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From: Leigh Hudson <rhshudson@swiftdsl.com.au>
To: Simon Truong <simon.truong@planning.nsw.gov.au>
CC: <assessments@planning.nsw.gov.au>
Date: 15/12/2010 2:27 pm
Subject: Online Submission from Leigh Hudson of local citizen (object)

I refer to 6.4 Traffic and Parking.

The amount of parking for the retail spaces is grossly inadequate for these reasons:-

1 When I do my weekly shop I drive around to the shops to pick up my groceries. I don't walk even though I live easy walking distance as it is too heavy to carry bags of groceries.

2 The demographic of this area are mainly families and elderly people who shop at this location and they drive as they live too far away, have too much to carry, or are too frail to walk.

A substantial proportion of retail customers will not be railway commuters and nor will they mainly make smaller daily needs purchases. They will be families and the elderly doing their weekly shop.

3. An improved shopping facility will encourage MORE people from the local area to shop at this centre therefore requiring MORE parking. People don't get off the train here to go to the shops they drive to the shops from East Lindfield, East Roseville, and East Killara as these areas have neighbourhood small shops but not a proper shopping centre. To do their regular shopping they drive to the Lindfield shops. It is too far to walk.

3. There is little available street parking around this area except for some short term street parking which is almost impossible to get a park because it is so well used.

4. Most of the street parking for streets and streets around, other than the short term parking is taken up by commuters who drive from the previously mentioned suburbs to take advantage of the train travel.

5. This development should provide adequate parking for all the people who shop at it.

6. The 'contribution in lieu' parking is an area of 25 parking spots. It is ground level parking that has a R4 zoning on it. What happens when this land is sold off? there goes 25 parking spots. That leaves 23 retail parking spots in the development, totally inadequate.

Also this land is outside the development and open to the weather.

7. Where is the Car Parking provision for the retailers and the Commercial business owners and employees? Not all of these people will be able to catch public transport to work. I don't see any provision for their parking at all or do they fight for a space with the shoppers? Are they part of the miniscule 48 retail spaces?

8. The Council owned land that is currently used as parking is going to be turned into green space so this development cannot claim this as a back up it must provide car parking on its own property.

9. This retail and commercial venture will fail if this developer doesn't provide more parking on this site for all the reasons I have listed.

The current main users of these shops will drive elsewhere to shop.

Also it shows me that who ever has proposed this development does not understand the demographics of this area and how they go about their daily lives.

I would ask the state government to ask this developer to provide at the very least Parking as per the Ku-ring-gai Council's Development Control Plan No 43 which is 140 parking spaces for this development.

Name: Leigh Hudson
Organisation: local citizen

Address:
26 Wolseley road

LINDFIELD NSW 2070

IP Address: 218-215-26-160.people.net.au - 218.215.26.160

Submission for Job: #2770 Site 4 - Commercial Retail Residential redevelopment
https://majorprojects.onhiive.com/index.pl?action=view_job&id=2770

Site: #1746 Site 4 - Lindfield Avenue SEPP 53 commercial residential development
https://majorprojects.onhiive.com/index.pl?action=view_site&id=1746

②

From: John Allen <jbaldelta@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 16/12/2010 8:34 pm
Subject: Major Project MP08_0244 at Lindfield

Re: Major Project MP08_0244
Mixed Use Commercial, Retail and Residential Development
At 23-27 Lindfield Avenue, Lindfield

From John B Allen 9/2 Milray Street, Lindfield, 2070

0466 282733

I strongly SUPPORT this project for the following reasons:-

1. Lindfield has been a retail backwater for decades. This development will go some way to rectifying this situation by adding some modern facilities. This, assisted also by the population of the units, will help to increase patronage and hence retail variety.
2. The construction of more residential units immediately adjacent to the railway station, and above a retail area, is an ideal location to increase population density, increase public transport use, and reduce private car use. The medium rise development is entirely suited to a location adjacent to the North Shore Line and the Pacific Highway.

I would like to add the following comments:-

Living near the station and the retail area is proving to be very convenient for our family. I can see that, for the elderly and those less mobile, it is a major factor in having a normal life.

Prior to moving to this recent apartment development we lived at East Lindfield for 25 years. So we understand the area. There is a widespread anti development attitude which is the primary reason why Kuringai is relatively impoverished and lacking in public facilities

Like us, I believe many older residents of the area would love to down size from a detached house to an apartment in the same area but until recently these aspirations were frustrated as medium density development was blocked by the Kuringai council. The council was neffectively held captive by a vocal group of anti-development NIMBY's.

Specious and subjective objections involving items such as bulk, appearance, shadows, noise etc were raised endlessly. In reality, it is difficult to see how developments such as the one proposed will have a measurable adverse impact on the so called 'Kuringai Lifestyle' enjoyed by the owners of individual houses in the municipality. This is because of the lack of adverse impact by the few developments built to date.

I believe many people need to have a better civic attitude. We live in Sydney to enjoy the facilities of a major city. Accordingly we should all be prepared for changes in our neighbourhoods to allow continuing improvement to the city and its facilities. Not to have an immediate, knee-jerk, negative attitude to development. I hope the development will proceed.

③
John Church
Unit 12,Northwood
25 Tryon Rd
Lindfield NSW 2070

Major Projects Assessment,
Department of Planning
GPO Box 39
Sydney NSW 2001

RE : Major Project MP08 0244. Retail & Residential Development at 33-37 Lindfield Ave & 11 Havilah Ave Lindfield.

Objection

Dear Sirs,

I acknowledge receipt of your letter dated 22nd November 2010 and as you requested comments I have set them out below: I have looked at the various documents and found the confession of the developer to the breaches of DCP the most simple explanation of its proposed breaches in its plans.

I have concerns about the quality of the building that will be built having noted the lack of maintenance by the Owner over several years. I can only trust that you will make provision for a quality building to be erected and that it is maintained to a good standard.

Matters raised in letter to Ms Kerri Southwell (apparently undated)

1. I find it disturbing that the application is in breach of the draft DCP which was approved of by your Minister's appointees. I believe that if any variation of the DCP is accepted it totally nullifies the effect of the DCP and the Minister's appointees . It really goes to the integrity of the whole process.

2. Treatment of setbacks.

i) Who will be responsible for the maintenance of this request .. As indicated above I have no evidence that the owner would maintain properly his suggestion. If you elect to accept this request you should require an enforceable financial undertaking on the owner to maintain the area to the standards of the Council.

ii) The argument advanced is really irrelevant as the design of street/seating dining is unknown. I would think that is feasible to design the appropriate street/seating dining.

iii) The argument advanced is that the Plan is fundamentally flawed surely as it has been approved of by your department this seems to need better justification than set out in the letter.

3. Reliance on FSR as a Planning and Design Principle

I find it strange that to argue FSR is a fundamentally flawed concept is just dismissed in 6 lines. I really believe this is inadequate attempt.

4. Height Limits

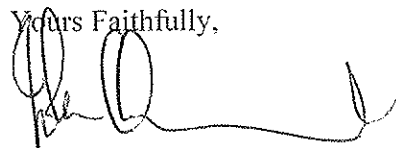
i) I agree with the Draft DCP in respect of the height limitations . The draft DCP was forced on the ratepayers by the Minister's appointees . It would be unconscionable for the Minister to allow it to be breached so soon after it was drafted.

ii) The concept of the Town Square implies a strict limit to height to ensure that all buildings that are built comply with the same provisions if an exception is given to one it will mean that all new proposals will seek the same exception thus destroying the whole concept.

4. Conclusion

I have no objection to concept of the rebuilding but I do object to each and everyone of the exemptions sought to the Draft DCP.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'John Church', with a long horizontal flourish extending to the right.

John Church
19th December, 2010

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20.12.2010



Mr PC Longley
& Mrs GC Longley
25/2B Havilah Rd
Lindfield 2070

Major Project MP 0244 – Exhibition of the Enviromental Assessment for Construction of a mixed Use Commercial, Retail and Residential Development at 23 – 27 Lindfield Avenue and 11 Havilah Avenue Lindfield.

Michael Woodland
Director
Department of Planning
23-33 Bridge Street,
Sydney 2000



Dear Sir,

As Residence of Havilah Road ,we have enough trouble to access the Pacific Highway through the small bridge on Havilah Road and Lindfield Avenue. All the extra cars this development will bring to the area will make it impossible and very dangerous.Drivers are very impatient and run the stop signs now, further waiting will encourage road rage.

Could something be done to improve the access to the highway .

Yours faithfully,

Phillip Longley

A handwritten signature in cursive script, appearing to read "P. C. Longley".

Glenda Longley

A handwritten signature in cursive script, appearing to read "G. Longley".



From: Jonathan O'Dea MP <davidson@parliament.nsw.gov.au>
To: Simon Truong <simon.truong@planning.nsw.gov.au>
CC: <assessments@planning.nsw.gov.au>
Date: 20/12/2010 11:45 am
Subject: Online Submission from Jonathan O'Dea MP of Member for Davidson, NSW Parliament (other)

I am concerned that this is an application that should be decided locally rather than through the Planning Minister/State Govt and Part 3A.

The development should also not compromise the Lindfield Town Centre plan as it relates to the proposed Lindfield town centre square - where the current carpark sits. Excluding various properties on Kochia Lane from this development may do this.

Name: Jonathan O'Dea MP
Organisation: Member for Davidson, NSW Parliament

Address:
Po Box 209 Lindfield NSW 2070

IP Address: c220-239-52-43.belrs4.nsw.optusnet.com.au - 220.239.52.43

Submission for Job: #2770 Site 4 - Commercial Retail Residential redevelopment
https://majorprojects.onhiive.com/index.pl?action=view_job&id=2770

Site: #1746 Site 4 - Lindfield Avenue SEPP 53 commercial residential development
https://majorprojects.onhiive.com/index.pl?action=view_site&id=1746

Christopher Coote & Co.

CHARTERED ACCOUNTANTS

Dear Sir/Madam

Re: Major Project MP08_0244 – Mixed Use Commercial, Retail and Residential Development at 23-37 Lindfield Ave and 11 Havilah Ave Lindfield.

As chairman of the Strata Body 19388 of 2 Kochia Lane Lindfield I, on behalf of the body corporate, would like to lodge a number of objections to the above mentioned development proposal.

History of Dealings

The Strata body has, for a number of years, been in correspondence and negotiation with, inter alia, Coogee Bay Village Pty Ltd (CBV) regarding the possible purchase of 2 Kochia Lane. At all times during these negotiations we have been willing sellers and have written to both Ku-ring-gai Council (6 February 2009) and the NSW Department of Planning (6 September 2009) in order to express this sentiment. Whilst an informal offer was received on 9 April 2008 from Mr Tony Papas from Emerald Realty Pty Ltd (on behalf on CBV), no formal offer was ever made to the strata body, or indeed any individual owner, by any potential purchaser. We note that there is a plan for a 'possible future extension' attached to their application however we have not, in any way, been informed or consulted about this proposal.

We would like the Department to acknowledge that the owners of 2 Kochia Lane remain open to the sale of the strata provided that the consideration offered is, at the very least, of market value.

Objections

At 6.6 of the Project Application, CBV acknowledges the Department's request that an assessment be made of the project's impact upon the adjoining sites and, in particular, 2 Kochia Lane. We contend that the assessment made was materially inadequate and failed to take into account the significant detrimental impact that the development would have on our premises. Similarly whilst it is acknowledged that the relevant planning instruments (2010 Ku-Ring-Gai Local Environment Plan 'LEP'; 2010 Ku-Ring-Gai Development Control Plan 'DCP'; 2010 Ku-Ring-Gai Contributions Plan 'KCP') are not binding on the minister, it is noted that CBV has purportedly taken them into consideration in their development proposal and it is our contention that a number of inconsistencies exist



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Christopher Coote & Co. Pty Ltd A.B.N. 25 003 511 573 Authorised Audit Company

Christopher Coote & Co. Services Pty Ltd A.B.N. 65 001 904 329 Taxation & Accounting

Suite 10, 2 Kochia Lane, Lindfield NSW 2070 Tel: (02) 9416 6766 Fax (02) 9416 6755

Email: chris@chriscoote.com.au www.chriscoote.com.au Principal: Christopher Coote FCA



between both the overall objectives and particular specifications of the planning instruments and the proposed development.

1. Potential for future redevelopment as a separate block.

Were the proposed development to be accepted in its current form, the ability of 2 Kochia Lane to be redeveloped in a manner consistent with the LEP and DCP would be hampered if 2 Kochia Lane was left as a stand alone block.

The Ku-Ring-Gai DCP lay down a vision for the way in which Lindfield was to be developed in the coming years. Critical to the overall plan was the 'Lindfield Town Centre' which was to transform the current Kochia Lane Council Car Park into a town square with, 'leisure based retail uses adjoining (it) such as cafes and restaurants to provide a major community focus.' Currently there is a single café on the eastern side of the Pacific Highway (Tablespoon) which lies on the fringe of the proposed square. Given that the Tryon Rd side of the square has already been recently developed into residential apartments and the Lindfield Ave side of the square has heritage restrictions hampering any potential redevelopment, the sole remaining side for development lies on Kochia Lane which is currently occupied by our premises.

Were, as is the current situation, 2 Kochia Lane to remain cut out of any development proposal, it is our belief that the economic viability of a redevelopment of the site as a stand-alone entity would be diminished. This is due to the fact that any potential developer would be unable to take advantage of any economies of scale that would have taken place if 2 Kochia Lane were subsumed into a larger project and that any project proposed would be hampered by the constraints of the LEP and DCP which the current proposed development is not.

The net result of these issues, if not resolved favourably, would be such that any future development of 2 Kochia Lane would be made less likely by the proposed development. This would, in turn, significantly impair the vision of a Lindfield Town Centre, as outlined in the LEP and DCP, consisting of an open community space bordered by restaurants and cafes. Furthermore, as evidenced by CBV's photomontages, the aesthetics of the proposed square would be severely compromised by 2 Kochia Lane (a particularly unattractive and old building) dominating one side of the square. Indeed the design of the proposed development would see a singular blank wall rising 3-4 storeys above 2 Kochia Lane further detracting from any aesthetic appeal. The overall affect of which is the lessening of the value of the surrounding buildings and a significant detraction from the overall 'feel' of the town centre.

2. Width of adjoining Roads

The Ku-Ring-Gai DCP outlines the importance of the widening of Kochia Lane to the proposed town plan in order to provide for adequate traffic flow and the safety of pedestrians through a part of the suburb which is particularly congested. Whilst the proposed development takes into account the three metre setback as outlined in the DCP, 2 Kochia lane does not. The net result will be such that the majority of Kochia Lane will remain narrow with 2 Kochia Lane butting out looking both aesthetically very odd and hampering the through flow of traffic.

Indeed the effect of the narrow width of Kochia lane will be exaggerated owing to the location of the car park of the development on the eastern side of the building ensuring that all traffic to and from the car park will have to travel on Kochia Lane. Critically, however, 150 new car spaces are being created and, with the re-developed retail land use, it can be assumed that more people will utilise the new facilities inevitably travelling there in their cars. As well as this, with the significant increase in the size of the Supermarket, it can also be assumed that the semi-trailer use of Kochia and Havilah lane will likewise increase in order to service the shops.

The end result of such will see a sizable increase in traffic flow on Kochia lane without any increase to its width (as called for in the DCP). Already the precinct is heavily patronised by a large elderly population and families with young children. Inadequate facilities coupled with a drastic increase in traffic will greatly increase the risk of a serious pedestrian accident occurring in the area. We would thus request that alterations are made to the proposed development in order to take this significant risk into account.

3. Impact of construction on 2 Kochia Lane

It is noted that the proposed development includes substantial excavation of the site adjacent to 2 Kochia Lane. In particular the excavation of the basement car parks to a considerable depth directly adjacent to our building potentially jeopardises the structural integrity of 2 Kochia Lane. Whilst it is acknowledged that, for the development to be viable, a basement car park will be necessary, we object to the plans that would see significant excavation so close to our property.

Assurances

If the development is, however, allowed in its proposed form we would request written assurances from both the NSW Government and Ku-Ring-Gai Council so that our site is not devalued any further.

Firstly we would require an assurance that any future redevelopment of 2 Kochia Lane would not have to comply with the three meter set-back stipulated in the DCP. Currently the building of 2 Kochia Lane occupies a block of land measuring 14.63m x 33.4m. If the requirement of the set-back were to be enforced, the dimensions of the block for any future developer would be decreased to a size of 12.63m x 33.4m, a reduction in total floor space of 13.6%. Such a reduction in size greatly exaggerates the narrowness of the block and would hamper the economic viability of any potential redevelopment (as stipulated in the various planning instruments).

Similarly we would require assurances from both the state and the council that our site would be allowed to be developed to a comparable height of the proposed development (ie 7 storeys). We would also request assurances that the council would not require any development to include sufficient on-site parking for its tenants and that the council would provide adequate on-street, registered parking in order to cater for their needs. Were these requests unable to be met, the narrowness of the parcel of land and the positioning of the adjoining development would be such that it would be prohibitive to any future development being economically viable.

Conclusion

For the above mentioned reasons, it is the belief of the strata owners that the proposed development, were it to be approved in its current form, would present an example to the community of incredibly poor town planning. It would severely impact upon the vision of both the State Government (who approved the LEP) and Ku-Ring-Gai Council to create a community precinct in Lindfield and, in the long run, would negatively impact upon the eventual purchasers and patrons of the development.

I would therefore ask the Department to seriously consider the issues raised herein and invite them to contact me at any time in order to discuss them further.


Yours Sincerely




Christopher Coote

Signed, as per Annex 1, by all Owners of Strata Plan No. 19388

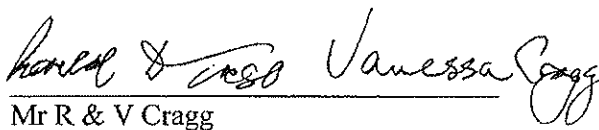
Annex 1



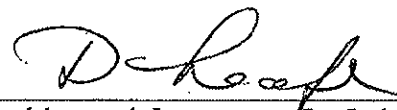
Ms D Blackman
Owner Lot(s) 1, 11 – (29.8% of Strata Title)



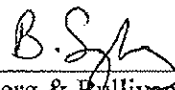
Mr P Hulak
Owner Lot(s) 2 – (9% of Strata Title)



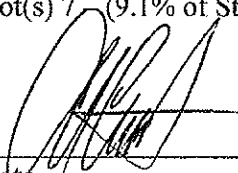
Mr R & V Cragg
Owner Lot(s) 3, 4 – (14.3% of Strata Title)



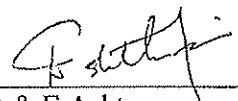
Landsborough Investments Pty Ltd (Mr D Leaf)
Owner Lot(s) 5 – (9.4% of Strata Title)



Songberg & Bullivant Pty Ltd (Mr B Songberg)
Owner Lot(s) 7 – (9.1% of Strata Title)



Mr C Coote
Owner Lot(s) 8, 10 – (11% of Strata Title)



Mr R & E Ashton
Owner Lot(s) 9 – (17.4% of Strata Title)

From: "Ian Stewart" <iandistewart@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 21/12/2010 3:24 pm
Subject: FW: Major Project MP08_0244 - Mixed use commercial, retail and residential development at 23-37 Lindfield Avenue and 11 Havilah Lane Lindfield

See below

From: Ian Stewart [mailto:iandistewart@bigpond.com]
Sent: Tuesday, 21 December 2010 1:31 PM
To: 'plan_comments@planning.nsw.gov.au'
Subject: Major Project MP08_0244 - Mixed use commercial, retail and residential development at 23-37 Lindfield Avenue and 11 Havilah Lane Lindfield

I object to the above proposal because:

1. The large number of 1 bedroom apartments as opposed to 2 and 3 bedroom apartments. This encourages transitory occupation rather than the permanent residential nature of the district.
2. The overall number of apartments is too large for the development
3. The report regarding traffic volumes and movement seems totally out of reality with the current situation let alone after completion of the project and completion of three other major residential projects in the immediate vicinity of Havilah Lane, Tryon Road and Milray Street. An independent traffic report is essential before this project is determined. The current situation at the intersection of Tryon Road and Lindfield Avenue is becoming dangerous. Driver vision is impaired for traffic entering Lindfield Avenue from Tryon Road. The pedestrian traffic lights will have to be moved from current position and new signals erected at the foregoing intersection before there is a fatality. In addition, the current traffic density using the Havilah Street railway underpass to the Pacific Highway is chaotic in peak hours.
4. The overall streetscape of the project does not harmonise with the heritage buildings in Lindfield Avenue immediately to the south in both appearance and height.

Yours sincerely

Ian Stewart

PO Box 99

Lindfield NSW 2070

⑧

From: "Arthur Marshall" <arthurmarshall@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 21/12/2010 4:25 pm
Subject: Major Project MP08_0244
Attachments: RIMG0092.JPG; RIMG0093.JPG; RIMG0095.JPG; RIMG0097.JPG

To:
Major Projects Assessment,
Department of Planning,
GPO Box 39,
Sydney NSW 2001

From:
Arthur G Marshall,
3/2 Milray Street,
Lindfield, NSW 2070

Major Project MP08_0244 Mixed Use Commercial, Retail and Residential Development at
23-37 Lindfield Avenue and 11 Havilah Avenue, Lindfield.

Whilst accepting the need to replace, run down properties and redevelop this site, I object to certain aspects of the development in the form as currently proposed.

Objections

My major reasons for objecting to the development as it is currently proposed relate to the total failure of the applicant to provide adequate off street parking or even consider the impact of the proposed development on local traffic congestion.

Off Street Parking

The current proposal to provide basement parking for 150 vehicles is totally inadequate for the mixed use proposed for the site. The provision of 150 parking spaces will be found inadequate for residential use alone. Other recent developments in the area provide more than 1.7 car spaces per apartment, yet there are still residents who find it necessary to park on the street.

The Commercial and Retail facilities currently operating on this site, which are proposed to be demolished, are elevated at the rear where, in addition to loading facilities, there is space provided where tenants and customers can park about 40 vehicles. As this space will be lost, the proposal for a Major redevelopment which will include some 102 residential units in addition to increased Retail and Commercial facilities, provides for just over 100 additional off street parking spaces. This number does not even cover the needs of residents and tenants, let alone expanded Commercial and Retail activity on the site.

Traffic Congestion and On street Parking

The proposed development is in Lindfield Avenue a busy through road which links the commercial areas from Chatswood to Gordon. It is directly opposite Lindfield Railway Station, adjacent to which is a Bus Stop and a Taxi Rank. In addition it is not unusual for stationary traffic waiting to turn under the railway to the Pacific Highway to back up past this site.

The Council Car Park behind the strip of shops south of the development site has limited parking and is regularly crowded. All the surrounding streets, Tryon Road, Milray Street, Havilah Street as well as Lindfield Avenue have all available parking space fully utilized from early morning by commuters, local workers and shoppers. These streets lack width, and in addition vision at intersections on these streets is already severely restricted by parked traffic. The development proposal does nothing to address the additional traffic congestion and hazards which the proposal is certain to create. (Attached find photographs of Carpark, Lindfield Ave, Tryon Road, taken 3pm Tuesday).

Yours faithfully, Arthur G Marshall.





9

From: Alice Fuller <alice@weirphillips.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 22/12/2010 10:48 am
Subject: Submission Major Project_0244- Mixed Use Commercial, Retail and Residential Development at no. 23-27 Lindfield Avenue and 11 Havilah Avenue, Lindfield

Copy also sent by fax 22.12.2010

Submission re: Major Project_0244- Mixed Use Commercial, Retail and Residential Development at No. 23-27 Lindfield Avenue and 11 Havilah Avenue, Lindfield.

Prepared by: Alice Fuller, heritage consultant (B.App.Sc., M.Hert.Cons (Hons)). Owner and resident at No. 1/1-3 Lindfield Avenue, Lindfield.

I support the concept of a mixed use commercial-residential development at No. 23-27 Lindfield Avenue and 11 Havilah Avenue as being in accordance with Ku-Ring-Gai Council's vision for the Lindfield Town Centre, but do not support the above proposal in its current form for the reasons given below.

I understand that compliance with SEPPs and Council controls is not required for Part 3A applications, but also note that the applicant's town planning report relies on 'substantial compliance' with these controls in reaching their conclusion that the development is appropriate to the desired future character of the Lindfield Town Centre. I also note the clear discrepancies between SEPP 53 and the Town Centre LEP and DCP with regard to permissible height, FSR etc. The Ku-Ring-Gai Town Centre LEP, however, is the current control for this site; the provisions of SEPP 53, previously applicable to this site, have been repealed. The LEP, and the associated DCP, could thus be said to best represent Council's current and endorsed vision for this site and the town centre.

Issues With Regard to Heritage

I do not agree with the level of impact of the proposal on the heritage item adjacent to the site at No. 1-21 Lindfield Avenue as assessed by the Heritage Impact Statement (HIS) prepared by Graham Brooks & Associates to accompany the application. I use the same questions as posed by the applicant's HIS- formulated by the NSW Heritage Branch- to highlight my concerns.

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

The proposed building will have an unacceptable level of impact on the heritage item because of its massing and scale and over complicated façade treatment.

Massing and Scale

There is little in the proposed design that acknowledges the presence of a heritage item that is lower in height and of lesser massing and scale immediately adjacent to the site:

* The proposal does not follow best heritage practice in stepping down the height of the building towards the heritage item. There are many precedents where this has already occurred in Ku-Ring-Gai, even in situations where a new development meets a non-heritage site that is unlikely to be developed to the same degree. An example within the Lindfield Town Centre is provided the substantial Meriton residential flat complex at Nos. 9-15 Tryon Road. The flat building closest to the single storey rectory and Church on the corner with Lindfield Avenue steps down to meet the rectory, even though neither church or rectory are heritage items. This display of 'good manners' recognises that it is unlikely that the church and rectory will be redeveloped to the same scale as the adjoining building in the foreseeable future. This is equally true, if not more so, for No. 1-21 Lindfield Avenue, given that it is highly unlikely that the massing and scale of the heritage building could ever be substantially increased. The 60m frontage of the proposed site to Lindfield Avenue should be sufficient to allow a reduction in height towards the heritage item to be reasonably achieved. I disagree with the HIS prepared by the applicant that stepping

down the height of the building will not produce an appreciable difference.

* The presence of Kochia Lane between the two buildings does not, as implied by the applicant's HIS, negate the fact that the heritage item is directly adjacent to the proposed site and needs to be treated accordingly. Illustrations in the DCP are not intended to interpret every situation that may arise. Kochia Lane as it passes between the heritage item and the site is narrow, providing very little visual separation between the heritage item

and the existing buildings on the proposed site when view front on from Lindfield Avenue and, on approach from either direction, almost none. Any benefit they may have been obtained by the proposed widening Kochia Lane (and therefore increasing the separation between the heritage item and the neighbouring building) is negated by the substantial differences in massing and scale that exist between the proposed building and the heritage item and the fact that no attempt has been made to moderate the impact of this difference.

* Additional height and FSR above the Town Centre DCP guidelines are justified by the applicant on the basis of 'Design excellence'.¹ The height limit given by the DCP is 20.5m. An additional 3.0m are permitted on the basis of 'Design excellence', giving a maximum height of 23.5m. At a height of 26.97m along Lindfield Avenue and 26.37m to Kochia Lane, the proposed building is substantially over the additional height limit.

The architectural drawings accompanying the application appear misleading in that the 'Town Centre LEP Height' shown assumes the extra 3.5 metres, thereby providing a LEP height line of 23.5 metres, as opposed to the more accurate 20.5 metres. It is further noted that the 'Comparable Height Study' in Section 6.5 of the JBA Planning Report discusses the existing and potential heights of buildings to the north, east and west of the site.

There is no mention of the adjoining three storey heritage item to the south which, unlike the sites to the east, west and north, is highly unlikely to be further developed with regards to height. The proposed development does not sit as comfortably within its context as this discussion suggests.

* With regard to FSR, the Town Centre control allows an FSR of 2.5:1. With design excellence, this becomes 3:1. The proposed development has an FSR of 3.7: 1.

* The excess height and FSR are both indicative of an over development of the site. Two further facts support this contention. Firstly, the length of the building exceeds the maximum length for this type of building by 8m under the DCP (being 44m when the maximum is 36m). Secondly, there is shortfall of open communal space on the site of around 50%. Each of the 102 units proposed should provide 10sqm in communal space; the proposed 462 sqm falls well short. The proximity of the proposed Town Square does little to overcome the shortfall, given that the planning for the Town Square is long term at best and could take years to achieve. The nearest park of any size is the Seven Little Parks, over 2 kilometres away near Eastern Arterial Road.

Façade Treatment

The only concession to the heritage item that has been made in the design of the proposed Lindfield Street elevation lies in the use of brickwork with areas of render. The proposed elevation ignores the predominately vertical emphasis in the form, proportion and detailing of the heritage item, instead presenting dominant horizontal lines. Above the ground floor shop fronts, the proposed elevation is different at every level and thus presents a complex mix of voids, solids and varied materials that visually overwhelms the essential simplicity of the heritage item.

Conclusion

In short, and as demonstrated by Photomontages 1, 2 and 3, the proposed building physically and visually overwhelms the heritage item because of its disproportionate massing, scale and overly complex façade treatment. The proposed building 'looms' over the heritage item. This is true whether standing directly outside the site or on approach along Lindfield Avenue, particularly from the north.

While design excellence may have been achieved with regard to some areas, I do not believe a sufficient level of design excellence has been achieved that justifies the additional height and FSR sought above the DCP controls with regard to impact on the heritage item.

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

The site is suitable for a mixed use development; such a use will complement the adjoining heritage item and location in the Town Centre. The current proposal, however, as outlined above and below, makes no concessions to the heritage item adjacent to it and will thus have a negative impact.

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

The heritage item is legally defined by a lot boundary curtilage. This has, in the past, enabled a full understanding of the architectural significance of this item and its landmark status within the Lindfield Avenue commercial strip because of the additional visual curtilage provided by:

- * The width of Tryon Road and the complementary scale of the Church directly opposite.
- * The width of Lindfield Avenue and the scale of Lindfield Railway Station on the opposite side.
- * The additional visual curtilage arising out of the carpark on the opposite side of Chapman Lane.
- * The lower height of the shopping strip to the north (i.e. comprising the subject site), on the opposite side of Kochia Lane.

The proposal will have a minimal impact on the visual curtilage of item with regard to the first three boundaries beyond the general impact that the 'presence' of a large building in the immediate vicinity of a heritage item will have.

The proposal will have a significant impact on the visual curtilage of the site on its northern side. As further discussed below, there is a significant view corridor towards the heritage building as approached from this direction. The proposed widening of Kochia Lane is minimal compared to the difference in height and massing between the proposed building and the heritage item. The proposed building will impinge on the visual curtilage of the item in this direction.

I therefore disagree with the statement in the HIS that 'the separation by these roadways allows appreciation of the building's architectural presentation and features from all sides.'

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

The proposed development will be visible in most view corridors towards the site to varying degrees.

The heritage item was designed to be a landmark element in the commercial strip addressing the railway station. The uncompromising massing and scale of the proposed development will significantly detract from this landmark

status.

The view as approached from the north along Lindfield Avenue has historically defined the commercial strip and is important to appreciating the form and architectural style of the building. The new development will dominate the view corridor on approach to the centre from this direction. As stated above, no attempt has been made to step the building height down towards the heritage item; the front elevation of the proposed building visually overwhelms the item.

The proposed development will be visible in conjunction with the heritage item as the site is approached along Lindfield Avenue from the south. While direct views towards the heritage item from this direction will not be blocked, the proposed development will be a significant 'presence' in the immediate background.

Is the development site on any known, or potentially significant archaeological deposits?

No further comment.

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

I agree that the use of brick complements the heritage item and that contemporary design is a legitimate response to new work in the vicinity of a heritage item. I do not, however, agree that the proposed design does not 'challenge' the heritage item. As discussed in greater detail above, the form of the building and its failure to step down towards the heritage item present a direct challenge and are unsympathetic. The proportions and detailing of the front elevation of the proposed building, far from not presenting a challenge to the heritage item, visually overwhelm it by its horizontal emphasis and complexity.

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

I strongly disagree with the statement in the HIS that Kochia Lane 'provides physical and visual separation between the two sites which will minimise the visual impact of the proposed development.' Kochia Lane, as it passes between the heritage item and the site, will remain too narrow to overcome the visual dominance of a building of far larger massing and scale that fails to address this difference in massing and scale in any way.

It is nonsensical to suggest that the heritage item is of 'sufficient bulk and scale in its own right' not to be visually dominated by a building that will be of substantially greater massing and scale and in such close proximity.

I disagree with the HIS that stepping down the building towards the heritage item will not provide 'some improvement in the situation.' This statement alone suggests that the proposed situation is beyond improvement.

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

The public and users of the heritage item will still be able to view the heritage item from the public domain because direct view corridors towards the building are not lost from the south, east or west. The appreciation and enjoyment of the item will, however, be considerably diminished because

of the 'presence' of a building of inappropriate massing and scale in such close proximity. Buildings are not two dimensional objects. Appreciating architectural significance is not just about maintaining an uninterrupted view corridor towards an elevation, but is also about being able to understand the overall form of the building and how it relates to its surroundings.

The recommendation that archival recording be carried out of the heritage item 'in its context' suggest that there will be a significant change in how the building presents to the public domain and how it can be appreciated.

Further notes:

The HIS fails to identify that Lindfield Station is listed on Rail Corp's s170 Register. Rail Corp has been unable to advise whether there is a statutory requirement to consider the impact of works within the vicinity of s170 items. It is, however, good heritage practice to consider the impact of proposals on any site identified on statutory heritage registers. The overshadowing of the northern end of the station alone is substantial.

With Regard to Other Matters

The site consolidation is awkward

The site consolidation is incomplete, leaving the site at No. 2 Kochia Lane insufficiently unresolved. A 400 sq. metre site would be an anomaly facing the proposed Town Centre. Its long, thin shape could result in an atypical building form.

Overshadowing of two most important public spaces in the Lindfield Town Centre

The shadow diagrams accompanying the application show significant overshadowing of Lindfield Station and the proposed Lindfield Town Square.

Conclusion

The proposed development will have a substantial and negative impact on the heritage item at No. 1-21 Lindfield Avenue. No attempt has been made to mitigate the impact of a development of far greater massing and scale directly adjacent to a heritage item by, for example, stepping down the height of the building to meet the heritage item. The elevation of the proposed building visually overwhelms the heritage item by its complexity. I do not believe that a level of design excellence has been achieved with regard to heritage impact that justifies the additional height and FSR sought for the site beyond the current Council controls for the Lindfield Town Centre.

From: Alice Fuller <alice@weirphillips.com.au>
To: Simon Truong <simon.truong@planning.nsw.gov.au>
CC: <assessments@planning.nsw.gov.au>
Date: 24/12/2010 4:56 pm
Subject: Online Submission from Alice Fuller (object)

In my earlier submission opposing the development, I stated that St. Alban's Church on the corner of Lindfield Avenue and Tryon Road was not a heritage item. This is an error. The Church is a heritage item under the Town Centre LEP 2010. The impact of the proposal on the Church has not been considered by the applicant. Amended submission attached.

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Submission for Job: #2770 Site 4 - Commercial Retail Residential redevelopment
https://majorprojects.onhiive.com/index.pl?action=view_job&id=2770

Site: #1746 Site 4 - Lindfield Avenue SEPP 53 commercial residential development
https://majorprojects.onhiive.com/index.pl?action=view_site&id=1746