

Client: Coogee Bay Village Pty Ltd



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23-37 Lindfield Avenue, Lindfield

## Statement of Heritage Impact



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# Introduction

# 1.0

## 1.1 Background

This Report has been prepared to accompany a development application for a mixed use development, with basement carparking, on the site known as 23-37 Lindfield Avenue, Lindfield.

The proposed development is to be administered as a Project Application under Part 3A of the *NSW Environmental Planning and Assessment Act 1979*. The Project is referred to as MP 08\_0244.

## 1.2 Report Objectives

The main objective of this Statement of Heritage Impact is to analyse the overall Heritage Impact of the proposed development on the established significance of the heritage item in its vicinity. The assessment is made in relation to the provisions of the Environmental Planning Instruments specified in the Director Generals Requirements (DGR) for this project, and the guidelines of the Heritage Branch of the NSW Department of Planning.

## 1.3 Methodology and Structure

This Heritage Impact Statement has been prepared in accordance with guidelines outlined in the *Australia ICOMOS Charter for Places of Cultural Significance, 1999*, known as *The Burra Charter*, and the New South Wales Heritage Office publication, *NSW Heritage Manual*.

*The Burra Charter* provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of *The Burra Charter*. The *NSW Heritage Manual* explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

## 1.4 Site Identification

The subject site is located on the eastern side of Lindfield Avenue, approximately 50 metres north of Lindfield Station. It is an irregular parcel of land of approximately 3,099 square metres, with frontages to Lindfield Avenue, Kochia Lane and Havilah Lane. It includes numbers 23 to 37 Lindfield Avenue and is described in the NSW Office of Land and Property Information as comprising the following allotments: Lot A DP 418801, Lot 11 DP 713206, Lots 101, 102 and 103 DP 1067930 and Lot 3 DP 713505.



Figure 1.1  
Location map showing the subject site marked with a red arrow

Source: google maps

## 1.5 Heritage Management Framework

The Department of Planning Director-General's Requirements (DGR) for this project note the following in regard to the Environmental Planning Instruments (EPIs) policies and guidelines that are to be addressed as part of the Environmental Assessment:

*1. Relevant EPI's policies and Guidelines to be Addressed  
Planning provisions applying to the site, including permissibility and the provision of all plans and policies including:*

- *Objects of the EP&A Act*
- *SEPP 53, SEPP 55, SEPP 65, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004*
- *Ku-ring-gai Planning Scheme Ordinance (KPSO)*
- *Ku-ring-gai Council's Draft Town Centres LEP and Draft Town Centres DCP*
- *Ku-ring-gai Sites Report) (Development Controls and Design Guidelines)*
- *Draft North Subregional Strategy*
- *Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance*

The subject property is not listed as an item of heritage significance in any statutory instrument. However, it is in the vicinity of a row of shops at 1-21 Lindfield Avenue that is listed as an item of local heritage significance in Schedule 7 of the *Ku-ring-gai Planning Scheme Ordinance*.

As such the DGR requires the following:

*The EA shall provide a Heritage Impact Assessment detailing and evaluating any impacts that the development would have on the adjoining heritage listed buildings at 1-21 Lindfield Avenue.*

## 1.6 Authorship

This Report has been prepared by Gail Lynch, Senior Heritage Consultant, of Graham Brooks and Associates Pty Ltd and has been reviewed by the Director, Graham Brooks. Unless otherwise noted all of the photographs and drawings in this report are by Graham Brooks and Associates Pty Ltd.

## 1.7 Report Limitations

This report is limited to the investigation of the European history of the site. Recommendations have been made on the basis of documentary evidence viewed and inspection of the existing fabric.

Archaeological assessment of the subject site is outside the scope of this Report.

# Site Description

# 2.0

The subject site is located on the eastern side of Lindfield Avenue, approximately 50 metres north of Lindfield Station. It is an irregular parcel of land with frontages to Lindfield Avenue, Kochia Lane and Havilah Lane. The current buildings on the site are of one and two storeys, with ground floor retail uses and commercial use on the upper floor.

The built components adjoining the site are two terrace shops, to the north, at 39 and 41 Lindfield Avenue, and a two storey commercial building, fronting Kochia Lane, at the south east corner of the site.

The remainder of the southern boundary adjoins Kochia Lane. On the other side of the lane there is a heritage listed, three storey, mixed use building from the Interwar period, at 1-21 Lindfield Avenue, and an above ground carpark which is part of the proposed Lindfield Town Square.

At the rear of the site, on the other side of Havilah Lane, there is a recently completed five storey residential flat building, with a similar building under construction to its north.



Figure 2.1  
Aerial photograph showing the subject site outlined and shaded in red

Source: NSW Department of Lands 2008



Figure 2.2 (above) Lindfield Avenue, looking north from the station entrance, showing the heritage listed commercial building at 1-21 Lindfield Avenue on the right and the subject site in the background



Figure 2.3 (above) Lindfield Avenue, looking south shows the frontage of the current development on the subject site with the heritage listed building at 1-21 Lindfield Avenue in the background

Figure 2.4 (below) Havilah Lane, looking north with the subject site on the left and the new development on the right



Figure 2.5 (below) Shows the recent development at the corner of Kochia and Havilah Lanes and the commercial building adjoining the south east corner of the subject site



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Figure 2.6  
The commercial building that adjoins the south east corner of the subject site



Figure 2.7  
View north along Chapman Lane, from the corner of Tryon Road, with the rear of the heritage listed building at 1-21 Lindfield Avenue on the left and the subject site in the background, at the end of the lane



Figure 2.8  
View to the rear of the heritage listed building at 1-21 Lindfield Avenue, from the car park



Figure 2.9  
Looking west along Kochia Lane showing the interface between the heritage listed building (on the left) and the subject site



Figure 2.10  
The heritage listed commercial building at 1-21 Lindfield Avenue, looking north from the corner of Tryon Road



Figure 2.11  
View of the listed commercial building in Lindfield Avenue, looking north from the vicinity of the railway station

# Assessment of Heritage Impact

# 3.0

## 3.1 Introduction

This Statement of Heritage Impact provides an analysis of the applicable impact assessment criteria of the planning instruments specified in the DGR and the New South Wales Heritage Office publication, *Statements of Heritage Impact*.

## 3.2 The Proposed Development

This applicant seeks approval for a multi-storey, mixed used development as shown in the accompanying plans, and illustrated in Figures 3.1 and 3.2.

The following statements, describing the proposed development, have been sourced from the *SEPP65 Summary compliance Statement* for the project, prepared by PTI Group:

- The design maintains the retail frontage to Lindfield Avenue and extends into Kochia Lane
- The surrounding residential areas as well as the heritage buildings adjacent to the site are mostly constructed from face brickwork, hence the building is clad predominantly in face brickwork to relate to its context
- As well as the brickwork the building utilises areas of rendered and painted concrete as per other new apartment buildings in the area
- The scale of the proposed development has been determined based on the permissible heights for the site, the scale of the surrounding buildings and the expected future scale of the buildings as per the DCP
- The proposal is divided into two buildings to provide an appropriate view from the future town square and to reduce the overall bulk of the development, as well as to provide good amenity to the apartments
- The retail podium is designed to be at a similar scale to the adjacent retail frontages along Lindfield Avenue and the dominant element of the building when viewed from the street



Figure 3.1  
Photomontage of the proposed development showing the building viewed from Lindfield Avenue

Source: PTI Group



Figure 3.2  
Photomontage of the proposed development showing the buildings viewed from the carpark which is envisaged to become the town square

Source: PTI Group

### 3.3 Applicable Heritage Legislation and Controls

<p><b>NSW Heritage Act</b></p>	<p>The <i>NSW Heritage Act 1977 (Amended) (the Act)</i> is an Act to conserve the environmental heritage of New South Wales. Under the <i>Heritage Act 1977</i> the disturbance or excavation of land containing or likely to contain relics can only take place when an Excavation Permit has been granted by the Heritage Council. The <i>NSW Heritage Amendment Act 2009</i> defines a “relic” as meaning any deposit, artefact, object or material evidence that:</p> <p style="text-align: center;"><i>(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and</i> <i>(b) is of State or local heritage significance.</i></p> <p>All “relics” are protected under the NSW Heritage Act, regardless of whether or not the place is listed as a heritage item on a local, State or national level. For places that are not listed on the State Heritage Register, the disturbance of relics requires an Excavation Permit.</p>
<p><b>State Environmental Planning Policy 53 Metropolitan Residential Development</b></p>	<p>There are no heritage provisions in this State Environmental Planning Policy, applicable to the subject site.</p>
<p><b>State Environmental Planning Policy 55 Remediation of Land</b></p>	<p>There are no heritage provisions in this State Environmental Planning Policy.</p>
<p><b>State Environmental Planning Policy 65 Design Quality of Residential Flat Development</b></p>	<p>There are no heritage provisions in this State Environmental Planning Policy.</p>
<p><b>State Environmental Planning Policy (Infrastructure) 2007</b></p>	<p>There are no heritage provisions in this State Environmental Planning Policy that are applicable to the subject proposal.</p>
<p><b>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b></p>	<p>There are no heritage provisions in this State Environmental Planning Policy.</p>
<p><b>Ku-ring-gai Planning Scheme Ordinance (KPSO)</b></p>	<p>The <i>Ku-ring-gai Planning Scheme Ordinance</i> contains the following clause regarding development in the vicinity of heritage items.</p> <p style="text-align: center;"><i>Clause 61E</i> <i>The Council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.</i></p>

<p><b>Draft Ku-ring-gai Town Centres LEP 2008</b></p>	<p>The Draft <i>Ku-ring-gai Town Centres LEP 2008</i> was placed on public exhibition in November and December of 2008 and was gazetted as the <i>Ku-ring-gai Local Environmental Plan (Town Centres) 2010</i> on 25 May 2010. The commercial building at 1-21 Lindfield Avenue is included as an item of local heritage significance in Schedule 5 of this LEP. The following heritage provisions of the LEP are considered applicable to the proposed development:</p> <p style="text-align: center;"><i>5.10 Heritage conservation</i></p> <p><i>(1) Objectives</i>  <i>The objectives of this clause are:</i></p> <p><i>(a) to conserve the environmental heritage of Ku-ring-gai, and</i>  <i>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</i></p> <p><i>(4) Effect on heritage significance</i>  <i>The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p><i>(5) Heritage impact assessment</i>  <i>The consent authority may, before granting consent to any development on land:</i></p> <p><i>(a) on which a heritage item is situated, or</i>  <i>(b) within a heritage conservation area, or</i>  <i>(c) within the vicinity of land referred to in paragraph (a) or (b),</i>  <i>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>
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**Draft Ku-ring-gai Town Centres  
DCP 2009**

This DCP came into force on 11 June 2010 and is known as the *Ku-ring-gai Development Control Plan (Town Centres) 2010*. It contains the following controls for development in the vicinity of a heritage item.

*9.3 Development in the Vicinity of a Heritage Item  
Controls*

*This part applies to development on sites that directly adjoin a heritage item or are within close proximity to a heritage item. This part applies to a situation where the heritage item is not incorporated into new development, as per Part 9.2, of this DCP.*

*General*

*1 Development in the vicinity of a Heritage Item is to be sympathetic to the Heritage Item having regard to*

- i) form of the building including height, roofline, setbacks and building alignment;*
- ii) proportions including door and window openings, bays, floor to ceiling heights and coursing levels;*
- iii) materials and colours;*
- iv) siting and orientation;*
- v) setting and context;*
- vi) streetscape patterns.*

*2 An applicant's Statement of Environmental Effects or Heritage Impact Statement must discuss the effect that the proposed development will have on a Heritage Item, including its garden and setting.*

*3 Significant views to and from Heritage Items are to be protected.*

*4 Development in the vicinity of a Heritage Item must respect the curtilage and setting of that Item.*

*5 An application for development in the vicinity of a Heritage Item must demonstrate that the construction process will not result in damage to the Heritage Item or its setting.*

*Urban / Commercial context*

*6 New development adjacent to, or in the vicinity of, a Heritage Item within an urban setting must:*

- i) maintain existing setbacks and relationships to the street and public areas;*
- ii) keep the street edge;*
- iii) step down in height to the Heritage Item*

Additionally Part 2E Lindfield Town Centre notes *"The heritage listed shops at 1-21 Lindfield Avenue will be protected as an example of an Inter-War Mediterranean style commercial building"*.

### 3.4 Guidelines of the NSW Department of Planning Heritage Branch

The subject site is not listed as a heritage item on any statutory list but is in the vicinity of the listed heritage item at 1-21 Lindfield Avenue. The NSW Heritage Office, now the Heritage Branch of the NSW Department of Planning has published a series of criteria for the assessment of heritage impact. The series of questions to be answered in a Statement of Heritage Impact for New Development Adjacent to a Heritage Item are:

*How is the impact of the new development on the heritage significance of the item or area to be minimised?*

*Why is the new development required to be adjacent to a heritage item?*

*How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

*How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*

*Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*

*Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*

*Will the additions visually dominate the heritage item? How has this been minimised?*

*Will the public, and users of the item, still be able to view and appreciate its significance?*

These questions are addressed in Section 3.6 Heritage Impact Analysis.

### 3.5 Established Heritage Significance of 1-21 Lindfield Avenue

The NSW Heritage Inventory has no Statement of Significance for the commercial block at 1-21 Lindfield Avenue.

Ku-ring-gai Council prepared the following Statement of Significance for the building as part of their nomination to the NSW Heritage Council to include the building on the State Heritage Register.

*No 1-21 Lindfield Avenue is a highly significant Inter-War Spanish mission styled residential / commercial development with Romanesque styled influences. It demonstrates many distinctive and original features, and as such has a rarity value in Ku-ring-gai, and is likely to have a rarity value beyond Ku-ring-gai.*

*Its rarity value is enhanced by the fact that it is the earliest*

commercial / residential complex built in Ku-ring-gai, and probably the earliest three-storey complex.

*Its distinctive architecture provides important facades on all four sides of the building, and provides excellent views from its roof terrace, accessible to flats built in the north and south wings.*

*It holds a dominant position in relation to the federation-era Lindfield Railway Station, and to the earlier two storey commercial/ residential developments to the north, and complements the federation and inter-war styled domestic buildings which characterise Lindfield.*

*The development also provides evidence of the homogeneity of the Lindfield community in the first thirty years of the twentieth century and expresses a robust confidence in building patterns which evolved in the inter-war years.*

It is understood that the NSW Heritage Council determined the building did not meet the criteria for State listing.

### 3.6 Heritage Impact Analysis

Question to be answered	Comment
<i>How is the impact of the new development on the heritage significance of the item or area to be minimised?</i>	The heritage listed shops at 1-21 Lindfield Avenue (the Ramsay Building), are separated from the subject site by Kochia Lane.  The component of the new development that is closest to the Ramsay Building is to be clad predominantly in face brickwork to relate to the adjacent heritage item.
<i>Why is the new development required to be adjacent to a heritage item?</i>	The proposed development is a separately owned parcel of land in the vicinity of the heritage listed block of shops at 1-21 Lindfield Avenue. The desired future character for the Lindfield Town Centre, defined in the <i>Ku-ring-gai DCP (Town Centres) 2010</i> , envisages the heritage item will be retained as an example of an Inter War Mediterranean style commercial building, with the adjacent site to be a higher density mixed use development.
<i>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</i>	The commercial block at 1-21 Lindfield Avenue is bounded by Lindfield Avenue, Kochia Lane, Chapman Lane and Tryon Road. The separation provided by these roadways allows appreciation of the buildings's architectural presentation and features from all sides.
<i>How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?</i>	The proposed development will limit some view to the northern facade of the upper floor of the Ramsay Building, when travelling along Linfield Avenue from the north. The proposed new development at 23-37 Lindfield Avenue will also be visible in the background of some views to the commercial building at 1-21 Lindfield Avenue. As the architectural presentation of the heritage listed building will not be affected in any way it is considered that the minor impact on views to the building will not have an adverse impact on its established heritage significance.  Views to the north from the upper floor of 21 Lindfield Avenue may be restricted by the proposed development. This is considered acceptable from a heritage perspective as this view is not considered to be an integral part of the significance of this heritage item.

<p><i>Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?</i></p>	<p>Archaeological assessment is outside the scope of this Report.</p>
<p><i>Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?</i></p>	<p>The materials selected for the finishes to the proposed new development reflect those of the adjacent heritage item. The contemporary design does not mimic the heritage item or challenge its architectural significance.</p>
<p><i>Will the additions visually dominate the heritage item? How has this been minimised?</i></p>	<p>The roadway between the subject site and the Ramsay Building (Kochia Lane) provides physical and visual separation between the two sites which will minimise the visual impact of the proposed development.</p> <p>The <i>Ku-ring-gai DCP (Town Centres) 2010</i> requires that new development adjacent to, or in the vicinity of, a heritage item within an urban setting, be stepped down in height to the Heritage Item, and shows as an example of new development directly adjoining a heritage item. This is not considered applicable to the subject development as it is separated from the heritage item by the intervening roadway. Reducing the height of the proposed building at its south west corner would not provide a significant improvement in the visual relationship between these buildings.</p> <p>The heritage listed building at 1-21 Lindfield Avenue has sufficient bulk and scale in its own right to ensure it will not be visually dominated by the proposed development.</p>
<p><i>Will the public, and users of the item, still be able to view and appreciate its significance?</i></p>	<p>The public, and users, of the Ramsay Building at 1-21 Lindfield Avenue will still be able to view and appreciate its significance.</p>

# Conclusions and Recommendations

# 4.0

## 4.1 Conclusions

- The subject site, at 23-37 Lindfield Avenue, Lindfield is not listed as an item of heritage significance in any statutory instrument.
- It is located in the vicinity of the locally listed heritage item at 1-21 Lindfield Avenue.
- The proposed development will have no adverse impact on the established heritage significance of the adjacent heritage item.

## 4.2 Recommendations

- Graham Brooks and Associates has no hesitation, from a heritage perspective, in recommending the application for approval.
- An archival photographic recording of the Ramsay Building, in its context, documenting the Lindfield Avenue streetscape, should be made prior to commencement of any works.

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# 5.0

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