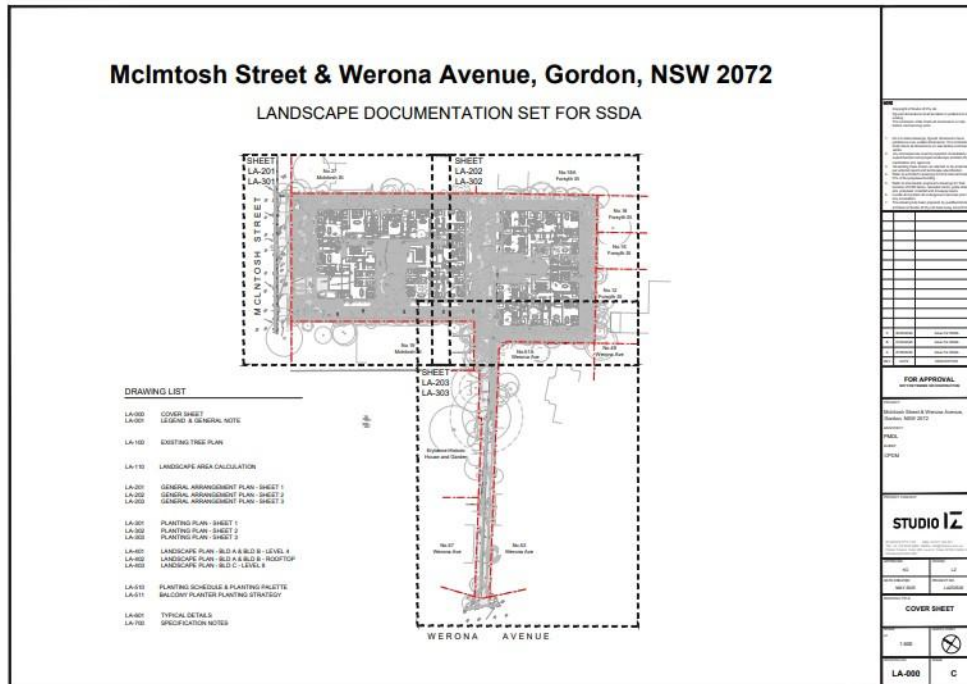
Noise and Vibration

- The noise and vibration during construction will create high levels of noise pollution and negatively impact the liveability of residents living in neighbouring streets.
- There will be substantial disruptions to surrounding properties with regard to noise, dust and traffic during the 9 month excavation and 2 year construction.
- There is the potential for concurrent noise, dust and traffic from construction of other nearby TOD SSDs which are currently approved or being assessed for approval by the DPHI which are all proposed within the 400-600 metre radius on the east side of the Gordon railway station.
- It is anticipated there will be thousands of heavy truck movements in an around the site.

Ground and Groundwater Conditions

- The predicted nine month excavation for two levels of basement carparking for 178 cars spaces will be immense and will remove the topsoil and thus sterilise the site of future remnant regrowth of tall endemic canopy trees such as Critically Endangered Ecological Community Sydney Turpentine Ironbark trees and Blue Gums which are itemised as indicative endemic replacement trees on the landscape concept plan.

Trees and Landscaping



From Appendix N – Landscape Plans

- The proposed deep soil planting (greater than 6 metres wide) is 582.33 sqm or 7.49% (Response to Submissions and Amendment Report page 20) and is vastly inadequate to preserve the existing tree canopy or replant replacement Sydney Turpentine, Blue Gums or Angophoras Trees and Landscaping.
- The impacts of deep excavation from the proposed 2 basement parking levels with 178 car spaces and associated services within a few metres of the neighbouring boundaries.
- The lack of deep soil area will significantly reduce the ability for canopy trees to grow to provide privacy, shade or to mitigate the excessive height and bulk of the development.
- Ku-ring-gai LGA's character is its iconic majestic tall canopy trees with homes nestled within the tree canopy. This tree canopy contributes significantly to the liveability of Gordon. Canopy provides protection from over-exposure to UV radiation, improves air quality, cools local environments and supports wildlife habitat.
- The removal of 28 trees and 4 tree groups will result in habitat and canopy loss. This will severely impact on nesting, food and shelter for birds, possums and other wildlife, fungi and insects which are prevalent in Gordon and Ku-ring-gai.
- The proposed amendment to reduce tree removals from 29 to 28 is negligible and fails to address the substantial environmental impacts of the development. The removal of 28 trees would still cause a major loss of greenery, habitat, and a critical wildlife corridor (Gyde Response to Submissions and Amendment Report, p. 9).
- Green roof terraces cannot be a substitute to the removal of 28 trees and cannot be considered as facilitating "ecological sustainable outcomes" as described in (Gyde Response to Submissions and Amendment Report, p. 36).
- Additionally, 16 category A and AA trees could potentially be adversely affected through disturbance during construction.
- The proposal will have a detrimental impact on the existing landscape character in McIntosh Street. 3 trees are proposed to be retained along the front setback and front verge. New trees take years to grow and establish and will depend on the care they are given and the amount of deep soil provision which is already significantly compromised by excessive hard surfaces such as proposed paved areas, driveway and pathways.
- The removal of 28 mature trees will undermine the Ku-ring-gai's Urban Forest Strategy that aims to increase canopy cover percentage in residential zoned areas up to 40%.

- The current controls for the SSD proposal will result in the significant loss of tree canopy - at a time of biodiversity extinction and increasing heat waves.
- On environmental grounds the proposed SSD 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.
- The proposal does not provide adequate and sufficient areas for deep soil and the planting of canopy trees which will lead to a net loss of trees not a gain. The proposed deep soil area (equal or greater than 6m depth) – 582.33 sqm or 7.49% (Response to Submissions and Amendment Report page 20) of the site area is completely inadequate for a site of this size and does not meet the KLEP requirement of 50% deep soil landscaping, essential if Ku-ring-gai is to maintain its tree canopy.
- FOKE **disputes** the statement by the applicant that: "The development incorporates extensive landscaped areas that foster a dialogue between architecture and nature. The design integrates tall trees, shrubs, and ground covers reflective of local species characteristic of sandstone-derived soils, reinforcing ecological integrity and resilience" ([page 36](#)) and finds this ironically perverse when the development will destroy the aesthetics of architect Hardy Wilson's design to complement *Eryldene's* garden with the house.
- The three high category trees and twenty-six low and very low category trees proposed to be removed are significant for birds and wildlife and the applicant's claim that "these trees are not readily visible from any prominent public viewpoint" is **disingenuous** ([page 8](#)). FOKE **disputes** that the applicant's landscape plan "should significantly improve the ecological diversity of the site and secure its future as a valuable green asset to the local area" ([page 8](#)).
- The applicant's heritage report states: "It is understood that some extant vegetation and mature trees on site are required to be removed as a part of the proposal. The proposal however mitigates this impact through the planting of additional supplementary street facing vegetation which will soften the appearance of the development from the street and established continuity with the vegetation in other part of the HCA" ([page 48](#)). FOKE **disputes** this solution.
- FOKE is concerned that the significant trees lining McIntosh Street may be damaged from the demolition and construction trucks. FOKE also notes that more pedestrian access may require the removal of trees, particularly on the intersection of McIntosh Street and Rosedale Road and Werona Avenue (see applicant's heritage statement on [page 49](#)).
- The Landscape Document planting schedule proposes six Turpentine trees (*Syncarpia glomulifera*), which may reach heights of up to 25 metres (approximately 8–9 storeys). However, with only 582.33 sqm or 7.49% (Response to Submissions and Amendment Report page 20) of the site area of the site provided as deep soil planting, the suitability of the site to support the long-term growth and survival of these trees is questionable.
- The Landscape Document planting schedule proposes four Water Gums (*Tristaniopsis laurina*), which may reach heights of approximately 5–15 metres (around 1–5 storeys). However, with only 582.33 sqm or 7.49% (Response to Submissions and Amendment Report page 20) of the site area of the site allocated to deep soil planting, the suitability of the site to support the long-term establishment and maturity of these trees is questionable. The document also identifies *Tristaniopsis laurina* as "BGHF", which appears inconsistent, as this species is not typically associated with Blue Gum High Forest. In addition, the planting schedule does not include Sydney Blue Gum (*Eucalyptus saligna*), a characteristic species of the Critically Endangered Blue Gum High Forest ecological community, which would ordinarily be expected to be represented in any restoration or compensatory planting for this area.

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 proposed development fails currently 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 proposal lacks clarity around sustainable design features, such as solar access maximisation, energy efficiency, and water-sensitive urban design.

- In a climate-sensitive area like Ku-ring-gai, sustainable development must be a priority.

Biodiversity

- FOKE holds serious concerns for the on-going survival of Ku-ring-gai's two Critically Endangered Ecological Communities (CEEC), as remnants such as Sydney Turpentine Ironbark Forest (STIF) trees (CEEC), and Blue Gum High Forest trees (CEEC) remnant of which exist in private gardens. 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 and removal of remnant trees that contribute toward their extinction should be rejected.
- The proposed site is near the North Shore railway corridor that is an environmentally sensitive place with its NSW and Federally listed critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest. These urban forests and their canopies are the core of Ku-ring-gai's environmental character as well as the keystone for Ku-ring-gai's outstanding biodiversity.
- It is disappointing that the [applicant's biodiversity report by Keystone Ecological](#) anticipates that the report will "result in a small impact to native vegetation" (page 1). This is in direct conflict with [Ku-ring-gai Council's independent report into the potential ecological impacts with the NSW Government Planning reforms: the TOD SEPP and the Low-Mid rise Housing Policy \(6.2.24\)](#).
- The [applicant's Biodiversity Development Assessment Report by Keystone Ecological](#) is a jumble of tables with no real analysis and should be dismissed for its lack of ecological understanding.
- 21 & 23 McIntosh and 55 Werona Avenue are mapped as containing areas of Biodiversity Significance. 25 McIntosh is mapped as 'may' containing biodiversity, according to [Ku-ring-gai Council mapping](#). The surrounding properties are identified as containing areas of Biodiversity Significance.
- The SSD proposal will have significant impacts on biodiversity values as it is an area of environmental sensitivity with federally listed and state listed critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest.
- The SSD fails to acknowledge the importance of maintaining and enhancing the extensive tree canopy in Ku-ring-gai is a key issue because the canopy enables "biolinkages" with the surrounding National Parks for a wide variety of species.
- Ku-ring-gai is described as "*exhibiting environmental splendour of such a scale it is of national significance.*" Unique features of Ku-ring-gai include:
- Most of the last remnants in the Sydney "bioregion" of the towering tall Blue Gum forests (the "bioregion" extends from Nelson Bay to Bateman's Bay and from the coast to the mountains). The largest number of threatened species (plants and animals) in the bioregion for a local government area. It is noteworthy that Ku-ring-gai has similar numbers of bird and plant species as the entire British Isles. Four National Parks in and around Ku-ring-gai: Ku-ring-gai Chase National Park, Lane Cove National Park, Garigal National Park, Dalrymple Hay Forest National Park (Nature Reserve).
- The ecological report has not carried out a complete study of the biodiversity within the site or within the vicinity.
- 29 trees are proposed to be removed. They are described by the applicant's arborist in [Appendix H Arboricultural Impact Appraisal](#) as "Three high category trees and twenty-six low and very low category trees will need to be removed due to this proposed development." The report fails to acknowledge "wildlife" or "wildlife corridor" or "Habitat" or "biodiversity".
- Trees provide critical wildlife corridors to the neighbouring bushland reserves containing flora and fauna biodiversity.
- There has been no environmental impact statement about the impact of the development on the Grey-headed Flying-fox (*Pteropus poliocephalus*; GHFF) for which there is a large colony in Gordon or the Powerful Owl (*Ninox strenua*) and other local birds and wildlife. The grey headed flying fox colony flies directly over Gordon each night to the areas they forage for food.
- It is not unusual for local Gordon residents to find the carcass of ring-tailed possums in their gardens which is evidence of the Powerful Owl presence in the area.
- Ku-ring-gai is described as an "environmentally sensitive area" for migratory species who utilise the vegetated ridgeline such as Gordon as they migrate north to south. The loss of the

vegetation from TOD SSDs 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. Koel, specifically the Eastern Koel, is a migratory bird that travels from Southeast Asia to Australia breeds annually in canopy trees in the rail corridor.

- Sensitive riparian bushland is located at the end of McIntosh Street in Gordon within Terrumbine Reserve, where the local community has invested significant time and effort in bush regeneration activities. There is considerable concern that the increased density proposed under SSD-83478456 will generate additional stormwater runoff, leading to weed invasion and degradation of this environmentally sensitive bushland. While the Biodiversity Report (page 28) states that “weeds arising from this potential impact [are] to be controlled by actions detailed in the Landscape Plan and as part of ongoing maintenance” (page 41), this mitigation appears to be limited to the development site itself and fails to adequately consider or address the potential impacts on adjoining bushland reserves, including Terrumbine Reserve.



From Ku-ring-gai Council website <https://www.krg.nsw.gov.au/Things-to-do/Parks-playgrounds-and-sportsfields/Terrum-bine-Reserve>

- Additionally, the removal of 28 trees on the four properties threaten to fragment the wildlife corridors that connect the western side of the railway line to the eastern side that connects to a broader network of natural valleys that includes the Ku-ring-gai Flying-fox Reserve and leads into the Garigal National Park. These ecological communities are recognised as having the highest conservation significance. The impact of this high-density proposal risks destroying the ecological integrity of the surrounding landscape that includes private gardens – with its canopy trees and bushland reserves - and undermining decades of conservation efforts undertaken by NSW government agencies, environmental organisations and local communities to protect threatened species and endangered ecological communities. The proposal is therefore inconsistent with the protection of the natural heritage values, biodiversity significance and environmental character that distinguish this locality set in a bushland landscape.
- 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 biodiversity that exists within the locality of the proposed development.

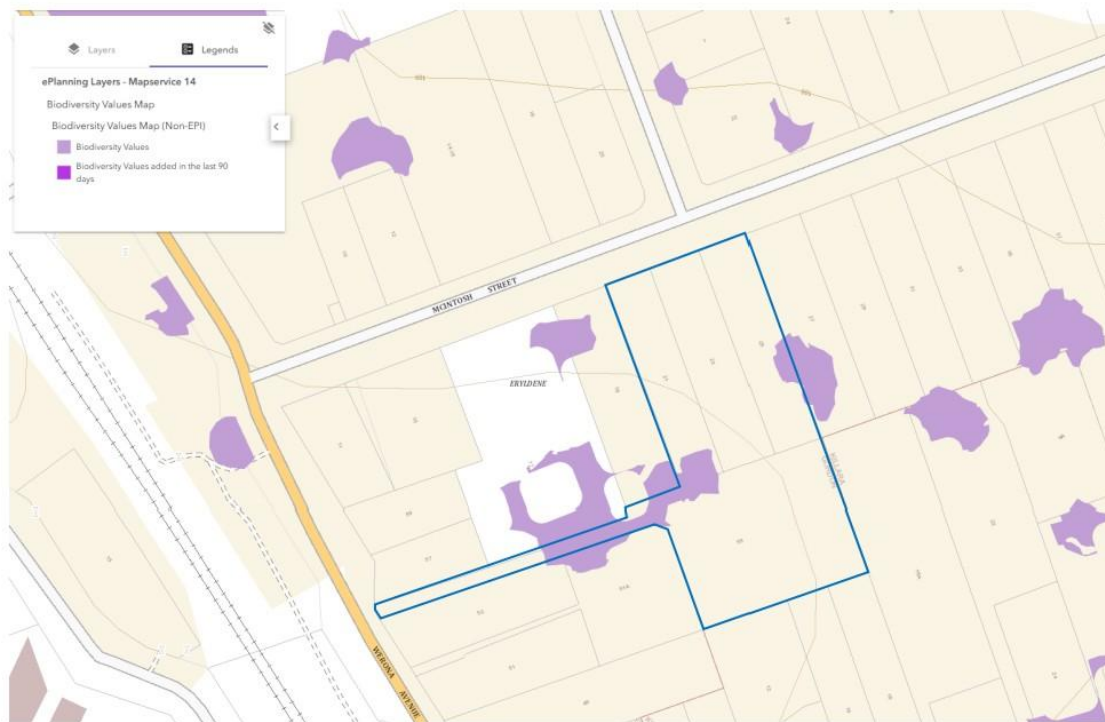
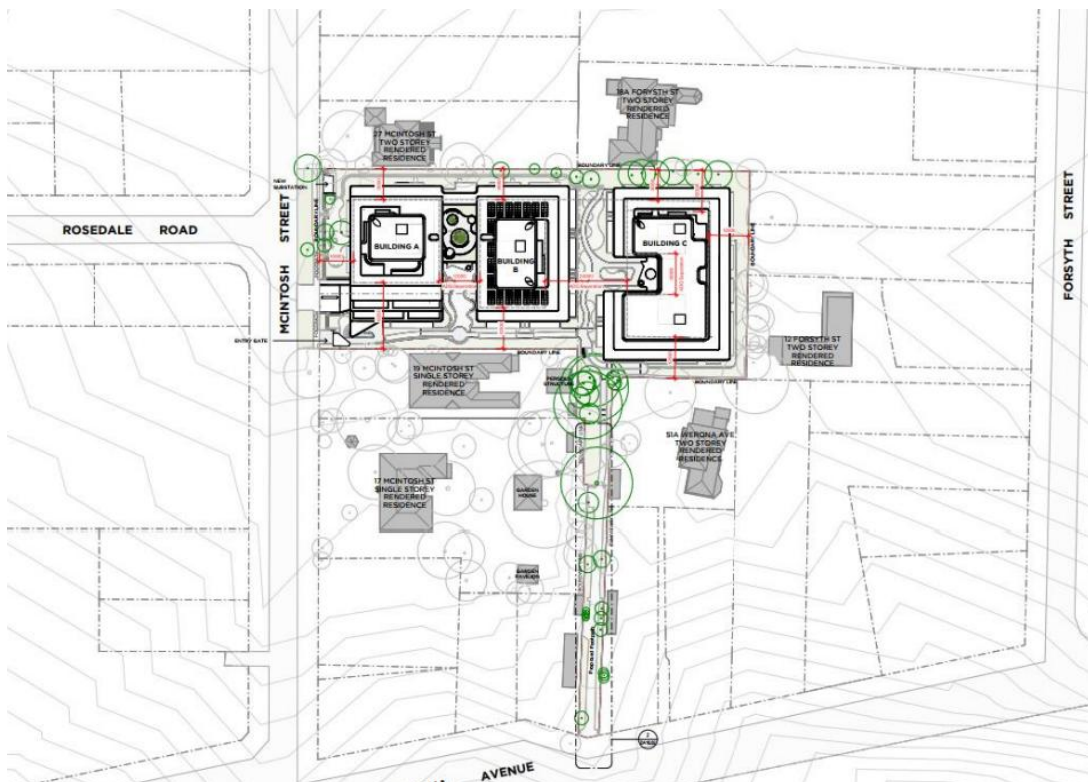


Figure 3 Biodiversity Values Map shown in purple, site outlined in blue (Source: NSW Planning Portal Spatial Viewer)
From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 11



From GYDE Response to Submissions and Amendment Report, 12 May 2026, page 3

- The above plan indicates the location of the biodiversity values associated with Sydney Turpentine Ironbark Forest (STIF) along the eastern and south-western boundaries and within the development site – yet there is no mitigation for how this Critically Endangered Ecological Community is to be addressed. The map also demonstrates the important of “islands” of

STIF and how the removal of 29 trees would devastate the biodiversity connectivity the site leading to the Garigal National Park.

- The Biodiversity Report (page 47) seeks to differentiate between STIF “landscape remnant” and “canopy remnant”. FOKE questions whether this distinction is based on recognised ecological terminology and notes that the report does not adequately explain the basis for its use. Without clear definitions and supporting evidence, the distinction appears arbitrary and undermines confidence in the assessment's conclusions.
- The site plan in the Biodiversity Development Assessment Report (page 3) illustrates how Buildings A, B and C would create a substantial biodiversity barrier, impeding the movement of wildlife and birds between habitats to the west and Garigal National Park to the east. By fragmenting an important wildlife corridor, the proposal would reduce habitat connectivity and undermine ecological values, highlighting the unsuitability of the development in this location.
- The Biodiversity Report (page 28) states that “no hollow-bearing trees occur on the development site” and relies on this as a basis for excluding the Gang-gang Cockatoo (*Callocephalon fimbriatum*) and the South-eastern Glossy Black-Cockatoo (*Calyptorhynchus lathami lathami*) from further consideration. However, hollow-bearing trees are present within Gordon Recreational Park and the surrounding area. As these species are capable of travelling between nesting and foraging habitats, the absence of hollow-bearing trees on the development site does not necessarily mean that the site is not used for foraging or movement. The potential impacts of the proposal on these species therefore warrant further assessment.
- The Biodiversity Report (page 40) proposes that residents be “encouraged” to keep cats indoors or within enclosures. However, this is neither enforceable nor guaranteed through the development approval process. As compliance relies solely on the voluntary actions of future residents, it cannot be relied upon as an effective mitigation measure to protect local wildlife.
- The Biodiversity Report (page 48) asserts that “the trees comprising the Landscape Remnant will be almost entirely retained and minimally impacted by the proposed footprint.” This claim appears inconsistent with the proposal to remove 28 trees from the site. The extent of tree removal raises serious questions as to whether the impacts on the site's vegetation and ecological values can reasonably be characterised as minimal.
- The Biodiversity Report's BAM Predicted Species Report (pages 1–2 of 3) identifies 21 threatened species that are reliably predicted to utilise the site. Despite this, no targeted surveys appear to have been undertaken to determine whether these species are present or dependent on the site's habitat. The report's reliance on ecosystem credits is also questionable, as offsets cannot replace the ecological values lost on-site nor guarantee the protection of threatened species that may be directly affected by the proposed development.

Water Management

- Gordon existing water pressure has already decreased over the years as more residents and businesses have relocated here. The Council's 2000 Infrastructure Study by Sinclair Knight Merz recommended that there be no increase density on the east side of Gordon due to the lack of water pressure unless amplified.
- To our knowledge there has been no amplification of the water pressure on the east side of Gordon that FOKE is aware of since the infrastructure study and its findings were undertaken in 2000. Most of the Gordon medium density apartment buildings built since 2000 have been built on the west side of Gordon and not on the east side of Gordon apart from two 4-5 storey residential blocks adjacent to the rail line.
- The 2000 report by Sinclair Knight Merz stated “*Areas have been identified as potentially reducing the pressures to or below Sydney Water's Operating Licence. Therefore, prior to any development strategies. Rezoning land use or staging of development proceeding, more detailed investigations of the system by Sydney Water will be required to define with more confidence the actual impacts and modification and/or amplifications required.*” The 2000 study has not been updated by Ku-ring-gai Council despite the need.
- The 2000 Sinclair Knight Merz Infrastructure Study stated that the area could withstand up to a **15% population growth** as the absolute maximum limit before critical infrastructure thresholds would be exceeded however there has been a 22% population increase since that report in 2000 with a 35% increase in Gordon dwellings.
- This SSD will add an additional 200 toilets, 200 showers and 120 washing machines to a sewerage system that has not been substantially upgraded since the late 19th century. The

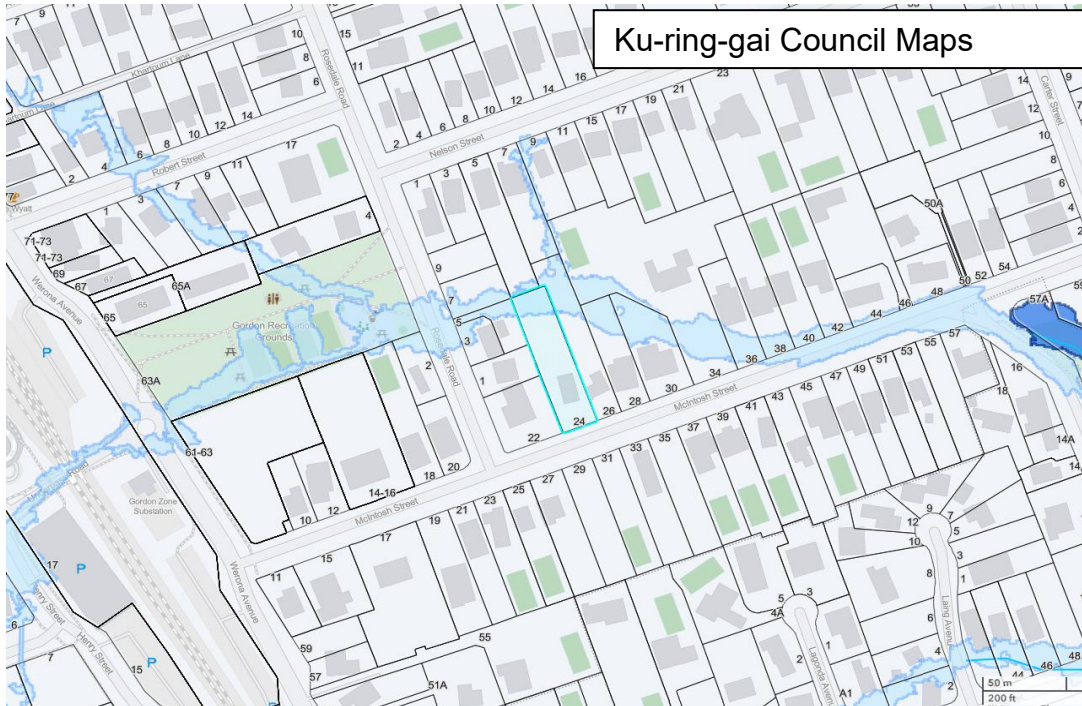
additional population from this development will place an unacceptable level of pressure on the existing sewerage system and should not proceed until the sewerage.

Social Impact

- *Eryldene* holds fundraising functions including open days and jazz concerts. Demolition noise, excavation and building works would make holding such functions intolerable and could risk financial ruin for this heritage property. The social impact would be devastating.
- The proposal does not provide sufficient information or consideration of the social context, in that it fails to take into account the Ku-ring-gai Council's Local Strategic Planning Statement and TOD alternative scenario that is in consultation with the Department of Planning. The site of the subject is outside the proposed high density area and is in fact in a low density R2 area.
- Refusal is needed as it bypasses Ku-ring-gai Council's planning controls.
- The development will dramatically and negatively impact the sense of community and what residents value about living in Gordon which is losing its community/village feel.
- Already many residents feel a sense of 'grief' that their home and neighbourhood will significantly and irreversibly change due to the TOD SSD and LMHR proposals.
- If forced to move out due to loss of privacy and liveability due to overbearing development residents are facing the dilemma of where to move or live in Sydney due to the NSW Government's housing policies. People are very reluctant to live in poorly built apartments and to pay the high cost of strata charges. Media reports have suggested that as many as 60% of new apartment blocks have rectification issues.
- Many residents feel high levels of emotional distress about the loss of trees and tree canopy and the consequence of this for the survival of Ku-ring-gai's rich birdlife and wildlife.
- The term 'solastalgia' perhaps may describe the feelings of many Gordon residents, a scientific term that describes the emotional distress felt when existing residents witness the destruction and degradation of their local environment as proposed by the two Gordon SSD proposals.
- SSD proposals will increase the demand on infrastructure and local services and will create a need for additional medical centres, schools, childcare, libraries etc. which have not been assessed as to the ability to uptake a significant increase in population of thousands of new residents.

Flood and Climate Risk

- 21 23,25 McIntosh Street faces Rosedale Road which has significant slope and [flooding issues](#) especially in 'the dip' opposite properties at 7-3 Rosedale Road. The real danger of the SSD is that it will substantially increase stormwater runoff that could intensify flooding in Rosedale Road with increased run off, velocity and flow through the rear properties of development at 24, 26, 28, 30, 34 McIntosh Street, and even threaten properties at 30, 36 McIntosh Street.

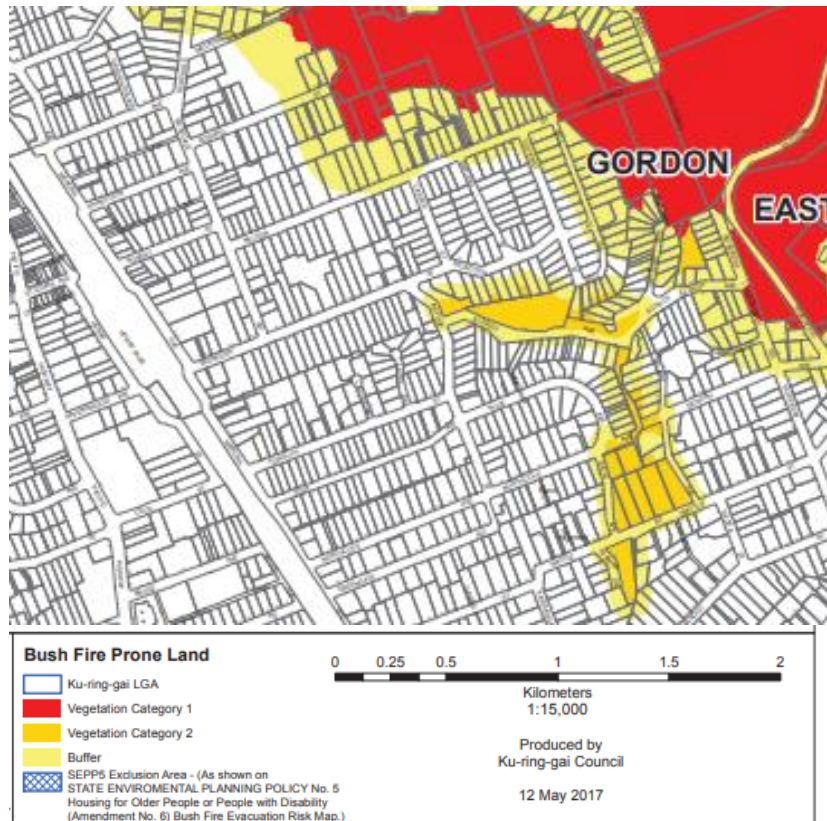


Ku-ring-gai Council Map

<https://www.arcgis.com/apps/instant/sidebar/index.html?appid=e145013ab4094d0da27f3387735b553b>

- The SSD proposal is located on an eastern slope leading to streams that flow into Stoney Creek and Rocky Creek and into the Garigal National Park flowing into Middle Harbour and then into Sydney Harbour. The SSD proposal will exacerbate flood risks, from stormwater, and impact on properties in Rosedale Road, and further down in McIntosh Street.
- The three massive 3x 9 storey buildings will increase stormwater runoff flowing into the Gordon Creek Catchment. Surprisingly, the proponent has not referred to the flood study carried out in 2023 by Ku-ring-gai Council which is relevant to this proposal being in the catchment of Gordon Creek Catchment area. Ku-ring-gai Council engaged BMT in February 2023 to conduct flood studies and as a result released the “Middle Harbour Southern Catchment Study”. The key findings of that 2023 study has relevance to McIntosh and Rosedale Road flooding due to its similarly steep and highly urbanised upstream catchment.
- FOKE **disputes** the applicant's claim that its urban design will support “downstream ecological health”.
- The frequency and intensity of extreme climate-driven weather events is increasing, including wild storms in recent years (2020) that have brought down canopy trees and led to electricity blackouts. Blackouts in Gordon have been more prevalent in recent years.

Bushfire Risk



Ku-ring-gai Council [Bushfire map of Ku-ring-gai](#)

- The applicant has not provided a bushfire assessment risk report. Ku-ring-gai is one of the most bushfire prone local government areas in Sydney, particularly Gordon with its close proximity to bushland valleys that connect to the Garigal National Park, which could spread to McIntosh Street by ember attack, intense fire smoke and even house to house ignition as occurred in the West Lindfield fires in January 1994.
- McIntosh Street is approximately 200-400m as the crow flies from the [Ku-ring-gai Flying-fox Reserve](#) and bushland that adjoins Garigal National Park.
- With Ku-ring-gai surrounded by three National Parks and with increasing temperatures there is the potential for bushfires in Gordon. The January 1994, bushfires in the West Lindfield area destroyed at least seven homes on Winchester Avenue, and damaged others. These fires were part of a larger outbreak that impacted the northern Sydney region, including the Lane Cove National Park during the 1993-94 Australian bushfires. The fires were fuelled by high temperatures and strong north-westerly winds, spreading rapidly and causing significant damage.

Hydrology

The proposed development will involve the construction of three nine multi storey multi dwelling structures for 151 apartments over a shared two-level boundary to boundary excavated basement.

The basement excavation is expected to take up to 9 months due to ground water seepage and that a secant pile, cut off wall will need to be constructed, with the ground water seepage to be required to be collected by sump pits before being discharged from the site.

Based on the geotechnical investigation and ground water monitoring over several weeks the hydrological conditions on the site have been assessed and described as a 'perched aquifer' over lying low permeability rock mass. Morrow also assessed that ground water will be encountered during the basement excavation.

However, Morrow Geotechnics hydrogeology report has been limited and qualified and we quote *“based on a drained basement with a secant pile wall socketing 3m below BEL to minimise groundwater flow. The groundwater table is currently sitting at approximately 2 m below ground level. The Eryldene Gardens are approximately 25m to the west of our basement excavation. With this basement design the predicted drawdown at 25m from the site is 1.1 m at the Eryldene property boundary closes to the excavation.*

It should be noted that the modelling which has been carried out does not take into account rainfall recharge or irrigation systems which may be in place and would act to restore the existing groundwater levels. It should also be noted that most soil above the water table is partially saturated (moist), with moisture held in the void space between clay particles by capillary effect and then recharged through rainfall. This water will not be impacted by the basement excavation at 21-25 McIntosh Street.....

“The scope and the period of Morrow Geotechnics’ Services are as described in Morrow Geotechnics’ proposal, and are subject to restrictions and limitations. Morrow Geotechnics did not perform a complete assessment of all possible conditions or circumstances that may exist at the site referenced in the Document. The scope of services may have been limited by such factors as time, budget, site access or other site conditions. If a service is not expressly indicated, do not assume it has been provided. If a matter is not addressed, do not assume that any determination has been made by Morrow Geotechnics in regards to it. Any advice given within this document is limited to geotechnical considerations only. Other constraints particular to the project, including but not limited to architectural, environment, heritage and planning matters may apply and should be assessed independently of this advice.”

FOKE is concerned about the serious impacts that excavation, groundwater and dewatering can lead to as evidenced by several cases in Sydney for example:

- Mascot Towers, Mascot. Cracking and evacuation of the apartment building were tied by reports and coverage to nearby excavation and groundwater/dewatering impacts from the adjacent development.
- Peak Towers / the neighbouring excavation near Mascot Towers. Sydney reporting says waterproofing and basement works at the nearby site were alleged to have destabilised ground supporting Mascot Towers, and council records mentioned pumping water from the basement.
- Rose Bay apartment and house sites. Local reporting describes cracked walls, basement flooding, and plumbing problems near new excavations, with concerns about the suburb's shallow water table and cumulative groundwater drawdown.
- Double Bay heritage and nearby properties. Reporting in 2026 said heritage buildings in Double Bay suffered differential settlement from poorly managed groundwater drawdown.
- Sydney Metro underground works. Project documents note that groundwater inflow is a major issue for underground structures in Sydney, with water entering existing underground works often high in iron and sometimes manganese.

Common groundwater-related building issues in Sydney also include:

- Cracking and settlement
- Basement flooding and seepage
- Dampness, mould and rising damp
- Structural movement near deep excavations or dewatering works

Public Space

- The nearby Gordon Recreation Park between Werona Avenue and Rosedale Road that includes picnic areas, tennis courts and playground is already at maximum visitor capacity.
- There is no sports field within an easy walking distance from the McIntosh Street proposal. The closest sports fields, parks or playground is approximately 1.5 km walking distance to Darnley Oval, East Gordon or Koola Oval, East Killara.

- The [Urbis Heritage Impact Statement](#) incorrectly states that swimming pools are easily accessible (presuming only if you have a car). It is unclear what they mean by accessible “active space” (page 5). Does this mean going for a walk along the footpaths?
- The SSD proposal will overwhelm this existing open space and reduce liveability for the present and future population. There are no new parks or playgrounds planned for the east side of Gordon, near the proposed SSD.
- Gordon’s east side already lacks adequate green open space. The development provides no playgrounds, community gardens, or dog-friendly spaces, despite a major increase in population density.
- Considering there will be families living in the 2, 3 and 4 bedroom units there is no safe play areas for the children to ride bicycles or to exercise or for playground equipment in the plans. The predominantly what are described as being shaded areas of communal space designed as ‘plazas’ or ‘garden meanders’ are not adequate or safe play areas for the children who will be living in the apartments.
- Council analysis identifies that certain parts of Gordon have minimal incidental open space and very few playgrounds within safe, walkable distances. There is a park with tennis courts and a small children’s playground between Werona Avenue and Rosedale Road approximately 200 metres from the proposal. However, the small playground is often overcrowded with young children and families trying to share the limited play equipment.
- High-density developments near the station have exponentially increased demand on existing, limited facilities. This proposal will increase the problem particularly as there will likely be families with children living in the apartments needing playgrounds and play spaces to recreation.
- The existing community services, schools, parking and facilities will suffer under the increasing population without investment in infrastructure in a timely manner.
- This SSD three 9-storey proposal considered along with the other 5 Gordon SSDs with the added population will overwhelm the use of existing open space and reduce liveability for the present and future population. The only new park that is currently planned by Ku-ring-gai Council for the TOD precincts is in Lindfield on the corner of Bent and Newark Crescent. The closest sports or recreation oval to this proposal is in East Killara several kilometres away.

Community Benefit

- The SSD proposal offers no benefit to the existing community as it will overwhelm existing infrastructure and already overstretched community facilities.
- It will degrade much loved local heritage, including the iconic *Eryldene* House & Garden.
- Only 2% of dwellings will remain affordable after the 15-year period and it remains doubtful that it will provide affordable housing and instead create luxury apartments.
- The proposal will support approximately 363 additional residents adding to the existing strain on services and community infrastructure without adding any community benefits other than to offer more luxury high density unaffordable dwellings and profitability to the developer.
- The NSW Government has not allocated any funding for additional infrastructure or services to Ku-ring-gai Council for the four TOD suburbs substantial predicted population increase.

Affordable Housing not affordable

- The applicant proposes 31 affordable dwellings out of 151 dwellings with only 4 of the 31 infill ‘affordable’ dwellings being in perpetuity. Provision of affordable housing units should all be provided in perpetuity (beyond the 15-year minimum requirements), otherwise the population will once again be displaced in 15 years and lose established networks and area connections leading to social issues.
- There is general concern in the community that the ‘affordable’ component of the apartment block will not be ‘affordable’ and there are valid questions as to how the ‘affordable’ units will be managed. Residents are questioning whether the affordable component of 31 units end up being amended to ‘market price’ units following construction.
- The affordable housing bonus does not compensate for the additional impact of the development on the community in perpetuity. The 27 in fill affordable dwellings will clearly not contribute to long term housing affordability for local service workers in the locality.

Insufficient Environmental and Infrastructure Studies

The applicant has failed to provide critical information (e.g. to support the intensified SSD proposal of nine storeys). Without these verified independent studies, the SSD risks unsustainable development, straining local infrastructure and exacerbating environmental degradation.

The three 9 storey development proposal fails to provide sufficient environmental and infrastructure studies and their impact long term impact on the environment and community of Gordon and neighbouring areas, including water, energy, sewerage needs and addressing environmental an biodiversity decline.

Stormwater infrastructure in the area is outdated; some Sydney Water mains are over 100 years old. The system has failed during recent heavy rain events, including along McIntosh Street where surface flooding is experienced on a more regular basis.

Communal Open Space

- We question whether the 3292.45m² areas of Communal Open Space (COS) is provided in two 'plaza' areas will be viable and usable – one being on the fourth level of Buildings A & B the apartments Level 4 225.00m² with the other being the ground floor 'plaza' of 449.00m² in area. There is a proposed small 'plaza' of just 185.65m on the Level 8 (9th storey) rooftop of Building C. The plazas on the Ground and fourth floor are designed to be in total shade. The remainder of the proposed useable (?) COS is provided within small, disjointed areas of 3m-6m areas of landscaped, paved boundary setbacks such as 126.06m, 206.98m, 146.55m, 54.0m, 539.29m, 517.40m, 220.22m. The proposed total 3292.45m² COS consists predominantly of larger shaded areas being 2398.22m² in size with only 894.22m² open space located to receive sun. We believe that most of the COS areas designated will be unviable and totally unsuitable as communal open space.
- Despite 151 predominantly proposed family sized apartments being 2,3 and 4 bedrooms there are no suitable COS play areas planned for children to exercise, to socialise, to ride a bicycle or kick a ball. Therefore, the proposal will not meet or provide for the social and physical needs of children who will reside in the apartments.
- The DPHI SEARS fail to ensure that high density development plans consider and plan for children's play and recreation needs. With a higher percentage of families now living in high density developments, areas suitable for children to play and experience outdoor recreation must be considered, incorporated and provided for their health and wellbeing.

The forward to the JMI UNSW Policy Insights Paper – "Planning for the inclusion of families with children in Apartments" by Dr Sophie-May Kerr, May 2024 states:

"With 1 in 4 apartments in Greater Sydney now home to families with children under the age of 15, it is critical that more attention is paid to family-friendly housing. The increase in families raising children in apartments is shaped by both lifestyle and affordability drivers. Importantly, there is evidence that families are drawn to compact city benefits such as proximity to work, transport and amenity. While this might be viewed as a compact city success, the story is more complex.

This report focuses on the experiences of families at the forefront of this housing shift in Australia, revealing the key challenges they confront including spatial constraints, inadequate storage, poor acoustic performance, a lack of play space, health and wellbeing concerns and inadequate family-friendly neighbourhood infrastructure."

https://www.unsw.edu.au/content/dam/pdfs/ada/city-futures/JMI-Policy-Insights-Paper-Planning-for-the-inclusion-of-families-with-children_vmaiJn.pdf

The NSW Government's housing policies need urgent review to address the need for more family friendly housing which supports and addresses the health and wellbeing of families, especially children living in apartments.

The 9-storey proposal does not consider the wellbeing and socialisation of families with children.

Conclusion

The SDD-83478456 proposal at 21–25 McIntosh Street & 55 Werona Avenue should be refused for the following reasons:

1. Fails to comply with KLEP 2015, KDCP, SEPP (Housing) 2021 and ADG standards.
2. Overshadows neighbourhood properties and has extremely negative impacts on the State Heritage listed *Eryldene* considered to be one of the most important and iconic heritage properties open to the public in Ku-ring-gai and NSW.
3. Negative impacts on adjoining heritage conservation areas.
4. Inadequate setbacks, building separation and visual privacy.
5. Inadequate solar access to neighbouring dwellings.
6. Inadequate deep soil zones for planting tall trees resulting in canopy loss and biodiversity decline.
7. Unacceptable pressure on ageing infrastructure particularly water and sewerage.
8. Prone to intensify stormwater flooding downstream impacting on other properties.
9. Negative and adverse cumulative impact on the local road network without significant additional infrastructure. Traffic in the vicinity of Gordon Station and the arteries between the East Gordon hinterland and the Pacific Highway are already over congested.
10. Provides no cumulative impact assessment to account for the strain of this and other proposed SSDs for the local community, services and infrastructure.
11. Fails to deliver meaningful or lasting public benefit.

Thank you for considering the submission. It is to be hoped that the NSW DPIH will consider our concerns and reject the amended proposal.

Yours sincerely

Kathy Cowley

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 Chris Rath MLC Shadow Minister for Planning

cc Ms Nicolette Boele MP Member for Bradfield