

PROPOSED DEVELOPMENT

TOURING THE PAST



HERITAGE IMPACT STATEMENT

Tall Building Development (TOD)

3-9 Park Avenue, Gordon NSW 2072

Prepared for the Property Owners of 6, 10, 12-14, 16 & 18 Park Avenue, Gordon
May 2025

Acknowledgement of Country

Touring the Past recognises that our conservation practice takes place on Country whose sovereignty has never been ceded. We recognise the First Nations People of Australia and celebrate their continuing cultural practices and Connections to Country.

We acknowledge the Traditional Custodians of the land we now call Gordon, the Darramuragal or Darug peoples, and pay our respects to their Elders past, present, and emerging. We appreciate the longstanding spatial knowledge held by First Nations people and the continuum of Indigenous land management, science, and design that has endured.

We are mindful of the impact of settler development on Country and are aware of our responsibility in the heritage sector to unlearn, improve, and repair.

Authors: (Principal) Patrick Wilson
 Director—Heritage Consultant and Professional Historian of Touring the Past Pty Ltd
 B.A. (Hist Hons) and M. Cult. Heritage
 M. ICOMOS, Pro. Hist PHA (NSW + VIC), SAHANZ, IAIA, APT, Nat Trust (NSW)

(Contributing) Chery Kemp
 Principal Partner and Heritage Consultant of Kemp and Johnson Heritage

T: 0491 341 906
E: contact@touringthepast.com.au
W: www.touringthepast.com.au
A: PO BOX 279, Willoughby NSW 2068
ABN: 47 660 767 224

Cover image: Close-up view of the proposed development from the opposite corner of Park and Pearson, facing southeast.
 (Source: Urbis, *Visual Impact Assessment: SSDA-78775458*, March 2024, p28)

Primary and secondary materials utilised in the preparation of this report are acknowledged and referenced in captions or footnotes.

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DATE	VERSION	PREPARED BY
20 May 2025	Issued	Patrick Wilson / Chery Kemp

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1 INTRODUCTION

1.1 Purpose

The Property Owners of 6, 10, 12-14, 16, 18 Park Avenue, Gordon, engaged Touring the Past Pty Ltd and Kemp & Johnson Heritage Consultants, to impartially assess the effect of the State Significant Development Application (SSDA) for a nine-storey flat development at 3-9 Park Avenue, Gordon, on the significance of an adjacent and nearby—in the main, directly opposite—heritage places.

The proposal (SSD-78775458) is lodged under the *State Environmental Planning Policy (Housing) 2021* and seeks to take advantage *inter alia* of the Transport Oriented Development (TOD) policy (gazetted on 13 May 2024). The development is currently on exhibition. The Minister for Planning and Public Spaces is the consent authority. The LGA is Ku-ring-gai Council.

1.2 Methodology

The authors of this report are appropriately experienced independent built heritage practitioners.

The assessment of this report is informed by a non-invasive ground truthing of the subject place (from the public realm) and its immediate and broader setting undertaken in mid-May 2025.

The terminology and principles in this document are based on sound, values-based heritage management approaches, as expressed in *The Australia ICOMOS Charter for Places of Cultural Significance* and *The Burra Charter* (rev. 2013). The *Burra Charter* provides a philosophical underpinning to heritage practice in Australia. While it must be read holistically, some of its articles are of relevance to the assessment of heritage impacts associated with the proposed development, the most relevant of which are:

Article 8. Setting

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 22. New work

22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.

Explanatory notes:

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

Due heed is taken of the Government Architect NSW's *Better Placed: Design Guide for Heritage* (2019) and *Guidelines for preparing a statement of heritage impact* (June 2023) prepared by the NSW Department of Planning and Environment.

The Environmental Impact Statement prepared by Urbis for the scheme (dated April 2025), along with its accompanying appendices, including the Heritage Impact Statement (HIS) and Visual Impact Assessment (both also undertaken by Urbis), and architectural drawings (PTW Architects), have been closely reviewed.

The document entitled *Guidance to Transport Oriented Development (TOD)*, issued in May 2024 by the NSW Department of Planning, Housing and Infrastructure, has also been reviewed, including its explicit acknowledgement that the TOD planning policy is intended to co-exist with culturally significant heritage places and their settings.

This report has also perused Ku-ring-gai Council's *Preferred Scenario Exhibition Document* (4 April 2025), particularly as it relates to the Gordon TOD.

1.3 Study Area

This report defines the Study Area as Park Avenue, which runs east/west between the Pacific Highway and Rosedale Road, as well as Park Lane, in the suburb of Gordon.

The development subject site encompasses 3 to 9 Park Avenue, Gordon, which comprises four mostly rectangular and contiguous properties on the south side of Park Avenue, some 35 metres east of its intersection with Werona Avenue.

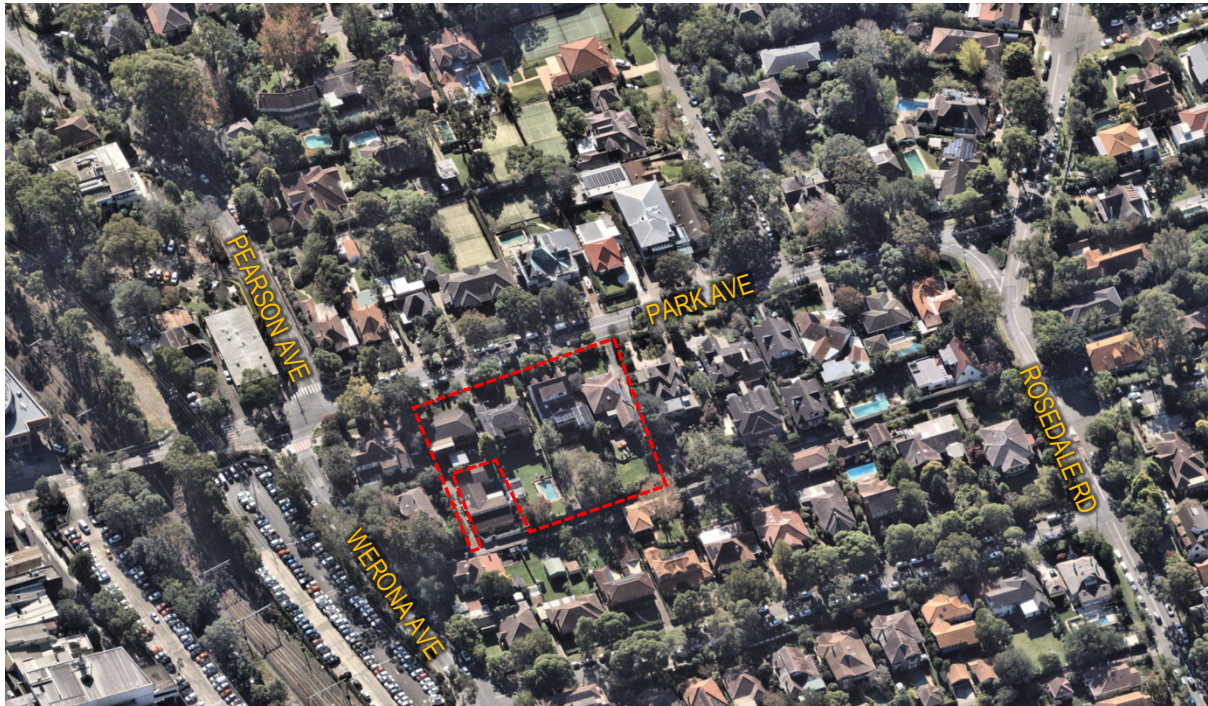


Figure 1. Panoramic aerial photograph of the subject site (approximately outlined) and Study Area.
(Source: Nearmap, April 2024)

1.4 Heritage Status

The subject site is not directly affected by a heritage listing; however, it is located adjacent to and in the immediate vicinity of several local heritage assets listed in Part 1 (*Heritage items*) and Part 2 (*Heritage conservation areas*) under Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP), as depicted in Figure 2 and summarised in Table 1 below.

It is noted that the *Ku-ring-gai Development Control 2024* (KDCP), at Part 19F (*Development in the Vicinity of Heritage Items or HCAs*), provides the following definition for 'in the vicinity', which is adopted by this report:

The term "in the vicinity" not only means immediately adjoining a Heritage Item or HCA, but depending on site context, can be extended to include other sites with a high visual presentation due to landform, size or location of the Heritage Item [or HCA]. (p19-52)

A core consideration for the management of change at or in proximity to a heritage place is sustaining its identified heritage value. Accordingly, the Statements of Significance set out below and further assessment of this report provide an essential baseline for understanding what is of heritage value and the potential impact of the proposed development—an approach in line with Article 27 ('Managing Change') of the *Burra Charter*:

HERITAGE IMPACT STATEMENT—3-9 Park Avenue, Gordon

Table 1. Heritage assets in close vicinity to the proposed development

IMAGE	LISTING DETAILS (KLEP)
	<p>Item I20</p> <p><i>Dwelling House</i></p> <p>11 Park Avenue, Gordon</p> <p>Built circa 1896</p> <p>Adjacent to the proposed development</p>
<p>Item 20—Statement of Significance (NSW Heritage Inventory):</p> <p><i>The property is historically significant as a key residence constructed shortly after subdivision of the land for residential use. Subdivision of the site from rural to suburban use with development of the North Shore Railway line reflects the evolving pattern of residential development within the suburb of Gordon.</i></p> <p><i>The property is associated with the Penfold family. Gertrude Constance Penfold, the sister of renowned Australian Stationery company founder WC Penfold, and her widowed mother lived in property for several decades.</i></p> <p><i>The property contains a fine example of an early Federation period house in the Victorian Italianate style with elements of the Rustic Gothic style. It is a good and intact example of residential construction and style in the time of transition between Victorian and Federation periods.</i></p> <p><i>The building is a good representative example of a fine Federation period house in the Victorian style.</i></p> <p><i>The item is of local heritage significance in terms of its historical, associations, aesthetic and representative value. This satisfies four of the Heritage Council criteria of local heritage significance for local listing.</i></p>	
	<p>Item I21</p> <p><i>Dwelling House</i></p> <p>16 Park Avenue, Gordon</p> <p>Constructed circa 1894</p> <p>Opposite the proposed development</p>

Item I21—Statement of Significance (NSW Heritage Inventory):

The property is historically significant as a key residence constructed shortly after subdivision of the land for residential use. Subdivision of the site from rural to suburban use with development of the North Shore Railway line reflects the evolving pattern of residential development within the suburb of Gordon. Subsequent subdivision reflects the later evolving residential pattern in Gordon. Its use as a private hospital and nursing home facility for over 40 years provides a secondary layer of historic significance.

The building is a good representative example of a substantial Federation period house with Victorian features. It has retained its original land parcel, providing the ability to understand its siting. Previously altered for use as a hospital and nursing home facility, the building has been returned to its original use as a private residence.

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.

**I22**

Dwelling House, 12-14 Park Avenue, Gordon

Built circa 1929

Broadly opposite the proposed development

Item I22—Statement of Significance (NSW Heritage Inventory):

The property contains an intact inter-war Georgian Revival dwelling, of historical significance as a large and intact portion of the “Gordondale Estate”. The estate was first subdivided and developed for sale by prominent local figure Henry McIntosh in 1883. It remains a large and intact parcel of two lots of the “Gordondale Estate”, retaining its original home and landscaping.

The property is aesthetically significant for its highly intact inter-war dwelling in the Georgian Revival style. The building retains its original footprint, with only minor. The residence demonstrates several hallmarks of the style, including the fine face brick work, use of classical elements (columns to the front portico), simple roof configuration, and front entrance doors with sidelights and fanlights. The early landscaping also remains intact, including the front brick fence, curved entry path and driveway, and tennis court in the rear northeast corner of the property.

The property is of representative significance for the inter-war Georgian Revival dwelling and landscaping, both of which display the defining features and attributes of their type.

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.

**I23**

Gordon Pre-School Building

2A Park Avenue, Gordon

Built 1892-93

Obliquely opposite the proposed development

Item I23—Statement of Significance (NSW Heritage Inventory):

The property is historically significant as a key residence constructed shortly after subdivision of the land for residential use. Subdivision of the site from rural to suburban use with development of the North Shore Railway line reflects the evolving pattern of residential development within the suburb of Gordon. Subsequent subdivision reflects the later evolving residential pattern in Gordon. Its use as a pre-school facility for over 40 years provides a secondary layer of historic significance.

The property is associated with Ralph William King, Chairman of the Sydney Stock Exchange from 1952-56, who lived in the property as his family home from 1905-10.

The property contains a fine example of a Federation period house in the Queen Anne style which has been altered for use as a pre-school facility. Despite the changes, the building is readable as a fine Federation house and is capable of restoration/reconstruction to return altered parts to an earlier form.

The building is a good representative example of a fine Federation period house. Subdivision and loss of the extensive gardens and secondary structures has reduced the ability to understand its siting.

The item is of local heritage significance in terms of its historical, associations, aesthetic and representative value. This satisfies four of the Heritage Council criteria of local heritage significance for local listing.

**I222**

Baptist Church and Manse

20-22 Park Avenue, Gordon

Church built 1935

Obliquely opposite the proposed development

Item I222—Statement of Significance (NSW Heritage Inventory):

The church is of historic significance as part of the development of the area in the inter-war period. The building represents the establishment, growth and development of the local Congregational community in Gordon.

The church is associated with prominent Sydney architect Carlyle Greenwell and the firm Greenwell & Shirley.

The building is of aesthetic significance as a good and intact example of a church constructed in the inter-war period in the Mediterranean style, constructed of rendered brick, tiled roof with Mediterranean decorative elements.

The church is of social significance to the local Congregational community who continued to use the church as a place of worship since its construction in 1935 until 1985, and to the local Baptist community who have used the church as place of worship since purchasing the site in 1986.

The item is of local heritage significance in terms of its historical, associations, aesthetic and social value. This satisfies four of the Heritage Council criteria of local heritage significance for local listing.

C12—Gordondale Estate [Heritage] Conservation Area (HCA)

Broadly opposite the proposed development

HCA C12—Statement of Significance (Ku-ring-gai Council website):

Gordondale Estate Conservation Area is historically significant as part of the late nineteenth century subdivision of Gordondale Estate.

The subdivision reflects anticipated improved transport connections due to the construction of the North Shore Rail line. It has high historic significance as an overlay Interwar subdivision of the 1922 Garden Square Estate Marshall DP 11485. The subdivision reflects anticipated improved transport connections due to the construction of the Sydney Harbour Bridge.

The conservation area has high aesthetic significance as a reasonably intact late nineteenth and early twentieth century development with some examples of later development. The 1922 Garden Square Precinct has high aesthetic significance as an interwar overlay. The HCA has high aesthetic significance for the high proportion of quality houses.

The KDCP also provides the following municipal-wide Statement of Significance for Ku-ring-gai, which is of relevance:

The heritage significance of Ku-ring-gai and lies in:

- i) *The evidence provided by its rich history and all its sequential layers – from Aboriginal occupation, very early timbergetting, the long period of relative isolation from built suburbia, orcharding and farming followed by the rapid growth of suburban development in response to elevated topography, “clean air” and the establishment of the railway.*
- ii) *The outstanding quantity, quality, depth and range of its twentieth-century architecture. It contains houses designed by many of Australia’s prominent twentieth-century architects and these have in turn influenced the mainstream of Australian domestic architecture.*
- iii) *The evidence it provides of twentieth-century planning and conservation philosophies: the segregation of residential areas from other urban uses, subdivision patterns which reflect a range of suburban aspirations, the use of residential district proclamations to create and retain domestic environmental amenity, street tree planting and post-war neighbourhood planning.*
- iv) *The evidence offered by its built landscape and garden design incorporating a variety of horticultural styles and in harmony with the natural landscape, such as those in the large estate private gardens, the gardens at railway stations and well designed gardens of cultivated botanical species such as at Eryldene.*
- v) *The evidence of the area’s natural heritage retained in its surrounding national parks, along its creek lines and in its public and private gardens, remnants of the original Turpentine, Blackbutt and Blue Gum forests and associated woodlands, under-storeys and dependent fauna.*

2 PLACE & SETTING SUMMARY

2.1 Contextual

The morphology of the Study Area (Park Avenue) is a well-established suburban landscape, defined by its low scale (exclusively one to two-storey), gardens, and, other than the small-scale religious complex at 20-22 Park Avenue (item I222), a one-building per allotment development pattern, at least as visible from the public realm.

Generally finely resolved and detailed brick dwellings with visually related front fences, mature street trees and an 'open' blue sky backdrop are prominent attributes of the streetscape.

The visual catchment of the heritage items and Gordodale Estate HCA (C12) pertaining to the Study Area, while itself unlisted, plays an important role in providing a complementary setting to the significant places that reinforces their historic and aesthetic/representative values. The human scale and landscape context of the broader Park Avenue setting—the result of historic development patterns and contemporary community/Council commitment and resource expenditure—supports the ready interpretation and appreciation of the streetscape's culturally significant properties.

The interdependent relationship between the heritage items/HCA and their existing sympathetic setting cannot be overstated and is examined in more depth below.

It is also noted that the width of the Park Avenue streetscape is moderate (approximately 10 metres wide carriageway), which means that both sides relate strongly to each other (as opposed to a wider thoroughfare).

There is some mid-rise contemporary development to the north of the Study Area, located at 2 Pearson Avenue, which sensitively responds to its sloping topography with a deep front and landscaped setback. In contrast, less well-designed examples of mid-rise development are located to the west, facing the Pacific Highway. This rail corridor is spatially and visually sequestered from the Study Area by the North Shore Railway and parallel roads.



Figure 3. Aerial photograph of Park Avenue, dated 1943. Its existing form had largely been established, except for some polite infill development of tennis courts that has occurred at the eastern end of its south side. (Source: Metromap)

2.2 Subject Site

Of the properties that comprise the subject site, two (nos 3 and 5) are late 20th-century developments, while nos 7 (Old English style) and 9 (bungalow) date from the interwar period.

It is accepted upon review of the assessment/evidence of the Applicant's HIS that it is unlikely that any of these built forms would satisfy the requisite thresholds for the application of an individual heritage listing.



Figure 4. View to (right) 18 Park Avenue (bungalow, contributory to HCA C12) with heritage I21 (late Victorian, grand residence) evident left of frame.



Figure 5. View from the south side of Park Avenue to heritage item I22 (left) with item I21 in the background.



Figure 6. Park Avenue streetscape, facing west. The width of the streetscape is such that both sides relate strongly to each other and, from multiple vantage points, can be viewed as a collective.



Figure 7. Park Avenue streetscape, facing south from the extent of HCA C12.



Figure 8. View to the eastern entrance to Park Avenue from Rosedale Road.



Figure 9. View to Park Avenue from Pearson Avenue, facing east.

3 ASSESSMENT OF HERITAGE IMPACT

3.1 The Proposal

The submitted scheme is outlined in a set of drawings prepared by PTW Architects, dated 1 April 2025 (PTW-DA-A000000 to PTW-DA-Q170011, Revision A).

In summary, it is proposed to demolish the four existing residences at the subject site, along with all extant vegetation, and construct two linked nine-storey residential flat buildings (A/forward and B/rear) extending parallel to Park Avenue above a two-level basement (car parking).

The building would have a 13,028 sqm gross floor area (equivalent to an FSR of 2.9:1), containing 100 apartments, with a maximum given height of 31 metres (nine storeys on both Park Avenue and Park Lane).

The envelope of the development would be clad in slip (veneer) 'brown' and 'cream' brick (note these colour descriptors are the extent of specification/detail provided in the lodged material palette, see PTW-DA-E120010), metal panelling (some 'Timberlook' battens) and framing, off-form concrete soffits, and extensive glazing (windows, balustrades)—especially to the east elevations (highly visible obliquely).

Opening space is predominantly restricted to a communal courtyard in the mid-eastern portion of the subject site, with screening vegetation at the front and the side setbacks (not full extents).



Figure 10. View of the proposed development from the opposite corner of Park and Pearson, facing southeast. (Source: Urbis, *Visual Impact Assessment: SSDA-78775458*, March 2024, p28)

3.2 Heritage Management Framework

The following section examines the potential impact of the proposed development on the heritage items and HCA identified above in Table 1.

In New South Wales, it is an ingrained practice to consider the effect of new work on the character and significance of adjacent and 'in the vicinity' heritage places. This perspective on a development is afforded statutory weight under Clause 5.10(5)(c) of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP), which states:

The consent authority may, before granting consent to any development—

- (a) on land which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document 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.

The overarching objectives of the KLEP (Clause 5.10[1]) relevant to the matter at hand are to *(a) conserve the environmental heritage of Ku-ring-gai and (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

Supporting these aims are the local heritage policies outlined in the *Kur-ring-gai Development Control Plan 2024* (KDCP), specifically in Part 19F (*Development in the Vicinity of Heritage Items or HCAs*).

There are several objectives and controls in Part 19F that are clearly intended to ensure that new development is respectful in its interface with heritage places and their immediate setting, including streetscapes and views, and does not ‘*dominate, detract from or compete with the Heritage Item or HCA*’ (O6, p19-53). Part 19F also includes performance measures pertaining to the extent of spatial separation and scale transition when a development is proposed adjacent to a heritage place (19F.2).

It is recognised that the DA is occurring under Chapter 2 (*Affordable housing*) and Chapter 5 (TOD) of the *State Environment Planning Policy (SEPP) (Housing) 2021* and that these controls as relative to FSR, GFA, Height, etc. take precedence over those established by the KLEP, but nevertheless do not eliminate the requirement for a proposal to avoid, where possible, unacceptable heritage impacts.

3.3 Review of Heritage Impact

The proposal is to construct two cross-linked nine-storey apartment blocks positioned lengthwise for the equivalent of four suburban allotments. The tall building would rise approximately 28 metres (excluding the setback roof overrun) above Park Avenue at a 6 metre setback from its frontage. At ground level, the project would have a minimum side setback from the side (east) boundary with the adjacent heritage item (I20) of 6 metres, increasing to 10.3 metres close to Park Avenue, with at least 19.5 metres of separation at the upper storeys.

At this footprint and height, the project is viewed to be at the far upper end of what can be reasonably considered a mid-rise development, especially in its immediate context.

The development would have a heavy-set blocky form with some limited relief provided by the inclusion of a two-storey podium to a moderate portion of the eastern end of Block A. Otherwise, the presence of a legible podium edge throughout the remainder of Block A is blurred and, along with B, effectively incorporated into the overall form without delineation, which would impart an sheer appearance with only a minimal setback provided at the uppermost level.

The façades visible to Park Avenue would be composed of variously sized gridded bays with slight variations of a geometric treatment that—in the opinion of this assessment—is not particularly architecturally coherent or visually interesting but rigid and jarring, especially when ‘read’ against the suburban grain, human-scale and spatial arrangements, and garden settings of its immediate setting. Contrary to the assessment of the Applicant’s HIS, it is not clear to this report at all how this ‘*architectural treatment*’ at the proposed scale can be framed as ‘*imply[ing] a finer grain mass and reducing visual dominance*’ (p47).

The non-gridded east elevation, obliquely visible to Park Avenue, would introduce extensive and unbroken glazed bands/balustrades into the streetscape.

The proposed design relies greatly on its slip brickwork (brown at the base, transitioning to cream in the upper parts) to foster a degree of dialogue with the existing context, which includes several masonry heritage assets.



Figure 11. Extracted perspective of the proposed development from the opposite side of Park Avenue, facing south. (Source: PTW Architects, PTW-DA-A000001)

The submitted landscaping scheme would be largely concentrated on the first half of the eastern boundary and the proposed central/dividing courtyard, with a relatively thin edge proposed to the interface with Park Avenue, in contrast to the deep garden settings evident through the streetscape (and beyond).

Note that some drawings depict the modest rectangular footprint of a substation to the front part of the eastern boundary, adjacent to the heritage item I20 (11 Park Avenue); however, this report was not able to locate further details about the scale or external presentation of this element.



Figure 12. Cropped Details & Planting Palettes, showing proposed soft and hard landscape elements. (Source: Concept Landscape Architects, LP-02, April 2025)

From a heritage impact viewpoint, the relevant considerations are whether or not the proposed tall building would have a harmful effect on the setting of the adjacent heritage item (I20) in the east and several other nearby heritage assets located broadly opposite Park Avenue (I21, I22, I23, I221), including the Gordondale Estate HCA (C12).

Briefly, in Australian heritage management, *setting* and *curtilage* are key concepts that refer to different spatial relationships around a heritage asset. *Curtilage* is generally a reference to the land immediately surrounding a heritage item that is included within its listing, predominantly its allotment. While *setting* takes in the broader visual and spatial context of a heritage place. Both are integral to how the significance of a place is seen/appreciated, experienced, and understood.

As noted, the north side of Park Avenue is a low-scale historic suburban environment, characterised by commodious and fine late 19th and early 20th century buildings, embodied with, amongst other values, historic and aesthetic significance. Most of the heritage items are also protected at a streetscape level through their inclusion in the Gordondale Estate HCA, which also includes an array of contributory built forms.

HCA C12 is a relatively compact precinct and is primarily appreciated and interpreted from along Park Avenue.

The low/human scale, well-established suburban development, and ample garden settings of the chiefly historic development on the southern side of Park Avenue, along with its two heritage-listed residences (nos 11 and 23), provide a very complementary setting for the nearby heritage items and HCA C12.

Before deliberating upon the above further, this report comments on the inherent predisposition of the Applicant's expert heritage assessment, which overly relies upon the anticipated mid-rise built forms permitted (at this stage) by the SEPP in the vicinity of Gordon railway station as the principal justification for the scheme—in the process downplaying the requirement of the development to respond positively to the *existing* setting of the relevant heritage places.

Overall, this report has formulated the view that the magnitude of adverse impacts on each of the identified heritage places would be predominantly high and, for the most part, demand too much of the setting of the significant sites and streetscape, as discussed below.

It is a self-evident but essential point that the insertion of a tall building into a historically low-scale suburban area—by virtue of its height and bulk differential and widespread visibility—can have a serious, harmful impact on how people experience the built historic environment. The effects can be manifold for the setting of heritage places. Given the disparity in scale and form, the purported quality of the design and other mitigation measures (additional landscaping, materiality, etc.) can only achieve so much.

As unmistakably evidenced by the photomontages/visualisations contained in Urbis's *Visual Impact Assessment*, the development would establish a visually commanding and heavy-set/hulking presence to Park Avenue that would be visible along its length.

In urban and heritage planning circles, the label of 'visual domination' is often debated. It is evident that this would not be the case here. The proposed tall and blocky development would be undeniably overpowering at a streetscape level and excessively stands out within its surrounding built environment due to its inadequate setback (relative to those throughout the streetscape, generally 8 metres) from Park Avenue, disproportionate bulk and visual heaviness, rigid façade treatment, and the lack of a well-defined transitioning podium level (with separated, pushed-back upper levels).

The result would be the insertion of a tall pair of blocky, corpulent forms with a marked sense of verticality, indeed precipitousness, within the immediate setting of several heritage places. The outcome of which would be oppressive and disruptive to the people's appreciation and understanding at the street level.

The Applicant relies significantly on the presence of Park Avenue as a 'buffer' to the heritage items and the Gordondale Estate HCA opposite. In reality, this two-way street is typical of the area (approximately 10 metres in width) and, in light of the scale of the development and its limited setback, would do little to temper the development's overbearing visual impact.

The focus of the Applicant's HIS on attempting to demonstrate that the scheme would not obscure public realm sightlines to the 'in the vicinity' heritage places overlooks one of the development's major consequences; that the development's height and dense massiveness, along with its disparity with its established surroundings, would overpower the streetscape, with

negative ramifications for the broad viewing experience and legibility of the significant buildings and protected sections of the streetscape evident along Park Avenue.



Figure 13. View of the proposed development from the corner of Park Avenue and Garden Square, facing southwest. (Source: Urbis, *Visual Impact Assessment: SSDA-78775458*, March 2024, p25)

It can be fairly summarised from the emphasis of the Applicant's HIS that the focus of the scheme from a heritage perspective has been on highlighting the achievement of some landscaped space along the proposal's eastern interface with the adjacent heritage item I20. As opposed to resolving a form and design that would sit more comfortably in the immediate setting of the Gordondale Estate HCA and its individually significant properties, directly and obliquely opposite to it.

Having said that, the potency of the landscaped side setback as a transitional space between the scheme and the adjacent heritage item (I20) is undercut by the front (north) presence of the poorly-represented substation and non-landscaped collection and loading bay area that commences directly to the rear of this heritage building. Further, as acknowledged in the Applicant's HIS, the minimum spatial separation (12 metres) stipulated by the KDCP between a new development and an adjacent heritage item has not been satisfied.

Considering this, the interface between the proposed development and the neighbouring heritage item presents as far from sensitively resolved. In situations where more rationalised and landscaped engrossed mid-rise developments are proposed, such a situation may be acceptable, but given the dominating height and heft of the two proposed blocks, the impact on the close setting of heritage item I20 would be deleterious when viewed from Park Avenue.

3.4 Recommendations

The consideration of alternatives is a bedrock component of good design/heritage practice, especially for developments of this scale and projected impact.

The process of considering and being aware of alternatives is key to sound decision-making for historic environments and can lead to markedly different approaches and outcomes. Consistent with this principle, the *Burra Charter* guidance on the management of change outlines that when assessing the impact of a modification that, *it may be necessary to modify proposed changes to better retain cultural significance* (Article 27.1).

Due to the inherent nature of tall buildings, mitigation measures employed by smaller-scale developments, such as landscaping and material choices (as largely proposed), are far less effective. Fundamental modifications to scale and form are often necessary to achieve a consequential mitigatory effect.

While mitigation measures should occur in the early phases of a project, including site selection and design processes, proposals can still be reworked and adjusted where warranted at this late stage to address identified issues. The general reluctance of developers to do so must be set against the substantive and practically irreversible magnitude of the impacts on the setting of identified heritage places, as discussed above.

The primary way to prevent or mitigate a negative heritage impact on the heritage places situated in the Study Area would be to refrain from constructing a disproportionately tall, voluminous building.

Failing this, as discussed above, it is the overall scale and visual dominance of the proposed development that poses the greatest visual impact on the setting of the identified heritage items and HCA, and as such requires ameliorating/moderating measures.

A reduction in the overall height and volume of the proposal, combined with an increased setback and integration of a far more defined podium level, would be the single most effective means of alleviating the adverse impacts generated by the development on the setting of the 'in the vicinity' heritage places.

This report recommends that an iterative, context-led design review be undertaken that seeks to reduce the dominating visual bulk of the proposal through:

- The front setback of the proposal from Park Avenue should be increased to at least 8 metres to respond more sympathetically to the deeper setbacks that characterise the streetscape and assist in reducing the development's overly dominant interface with the public domain and in the vicinity heritage items, as well as allow for an enhanced garden frontage.
- An increased setback of the proposal from its side boundary with 11 Park Avenue (item I20) is necessary and should comply with the building separation requirements as set out in the KDCP at Part 19F.2, which are designed to allow for sufficient 'breathing space' to be retained around heritage items—an outcome especially necessitated in the case of a tall building.
- In combination with the above, at least Block A should be redesigned to incorporate a legible two-storey podium for its entire length, with the surmounting upper levels afforded a minimum 6-metre setback. This will establish a genuine sense of human scale at street level and a less overbearing built form overall.
- Nine storeys to Park Avenue is extreme for introduction within the low-scale setting of single-storey and two-storey heritage-listed buildings. The height of Blocks A and B should be reduced to five storeys. Doing so, in conjunction with a deeper landscaped front and eastern setback and resolved podium form, would result in a far more balanced impact upon the setting of the nearby heritage places, but still achieve a substantial redevelopment.
- The elevational treatment of at least Block A should be revisited, and a gentler, more recessive composition with a far greater emphasis on visual lightness should be implemented.
- Rooftop planting above the lower ground-floor loading bay ramp/garage collection area adjacent to the boundary of heritage item I20 (11 Park Avenue) should be required and be of a sufficient type/height to provide visual privacy to its backyard, at least from the ground and first floor of the proposed development.
- Timber lap and cap fencing at 1.8 metres high and no more than 1.2 metres high forward of the cardinal building line should replace the metal fencing (non-compliant with the KDCP, as acknowledged in Urbis's HIS, p49) proposed to the side boundaries, particularly with the heritage item I20 (11 Park Avenue).
- Evidence that plant and equipment have been concealed or discreetly located to limit visual impact on the streetscape and nearby heritage places should be requested.

- The use of vibration monitoring for nearby masonry heritage buildings or features should be undertaken by the Applicant. The scope of vibration monitoring should be developed in consultation with structural engineering advice.

3.5 Conclusion

Put simply, what is proposed is manifestly too big a development for construction in such close proximity to a cluster of individual heritage items and a HCA.

In its current form, this scheme would have a permanent and intrusive impact on the streetscape, undermining the setting of multiple heritage places and thereby unduly compromising their significance.

Such a result is not preordained. If tempered, with genuine design heed paid to the established context, a more thoughtful and respectful tall infill building could be resolved. The recommendations set out above provide a blueprint for ameliorating the demonstrated negative heritage impacts of the new work.

Considering the polarising nature of the TOD policies, this report assumes that the consent authority would be at pains to demonstrate that the insertion of mid-rise (in this case, more accurately lower high-rise) development can be modulated on account of its injurious heritage impacts in order to achieve a more pronounced level of compatibility with the sensitive setting/visual catchments of an array of heritage places.