

11 December 2025

Our Ref: H-24062

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Dear Daniel,

RE: KU-RING-GAI COUNCIL OBJECTION TO SSDA SSD-78669234, RESIDENTIAL FLAT BUILDING WITH IN-FILL AFFORDABLE HOUSING, 27-29 TRYON ROAD, LINDFIELD NSW 2070

This letter has been prepared in response to Ku-ring-gai Council's submission to the Department of Planning Housing and Infrastructure (the Department) relating to the State Significant Development Application (SSDA) SSD-78669234 for development at 27-29 Tryon Road, Lindfield NSW 2070 (the subject site). The subject SSDA proposed the demolition of existing structures and the construction of a nine-storey residential flat building seeking to take advantage of the in-fill affordable housing uplift provided by ch 2 pt 1 div 1 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). In addition, the subject site is located approximately 300m from the Lindfield Train Station, thus triggering planning controls contained in the NSW Government's Transport Oriented Development (TOD) program.

Ku-ring-gai Council's submission to the Department constitutes an objection to the proposal. Relevant to heritage conservation concerns, the key issues identified by Ku-ring-gai Council, include:

1. Demolition of existing buildings at No. 27-29 Tryon Road, Lindfield
2. Inappropriate setting and view impacts
3. Inadequate setbacks
4. Adverse impacts on character
5. Incompatible bulk-massing scale and form
6. Landscape loss
7. Inappropriate form, details, materials and colours

City Plan Heritage's (CPH) response to these issues is included in Sections 3 to 8.

1. THE SITE

The subject site is located at 27-29 Tryon Road, Lindfield NSW 2070 within the Ku-ring-gai Local Government Area (LGA) approximately 10km from the Sydney Central Business District. The site is bound to its north by Tryon Road, to its south by Tryon Lane and to its east and west by residential dwellings (Figure 1).



Figure 1. Aerial map of the subject site (shaded red). (Source: NSW Spatial Digital Twin Map Viewer)

The subject site is not listed a heritage item under the *Ku-ring-gai Local Environmental Plan 2015* (LEP) nor under any other statutory instrument (Figure 2). It is also not included within any Heritage Conservation Area (HCA).

It is, however, located in close proximity to the following items:

NSW Heritage Act 1977

State Heritage Register

- Tryon Road Uniting Church, 33 Tryon Road, Lindfield - SHR no. 01672

S170 Register

- Lindfield Railway Station Group, Pacific Highway, Lindfield - Transport Asset Manager of NSW

Environmental Planning and Assessment Act 1979

Ku-ring-gai Local Environmental Plan 2015, Part 1 Heritage items

- Dwelling House - item no. I50
- Lindfield Uniting Church - item no. I54

Environmental Planning and Assessment Act 1979

- Dwelling House - item no. I479
- Dwelling House "Hazeldean" - item no. I480
- Dwelling House - item no. I481
- Lindfield Railway Station Group - item no. I1109

Ku-ring-gai Local Environmental Plan 2015, Part 2 Heritage Conservation Areas

- Crown Blocks Conservation Area ('C22')
- Trafalgar Avenue Conservation Area ('C31')
- Middle Harbour Road, Lindfield Conservation Area ('C42')

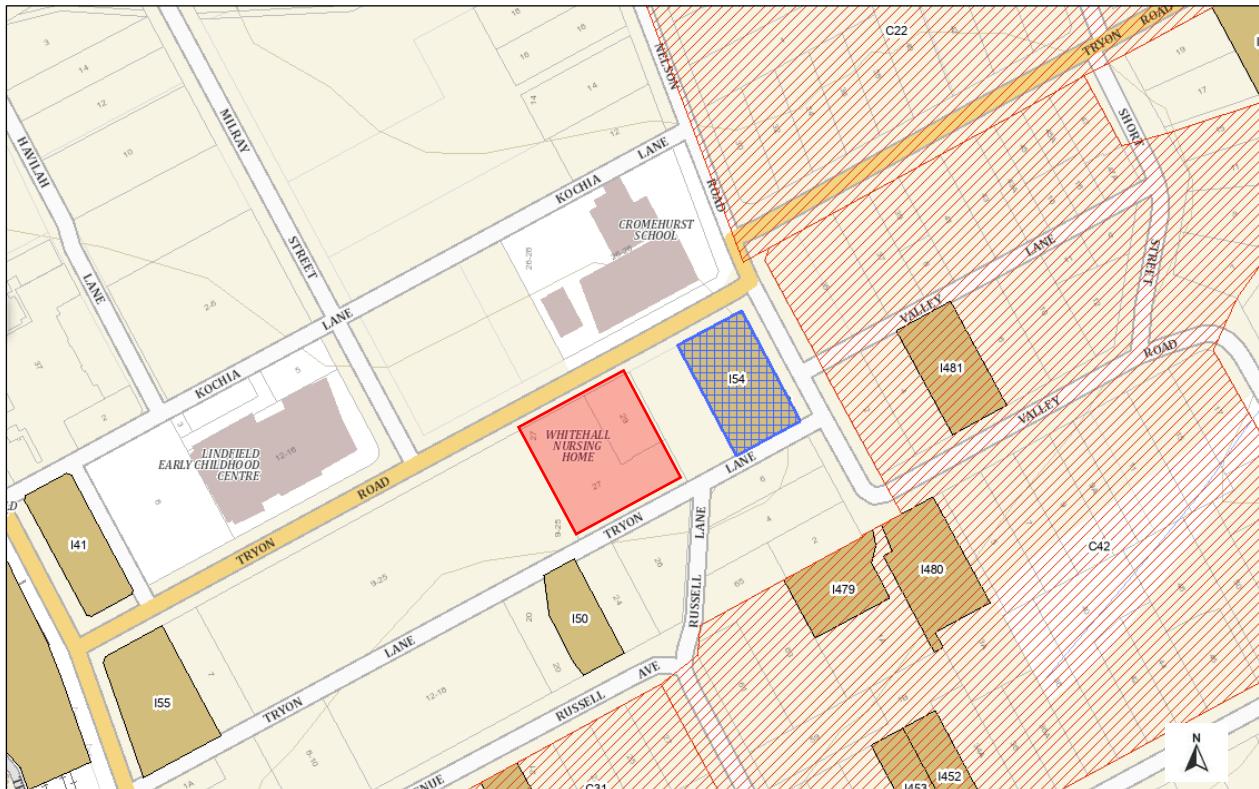


Figure 2. Heritage map showing the subject site (shaded red) within its current heritage context. (Source: NSW Planning Portal Spatial Viewer)

2. DEMOLITION OF EXISTING BUILDINGS AT NO. 27-29 TRYON ROAD, LINDFIELD

Ku-ring-gai Council submission

The proposed works will result in the removal of both former dwellings currently located at Nos. 27-29 Tryon Road, Lindfield.

No. 27 Tryon Road is not a representative example of aged care facilities constructed during a similar period, because of the numerous subsequent changes made to the building, including the demolition and reconstruction of the building's northern elevation.

The HIS by City Plan states, "*29 Tryon Road is a representative example of a California Bungalow style dwelling constructed during the Federation era. It demonstrates architectural and aesthetic qualities typical of the style, as demonstrated by its form, materiality, detailing and landscaped garden setting.*"

An archival recording is recommended before demolition begins.

CPH response

CPH **supports** and **recommends** that a photographic archival recording of the existing dwelling at 29 Tryon Road is undertaken prior to the commencement of development works. This must be undertaken in accordance with the NSW Department of Climate Change, Energy, the Environment and Water document *Guidelines for preparing archival recordings of heritage items as a condition of consent* (April 2025).

3. INAPPROPRIATE SETTING AND VIEW IMPACTS

3.1. Clause 5.10 Heritage conservation

The objective under Clause 5.10 of the LEP states, "*to conserve the environmental heritage of Ku-ring-gai*". A further objective set by the LEP is "*to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*".

CPH Response

Noted and discussed under point 3.2.

3.2. Inconsistent with Burra Charter

The Burra Charter – the Australia ICOMOS charter for the conservation of places of cultural significance – is the key document guiding conservation practice in Australia. The following Article 8. *Setting* states: *Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place.*

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

CPH Response

As stated above, Ku-ring-gai Council objects to the proposed development due to inconsistency with the principles of the Burra Charter, specifically the retention of setting as a key aspect of conservation. CPH acknowledges Council's reasoning but maintains that the proposed development is sited in a manner that overall retains an appropriate setting for surrounding heritage items by way of the existing Heritage Conservation Areas (HCAs) located in proximity to the subject site, as well as the minimal impacts of the proposed development to the specific elements that directly and indirectly contribute the heritage items' assessed heritage significance.

Article 8 of the Burra Charter states that:

Conservation requires the retention of an appropriate **setting**. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the **cultural significance** of the **place**.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 1.12 of the Burra Charter further clarifies setting as:

...the immediate and extended environment of a **place** that is part of or contributes to its **cultural significance** and distinctive character.

It is therefore understood that a heritage item's setting can extend beyond its legal property boundaries, however, it must be considered whether or not that extended environment is part of, or contributes to, the cultural significance of that heritage item.

The following table extracts Statements of Significance from the NSW State Heritage Inventory for heritage items identified as being in proximity to the subject site, including those identified by Council. In doing so, the significant elements contributing to an item's cultural significance can be identified and assessed as to whether they will be impacted by the proposed development, specifically whether or not any elements of the extended environment that contribute to cultural significance will be impacted.

Item no.	Description	Statement of Significance [emphasis added]
I50	Dwelling house, 22 Russell Avenue	The property is significant as part of the residential development of the suburb of Lindfield during the first decade of the twentieth century when the subdivision and consolidation of the large holdings in the area was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally with its original Federation Period Arts and Crafts stylistic detailing . The building is a prominent element located on its large site and makes a contribution to the character of the immediate area .

Item no.	Description	Statement of Significance [emphasis added]
		<p>The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.</p>
I54 (SHR 01672) no.	<p>Lindfield Uniting Church, 33 Tryon Road (Tryon Road Uniting Church)</p>	<p>The Tryon Road Uniting Church, constructed in 1914 in the Federation Gothic style with Arts & Crafts influences, is of aesthetic significance (at the State level). Externally and internally, the church complex is an unspoiled instance of Australian Edwardian design. Harmonious furnishings and stained glass from distinguished Sydney firms contribute to a beautiful interior and enhance its Arts & Crafts design. The organ has historic, social and technical significance. It comprises pipework from an early Irish organ used at St Mary's Cathedral, Sydney, in 1839, purchased for the Wesleyan Church first in Macquarie Street and later York Street; it was rebuilt and enlarged at different times by the important Sydney builders Charles Jackson and William Davidson and the great Melbourne firm of George Fincham & Sons. It is a rare instrument with unusual size and power, and interesting tonal character. The organ case is of cedar and possesses unusually high-quality design and workmanship. It has recently been restored to its Macquarie Street glory.</p> <p>The complex comprises church and hall is of local significance for its social associations with Lindfield from the early years of the suburb to the present time. It is a rare instance of church premises designed by the Roseville architect William Slade, who also designed the Roseville Uniting Church, and many other local buildings in the late nineteenth and early twentieth centuries.</p> <p>The item is of local heritage significance in terms of its historical, aesthetic/technical, social and rarity value. This satisfies five of the Heritage Council criteria of local heritage significance for local listing.</p>
I479	Dwelling house, 1 Valley Road	<p>The property has historic significance as part of the early residential development of the suburb of Lindfield when the subdivision of the large holdings in the area was at its peak. Although having undergone some modifications to the original building, the house has aesthetic significance for the age and largely intact original Federation Arts and Crafts stylistic detailing.</p>

Item no.	Description	Statement of Significance [emphasis added]
		<p>The mature gardens at the front of the house and the complimentary picket fence contribute to the streetscape character as the original curtilage to this early twentieth century residence.</p> <p>The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.</p>
I480	"Hazeldean", dwelling house, 3 Valley Road	Reasons for listing; cultural, architectural, municipal significance.
I481	Dwelling house, 6 Valley Road	Reasons for listing; cultural, architectural, municipal significance Note: Fine garden.
C22	Crown Blocks Conservation Area	<p>Historically, the area represents the fine residential development of Killara during the nineteenth and twentieth centuries. The area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high-quality examples of single detached houses from the Federation, inter-war and post-war periods. The built context is enhanced by large garden settings, wide street proportions, street plantings and remnant and planted native trees and reserve areas which are synonymous with the Ku-ring-gai area.</p> <p>Killara Park, Swains Gardens and various reserves in and around the area contribute to the aesthetic character and social significance of the area. The blocks are located about streets generally formed by neighbouring early grant boundaries, estates and suburban subdivision. The current layout and pattern of development represents the late nineteenth and early to mid-twentieth century development of the area. The predominant early twentieth century development of the area also reflects the evolution of rail and road networks and particularly improvements of the rail network in the late 1920s and early 1930s. Some land consolidation and creation of larger blocks and subdivision and creation of residential blocks has also occurred in the area. Despite these changes the area significantly retains a streetscape pattern characterised by single detached houses and emphasis on residential development and retention of natural and recreational areas.</p>

Item no.	Description	Statement of Significance [emphasis added]
		<p>The area is of local heritage significance in terms of its historical and aesthetic value. This satisfies two of the Heritage Council criteria of local heritage significance for local listing.</p>
C31	Trafalgar Avenue Conservation Area	<p>Historically, the area represents the residential development of Lindfield during the nineteenth and twentieth centuries. The construction of the North Shore rail line in 1890 brought about the subdivision of the Clanville Estate to create the Lindfield Grove, Fowler and Bothwell Estates, parts of which form the conservation area.</p> <p>The area is a largely intact residential precinct of the Federation period, which developed alongside the railway. It includes houses in a variety of styles, dating from the 1900s to the 1920s. Mature trees on public and private land (including remnant native trees) are an integral part of the character of the area.</p> <p>The area is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.</p>
C42	Middle Harbour Road, Lindfield Conservation Area	<p>Historically, the area represents the fine residential development of Lindfield during the nineteenth and twentieth centuries. The area provides evidence of the 1819 land grant to Daniel Dering Mathew, known as "Clanville", and the subsequent subdivision of this grant. This subdivision demonstrates the development resulting from the construction of the North Shore rail line at the end of the nineteenth century.</p> <p>The Middle Harbour Road Lindfield Conservation Area is of historic and aesthetic significance as a good and largely intact residential precinct characterized by streetscapes of good, high-quality examples of single detached houses primarily from the Federation and inter-war periods with some good examples of mid to late twentieth century dwellings.</p> <p>The built context is enhanced by the street proportions and character, street plantings and garden settings including remnant and planted native trees. Some re-subdivision and redevelopment has also occurred in the area. Despite these changes, the area significantly retains its early subdivision and streetscape pattern of single detached houses within a "green" setting.</p>

Item no.	Description	Statement of Significance [emphasis added]
		The area is of local heritage significance in terms of its historical and aesthetic value. This satisfies two of the Heritage Council criteria of local heritage significance for local listing.

From the table, it can be seen that the primary elements contributing to the cultural significance of the identified items can be broadly grouped into the following categories:

- **Historical Significance:** the item is demonstrative of historical patterns of subdivision.
- **Aesthetic Significance:** the item demonstrates largely intact aesthetic qualities of a particular architectural style, makes a positive contribution to the surrounding streetscape and/or reinforces the distinctive character of surrounding context, e.g. through its built form or landscaping.
- **Representative Significance:** the item is representative of the general characteristics of an identifiable class of cultural places, e.g. the item is representative of detached Federation and Inter-War era housing.
- **Social Significance** (Tryon Road Uniting Church only): the item is significant for its social associations with local residents.

CPH argues that these elements are not detracted from by the proposed development. In terms of the above items' historical significance, historical subdivision patterns are ostensibly protected by zoning standards that maintain a desired density of development and therefore constrain the extent to which historical subdivision patterns are disrupted by the contemporary amalgamation or further subdivision of allotments. This is particularly so for individual heritage items and items within HCAs where development is subject to further scrutiny under the cl 5.10 - heritage conservation provisions mandated in all LEPs.

As it currently is, the historical subdivision pattern of the original Clanville Estate (on which the subject site is situated) has been retained and is evident in the street patterns around Tryon Road today and the real property boundaries of surrounding properties. The proposed development does not intend to nor will result in an adverse loss of legibility of surrounding historical subdivision patterns.

With regards to aesthetic significance, CPH acknowledges that the proposed development may detract from the visual amenity and aesthetic significance of surrounding heritage items and HCAs via overshadowing and disrupting the interpretability of built forms, e.g. lack of clear distinction between the proposed development and the rooflines of heritage items (this is discussed further in Sections 3.5 and 3.6). However, CPH maintains that the positive contribution that individual heritage items make to their immediate area is retained in the context of the proposed development, particularly with regards to the aesthetic contribution by specific elements, i.e. early Federation/Arts and Craft detailing and garden settings. Nor does the proposed development detract from the distinctive characteristics of the identified HCAs, their wide street proportions, 'green' garden settings, or street plantings. Therefore, CPH puts forward that the extant heritage items and HCAs create a sufficient context of built forms, materials and finishes, and detailing in which to understand comparable heritage building stock, even if they are not themselves located within them, as is the case with item no. I50 ('Dwelling house') and the Tryon Road Uniting Church.

This sentiment is echoed in the definition of HCAs included within the *Conservation Areas: Guidelines For Managing Change In Heritage Conservation Areas* document (1996):

A heritage conservation area is more than a collection of individual heritage items. It is an area in which the historical origins and relationships between the various elements create a sense of place that is worth keeping.

*A heritage area is identified by analysing its heritage significance and the special characteristics which make up that significance. These may include its subdivision pattern, the consistency of building materials or the common age of its building stock. **The least important characteristic is the 'look' of the place, although the commonly held community view is that this is the determining factor** [emphasis added].¹*

In considering this definition, it becomes apparent that the proposed development is unable to meaningfully and adversely impact the neighbouring HCAs as it would be unable to obscure or detract from the HCAs historical subdivision pattern, the consistency of their building materials or the common age of building stock. In this way, sufficient context is retained to understand the class of buildings and places captured by the surrounding HCAs. For these reasons, the aesthetic and representative significance of the surrounding heritage items and HCAs will only be minorly impacted by the proposed development.

In the context of the Tryon Road Uniting Church and its social significance, the extended environment around it only intangibly contributes to the social associations between the church and the local community and is not specifically related to the physical composition of the church's setting. It does not follow that the proposed development will substantively alter the use and activity of the church, or the social and spiritual practices that are undertaken there. Therefore, the setting identified in the item's Statement of Significance is effectively retained.

3.3. Poor Streetscape Relationship

The setting of Tryon Road is characterised by a mix of earlier Federation, Interwar and Postwar period housing, mainly contained to the surrounding Heritage Conservation Areas. The portion of Tryon Road where the subject site is located is characterised by mid-rise residential flat buildings.

CPH Response

As noted in the CPH Statement of Heritage Impact accompanying SSDA SSD-78669234, although the cultural landscape of Tryon Road is characterised overall by a mix of early Federation, Interwar and Postwar housing, this is not the predominant nor cohesive character of the section of Tryon Road between Lindfield Avenue and Nelson Road. This heritage character housing is instead contained within the eastern portion of Tryon Road between Nelson Road and its intersection with Howard Street, which is understood as being included within two HCAs; the northern portion is included within the Crown Blocks Conservation Area (C22) and southern portion as the Middle Harbour Road, Lindfield Conservation Area (C42).

The block on which the subject site is located has been excluded from both HCAs due to its inconsistent and mixed character that could not be identified as being a streetscape of historical or period housing character. In fact, this section of Tryon Road is zoned as R4 - High Density Residential, and is dominated by mid-rise residential flat buildings that has been developed since the 2000s (Figure 3 - Figure 7).

It is also noted that recent amendments to the Ku-ring-gai LEP 2015 gazetted in November 2025 under the *State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025* (Stations Precincts SEPP) has resulted in a general upzoning of land immediately to the east, south and southwest of the subject site from R2 - Low Density to R4 - High Density, suggesting that Ku-ring-gai Council also envisions that land close to the railway station (such as the subject site) be used to support and sustain higher density

¹ Sheridan Burke and Robert Moore, "Conservation Areas: Guidelines For Managing Change In Heritage Conservation Areas (1996)," Report prepared for the Department of Urban Affairs and Planning, 3.

residential housing as in the subject proposal. Based on the existing dominant mid-rise streetscape character of Tryon Road where the subject site is located and recent rezonings under the Ku-ring-gai LEP 2015, the proposed development, while higher than existing residential flat buildings on Tryon Road, will be consistent with this streetscape character and compliment the residential flat building setting and urban characteristics of this portion of Tryon Road.

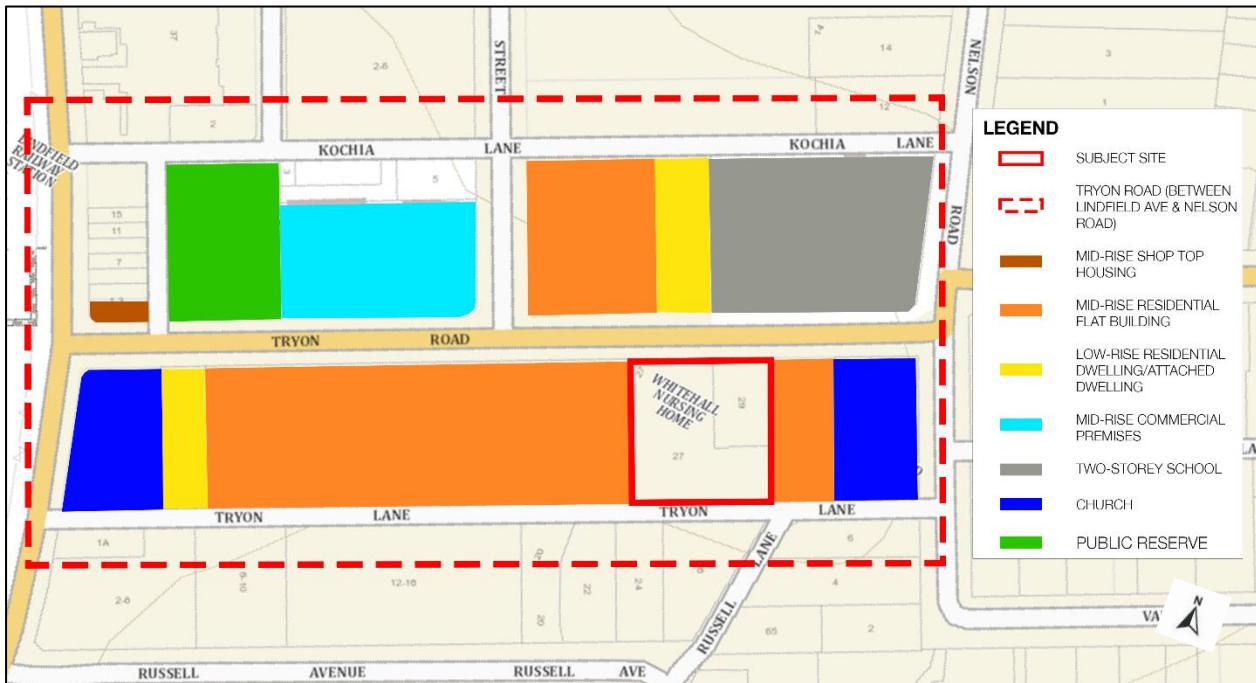


Figure 3. Profile of built forms along Tryon Road. (Source: NSW Planning Portal Spatial Viewer)



Figure 4. View of 9-25 Tryon Road (five storey mid-rise residential flat building), from the intersection of Milray Street and Tryon Road, looking southwest. (Source: CPH, January 2025)



Figure 5. View of 9-25 Tryon Road looking southeast. (Source: CPH, January 2025)



Figure 6. View of 20-22 Tryon Road (five storey mid-rise residential flat building), from the intersection of Milray Street and Tryon Road, looking southwest. (Source: CPH, January 2025)



Figure 7. View of 31 Tryon Road (three storey mid-rise residential flat building) western elevation, from first floor balcony of 27 Tryon Road, looking east. (Source: CPH, January 2025)

As will be discussed throughout this report, the design of the proposed development has been revised to increase setbacks to the front and side boundaries to the subject allotment, with reduced floor plates at the upper levels than at lower levels. These changes have resulted in increased landscaped area and will allow for incorporation of mature trees along all boundaries, particularly along Tryon Road, to ensure harmonisation with the surrounding vegetated streetscape character.

3.4. Inappropriate setting for the Church

The subject site is located in the vicinity of a number of heritage items, including the Tryon Road Korean Church - SHR no. 01672, which is listed as a State Heritage item under the *Heritage Act 1977*. Views to the historic building (church) at the intersection of Tryon Road and Nelson Road Lindfield, which is its key view corridor, will be adversely changed as there will be a backdrop of a large 9 storey high building. Views west from Tryon Road to the historic church will also be adversely affected due to the height and size of a large 9 storey building.

CPH Response

The CPH SOHI (February 2025) stated that:

[V]iews to the Tryon Road Uniting Church item will not be affected as the form, including the roofline, will remain clearly discernible when viewed from Nelson Road, which is its key view corridor. The proposed building will not be easily distinguishable from Tryon Road due to the mature plantings that characterise the landscape setting of Tryon Road and provide adequate screening of views. Views west from Tryon Road to the Uniting Church item will not be additionally affected due to the presence of the existing adjoining mid-rise residential flat building (5-storeys) located at 31 Tryon Road.²

In response to Ku-ring-gai Council's comments, CPH maintains that overall views to and from the State heritage listed Tryon Road Uniting Church (SHR No. 01672) will not be affected by the subject development

² CPH notes that the previous SOHI incorrectly stated that 31 Tryon Road consisted of a five storey residential flat building, however, it only comprises three storeys.

works, therefore, maintaining the visual relationships comprising its setting. When viewed directly from across Tryon Road (looking at the main entrance at Tryon Road), the form of the Uniting Church building, including its roofline, is clearly discernible and legible against the backdrop of surrounding residential development (Figure 8). The proposed development will not be visible from this aspect.



Figure 8. View of Tryon Road Uniting Church from the Cromehurst School at 8 Nelson Road, Lindfield. (Source: CPH, January 2025)



Figure 9. View of Tryon Road Uniting Church from the intersection of Tryon Road and Nelson Road. (Source: CPH, January 2025)

When viewing the church obliquely from the eastern section of Tryon Road (beyond Nelson Road), the proposed residential flat building will be noticeably distinct from the church building. The proposed development should continue to afford church users and visitors the capacity to discern the church's significant form and roofline, including the church's squat tower, particularly at eye level, due to the buffer area created by the allotment at 31 Tryon Road (approximately 23m in width) (Figure 9). CPH also understands that the revised design allows for increased setbacks from the side boundaries of the subject allotment, that increase from 6m at ground level to 12m at Level 8 and above. Not only does this provide an increased area to vegetate the site with mature tree plantings at ground level, the tapering form of the proposed development will also create a raked effect, i.e. that the upper levels will appear to 'recede' away from the State-listed church item. This will afford a reduced perception of visual bulk, particularly when viewing the church's tower and its northern aspect. In doing so, the revised design intends to retain ongoing legibility of the church's significant form, including its roofline.

Views from Nelson Road, looking directly west to the subject site, are likely to be the most impacted by the proposed development, however, this likelihood is mitigated by the intended mode of engagement with this elevation by church visitors and passersby. In brief, the Nelson Road elevation should be considered a secondary elevation that is more tolerant to change as it demonstrates a lesser treatment of detailing and composition compared to the primary elevation along Tryon Road (e.g. decorative gable ends, grander stained glass windows, church tower), where the main entrance is also located. The Nelson Road elevation typically serves as a secondary accessible entrance, noting that the main entrance at Tryon Road has a short flight of four steps to access the church interior. It is also noted that the section of Nelson Road opposite the Tryon Road Uniting Church does not have a footpath from which to pass by and engage with the church building, although, there is a footpath on the western side of Nelson Road abutting the church allotment boundary. It becomes apparent then that it is intended for church visitors to engage primarily with the Tryon Road elevation, which, as discussed above, will continue to be legible when viewed from directly across Tryon Road and when viewed obliquely (although this view may need to be screened with additional mature tree plantings).

In addition, people engaging with the church building from Nelson Road may be unlikely to perceive the total scale of the proposed development as they are highly likely to be travelling inside cars, walking along

the footpath adjacent to the church, or lingering or utilising the outdoor area and secondary accessible entrance to the church, activities which place subjects close to the building, therefore constraining perception of objects beyond the church allotment within a limited field of view. This offers certain mitigation against the potential impacts to significant views of the church west from Nelson Road.

Recalling the reasoning used in Section 3.2, the CPH SOHI provided that:

[F]urther loss of low-scale detached dwellings in the local area may reduce the legibility of adjoining heritage items due to a loss of physical context, however, the significance of the closest items, Tryon Road Uniting Church (SHR no. 01672) and Dwelling House (item no. 150), should still be able to be interpreted in relation to the neighbouring Heritage Conservation Areas (Crown Blocks, Trafalgar Avenue and Middle Harbour Road).

CPH continues to consider that the adjacent HCAs provide sufficient contextual information for church visitors, passersby and local residents to understand the cultural heritage values of the church building, due to the relatively comparable age of neighbouring building stock, a shared approach to material finishes, retention of their historical subdivision patterns, and the sympathetically low-scale of built forms in those HCAs.

However, to address Council's concerns, the design of the proposed development has been revised, as mentioned previously, and is considered by CPH to be more appropriate to the local context, with increased front and side setbacks and a tapered form that narrows in floor plate at the upper levels, lessening the visual bulk of the proposed building and increasing opportunities for mature tree plantings along all boundaries that will further limit perception of the proposed development at street level. This is considered a much more suitable and permanent solution to addressing screening of views to the church from Nelson Road.

3.5. Inappropriate setting for the Heritage items in the vicinity

The site is also located directly north of a local heritage item, dwelling house at No. 22 Russell Avenue and north -west of a local heritage item, dwelling house at 3 Valley Road Lindfield.

Views to the dwelling House (No. 22 Russell Ave) looking northwards will be adversely impacted as the proposed development will be clearly visible behind the form of the heritage item.

CPH Response

With regards to the dwelling house at 22 Russell Avenue (item no. 150), its primary visual relationships relate to neighbouring residential buildings, particularly to those included within the adjoining HCA – Trafalgar Avenue Conservation Area (C31) – directly opposite the street. Therefore, retaining the quality of the setting within the adjoining HCA will be key to ensuring appropriate context in which to understand the dwelling house item and its representative significance, particularly its Federation Arts and Craft detailing.

While maintaining views to and from the heritage item is also important in conserving its visual setting, CPH considers that the visibility of the proposed development behind the heritage item does not detract from its assessed aesthetic significance, which primarily arises from its intact external Federation Arts and Craft detailing and positive contribution to the streetscape (refer Section 3.2). In addition, views to the heritage item from Russell Avenue will be effectively retained despite the proposed development, due to the orientation of Russell Avenue and Tryon Road (southwest to northeast). Therefore, while the proposed

development is located directly north of the dwelling house item, when directly facing the heritage dwelling, the proposed residential flat building will not obscure its significant form or roofline, retaining legibility of its aesthetic significance (Figure 10).



Figure 10. Visual impact analysis photomontage, looking northwest from Russell Avenue. The proposed development and subject site is indicated by the red outline. (Source: OG Urban, "27-29 Tryon Road, Lindfield - Visual Impact Analysis," Report prepared for Bridgestone Projects, Figure 7-11 - Figure 7-12.

CPH also reiterates from its SOHI that:

...the proposed development will be setback from the heritage item such that heritage item will remain the primary focus of views from Russell Avenue northwards; as the proposed development will also be viewed obliquely, the perception of the heritage item's bulk will increase, reducing the impact of the proposed development on the wider setting.

These factors together are considered sufficient in retaining an effective setting for the dwelling house at 22 Russell Avenue, permitting ongoing legibility and interpretability of the building and its listed aesthetic and representative values.

Concerning the dwelling house at 3 Valley Road, "Hazeldean" (item no. I480), it is not considered that the proposed development will adversely impact the setting of the heritage item, due to the orientation of the building (its primary façade faces north away from the proposed development), the relative differences in topography and elevation (the dwelling house is situated at a lower elevation than the proposed development) and the screening provided by existing mature street plantings along Nelson Road (Figure 11).



Figure 11. View looking northwest towards the subject site from the corner of Nelson Road and Valley Road (adjacent to the dwelling house at 3 Valley Road). (Source: CPH, January 2025)

3.6. Inappropriate setting for the Heritage Conservation Areas in the vicinity

There will also be views of the proposed development from the heritage conservation areas in the vicinity that are primarily 1-2 storeys in height.

CPH Response

As identified in Section 3.2, the three HCAs located in proximity to the subject site (Crown Blocks, Trafalgar Avenue and Middle Harbour Road) are listed for their historic and aesthetic values (and representative values for the Trafalgar Avenue Conservation Area). These areas are primarily characterised by their retention of historic subdivision patterns and abundance of single detached houses from the Federation to

Post-War periods, reinforced by the wide street dimensions, private garden settings and mature street plantings typical of the area.

While Ku-ring-gai Council has noted that the development will be visible from the HCAs due to the relative differences in building scale, it does not follow that this will ultimately create an inappropriate setting for these HCAs. Firstly, the views within and into the HCAs will be unaffected and will be retained following the completion of development works. Views of key elements identified as contributing to the cultural significance of the HCAs will also be unaffected by the proposed development, i.e. subdivision patterns, existing detached Federation - Post-War housing stock, street dimensions, private garden settings and mature street plantings within the HCAs. It is also noted that the recent review of HCAs undertaken by TKD Architects on behalf of Ku-ring-gai Council, assessed the quality of the setting of the HCAs as overall intact, and, enhanced by the intactness of surviving heritage stock and the quality of street trees and private gardens within the HCAs (elements that will not be impacted by the proposed development).³

As such, CPH does not concur that the visibility of the proposed development from the HCAs will result in an inappropriate setting for them, as asserted by Ku-ring-gai Council. Nonetheless, the design of the proposed development has been amended to increase the side setbacks and provide for additional mature plantings to all boundaries and increased landscaped areas within the subject site, in order to better respond to the distinctive vegetated streetscape of Tryon Road.

3.7. Irreversible impacts to the setting

The over-scaled development and loss of garden areas will adversely impact on the heritage items and HCAs heritage significance and will be irreversible.

CPH Response

See above discussions. In brief, the over-scaled development and loss of front-facing garden areas will not result in overall adverse impacts on the key elements identified as contributing to the assessed cultural significance of surrounding heritage items and HCAs, per their Statements of Significance and inventory forms on the State Heritage Inventory database. As mentioned previously, the HCAs themselves contextualise the historical and aesthetic values that characterise the cultural significance of extant heritage items and contributory buildings within the HCAs. Additionally, the inclusion of additional landscaped areas within the subject site and mature street plantings to the site boundaries will mitigate the loss of the existing front gardens to 27-29 Tryon Road. In this way, CPH also does not consider any impacts to be "irreversible".

4. INADEQUATE SETBACKS

Ku-ring-gai Council submission

The proposed 9 storey building does not respect the established pattern of built elements in the streetscape and the HCA in the vicinity as it is larger and taller than all the buildings in this part of the street and surrounding area.

The proposed building has a sheer 9 storeys in height across the site and does not transition to the buildings on either side which are 4-5 storeys high. There are insufficient setbacks between the built

³ Tanner Kibble Denton Architects, "Ku-ring-gai Heritage Conservation Area Review (April 2025)," Report prepared for Ku-ring-gai Council, 37, 65, 69.

form and insufficient setbacks on the upper levels to provide a transition between the adjacent buildings of different scales.

CPH Response

It is considered that the building's utilisation of the TOD provisions and affordable housing uplift provided for in the Housing SEPP builds upon the emerging pattern of built elements within the streetscape, rather than disrespects it, given the contemporary development of the western portion of Tryon Road with mid-scale residential flat buildings. As was established in Section 3.3, the streetscape character of this section of Tryon Road is inconsistent and demonstrates a range of built forms that do not completely respect the established pattern of built elements in the streetscape either, much less the HCAs (e.g. the mid-rise flat buildings at 9-25 Tryon Road are approximately three storeys taller than residential dwellings to the south, including those included within the Trafalgar Avenue Conservation Area). The emerging building pattern of taller contemporary residential flat buildings has also been acknowledged and is being facilitated by Ku-ring-gai Council by way of the amendments to the Ku-ring-gai LEP 2015 under the Station Precincts SEPP, which amongst other things, increased maximum building heights immediately west of the site from 17.5m to 29m, which will result in a significant densification of the area (Figure 12). This pattern is repeated around the site, increasing sites closer to Lindfield Station up to 29m and stepping down to 18.5m of the edge of land zoned as R4 (Figure 13).



Figure 12. Ku-ring-gai LEP 2015 Height of Buildings Map for Lindfield. The subject site is outlined in red. (Source: Ku-ring-gai Council)

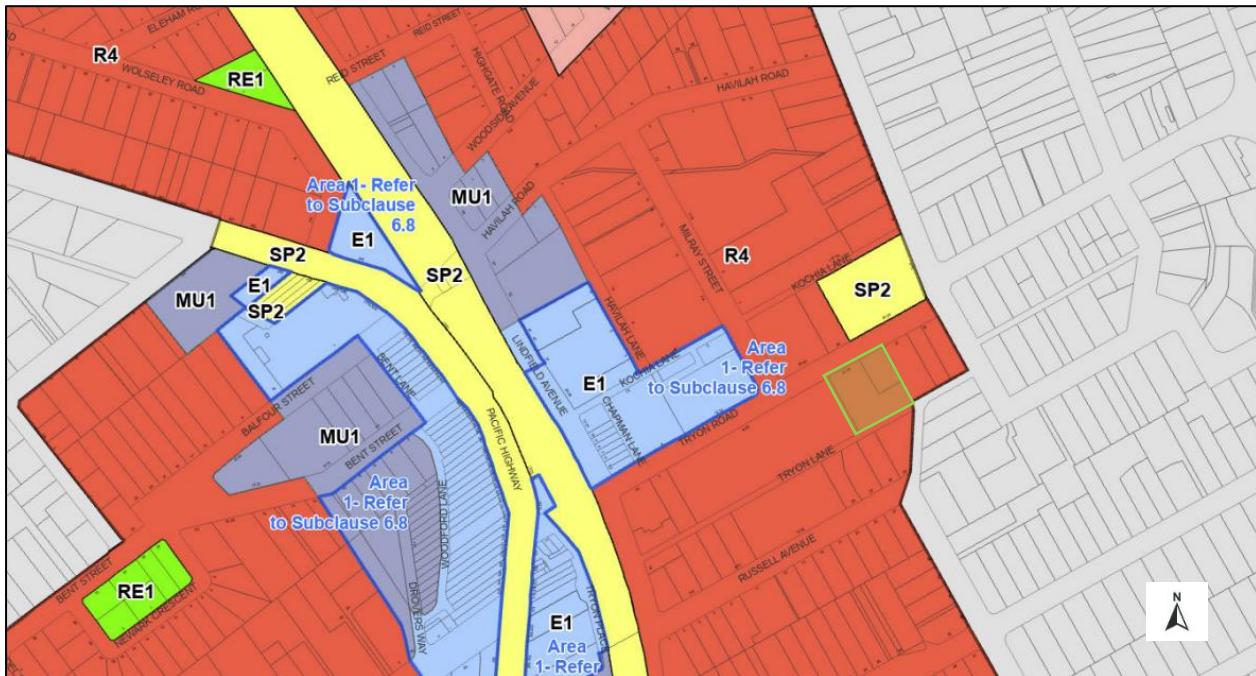


Figure 13. Ku-ring-gai LEP 2015 Land Zoning Map for Lindfield. The subject site is outlined in green. (Source: Ku-ring-gai Council)

The proposed development has also been amended to increase setbacks from the site boundaries. This is discussed further in Section 5.

5. ADVERSE IMPACTS ON CHARACTER

Ku-ring-gai Council submission

The proposed minimal setbacks to the side boundaries on both sides, is not the general character of the streetscape and will increase the bulk of the building and have an obtrusive and unacceptable impact. The proposed development is in the vicinity of several heritage items and conservation areas and does not harmonise or enhance the area's distinctive identity as it is very dominant in the streetscape and will be visible from all surrounding sides.

CPH Response

As noted in the Request for Additional Information letter, ch 5 of the Housing SEPP relating to the TOD program no longer applies to the Ku-ring-gai LGA, with the exception of lots that on, or before, 13 June 2025, had valid SEARs and SSD applications lodged but not yet determined. The subject SSDA for the proposed development at 27-29 Tryon Road was lodged on 2 April 2025 and has therefore been saved under the transitional provisions and mapped on the revised TOD Map as shown in Figure 14.

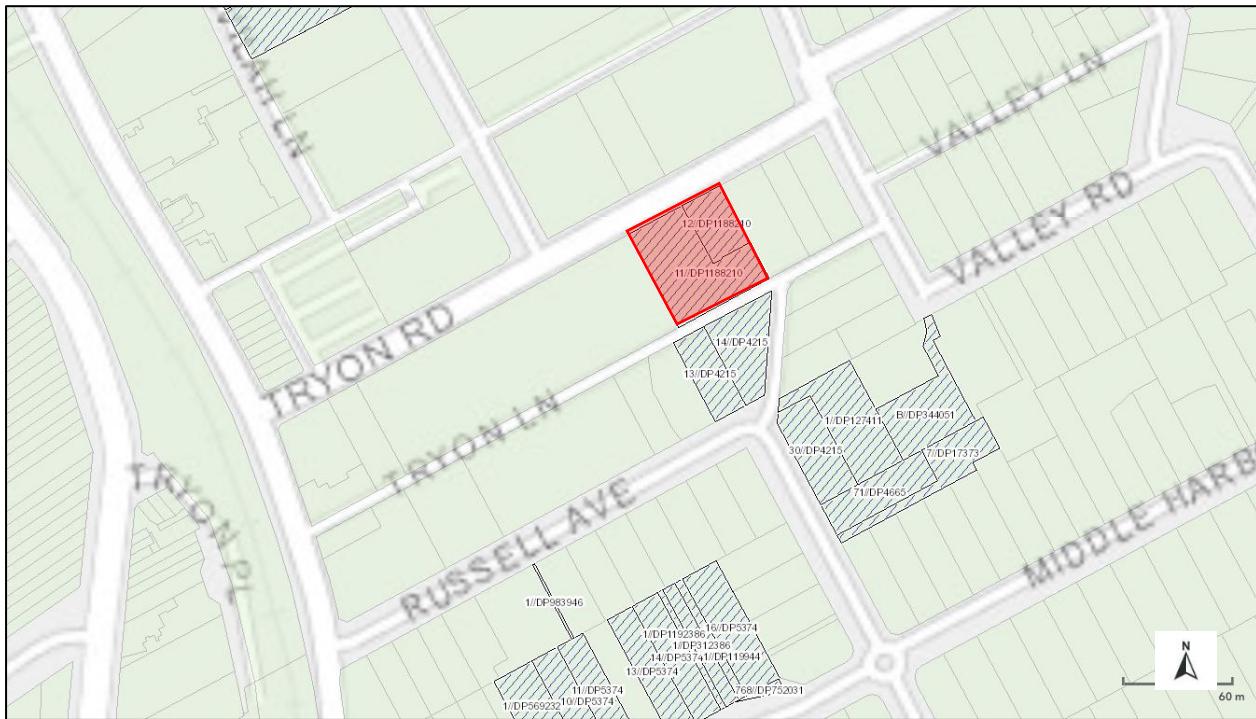


Figure 14. Revised TOD Map. The subject site is outlined in red. (Source: NSW Planning Portal Digital EPI Viewer)

However, this legislative amendment means that the desired future character of the area is no longer that considered within the EIS that was lodged on 2 April 2025. The desired future character of the area while generally undefined in and unconfined by the Ku-ring-gai LEP 2015, it can be inferred from the amendments enacted under the Stations Precinct SEPP.

From a review of the revised controls, the desired future character of the area is defined by increases in building heights and densities to the west of the site towards Lindfield Station, providing greater density close to well-connected public transport hubs, stepping down in density towards the R2 low density residential zoned land east of Nelson Road, outside the town centre boundary (Figure 13**Error! Reference source not found.**). The increase in density to the west exceeds the 22m building height initially allowed for under the TOD provisions of the Housing SEPP (29m) and will likely result in residential flat buildings of up to 10 storeys in this area, although this will be partially mitigated by cl 4.3(2C) of the Ku-ring-gai LEP 2015 which restricts this maximum height to selected sites identified as 'Area 2' land. Development then steps down to 18.5m (or 22m for saved TOD sites such as the subject site) towards the R2 zoned land to the east, which itself continues to have a maximum height standard of 9.5m.

As shown in Figure 14 above, the subject site and the site immediately to the rear have been saved under the TOD provisions. This will result in increased density to the south of the site as well, with a likely development for a residential flat building of up to 9 storeys.

It is also noted that the subject development is in accordance with the Ridges and Centres Character Statement included in the Ku-ring-gai Development Control Plan 2024 (Section 14.1) where it is identified that "buildings in this area have large footprints and greater height than built form across the rest of Ku-ring-gai. The prevalent high density leverages amenity provided by proximity to arterial roads, public transport, shops, schools and facilities...[t]he general urban nature of the area means tree canopy is reliant on street and public domain tree planting with occasional front setbacks, rear communal open spaces and rooftops/podium landscaping also providing links to the Ku-ring-gai character of buildings within a garden setting". The dominant architectural language of Tryon Road within the capture radius of TOD provisions, is largely characterised by cuboid forms with flat roofs and articulated façades due to the high amount of modern residential flat buildings that have been developed along the street.

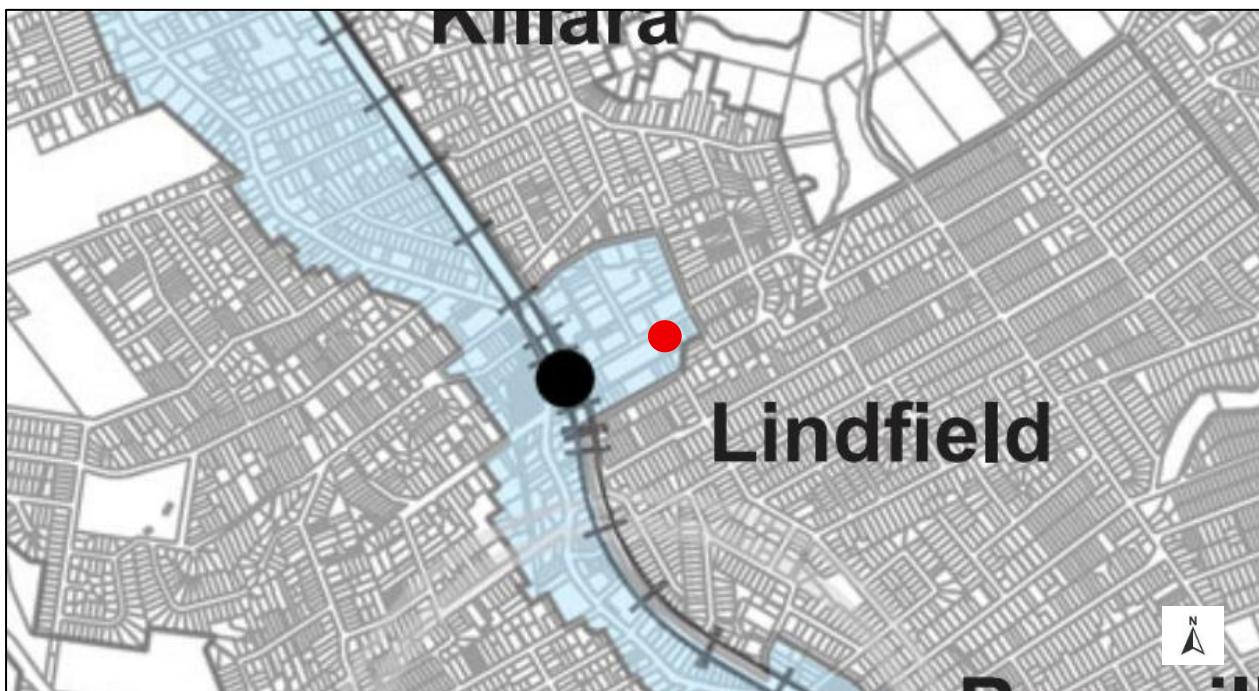


Figure 15. Location of the subject site (indicated in red) in the Ridges and Centres Character Area. (Source: Ku-ring-gai Development Control Plan, Section 14.1)

The proposed development is therefore considered to be consistent with the desired future character of the area, particularly along Tryon Road and Russell Avenue to the rear which is anticipated to increase the existing density of the area. With a building height compliant with the TOD controls plus a 30% infill affordable housing uplift (which is applicable to most sites in the R4 zone), the development steps down from the maximum permissible building heights from the west and creates a residential flat building that delivers much needed housing, including affordable housing, in a well-located area. As such, the proposed development should be considered to provide an appropriate transition to surrounding area's under Ku-ring-gai Council's own alternative TOD plan.

The proposed development has been amended to increase the setbacks from the front and side boundaries of the subject allotment. These changes have resulted in increased landscaped area and deep soil achieved on the site. The proposed development will incorporate large trees along all boundaries, particularly along

Tryon Road, ensuring that the development provides a tree canopy that is in keeping with the existing, and desired future, garden-like character of the area.

The increased side setbacks, reduced floor plates and the change to a tapered building form will also improve the perception of visual bulk of the proposed development when viewed from both Tryon Road and Tryon Lane. The amended design also allows for greater deep soil landscaping to the corners of the site, helping to soften the built form at the pedestrian scale in keeping with the leafy character along Tryon Road. At the upper levels, the use of a light coloured material palette, coupled with the building's revised form, will help blur the edges and surfaces of the building and therefore reduce visual bulk, particularly when viewed from a distance.

Whilst Council's preferred alternative scenario increases the future density of the area surrounding the site, the amended design seeks to integrate and harmonise this additional scale and massing with the garden-like character of Lindfield where tree canopy dominates existing building elevations and surrounding streetscapes. The high quality design of the proposed development, coupled with sufficient landscaping and minimised amenity impacts on surrounding buildings, is therefore considered to align with the desired future character of the area.

6. INCOMPATIBLE BULK-MASSING SCALE AND FORM

Ku-ring-gai Council submission

Inconsistent Bulk

The proposed 9 storey development does not relate to the predominant scale (height, bulk, density) of the setting around it and will have an adverse impact on the heritage items and HCAs in the vicinity.

Large Scale

The overall scale of the proposed development is not in context with the streetscape, heritage items and HCAs in the vicinity and has no transition to the buildings on either side.

Increased density

The proposed increased density will irreversibly degrade the heritage significance of the heritage items and heritage conservation areas in the vicinity because of the inconsistency with the existing low scale historic built form.

CPH Response

As stated in Section 5, the proposed development has been amended to increase the setbacks to site boundaries and increase landscaped area and deep soil achieved on the site. The revised design incorporates additional large tree plantings along all boundaries, particularly along Tryon Road, to ensure that the development provides a tree canopy that is in keeping with the existing, and desired future, character of the area.

The visual bulk and scale of the proposed development has also been addressed through the revised design via the increased setbacks (that increase from the front and side boundaries from 6m at ground level to 12m at Level 8 and above) and the generally reduced floor plates of the building, which lessen the visual bulk and dominance of the building when viewed from both Tryon Road and Tryon Lane.

CPH does not concur with Ku-ring-gai Council that the increased density of the proposed development will irreversibly degrade the heritage significance of surrounding heritage items and HCAs (refer to Sections 3.4 - 3.6). It is reiterated that the key elements contributing to the cultural significance of the neighbouring heritage items and HCAs primarily relate to the historical and aesthetic significance afforded through retention of historical subdivision patterns and positive streetscape contributions, enhanced by landscaped garden settings, mature tree street plantings and the overall intactness of detailing to the exterior of heritage dwellings. The introduction of a residential flat building outside of the HCAs does not detract from these elements and should be considered sufficient to contextualise and facilitate legibility of significant elements, even for items outside HCAs, such as the Tryon Road Uniting Church.

7. LANDSCAPE LOSS

Ku-ring-gai Council submission

Loss of Trees to the street frontage

The loss of significant trees to the front of the proposed building will have an adverse impact on the heritage item (historic church) in the vicinity as it will change the leafy character of the street.

Loss of planting at rear and side setbacks

The lack of planting area within the proposed rear and side setbacks will have an adverse impact on the items and conservation areas in the vicinity as it does not provide adequate landscape amenity and is inconsistent with the neighbouring properties.

CPH Response

As stated above, the design of the proposed development has been revised to increase setbacks to site boundaries allowing for additional mature tree plantings along all boundaries. The revised design better responds to the vegetated streetscape character of Tryon Road.

8. INAPPROPRIATE FORM, DETAILS, MATERIALS AND COLOURS

8.1. Inconsistent Colours

The base of the proposed building will be constructed with a sandstone and pale brick material palette which appears to be too light and dominant in the streetscape. A darker earthy colour would be more appropriate with the use of a lighter colour for the upper floors.

CPH Response

CPH considers that the use of a creamy pale coloured brick responds to the local context of the Tryon Road streetscape and to the provisions contained in the Ku-ring-gai DCP 2024. Control 11 of Section 19C.5 of the DCP states that "[n]ew building colour schemes are not to detract from colour schemes in the streetscape and not to be in visual contrast with the colours of the contributory properties in the HCA. Recessive colours and traditional materials are preferred". It is argued here that in the context of a mature tree lined street, the pale creamy (and importantly non-white) bricks to the lower levels of the development function as recessive coloured elements that serve to enhance the presentation of existing and proposed

landscaped areas, as is evidenced by the use of white painted planters that contain the perimeter hedging to the subject site (Figure 16), the white elements of the articulated façade of 31 Tryon Road (Figure 17), the façade of the existing bungalow at 29 Tryon Road (Figure 18), and the light coloured façade of 26 Tryon Road (Figure 19).



Figure 16. View of 27-29 Tryon Road from directly opposite the subject site. (Source: CPH, August 2024)



Figure 17. View of 31 Tryon Road, northern elevation. (Source: Google Maps Street View, June 2021 imagery)



Figure 18. 29 Tryon Road, northern elevation.



Figure 19. View of 26 Tryon Road, northern elevation. (Source: Google Maps Street View, June 2021 imagery)

8.2. Incompatible Building Form

The curved forms and proportions of the proposed development will be obtrusive in the streetscape and will have an adverse impact on the heritage items and HCAs in the vicinity.

CPH Response

As discussed in Sections 3.4 - 3.6, the design of the proposed development will not have an overall adverse impact on the heritage items and HCAs in the vicinity, as the quality of the setting and relative intactness of the HCAs permits ongoing contextualisation and legibility of distinct key elements, such as Federation Arts and Craft detailing to dwelling houses. This is enhanced by retention of mature street plantings, wide street

dimensions, and the retention of historic subdivision patterns as demonstrated through street patterns and allotment sizes. Notwithstanding this, the design of the proposed development has been revised to lessen the visual bulk of the building, increase landscaped areas and provide for additional mature tree plantings to all boundaries. As such, the revised design is considered to be compatible with the character of surrounding streets.

9. CONCLUSION AND RECOMMENDATIONS

In conclusion, it is considered by CPH that the proposed development at 27-29 Tryon Road, Lindfield NSW 2070, and its revised design, appropriately addresses the concerns raised by Ku-ring-gai Council in their submission to the Department in their assessment of the subject SSDA.

Yours Sincerely,



Kerime Danis
Director - Heritage