

11 September 2025

Adela Murimba
Planner
State Significant Development
NSW Government

By online portal

Dear Ms Murimba

National Trust submission relating to Residential Development at 21 - 25 McIntosh Street and 55 Werona Avenue, Gordon (SSD-83478456)

The National Trust of Australia (NSW) expresses its strong objections to the proposal for the eight-storey development proposed at 21, 23 & 25 McIntosh Street and 55 Werona Avenue, Gordon.

In our February 2023 submission into Housing Reforms in NSW, the National Trust warned:

“The policy that has been put forward will result in inappropriate development outcomes in many communities, including specific impacts on heritage. These impacts will be real and permanent.

The State-heritage listed Eryldene house and garden at 17 McIntosh Street, Gordon is an example of where this blanket policy can and will have disastrous consequences.

Under this policy there is a very real possibility that extremely poor general planning results will occur in all areas. With building heights of 6-8 storeys, reduced side setbacks, front setbacks that are not consistent with the rest of the street, the very things that continue to make this place so unique – including at Eryldene something as basic as the ability to have sun falling on its garden – will be destroyed. This could be avoided by simply ensuring new development complies with legislated heritage controls – resulting in better new housing that fits in with an existing heritage precinct while still increasing supply.”

This proposal justifies the Trust’s concerns, and illustrates the worst ramifications of the Transport Oriented Development program in terms of heritage impact. This development will significantly impose upon the heritage character of the general Gordon and Killara areas, as well as irrevocably damage the landscape of the State significant Eryldene House & Gardens.

There is a very real concern that the bulk, height, and scale of this proposal – with its associated minimal setbacks, deep excavation and resultant overshadowing impacts – will have not only negative aesthetic but also environmental effects, threatening the growing conditions for the internationally significant camelia collection at Eryldene.

We urge that this proposal be rejected.



Heritage listings proximate to the proposed development

The National Trust notes the following heritage items in proximity to the development site:

State Heritage Register

- Eryldene House & Gardens (SHR 00019)

Ku-Ring-Gai Local Environmental Plan

- 49 Werona Avenue, Gordon (LEP I28)
- Rochester, 51 Werona Avenue, Gordon (LEP I29)
- 14 Forsyth Street, Killara (LEP I32)
- Love Estate, Thorne Grant Conservation Area (C14)
- Gordon Park Estate, McIntosh and Ansell Conservation Area (C15)
- Gordon Park Conservation Area (C17)
- Greengate Estate Conservation Area (C19)
- Smith Grant Conservation Area (C20)

National Trust Register

- Eryldene & Garden (S7436)
- Eryldene Garden (S7437)
- Ku-ring-gai Urban Conservation Area Precinct 12 – Gordon (S8687)
- Ku-ring-gai Urban Conservation Area Precinct 9 – Killara (S8704)

All four lots that comprise the subject development site are located inside the National Trust's *Ku-ring-gai Urban Conservation Area Precinct 12 – Gordon*. We note the statement of significance for this listing below:

- 1) The area possesses streetscape integrity due to the established nature of the well landscaped gardens and street planting.
- 2) The area has a uniformity of housing style including colour, form and architectural detail that gives the area an harmonious appearance.
- 3) The predominance of the 1920s and 1930s housing styles illustrates the important influence of American and British housing ideals and styles on Australia and the excellent examples of two-storey 1930s and 1940s houses illustrates the increasing affluence and expectations of the middle class.

It is the opinion of the National Trust that the development proposal will be in direct contradiction to retaining all three elements of heritage significance identified above.

The Trust cannot in any way agree with the notion in the Heritage and Cultural Significance of the Architectural Design Report (p.23) that (sic) *"the Proposal recognises the need to celebrate Gordons' rich architectural tapestry, reflecting both its heritage roots and its evolving identity whilst acknowledge the Indigenous heritage of the land"* and that it has been designed *"with an understanding of the land's history, cultural significance, and natural ecosystems."*

Heritage Impact

The National Trust has reviewed the Heritage Impact Statement (HIS) and does not believe that this document sufficiently assesses the heritage effects of this development proposal. We cannot agree with the conclusion of the Heritage Impact Statement (p.2) that *"the proposed works are recommended for approval from a heritage perspective"* based on the one recommendation that a heritage consultant be engaged prior to the issue of a Construction Certificate to *"ensure that the design details are sensitive to the context"*. Nor can we agree that (p.42) *"the proposed development has been assessed to have an acceptable impact on the items of environmental significance within the vicinity"*.

We cannot agree with the argument (HIS, p.2) that *"the design of the proposed scheme is sensitive to the characteristics of the Gordon Park Estate, McIntosh & Ansell Conservation Area"*, which (as outlined on page 5 of the HIS) is defined as *"a collection of Federation and interwar period dwellings with a mix of architectural*



styles evident throughout. Houses are typically one to two storeys, freestanding, and set back from the street with front gardens and generous backyards."

Nor can we agree that the visual impact on the views from Eryldene (shown below) can be considered "minor" or that (p.2) *"the vegetation within and in front of the heritage listed site already largely screens views towards the subject site."*

5.2d Visual Context

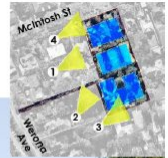
Views from neighbouring properties



View 1 - Existing



View 1 - Proposed



The visual impact of the proposal from Eryldene is described as "minimal" despite the major change to the setting of the garden.

We note that the Heritage Impact Statement does not include any analysis of the overshadowing impacts of this proposal. Indeed, it does not even include the word "shadow" anywhere in the document, despite the fact that on 21 June at 9am the bulk of the rear garden of Eryldene is shown to be in shadow.



The overshadowing impacts of the proposal are significant, and will impact the heritage gardens of Eryldene (outlined in red) in particular. This overshadowing has not been assessed in terms of heritage impact.



Heritage Conservation Areas

The Trust notes that the Heritage Impact Statement (p.44) acknowledges that this proposal does not comply with the Local Character and Streetscape provisions (19C.1) of the Ku-Ring-Gai DCP 2024 due to its “*large vertical scale and contemporary nature*”. The document then argues that “*the proposal exists in a legislative context which will facilitate increased uplift of the same type in particular areas*” and that the development “*would be in line with the planned future character of this area.*”

The National Trust feel it is a somewhat perverted notion that heritage impacts to Heritage Conservation Areas are now being assessed not against their impact on the *existing heritage character* of a place, but are now being assessed instead against an apparent *future desired character* of an area.

7.1a: Design Principle 1: Context + Neighbourhood Character.

The proposed assembly of buildings complements the existing and evolving character of the neighborhood through thoughtful architectural details, material selection, and a scale that aligns harmoniously with adjacent sites. It enhances the streetscape by acknowledging established setbacks and contributing to urban greenery through street tree replacement.

The proposal applies a 10m setback from the street consistent with established dwellings and to promote a garden setting consistent with context.

The proposal adopts a massing approach that integrates with new broader urban patterns, ensuring visual cohesion while remaining informed of community continuity. It respects historical architectural elements while introducing subtle modern refinements to maintain functionality and relevance.

The proposal establishes a strong sense of place through the well-balanced distribution of communal open spaces. It participates with a garden setting and strengthens pedestrian connectivity, reinforcing TOD & LMR principles of density, accessibility, and sustainable urban living.

The development has been carefully designed to respect nearby heritage assets, particularly the Gordon Park Estate Conservation Area and the State-listed Eryldene. While introducing a new building scale, the proposal responds to its context through sensitive massing, setbacks, and materiality that align with the established streetscape. The majority of the site sits outside the HCA, and the building bulk is positioned away from McIntosh Street to reduce visual impact. Eryldene remains visually protected by its own gardens and separation, with the proposal further softened by mature trees and new landscaping that maintain the area's heritage character.



Justification due to ‘predicted future development’

We note that, even with the inflationary modelling, the proposal still sits at double the height of the predicted impacts of LMR reforms. Even in a worst-case scenario, the proposal remains domineering in the landscape.



Height of development along McIntosh Street



Predicted height of development along McIntosh Street



The proposal is presented as *“integrating with new urban patterns, ensuring visual cohesion while remaining informed of community continuity”*. It is unsure what this actually means, but it seems to assume that there will be mass consolidation of blocks and demolition of the surrounding heritage conservation areas.

Heritage Conservation Areas (HCAs) are landscapes identified for their overall character, created by the grouping of a number of contributory items with similar values. Ku-ring-gai Council defines an HCA as ***an area recognised and valued for its special historical and aesthetic character. Important elements that contribute to the heritage significance of a HCA include the architectural style of buildings, fences, trees and gardens. HCAs protect not just single homes but whole areas from inappropriate development.***

Development inside and adjacent to HCAs should not be assessed in a piecemeal approach that can and will slowly diminish the character of the place. If this is the case, the overall qualities of the HCA will be eroded over time.

This proposal cannot be separated from its context amongst Heritage Conservation Areas and the State Significant house and gardens of Eryldene.

Bulk and scale

The erection of three, eight-storey buildings will be alien to the street, block and suburb patterns that are currently comprised almost entirely of single and double storey dwellings with generous setbacks and generous landscaping.

A building of this scale will directly overshadow all adjacent neighbouring properties and create significant privacy issues for homes along McIntosh Street, Forsyth Street and Lagonda Avenue.

The Trust would suggest that the scale of development will also have ongoing consequences for the ecological and landscape heritage of the area, particularly the state heritage listed gardens of Eryldene, with substantial reductions in solar access and deep soil disturbance due to the basement carparking.



Massing of development in relation to surroundings

Views analysis

The height of the three, eight storey buildings substantially changes the visual setting of both directly adjacent neighbours and surrounding properties. It will dominate McIntosh Street, and especially obscure views inside the *Gordon Park Estate, McIntosh and Ansell Conservation Area* and *Gordon Park Conservation Area*. It will also be highly visible from along Forsyth Street & Elva Avenue properties inside the *Greengate Estate Conservation Area*. Many properties will lose their general sky views and garden setting as a result of this proposal.



The development will also be dominantly visible from the State heritage listed Eryldene Historic House & Gardens, as well as local heritage items located at 49 Werona Avenue, 51 Werona Avenue and 14 Forsyth Street.

The Trust feel that the visual impacts to the surrounding HCAs are not appropriately addressed in the proposal. The views analysis consists of only four images, and omits further important locations and angles. Two of the images are from obscured locations, with the development proposal shaded to blend in with the sky or obscured by existing vegetation.

This cannot be considered an adequate visual impact analysis for a multi-storey, triple building development in proximity to various state and local heritage listings, and nearby to multiple Heritage Conservation Areas, most of which are significantly tied to their visual and landscape values.

Eryldene Historic House and Gardens

The National Trust notes that Eryldene Historic House & Gardens is a State Heritage Register listed item located only one property away from the development proposal site. The property is well cared for by the volunteers of the Eryldene Trust, having been a place for community events and activities for decades.

An up-to date Conservation Management Plan (CMP) for the property provides guidance for the ongoing conservation of both the house and gardens at the site. An extract from the CMP outlines its significance:

Eryldene's significance is embodied in its setting and in the fabric of the house, associated outbuildings and structures, in the garden, and in its collection (including its archives). It is a sophisticated and highly intact early 20th century house and garden that presents the life and work of historically significant scholar, connoisseur, and horticulturalist Eben Gowrie Waterhouse (EGW).

Eryldene's setting is of exceptional importance to the property's cultural values. It provides the historical and aesthetic context for understanding the significance of the property. The boundary planting of hedges, trees, and clusters of flowering shrubs provides evidence of the garden 'walls' created by EGW to screen his 'outdoor rooms' from the street.

The relationship between the house and its garden provides evidence of WHW and EGW's collaborative relationship in designing a property of outstanding beauty. The wider setting surrounding Eryldene also makes an important contribution to its cultural values through the modest scale of neighbouring houses and apartments, their mature gardens visible over Eryldene's gardens and hedges, and the streetscape of McIntosh Street with its wide green verge and spreading trees along the frontage of the property.

This setting is both inward and outward-looking in quality, encompassing framed views toward the property from the public domain of McIntosh Street and Werona Avenue, and outward from within Eryldene's boundary.

As noted in the statement of significance, the setting of the property is an essential element of its cultural significance. The low scale density and mature greenery of its setting contributes to the sense of tranquillity and extension of the gardens beyond the property.

We remain concerned that the true impacts of this proposal upon Eryldene – especially when considered against the policies within the Conservation Management Plan for that place – have not been properly assessed.