



# Statement of Heritage Impact

345 Pacific Hwy, Lindfield

345 Pacific Highway, Lindfield NSW 2070

Submitted to Ku-ring-gai Council  
On Behalf of Bellpen Pty Ltd

OCTOBER 2023

## REPORT REVISION HISTORY

Revision	Date Issued	Revision Description		
01	14/08/23	DRAFT		
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02	18/08/2023	FINAL		
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03	05/10/2023	FINAL OCTOBER		
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*This report has been reviewed and approved for issue in accordance with City Plan's quality assurance policy and procedures.*

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We proudly operate from the lands of the Gadigal, Darkinyung, Danggan Balun and Turrbal Peoples.

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## TABLE OF CONTENTS

<b>1. Background .....</b>	<b>6</b>
1.1. Introduction .....	6
1.2. The Site .....	6
1.3. Legal Description .....	7
1.4. Heritage listing .....	7
1.5. Proposal.....	8
1.6. Methodology .....	8
1.7. Constraints and limitations .....	8
1.8. Author Identification .....	9
<b>2. Site Context and Description .....</b>	<b>10</b>
2.1. Site Context .....	10
2.2. Site Description .....	12
<b>3. Historical overview.....</b>	<b>20</b>
3.1. Aboriginal History .....	20
3.2. Brief Suburb History .....	21
3.3. History of the Subject Site .....	23
3.4. Alterations and Additions.....	33
<b>4. Assessment of Significance .....</b>	<b>34</b>
4.1. Understanding Heritage Significance .....	34
4.2. Assessment of Criteria .....	34
4.3. Statement of Significance.....	35
4.4. Heritage Items in Proximity.....	35
<b>5. Heritage Impact Assessment .....</b>	<b>42</b>
5.1. Statutory Controls.....	42
5.1.1. Ku-ring-gai Local Environment Plan 2015 .....	42
5.1.2. Ku-ring-gai Development Control Plan 2021 .....	44
5.2. Planning Strategies .....	50
5.2.1. Ku-ring-gai Local Strategic Planning Statement 2020.....	50
5.2.2. Ku-ring-gai Local Housing Strategy 2020 .....	53
5.3. Conservation Management Strategy - 386-390 Pacific Highway (former Churchers Restaurant).....	56
5.4. State of NSW and Department of Planning and Environment Guidelines .....	56
<b>6. Conclusion and Recommendations .....</b>	<b>58</b>
<b>7. Bibliography .....</b>	<b>59</b>

## FIGURES

Figure 1: Cadastral Map showing the location of the subject site (indicated in red).....	6
Figure 2: Heritage Map of Lindfield, showing the subject site (indicated in blue) .....	7
Figure 3: Aerial View of the subject site (indicated) and its surrounding context.....	10
Figure 4: View along Pacific Highway from the Lindfield Railway Station .....	11
Figure 5: View along Pacific Highway from in front of the subject site.....	11
Figure 6: View along Pacific Highway near Havilah Road and Pacific Highway intersection .....	11
Figure 7: View of the Havilah Road underpass located east of the subject site, facing north-east. ....	11
Figure 8: View of multi-storey residential development on Wolseley Road. ....	11
Figure 9: View of no-accessway street on Wolseley Road, which separates the multi-storey residential development opposite the subject site .....	11
Figure 10: View of the heritage item 'Commercial Building' (Item. I48) .....	12
Figure 11: View of the subject site (left) with the heritage item 'Commercial Building' located in the background (right), facing south from Wolseley Road. ....	12
Figure 12: View of the western elevation of the heritage item 'Commercial Building', facing east. ....	12
Figure 13: View of the eastern elevation of the heritage item 'Commercial Building, facing west. ....	12
Figure 14: View of the building at 345 Pacific Highway, facing north-east. ....	13
Figure 15: View facing north-west of front (southern) elevation.....	13
Figure 16: View facing north-west of front (southern) elevation.....	13
Figure 17: View of the front (southern) two-storey entry to the building, showing curvilinear porch....	14
Figure 18: View of the extended wing with bay section on the eastern side of the front elevation .....	15
Figure 19: View of the extended wing on the eastern section of the front elevation.....	15
Figure 20: View of the extended wing with bay section on the eastern side of the front elevation .....	15
Figure 21:View of the western elevation of the building (Wolseley Road) .....	16
Figure 22: View of the western elevation of the building .....	16
Figure 23: View of the western elevation of the building from the corner of Wolseley Road and Pacific Highway .....	16
Figure 24: View facing south-east showing the north-western corner of the building adjoining the railway corridor (left). ....	17
Figure 25: View facing north-west showing the south-eastern corner of the building adjoining the railway corridor (right). ....	17
Figure 26: View of the rear courtyard from first floor balcony .....	17
Figure 27: View of the rear courtyard from the ground floor .....	17
Figure 28: View of the ground floor lobby leading to elevators. ....	18
Figure 29: View of the first-floor lobby overlooking the ground floor lobby. ....	18

Figure 30: View from the ground floor lobby leading to offices. ....	18
Figure 31: View of the front entry from the first-floor lobby. ....	18
Figure 32: View within the multi-level vehicle carpark. ....	18
Figure 33: View within the multi-level vehicle carpark. ....	18
Figure 34: View of a ground floor corridor leading to an office. ....	19
Figure 35: View within an office within the building. ....	19
Figure 36: View of the door leading to the western wing balcony. ....	19
Figure 37: 1834 Parish Map with land of grant holder 'Danl [Daniel] McNally' .....	22
Figure 38: Undated photograph of the Lindfield Theatre as built. ....	22
Figure 39: Undated photograph of the Lindfield Theatre .....	22
Figure 40: Sketch attached to Certificate of Title Volume 1080 Folio 109 .....	23
Figure 41: LTO Charting Map showing the subdivision comprised in Certificate of Title Volume 108 Folio 109. ....	24
Figure 42: LTO Charting Map showing the subdivision comprised in Certificate of Title Volume 108 Folio 109. ....	25
Figure 43: 1943 Historical aerial imagery of the site .....	27
Figure 44: LTO Charting Map showing the resumption of land by Ku-ring-gai Council in Deposited Plan 202850. ....	28
Figure 45: Sketch attached to Volume 3079 Folio 243 .....	29
Figure 46: Sketch attached to Volume 3317 Folio 157 .....	29
Figure 47: View of the George E Lumby Hardware and Building Supplies Store in Hornsby .....	30
Figure 48: View of a receipt from George E Lumby, lime and cement merchant. ....	30
Figure 49: Advert in the Sydney Morning Herald for a Sentinel Dishwasher .....	31
Figure 50: View of a receipt from G E Lumby Trading, with addresses identified on the Pacific Highway at Hornsby (main store) and Lindfield (variant store). ....	31
Figure 51: 1951 aerial imagery of the site .....	32
Figure 52: 1961 aerial imagery of the site .....	32
Figure 53: 1986 aerial imagery of the subject site .....	33
Figure 54: 1991 aerial imagery of the subject site .....	33
Figure 55: Photograph of the Churchers Restaurant in c.1987. ....	36
Figure 56: Important views form the subject site towards the Heritage Item 'Churchers Restaurant' in the form of view cones at each direction .....	36
Figure 57: Lindfield Railway Station platform .....	38
Figure 58: View from the subject site towards Wolseley Road Conservation Area. ....	39
Figure 59: Photograph of 12 Wolseley Road in 2008, within the Wolseley Road HCA .....	40
Figure 60: Photograph of 36 Wolseley Road in 2008, within the Wolseley Road HCA. ....	40
Figure 61: View of Catholic Parish of Lindfield - Killara Church. ....	40
Figure 62: View of the subject site from the bus-stop next to the Catholic Parish of Linfield - Killara . 40	40

Figure 63: View of bungalow at 3 Balfour Street, with the HCA..... 41  
 Figure 64: View of bungalow at 4 Balfour Street, with the HCA..... 41  
 Figure 65: Lindfield Local Centre Precinct Plan ..... 45  
 Figure 66: Lindfield Local Centre Structure Plan. .... 52  
 Figure 67: Figure 1-11 within the May 2020 Draft Local Housing Strategy for Lindfield Local Centre developed by Ku-ring-gai Council. .... 54  
 Figure 68: Figure within the Ku-ring-gai Local Housing Strategy to 2036 (2020) ..... 55

**TABLES**

Table 1: Building Applications for the subject site..... 33  
 Table 2: Important Views of the former Churchers Restaurant..... 37

## 1. BACKGROUND

### 1.1. Introduction

City Plan Heritage (CPH) has been engaged by Augusta Advisors on behalf of Bellpen Pty Ltd to assess the potential impact a planning proposal may have on the known heritage context of 345 Pacific Highway, Lindfield NSW 2070 (subject site).

This Statement of Heritage Impact (SOHI) has been prepared as part of the required assessments to accompany a Planning Proposal to Ku-ring-gai Council under the *Environmental Planning and Assessment Act 1979*. The planning proposal seeks to amend the current planning controls for the subject site under the *Ku-ring-gai Local Environmental Plan (LEP) 2015* to accommodate a future mixed use landmark development. All recommendations are made in accordance with statutory requirements and cultural heritage best practice.

### 1.2. The Site

The subject site is located at 345 Pacific Highway, Lindfield NSW 2070 (Figure 1). The building is situated on a triangular-shaped allotment on the northern side of the Pacific Highway, between the intersections of Havilah Road (railway underpass) and Wolseley Road. The Pacific Highway is a main arterial road that leads from North Sydney to the Pacific Motorway near Wahroonga. The subject site is situated on the southern side of the T1 railway line after the Lindfield Train Station.

For a more detailed description of the site and its context, see section 2.0 Site Description and Context.

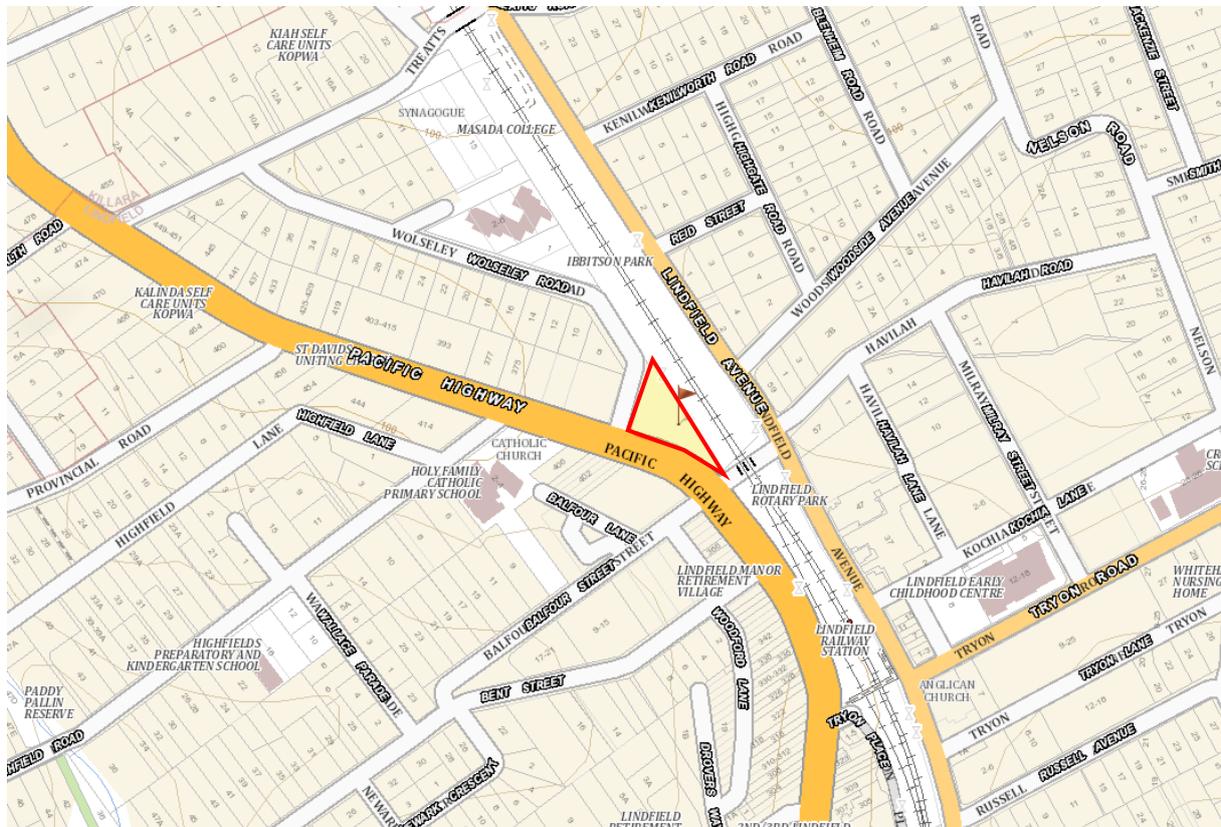


Figure 1: Cadastral Map showing the location of the subject site (indicated in red). Source: SIX Maps, July 2023.

### 1.3. Legal Description

The subject site comprises of Lot 1 DP 810773 as per the records held by the NSW Land Registry Services.

### 1.4. Heritage listing

The subject site is not individually listed as a heritage item under any statutory instrument, nor is it located within any identified heritage conservation area. It is, however, located in proximity to the following heritage items and heritage conservation areas, as identified under Schedule 5 of the *Ku-ring-gai Local Environmental Plan (LEP) 2015*.

#### Environmental Planning and Assessment Act, 1979

#### *Ku-ring-gai Local Environmental Plan (LEP) 2015, Part 1 Heritage items*

- 'Dwelling House', 1 Highfield Road, item no. I38
- 'Dwelling House', 6 Highfield Road, item no. I39
- 'Commercial Building', 386-390 Pacific Highway, item no. I48
- 'Lindfield Railway Station Group', Lindfield Avenue, item no. I1109

#### *Ku-ring-gai Local Environmental Plan (LEP) 2015, Part 2 Heritage conservation areas*

- Blenheim Road Conservation Area (C27)
- Wolseley Road Conservation Area (C28)
- Balfour Street / Highfield Road Conservation Area (C29)



Figure 2: Heritage Map of Lindfield, showing the subject site (indicated in blue) and its surrounding heritage context. Source: *Ku-ring-gai Local Environmental Plan 2015 Heritage Map, HER\_014 & 015*.

## 1.5. Proposal

Bellpen Pty Ltd are seeking to submit a planning proposal to Ku-ring-gai Council to change the current planning controls applicable to the subject site. This planning proposal is seeking to amend the current controls under the *Ku-ring-gai LEP 2015* to enable the development of an identified key landmark and mixed use site. Specifically, the planning proposal is seeking to amend the Height of Building control for the subject site from 11.5 metres to 55 metres, and to amend the Floor Space Ratio (FSR) from 1.0:1 to 4.5:1. This is to enable the development of a potential 15 storey mixed use tower that addresses the identified housing needs for the LGA.

The implementation of a potential 15 storey landmark tower, in accordance with the site's identification as a 'key landmark site' and mixed use development under the *Ku-ring-gai Local Strategic Planning Statement 2020 (LSPS 2020)*, would require the demolition of the existing c.1990 two storey office building.

A Draft Urban Design Report prepared by AJC Architects (Rev 2, July 2023) investigated the potential to construct this high density landmark building at the subject site, and determined that it would be appropriate and supportable for the reasons quoted below:

*This is due to the site's prominent position on a bend of Pacific Highway, location 200-metres from the entrance to Lindfield heavy rail station (a 2 minute walk), as well as the landowner's commitment to retaining a significant commercial floor space component. A mixed-use 'landmark' tower is therefore considered an appropriate outcome for the site.*

Utilising this Draft Urban Design Report, this SOHI will consider the heritage significance of the subject site and its surrounding context to establish the potential heritage impacts of this planning proposal.

## 1.6. Methodology

This SOHI relates to the potential redevelopment of the building at 345 Pacific Highway, Lindfield. It has been prepared in accordance with the State of NSW and Department of Planning and Environment publications, *Guidelines for preparing a Statement of Heritage Impact, 2023* and *Assessing Heritage Significance, 2023*. It is also guided by the philosophy and processes included in The Burra Charter: *The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter).

The subject planning proposal has been assessed in relation to the relevant controls and provisions contained within the *Ku-ring-gai Local Environmental Plan (LEP) 2015* and the *Ku-ring-gai Development Control Plan (DCP) 2021*. It forms one of a collection of specialist reports.

Research for this SOHI has adopted a two-stepped approach. Step 1 comprised a desktop assessment and Step 2 was a site survey. This document provides the combined findings and recommendations resulting from this approach.

### Step 1

Research into the early development of the site was undertaken to get a better understanding of the place. In addition, the Aboriginal Heritage Information Management System (AHIMS) was searched to establish the location and background information on any Aboriginal objects or Aboriginal Places that are known to have special significance with respect to Aboriginal culture. Further, the *Ku-ring-gai LEP 2015* and the State Heritage Register (SHR) were examined to determine the known heritage values of the subject site and its surrounding context.

### Step 2

A site survey of the building at 345 Pacific Highway, Lindfield was carried out by Kurt Dixon (Heritage Consultant) on 31 July 2023 with the purpose of photographing and understanding the place. All results are presented in Section 2.0 Site Context and Description

## 1.7. Constraints and limitations

- Accurate measured drawings do not form part of this assessment. The Draft Urban Design Report utilises indicative designs which do not represent the final appearance of the proposal.

- This assessment does not include a heritage landscape assessment
- This assessment does not form part of the building consent process
- This assessment relates to the proposed works and documentation described in Section 1.5: Proposal and Section 1.6: Methodology. It does not relate to any additional or revised documentation by any party.
- This assessment does not include an assessment of Aboriginal values. An assessment of the Aboriginal cultural significance of an area can only be made by Aboriginal communities.
- CPH were not involved in the design process.
- Only a visual assessment of the subject site was carried out. Intrusive methods were not employed.

### **1.8. Author Identification**

The following report has been prepared by Kurt Dixon (Heritage Consultant) (BA (History), LLB). Kerime Danis (Director - Heritage) (BArch, MHeritCons (Hons), Associate RAIA, MICOMOS, NMAS) has reviewed and endorsed its content.

## 2. SITE CONTEXT AND DESCRIPTION

### 2.1. Site Context

The subject site at 345 Pacific Highway is located within the suburb of Lindfield under the administrative boundaries of the Ku-ring-gai Council Local Government Area (LGA), and approximately 15 kilometres north-west of the Sydney CBD. Lindfield is bordered by Killara to the north, East Lindfield to the east, Roseville to the south and Macquarie Park to the west.

The Pacific Highway at Lindfield contains a blend of low and medium density commercial and residential development. Opposite the subject site is the former Coles Supermarket, now under redevelopment, as well as the heritage item 'Commercial Building' (also known as the former Churchers Restaurant), located at 386-390 Pacific Highway (Item I48).

The subject site also fronts onto the southern section of Wolseley Road, which is separated from the Wolseley Road Conservation Area (C28) by a one-way road (not accessible from the south). The site also sits on the southern side of the T1 railway line leading from Lindfield to Killara.



Figure 3: Aerial View of the subject site (indicated) and its surrounding context.



Figure 4: View along Pacific Highway from the Lindfield Railway Station, facing north.



Figure 5: View along Pacific Highway from in front of the subject site, facing south-east.



Figure 6: View along Pacific Highway near Havilah Road and Pacific Highway intersection, facing north-west.



Figure 7: View of the Havilah Road underpass located east of the subject site, facing north-east.



Figure 8: View of multi-storey residential development on Wolseley Road, opposite the subject site, facing south-west.



Figure 9: View of no-accessway street on Wolseley Road, which separates the multi-storey residential development opposite the subject site from the low scale residential development within the Wolseley Road Heritage Conservation Area, facing north-east.



Figure 10: View of the heritage item 'Commercial Building' (Item. 148) situated opposite the subject site, facing south.



Figure 11: View of the subject site (left) with the heritage item 'Commercial Building' located in the background (right), facing south from Wolseley Road.



Figure 12: View of the western elevation of the heritage item 'Commercial Building', facing east.



Figure 13: View of the eastern elevation of the heritage item 'Commercial Building', facing west.

## 2.2. Site Description

The subject site allotment is triangular in shape, with a primary frontage to Pacific Highway to the south and a secondary frontage to Wolseley Road to the west. The allotment is situated on a bend of the Pacific Highway, bounded by Havilah Street to the south, Wolseley Road to the west and the T1 railway line to its north and east. Most of the site is occupied by a built form, though a paved courtyard and tree line acoustic barrier is located behind the building on the northern and eastern elevation.

### The Exterior

The existing building was constructed in c.1990, after the demolition of four previous commercial buildings which existed within the site. This current building has an 'L'-shaped layout (western and southern wings) that has façades with multiple finishes. These include a sandstone block with ashlar finish, a multi-coloured facebrick finish, and a rendered finish. The roof is multi-gabled and is clad in corrugated iron.

The front (southern) elevation features a double storey entrance with a front covered porch. This porch has a curvilinear and corrugated roof slab and is supported by trapezoidal columns which have part sandstone and part rendered finishes. This front elevation is partly symmetrical, featuring a series of

rectangular glazed windows with facebrick lintels. On the eastern section of this front elevation is an extended bay with a curvilinear balcony.

The Wolseley Road (western) elevation features a two-storey bay section with ashlar sandstone finish and multiple rectangular glazed windows. Further along this elevation are a series of rectangular glazed windows and doors (doors have small metal awnings above them). A first floor balcony overlooks this western elevation.

Signage is present on the different front elevations of the building, the primary one being 'McConnell Bourn' above the front entry and on the circular bay window sections. The numbers '345' identify the address of the building and are situated next to the front southern entrance and on the building's western elevation (viewable from Pacific Highway driving north). The glazed windows across the building also have signage, identifying the commercial offices of the tenants of the building.

The rear of the building features a first-floor balcony that overlooks the ground floor tiled courtyard. Both the balcony and the north-eastern edge of the courtyard are lined by rendered planter boxes and a simple handrail balustrade.

The following images capture the exterior of the building.



Figure 14: View of the building at 345 Pacific Highway, facing north-east.



Figure 15: View facing north-west of front (southern) elevation, showing part sandstone and part rendered finish.



Figure 16: View facing north-west of front (southern) elevation, showing part rendered and part facebrick finish.



Figure 17: View of the front (southern) two-storey entry to the building, showing curvilinear porch, facing north-east.



*Figure 18: View of the extended wing with bay section on the eastern side of the front elevation, facing north-west.*



*Figure 20: View of the extended wing with bay section on the eastern side of the front elevation, facing north-west.*



*Figure 19: View of the extended wing on the eastern section of the front elevation, facing east.*



Figure 21: View of the western elevation of the building (Wolseley Road), facing north-east.



Figure 22: View of the western elevation of the building, facing north.



Figure 23: View of the western elevation of the building from the corner of Wolseley Road and Pacific Highway, facing east.



*Figure 24: View facing south-east showing the north-western corner of the building adjoining the railway corridor (left). Also visible is the vehicle basement (right).*



*Figure 25: View facing north-west showing the south-eastern corner of the building adjoining the railway corridor (right).*



*Figure 26: View of the rear courtyard from first floor balcony, facing north-west.*



*Figure 27: View of the rear courtyard from the ground floor, facing south-east.*

## The Interior

The interior of the building features a marble tile floor in the entrance lobby and carpet flooring across the western and southern wings, including the various offices and corridors that lead to these offices. The front entry of the building leads to two elevators that provide access to the first floor. The first-floor lobby features a decorative metal balustrade that overlooks the entry to the building.

The building also includes a multi-level underground carpark.

The following photographs capture the interior of the building.



Figure 28: View of the ground floor lobby leading to elevators.



Figure 29: View of the first-floor lobby overlooking the ground floor lobby.



Figure 30: View from the ground floor lobby leading to offices.



Figure 31: View of the front entry from the first-floor lobby.



Figure 32: View within the multi-level vehicle carpark.



Figure 33: View within the multi-level vehicle carpark.

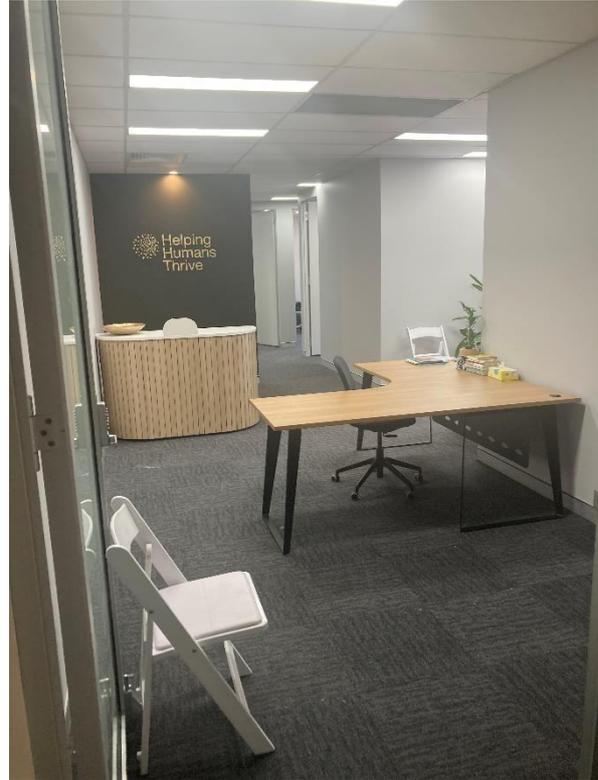
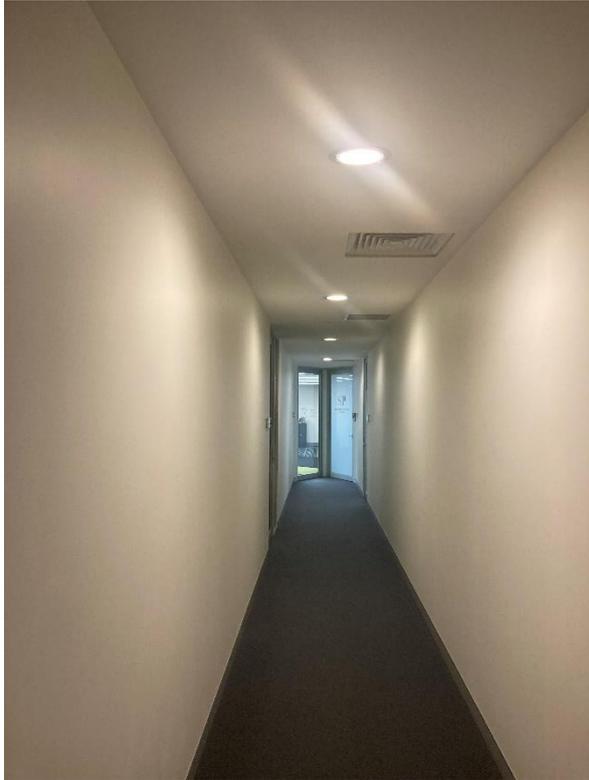


Figure 34: View of a ground floor corridor leading to an office. Figure 35: View within an office within the building.



Figure 36: View of the door leading to the western wing balcony.

### 3. HISTORICAL OVERVIEW

#### 3.1. Aboriginal History

The following Aboriginal History is extracted from the *Aboriginal Heritage and History within the Ku-ring-gai Local Government Area* (July 2018), extracted from *Ku-ring-gai Council Aboriginal Site Management Report 2015*, prepared for Council by the Aboriginal Heritage Office.<sup>1</sup>

*For thousands of years the Ku-ring-gai area was home to the Durramurragal people. Aboriginal people fished and hunted in the waters and hinterlands of the area, and all clans harvested food from their surrounding bush. Self-sufficient and with strong connections to neighbouring clans, they had no need to travel far from their lands, since the resources about them were so abundant, and trade with other tribal groups was well established. Moving throughout their country in accordance with the seasons, they spent perhaps only 4-5 hours per day working to ensure their survival. With such a large amount of leisure time available, they developed a rich and complex ritual life through their language, customs, spirituality, and law at the very heart of which was their continued connection to land.*

*The arrival of Lt James Cook in 1770 marked the beginning of the end for this ancient way of life. Cook's voyage of exploration had sailed under instructions to take possession of the Southern Continent if it was uninhabited, or with the consent of the natives if it was occupied. Either way, it was to be taken. Upon his arrival, Lt Cook declared the land he called New South Wales to be the property of Britain's King George III, and ignored the inconvenient fact that the land was already well populated. His failure to even attempt to gain the consent of the natives began the legal fiction that Australia was a wasteland and unoccupied.*

*Cook was followed soon enough by the arrival of the First Fleet in January of 1788 under the command of Captain Arthur Phillip, whose mission was to establish a penal colony and take control of Terra australis for settlement.*

*Disease struck a fatal and extensive blow to the Aboriginal people, who until that point had been isolated for thousands of years from the diseases that had raged through Europe and Asia. They had no resistance to the deadly viruses carried by the sailors and convicts such as smallpox, syphilis and influenza. In less than a year, over half the indigenous population living in the Sydney Basin had died from smallpox. The region, once alive with a vibrant mix of Aboriginal clans, now fell silent.*

##### *Ku-ring-gai Aboriginal - European contacts*

*The area of Ku-ring-gai Council is the site of a number of historical notations relating to the early contact between the encroaching Europeans and local Aboriginal people.*

*In 1788 an exploration party led by Governor Phillip carried out a reconnaissance of land north of Port Jackson, including parts of Middle Creek. They did not meet with any Aboriginal people but "We saw however, some proof of their ingenuity in various figures cut on the smooth surface of some large stones. They consisted chiefly of representations of themselves in different attitudes, of their canoes, of several sorts of fish and animals (White 1790: 141).*

*On a journey up the Lane Cove River in 1790, Lt. Clark met a small group of Aboriginal people and mentions that smallpox had killed the wife of one of these Aborigines and infected his son (Thorne 1968:8). During the journey Clark mentioned that the Aborigines roasted "shells (rnuacles-[sic]) on a fire. On the following day he reported seeing "a native on the shore with two Spears and a throwing stick In his hand" (Cobley 1962:148).*

*The Pymble family, settlers in the area, provide a limited record of their contact with local clans. Robert Pymble recalled that Aboriginal people brought him fresh fish and oysters (Halstead 1982). He also refers to Aboriginal people travelling from Cowan Creek (Bobbin Head), camping on the hill above his orchard near the present. reservoir (Thorne 1968:105) and then continuing their*

<sup>1</sup> Available from: file:///C:/Users/kurtd/Downloads/Aboriginal\_Heritage\_and\_History\_within\_the\_Ku-ring-gai\_Local\_Government\_Area\_-\_July\_2018.pdf.

*Journey along the ridge to the west across the area now occupied by the Presbyterian Ladies College.*

*A corroboree was apparently held on the hill at Turramurra (Halstead 1982).*

*Robert Pymble notes that by 1856 most Aboriginal people of the area had 'faded out', having, in his opinion, fallen to the ravages of smallpox (Thorne 1968: 39).*

*Suburbs that apparently have Aboriginal names include (the meaning in brackets):*

- o Killara (permanent, always here)*
- o Warrawee (stop here)*
- o Turramurra or Turraburra (big hill)*
- o Wahroonga (our home).*

### 3.2. Brief Suburb History

The Lindfield area was first used in 1810 by the Government as a convict timber gathering ground. The government area directly to the south west of the subject site, later known as the Lane Cove Sawing Establishment, used the Lane Cove River to float timber downstream towards the rapidly expanding Sydney.<sup>2</sup>

The earliest parish map, from 1834, shows that by that time the area of Lindfield had been divided between several grant holders: Thomas Wilson, (Richard) Jinnens, George Cadby, Daniel McNally, and Andrew Munro (Figure 37). According to a Government Gazette, the first grantee was Richard Jinnens, who was granted 30 acres of land by Governor Macquarie in 1811.<sup>3</sup>

The name Lindfield, meaning 'a clearing in a lime forest', was the name of a cottage built in the area by Francis John List in 1884. List named his house after the town of Lindfield in Sussex, England, which is thought to be his birth town. Around 1890, when the North Shore railway line and station were built, this name was adopted for both the station and the suburb.<sup>4</sup> The opening of the North Shore Railway Line in 1890 was the catalyst for closer settlement in the Lindfield area and most of the grants were broken-up at this time for residential development. The earliest subdivision, the Gordon Park Estate, was made in 1884.

Lindfield Post Office opened in 1895, whilst the first school opened in April 1903. Lindfield's main development phase dates from 1910-20s, with most residential dwellings and commercial buildings dating from this period. In March 1906, the Shire of Ku-ring-gai was formed and a small building was constructed in 1911 on Gordon Road, Lindfield's main arterial road. In 1910 the street running perpendicular to 390 Pacific Hwy changed its name from Linfield Street to Balfour Street. The Council gradually expanded and in 1928 it became a municipality with four wards, each represented by three aldermen.<sup>5</sup> In 1927 Gordon Road was renamed Lane Cove Road, which later still became the Pacific Highway, as it is known today. The Lindfield Picture Theatre opened at the corner of Balfour Street and Lane Cove Road on 21 May 1926 and was built in the Inter-War Art Deco style (Figure 38).<sup>6</sup> This was partially destroyed by a fire lit by a cigarette on 15 February 1945.<sup>7</sup> In approximately 1927-28, the School of the Holy Family was established on the other side of the same block, at the corner of Lane Cove Road and Highfield Road.

The suburb continued to develop rapidly throughout the early 20th Century. The most intensive subdivision occurred between the Federation and Inter-War periods. Some of the streets in Lindfield are named after Australia's state capitals including Brisbane, Adelaide, Perth, Hobart, Melbourne and Sydney.<sup>8</sup>

<sup>2</sup> Ku-ring-gai Historical Society Inc, Focus on Ku-ring-gai, Gordon NSW, 1996

<sup>3</sup> New South Wales Government Gazette, issue no. 257, 11 January 1837, p.30. available from: <http://trove.nla.gov.au/newspaper/article/230669191/12479057>.

<sup>4</sup> Pollon, Frances, The Book of Sydney Suburbs, Angus & Robertson 1996, pp. 154-155.

<sup>5</sup> Ku-ring-gai Council, Ku-ring-gai's History, available online at [http://www.kmc.nsw.gov.au/About\\_Ku-ring-gai/History\\_heritage/Ku-ring-gais\\_history](http://www.kmc.nsw.gov.au/About_Ku-ring-gai/History_heritage/Ku-ring-gais_history), viewed September 2014.

<sup>6</sup> Evening News, 19 May 1926, p. 10

<sup>7</sup> Sydney Morning Herald, 16 February 1945, p.4

<sup>8</sup> Pollon, Ibid.

The church was partially demolished in 1940 to allow the construction of a new, two-storey building in the Inter-War Romanesque style for £3,086.<sup>9</sup> During these works, Sunday Mass was celebrated at the Theatre. The Church is still standing today, however, it has undergone substantial renovations to the upper floors resulting in the removal of the characteristic Inter-War Romanesque circular windows.

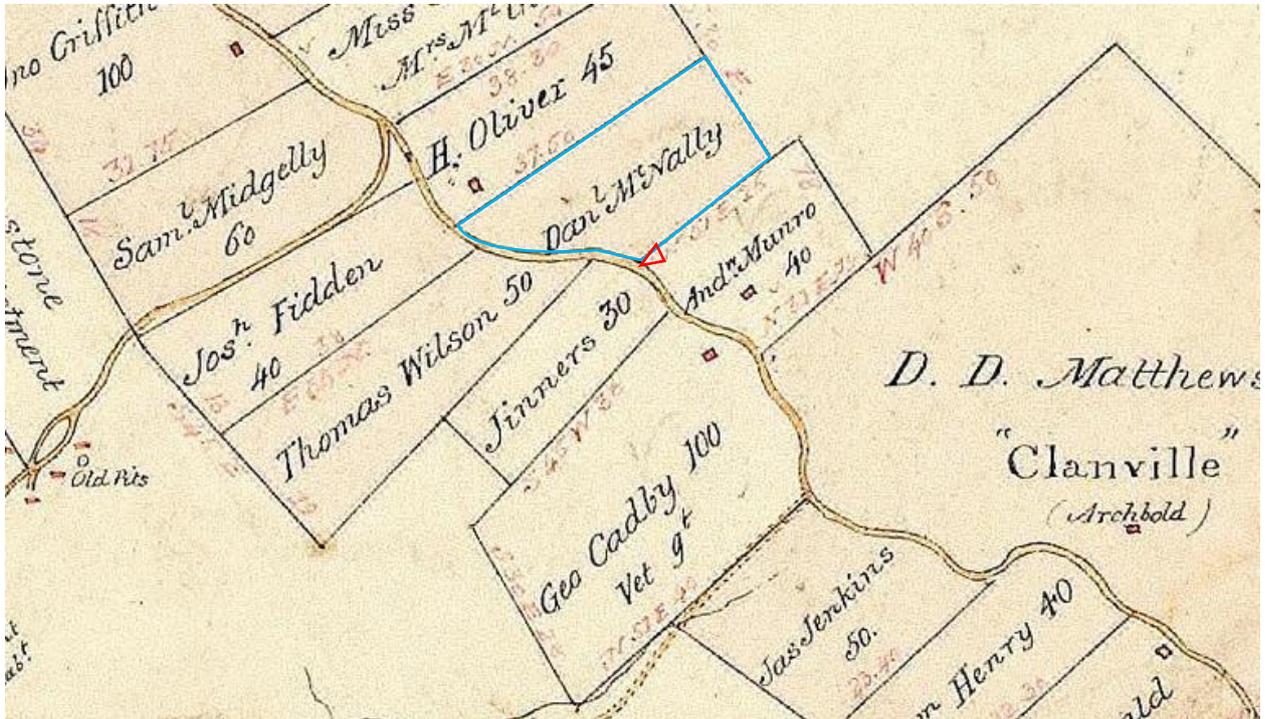


Figure 37: 1834 Parish Map with land of grant holder 'Danl [Daniel] McNally' (indicated in blue) and approximate location of subject site (indicated in red) (Source: Land and Property Information, Historic Land Records Viewer. Parish: Gordon, County: Cumberland, Sheet 4)



Figure 38: Undated photograph of the Lindfield Theatre as built. Source: "Reinforced Concrete Construction: Lindfield Theatre, Sydney, N.S.W.", Building, 11 June 1927, p.8.



Figure 39: Undated photograph of the Lindfield Theatre after it had been modified and acquired by the Kings Group. Source: "Lindfield Kings Theatre", Cinema Treasures website, retrieved from <http://cinematreasures.org/theaters/37732>.

<sup>9</sup> The Catholic Press, 'Catholic Progress at Lindfield', 24 October 1940, p. 15, available from: April 29, 2015, from <http://nla.gov.au/nla.news-article106420567>.

### 3.3. History of the Subject Site

The subject site was originally within the thirty-acre allotment granted to Daniel McNally on 5 April 1821 (Serial No. 12 Page No. 155). This was designated as Portion 427 of the district of Hunter's Hill. According to a later Supreme Court case held in 1884 (Fisher v Gaffney),<sup>10</sup> the original grant contained a provision that prohibited McNally from alienating any part of the land within five years of the grant date. McNally did end up alienating, however by some mistake in the surveys, the land was included in a second Crown grant in 1840 to Andrew Munro. This second grant meant that Mr Fisher and Mr Gaffney were in dispute as to who owned a five-acre portion of this land. Mr Gaffney traced ownership of this land from the Munro grant, meanwhile Mr Fisher traced his title from the original McNally grant of 1821. The Supreme Court ruled in favour of Mr Fisher, with his title prevailing.

The land would eventually come into the ownership of Thomas Curran, who converted the land from Old System to Torrens Title in the late 19th Century (Primary Application #8826). After converting to Torrens Title, Curran was granted with a Certificate of Title (Volume 1080 Folio 109), and would retain the land for another 18 years (Figure 40). In 1910, the land was transferred to the NSW Realty Co Ltd. The NSW Realty Co then subdivided the land, establishing 160 residential allotments through a December 1911 survey (Deposited Plan 6608 - Figure 41). The majority of these allotments were on the northern side of the railway corridor, however Portions 23, 24, 25 and 26, where the subject site is located, were situated on a small allotment bounded by Wolseley Road, Lane Cove Road (or Gordon Road) and the railway line, as seen in Figure 42 below.

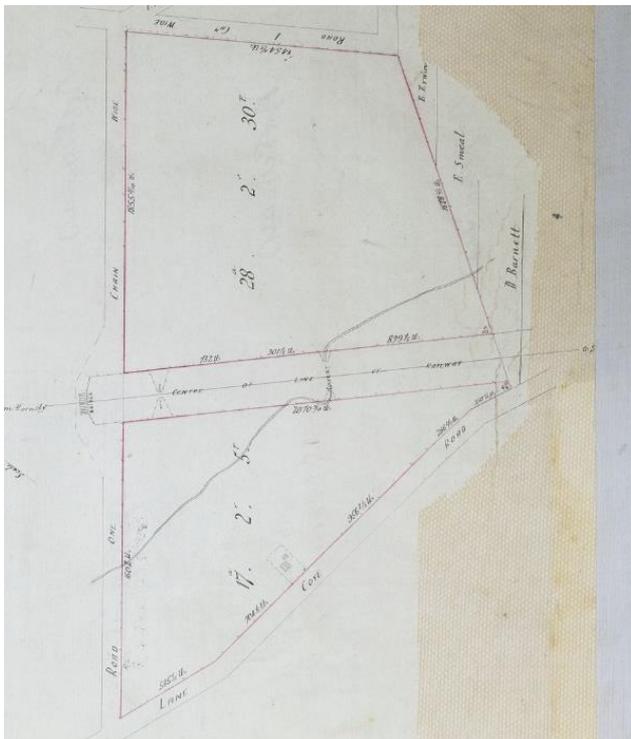


Figure 40: Sketch attached to Certificate of Title Volume 1080 Folio 109, showing land owned by Thomas Curran following the transfer of land from Old System to Torrens Title. Source: NSW Land Registry Services, Historical Land Records Viewer, Certificate of Title Volume 1080 Folio 109.

<sup>10</sup> The Manaro Mercury, and Cooma and Bombala Advertiser, 'Supreme Court Proceedings', 23 August 1884, p. 4, available from: <https://trove.nla.gov.au/newspaper/article/115706397?searchTerm=%22daniel%20mcnally%22>.

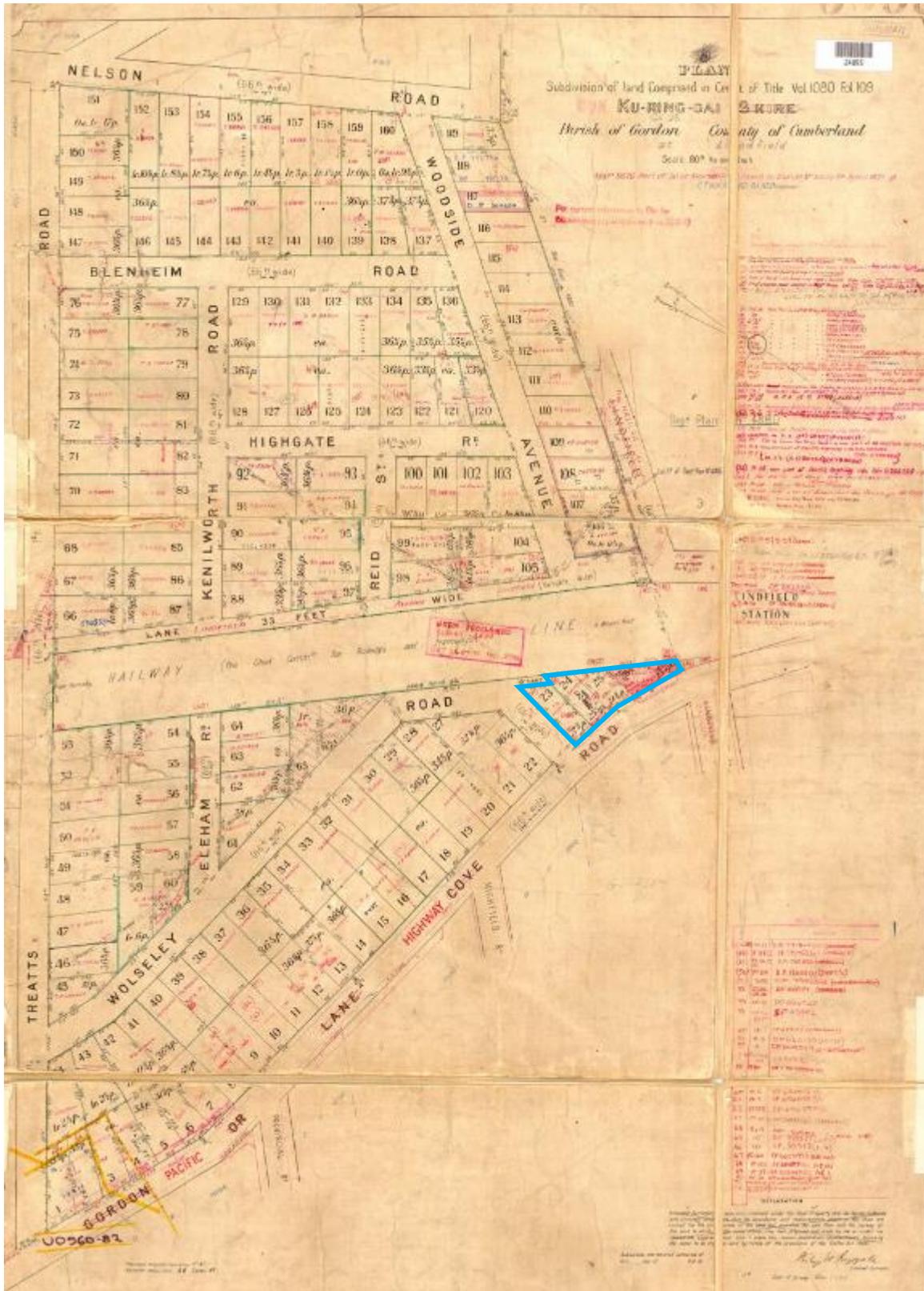


Figure 41: LTO Charting Map showing the subdivision of land comprised in Certificate of Title Volume 108 Folio 109, with survey date of December 1911. Subject site is indicated in blue. Source: NSW Land Registry Services, Historic Land Records Viewer. LTO Charting Map, Deposited Plan 6608.

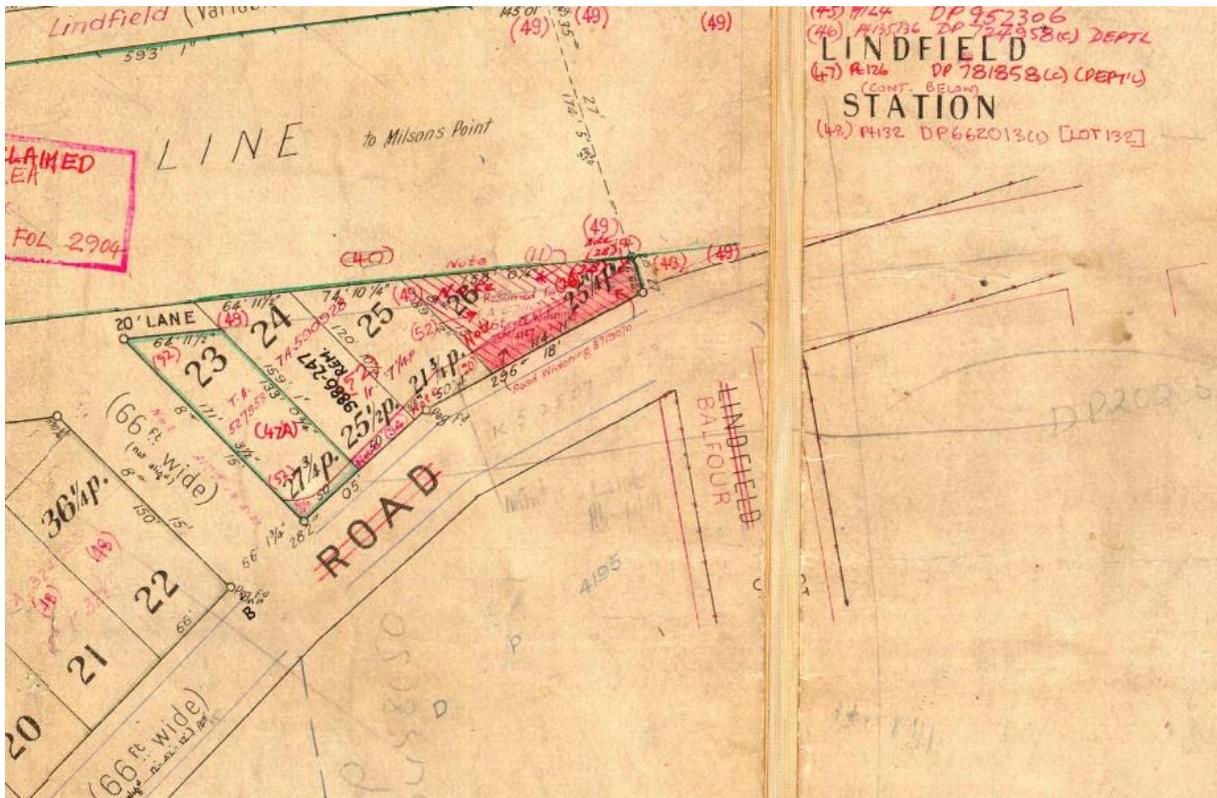


Figure 42: LTO Charting Map showing the subdivision of land comprised in Certificate of Title Volume 108 Folio 109, close up of Portions 23-26 (subject site).

### Portion 23

On 3 February 1920, Portion 23, fronting Wolseley and Land Cove Road (Pacific Highway, also formerly known as Gordon Road), was purchased by Alice Hester Toll (Volume 3015 Folio 133). In the Certificate of Title, Mrs Toll is identified as a widow from Mosman. Mrs Toll would pass away "on or about" 18 September 1940, according to a probate jurisdiction notice published in the Government Gazette of NSW.<sup>11</sup> However she had already sold her landholding at Lindfield to Joseph Porter Power, an architect from Sydney, in August 1920. Joseph Porter Power was a partner in the architecture firm Power and Adam, which was a highly regarded practice "rich in historical association."<sup>12</sup> The firm was founded by Joseph Power and the renowned architect John Sulman in 1889, and was "one of Australia's foremost architectural partnerships" of the late 19th Century.<sup>13</sup> The firm were associated with the design of some historic structures, including the Thomas Walker Convalescent Hospital in Concord West (1892), the Mutual Life Building, which was the tallest building in the city at the time of its construction in 1889, and the Women's College at the University of Sydney (1894). Joseph Porter Power would pass away suddenly on 26 April 1923, aged 67 years old. He was survived by two daughters and three sons.<sup>14</sup> In a funeral notice, it was identified that Mr Porter's late residence was that of "Colyton" in Spruson Street in Neutral Bay,<sup>15</sup> suggesting that the renowned architect did not reside in any building at Lindfield.

The property at Lindfield was transferred to the Public Trustee by an Application by Transmission in March 1925, whereby it was leased in May 1925 to Allan and Edward Power. The two were identified as both from Lindfield, and both were motor garage proprietors. The Public Trustee would transfer ownership to the two brothers in June 1927. The two brothers resided at different addresses in Lindfield

<sup>11</sup> Government Gazette of the State of New South Wales, 'Probate Jurisdiction', 22 November 1940, Issue. 162, p. 4678, available from: <https://trove.nla.gov.au/newspaper/article/225111093?searchTerm=%22alice%20toll%22>.

<sup>12</sup> Australian Architects and their Works, Building Journal, 12 April 1932, pp. 42-47, quoted in Heulwen Mary Roberts, Architect of Empire: Joseph Fearis Munnings 1879-1937, University of Canterbury, 2013.

<sup>13</sup> Ibid.

<sup>14</sup> The Sydney Morning Herald, 'Mr J. P. Power', 27 April 1923, p. 10, available from: <https://trove.nla.gov.au/newspaper/article/16071130?searchTerm=%22joseph%20porter%20power%22>.

<sup>15</sup> The Sun, 'Family Notices', 27 April 1923, p. 10, available from: <https://trove.nla.gov.au/newspaper/article/223454107?searchTerm=%22joseph%20porter%20power%22>.

- Allan at 7 Milray Street<sup>16</sup> and Edward at 32 Cook Road<sup>17</sup> - however they operated their motor garage business from Portion 23 at the corner of Wolseley Road and Pacific Highway. This is based on records in the Sands Postal Directory from 1925 and onwards which identify "Power A. & E., motor engrs" as situated on the eastern side of Gordon Road (now Pacific Highway), before the intersection with Wolseley Road.<sup>18</sup> The exact location of the A & E Power motor garage would first be identified in the 1931 and 1932 editions of the Sands Directory, with the property identified as 355 Lane Cove Road.<sup>19</sup>

The following history of Allan and Edward's motor garage has been extracted from 'Response to column on service stations in Ku-ring-gai', provided by Joy Walker and included in the Ku-ring-gai Historical Society's Newsletter from November / December 2010.<sup>20</sup>

*My father Allan Power, an engineer, and his younger brother Edward (Ted) Power, an auto electrician, had their service station and repair garage at No 355 Pacific Highway on its corner with Wolseley Street, Lindfield from about 1921.*

*This happened soon after Dad returned home from WWI in 1919. Their father, Joseph Porter Power, architect, designed it for them on the block of land of 27¾ perches that he purchased in 1916-1920. They sold all brands of fuel and were later very much against one-brand service stations. They had the franchise for Standard cars. In November 1951, Shell purchased the garage for Bert Wakelin, because of his wonderful service over the many years he worked for them.*

1943 aerial imagery of the site shows two buildings within the allotment, one fronting Pacific Highway and the other oriented east-west on Wolseley Road (Figure 43). The imagery also shows a number of vehicles parked out the front of the buildings, further confirming the site's former motor garage usage.

<sup>16</sup> Government Gazette of the State of New South Wales, 'Probate Notice', 18 October 1963 (Issue. 100), p. 3100, available from: <https://trove.nla.gov.au/newspaper/article/220331713?searchTerm=%22allan%20power%22%20lindfield>.

<sup>17</sup> Sydney Morning Herald, 'Family Notices', 5 October 1938, p. 6, available from: <https://trove.nla.gov.au/newspaper/article/17281283?searchTerm=%22edward%20power%22%20lindfield#>.

<sup>18</sup> John Sands Ltd, Sands Postal Directory, 1925, p. 447, available from: <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899471>.

<sup>19</sup> Sands Directory, 1931, p. 508, available from: <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899301>.

<sup>20</sup> Joy Walker, 'Response to the column on service stations in Ku-ring-gai', Ku-ring-gai Historical Society Newsletter, November / December 2010, p. 5, available from: [https://www.khs.org.au/pdfs/news\\_nov10.pdf](https://www.khs.org.au/pdfs/news_nov10.pdf).

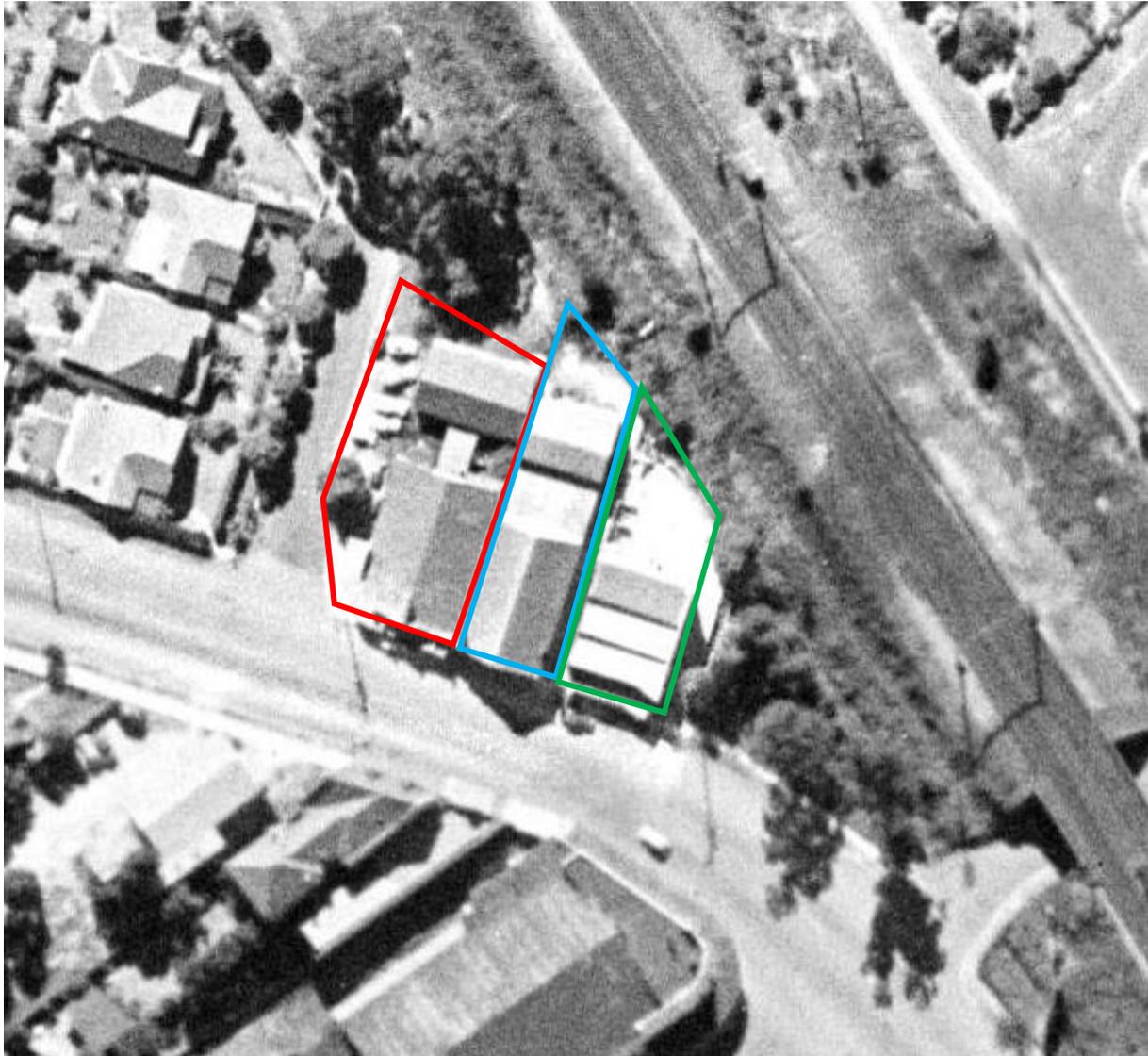


Figure 43: 1943 Historical aerial imagery of the site, showing the development of the various portions at the corner of Wolseley Road and Pacific Highway. Portion 23 is identified in red (A & E Power motor garage), Portion 24 identified in blue (Poole Bakery), and Portion 25 identified in green (Lumby Store). Source: SIX Maps Aerial Imagery.

In November 1951, Allan and Edward Power sold Portion 23 to Annie Smith, who was identified on the title documents as a married woman from Sydney. Annie sold the land the next month to the Shell Company of Australia Ltd, which, according to Joy Walker's account, was purchased for Bert Wakelin, who had worked a number of years loyally for the company.<sup>21</sup> A section of portion 23 at the corner of Wolseley Road and Pacific Highway (not within the subject site) was resumed by Ku-ring-gai Council in 1960, likely for road widening purposes (see Deposited Plan 202850 at Figure 44). Despite this resumption, Shell would retain ownership of the site for several years before the site was sold to Cordux Developments in 1987, which was then transferred to Cordux Corporation Ltd in January 1988. At this same time, the laneway to the north of the allotment was subsumed into Portion 23, (previously was excluded from the allotment as seen in Figure 42). A new Deposited Plan was issued for the allotment - DP 771847, and this would be incorporated with the other portions along Pacific Highway into DP 810773.

<sup>21</sup> Ibid.

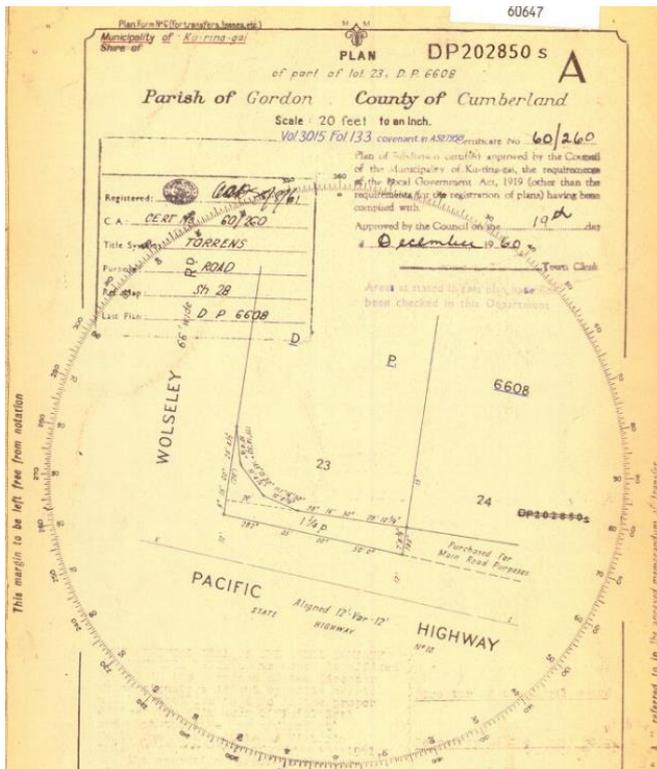


Figure 44: LTO Charting Map showing the resumption of land by Ku-ring-gai Council in Deposited Plan 202850. Source: NSW Land Registry Services, Historic Land Records Viewer. LTO Charting Map, Deposited Plan 202850.

### Portion 24

Allotments 24 and 25 were purchased together by the Permanent Trustee Company of New South Wales Ltd on 23 July 1920 (Volume 3079 Folio 243 - Figure 45). A caveat attached to this purchase was the requirement that any main building to be constructed on the land was to have a value greater than £500, not have a slate tile roof, there to not be advertisement hoardings erected on the allotments and there to be fencing on site when a building is built. In May 1922, the allotments would be sold to Mr Ernest Gillman Moon, Mr Percy Hallett and Mr Herbert George Bisset. The three would separate their landholdings, selling portion 25 to Mr Arthur Newton Borig around the same time in 1922 (Volume 3312 Folio 52). This resulted in the establishment of a new Certificate of Title for portion 24 - Volume 3317 Folio 157.

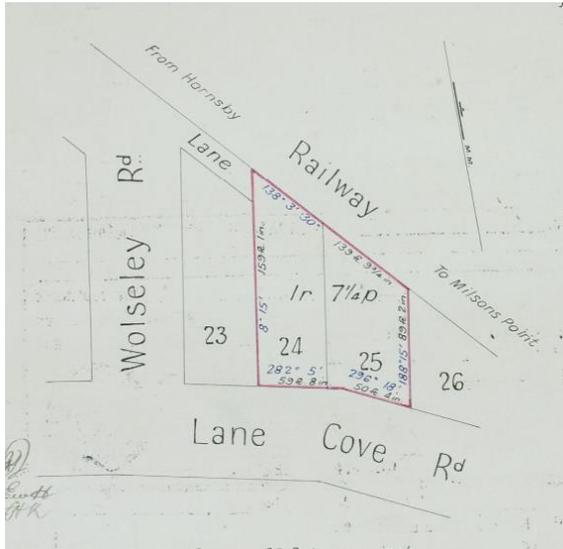


Figure 45: Sketch attached to Volume 3079 Folio 243, showing conjoined Portions 24 and 25 purchased by the Permanent Trustee Co. in 1920. Source: NSW Land Registry Services, Historic Land Records Viewer. Certificate of Title Volume 3079 Folio 243.

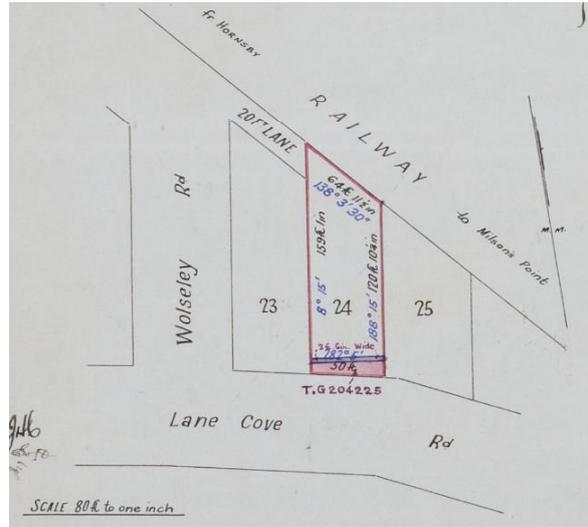


Figure 46: Sketch attached to Volume 3317 Folio 157, showing separate Portions 24 under the ownership of Moon, Hallett and Bisset. Source: NSW Land Registry Services, Historic Land Records Viewer. Certificate of Title Volume 3317 Folio 157.

On the new Certificate of Title, Mr Moon was identified as a dentist, Mr Hallett a real estate agent and Mr Bisset an auctioneer, with all three residing at Lindfield. According to the Sands Postal Directory, on the eastern side of Lindfield Avenue (opposite the Pacific Highway on the northern side of the railway corridor), Mr Hallett had a business known as 'Hallett & Searle'.<sup>22</sup> Mr Bisset meanwhile resided at "The Bungalow", which was located on Gordon Road further north of the subject site.<sup>23</sup> The three were established business owners in the Lindfield community and may have sought to expand their reach to the southern side of the railway line, however the three did not own portion 24 for long. In November 1924, the three sold the allotment to Clarence Poole, a master baker from Lindfield. According to the Sands Directory, Mr Poole operated a bakery further south on Lane Cove Road, located just south of Lindfield Railway Station.<sup>24</sup> In 1932, it appears that Mr Poole moved into a new bakery built on portion 24, with this located at 353 Lane Cove Road.<sup>25</sup>

Mr Poole operated the bakery from this new location on portion 24 for a number of years. The following is extracted from Joy Walker's account in the November / December 2010 Ku-ring-gai Historical Society Newsletter:

*On the block of land next door [from the Power's garage] was Clark's bakery, and I remember as a child standing on the high outdoor back platform repair area, watching the horses being taken out of their harnesses and fed with their much-awaited nose bags. Next door was Lumby's builders hardware shop.*

The commercial building can be identified in 1943 aerial imagery of the site (Figure 43). From 1946, it appears that Mr Poole retired, as in August of that year he leased the property to Mr Albert William, another master baker from Lindfield. The lease was for 3 years, with it renewed in 1949 for 6 years until 1955. In 1954, it appears extensions of some kind were undertaken to the property as Mr Poole was able to lease out portions of the premises at 349 Pacific Highway to Kaynes Ceramic Productions Ltd, Frederick George Flavio (accountant) and Archibald Lyall Kirkpatrick (motor engineer) in 1954. In 1958 and 1959, the lease with Mr Kirkpatrick was extended.

A new Certificate of Title was issued for the allotment some time during the 1970s (Volume 9886 Folio 247), however this Certificate of Title and the subsequent dealings associated with this allotment could

<sup>22</sup> Sands Postal Directory, 1920, p. 438, available from: <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899604>.

<sup>23</sup> Above n, 17.

<sup>24</sup> Sands Postal Directory, 1927, p. 487, available from: <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899417>.

<sup>25</sup> Sands Postal Directory, 1932, p. 492, available from: <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899272>.

not be accessed. By 1990, it was one of the four allotments acquired by Develic Pty Ltd, who consolidated the land within Volume 9886 Folio 247 with the adjacent allotments to create DP 810773.

## Portion 25

As mentioned prior, portion 25 was originally purchased alongside the neighbouring allotment 24 in 1920. It was not until 1922 when portion 25 was separated, with it purchased by Arthur Newton Borig (Volume 3312 Folio 52). According to the Sands Postal Directory, Mr Borig's plumbing business was identified on the eastern side of Lindfield Avenue (opposite the Pacific Highway on the northern side of the railway corridor), adjacent to Mr Hallett's real estate agency.<sup>26</sup> Arthur Borig owned the land at the subject site for several years, though it is not known whether a building was constructed on the allotment under Borig's ownership. In late December 1936, brothers George Edward Lumby and Fred Herbert Lumby purchased the land from Borig as joint tenants. George was identified on the land title document as a lime and cement merchant from Hornsby, whilst Fred was identified as an accountant from Sydney. The two were very likely brothers as both George and Fred were identified as the sons of Mrs Harriet Rose Lumby, who passed away in June 1945.<sup>27</sup> George Edward Lumby operated a bookmaking business at one stage,<sup>28</sup> and also ran for election as a Director of the Hornsby and District Hospital.<sup>29</sup> However, his most successful venture came as the operator of the Lumby Hardware Store, which he operated from an address in Jersey Street from 1918. A new larger site was opened in 1948, on the Pacific Highway at Hornsby opposite the Masonic Hall, with this demolished in 1989.



Figure 47: View of the George E Lumby Hardware and Building Supplies Store in Hornsby, opposite the Hornsby Masonic Hall. Source: Hornsby Shire Council Records, 'Lumby's Hardware Store', 1989, photograph by Ken Englert.

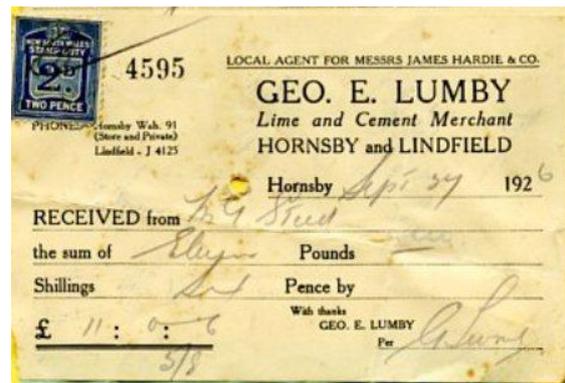


Figure 48: View of a receipt from George E Lumby, lime and cement merchant. George operated a store on Jersey Street in Hornsby from 1918, before moving to a larger store on the Pacific Highway at Hornsby opposite the Masonic Hall in 1948 (not the subject site). Source: Hornsby Shire Council Records, 'George E Lumby', 27 September 1926.

A portion of allotment 25 fronting the Pacific Highway was resumed by the Department of Mains Road for road widening purposes in 1938, resulting in the issuing of a new Certificate of Title to the Lumby brothers (Volume 5038 Folio 140). It appears that the Lumby brothers were operating a variant of their store from this Lindfield address as a commercial building is visible on Lot 25 in the 1943 aerial imagery of the site (Figure 43). Further supporting this operation of a variant of the Lumby store from Lindfield are three additional pieces of evidence; the Joy Walker's account previously reference - "next door [to the bakery at Portion 24] was Lumby's builders hardware shop," a newspaper advert from 1954 for the purchase of a Sentinel dishwasher and an archived receipt from 1983 for the purchase of a grinding disc.

<sup>26</sup> Above n, 22.

<sup>27</sup> Sydney Morning Herald, 'Family Notices', 19 June 1945, p. 10, available from: <https://trove.nla.gov.au/newspaper/article/17943138?searchTerm=%22george%20lumby%22%20lindfield>.

<sup>28</sup> New South Wales Police Gazette and Weekly Record of Crime, 'Vide Police Gazette, 1929, page 718', 16 October 1929 (Issue. 42), p. 735, available from: <https://trove.nla.gov.au/newspaper/article/251747249/27989704>.

<sup>29</sup> Sydney Morning Herald, 'Advertising', 16 February 1935, p. 7 available from: <https://trove.nla.gov.au/newspaper/article/17172873/1119819#>.



of Portion 26 was sold in half shares to Allan Power (Volume 4238 Folio 63) and Edward Power (Volume 4238 Folio 64) in 1929, the owners of the motor garage on Portion 23.

The Power brothers decided to subdivide this Portion 26 into two unequal allotments, identified as Lots 1 and 2 with Deposited Plan 364990. The larger of these allotments - Lot 1 (10 and 3/4 perches) was sold to George Edward Lumby in January 1951 (Volume 6250 Folio 47). Like the neighbouring Portion 25, George transferred this portion to G E Lumby Pty Ltd in 1956. From 1961 aerial imagery of the site (Figure 52), the allotment was left undeveloped, potential as a storage area for the hardware supplies Mr Lumby sold from his adjacent store. From later aerial imagery, this allotment would be paved, providing vehicular access to the rear of the Lumby Store (see Figure 53). This allotment followed the same history of ownership as Portion 25 - sold to Bayer Australia Ltd in February 1988, Cordux Corporation Limited in June 1988 and then incorporated in the Develic Pty Ltd consolidation of the allotments in 1990.

Lot 2 of DP 364990, a 5 and 3/4 perch allotment, was sold by the Power brothers in December 1949 to Desmond William Noble, who was identified on the Certificate of Title as a builder from Manly (Volume 6073 Folio 208). Mr Noble mortgaged the land in mid-1950, and this was discharged in November 1953 when Mr Noble sold the land to Edward Leslie Rigby and Gwendoline Rigby. Mr Rigby was identified on the land document as a real estate agent from Killara, whilst Gwendoline was identified as Edward Rigby's wife. Aerial imagery of the site in 1951 shows the site as vacant (Figure 51), however the next available aerial imagery of the area in 1961 (Figure 52) shows a building constructed on the corner of Lane Cove Road and Havilah Road (railway underpass). This suggests that Mr Noble built the structure in c.1952, and this was sold to Mr Rigby who likely operated a Lindfield office of his real estate agency from this premises.



Figure 51: 1951 aerial imagery of the site, showing the vacant land of the former Portion 26 (indicated in red) near the Havilah Road railway underpass. Source: NSW Government Historical Aerial Imagery, 1951.

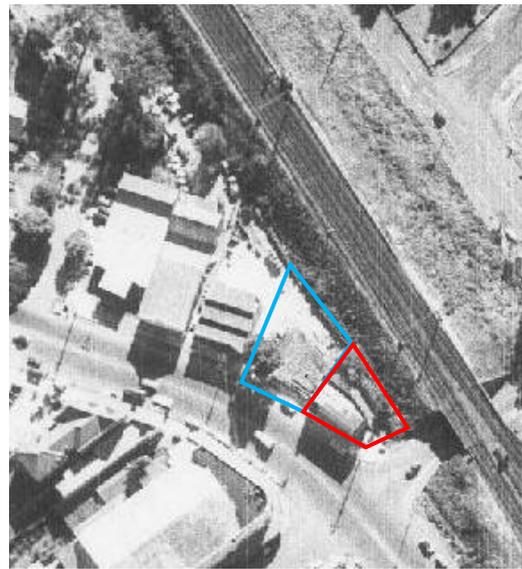


Figure 52: 1961 aerial imagery of the site, showing the undeveloped land on Lot 1 DP 364990 (blue) and a building on Lot 2 DP 364990 (red). This was likely built by Mr Noble in c.1952. Source: NSW Government Historical Aerial Imagery, 1961.

Mr and Mrs Rigby decided to transfer the ownership of allotment 2 DP 364990 into a joint ownership in 1968, with Rigby Pty Ltd becoming the new registered proprietor. The property then followed the same history as the adjacent allotment, transferring to Bayer Australia Ltd in February 1988 and Cordux Corporation Ltd in July 1988.

### History of the Current Building

As identified throughout, the various portions between Wolseley Road and Havilah Road were acquired in the late 1980s by Cordux Corporation. At this time, the site was distinctively occupied by four separate buildings and two paved areas that serviced these commercial buildings. This can be seen in the 1986

aerial imagery of the site (Figure 53). By 1991, when the site was consolidated into Lot 1 of Deposited Plan 810773, the entire site was occupied by one building, a multi-level 'L'-shaped building that fronted on Pacific Highway and Wolseley Road (Figure 54). This is the current building which occupies the site.



Figure 53: 1986 aerial imagery of the subject site (in red), showing the four different commercial buildings and 2 paved areas. In the next three years, these allotments would be consolidated into the one lot, with the buildings demolished and replaced by a two-storey office building. Source: NSW Government Historical Aerial Imagery, 1986.



Figure 54: 1991 aerial imagery of the subject site (in red), showing the demolition of the prior four commercial buildings and replacement with the current two-storey commercial office building. Source: NSW Government Historical Aerial Imagery, 1991.

The building is mostly identified as the offices of the McConnell Bourn Real Estate Agency due to the advertising of the company on the building's street-facing elevations. McConnell Bourn appear to have opened their offices here in May 2000.<sup>31</sup> Various tenants have occupied the building, including book publisher Scholastic Press in the late 2000s - late 2010s<sup>32</sup> and a number of medical practices including dental clinics.

### 3.4. Alterations and Additions

The following list of building applications relevant to the subject site has been accessed from Ku-ring-gai Council files on 1 August 2023.<sup>33</sup>

Table 1: Building Applications for the subject site.

Application Number	Event
PCDC0176/10	CDC - Commercial change of use from office to doctors consulting rooms
CDC0031/10	CDC - Access ramp from boundary to building
PCDC0451/11	CDC - Fitout of dental surgery
PCDC0088/18	CDC - Reinstatement of damaged portions of the existing commercial building, including partial roof and internal walls to Level 1
PCDC0475/18	CDC - Dental fitout for clinic

<sup>31</sup> McConnell Bourne, 'About Us', available from: <https://www.mcconnellbourn.com.au/about-us/>.

<sup>32</sup> Jackie French, Fair Dinkum Histories: Weeviles, War & Wallabies 1920-1945, Lindfield: Scholastic Press, 2009.

<sup>33</sup> Ku-ring-gai Council, Ku-ring-gai Online Services for Lot 1 DP 810773.

## 4. ASSESSMENT OF SIGNIFICANCE

### 4.1. Understanding Heritage Significance

Each place is unique and has its own combination of values. Therefore, before making decisions about the future of a heritage item it is essential to understand its heritage values so that these will be retained when making future decisions about the place. The statement of heritage significance summarises an item's heritage values.

### 4.2. Assessment of Criteria

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance. There are two levels of heritage significance, State and local.

The following assessment of significance has been prepared in accordance with the *Assessing Heritage Significance*, 2023 guidelines from the State of NSW and Department of Planning and Environment.

**(a) an item is important in the course, or pattern, of the local area's cultural or natural history**

The subject site is not considered to be historically important, with the current building constructed in c.1990. The building replaced four prior commercial buildings which fronted the Pacific Highway that were established in the early-mid 20th Century, including a motor garage (c.1921), bakery (c.1932), hardware store (c.1940) and real estate agency (c.1960). These buildings would have been historical remnants of life in Lindfield in the 20th Century, however these were demolished to make way for the current two-storey building. This building is not distinct in the local area's history, having been utilised by a number of various businesses over the last 33 years.

The site does not satisfy this criterion.

**(b) an item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history**

There is no distinct historical association with the building at 345 Pacific Highway. The prior buildings which were located on the subject site were associated with different local figures, including renowned Sydney architect Joseph Porter Power, his sons Allan and Edward Power, and the local hardware businessman George Lumby. This historical association was lost however with the demolition of the prior commercial buildings and the construction of the two-storey office building in c.1990.

The site does not satisfy this criterion.

**(c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area**

The subject site does not contain any specific aesthetic characteristics that give the building architectural and aesthetic significance. The site does utilise various finishes on the façade of the building, including facebrick, sandstone and rendered, however these are not visually distinctive. The building was constructed in c.1990 and thus does not belong to a specific architectural style which is known and appreciated in the local area.

The site does not satisfy this criterion.

**(d) an item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons**

The social significance of the subject site is not known and would require further consultation with local community groups to ascertain its significance, if existing. It is likely that the site is not socially significant as it has incorporated a number of different businesses as tenants.

The site does not satisfy this criterion.

**(e) an item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history**

The subject site may have had the potential to provide evidence of 20th Century life through potential archaeological deposits (PAD) associated with the prior commercial businesses on site, however this potential was removed with the construction of the multi-level carpark basement. The excavation works associated with the construction of the current building in c.1990 would have uncovered any PAD, if existing.

The site does not satisfy this criterion.

**(f) an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history**

The subject site is not considered rare as it is a c.33 year old office building, with a number of commercial buildings in proximity being rarer.

The site does not satisfy this criterion.

**(g) an item is important in demonstrating the principal characteristics of a class of the local area's**

- cultural or natural places; or
- cultural or natural environments

The subject site is not considered to be representative of the local Lindfield area's historical development as it was built in c.1990.

The site does not satisfy this criterion.

### 4.3. Statement of Significance

The existing two storey office building at 345 Pacific Highway does not satisfy the heritage significance criteria, failing to meet the threshold for listing. This is because the building is a recent construction with no particular architectural value, having demolished the previous commercial buildings constructed in the early-mid 20th Century. Evidence of the prior historical usage of the site does not exist, whether in the visible built form or subsurface form. As a result, the site is not considered to be of heritage significance at either the local or state level.

### 4.4. Heritage Items in Proximity

Though the subject site fails to satisfy the heritage significance criteria, the subject site still is situated in close proximity to heritage items and conservation areas that would be impacted in the future development of the site.

#### **Commercial Building - 386-390 Pacific Highway, Lindfield, Item I48**

The heritage item 'Commercial Building' is situated opposite the subject site. The location of the building in context to the subject site can be seen at Figure 10.

Formerly known as "Churchers Restaurant", the building-

*is an architecturally distinctive commercial building in Lindfield. The building is a good representative example of the Inter-War Old English Style architectural style, providing a historic built element within the Lindfield commercial precinct along the Pacific Highway.<sup>34</sup>*

The following assessment of the heritage item was provided by City Plan Heritage as part of a Conservation Management Strategy for the former Churchers Restaurant (December 2022):

*"Churchers Restaurant" shows unusual Interwar Old English styling for a commercial building. The building is modest in comparison with other commercial buildings of the same style and better represents the scale and style of residential architecture. The decorative bargeboard dormers, leadlight windows and tiled roof are a more representative example of the residential style. Within the context of Ku-ring-gai Municipality and NSW the Churchers Restaurant is therefore a rare example of its type.*

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<sup>34</sup> City Plan Heritage, 'Conservation Management Strategy - Churchers Restaurant (former)', December 2022.



Figure 55: Photograph of the Churches Restaurant in c.1987. Source: State Heritage Inventory Form, 'Commercial Building', Heritage Item ID. 1880652, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1880652>.

The following important views of the 'Commercial Building' heritage item are identified below, as extracted from the Conservation Management Strategy prepared for the former Churches Restaurant by City Plan Heritage in December 2022.

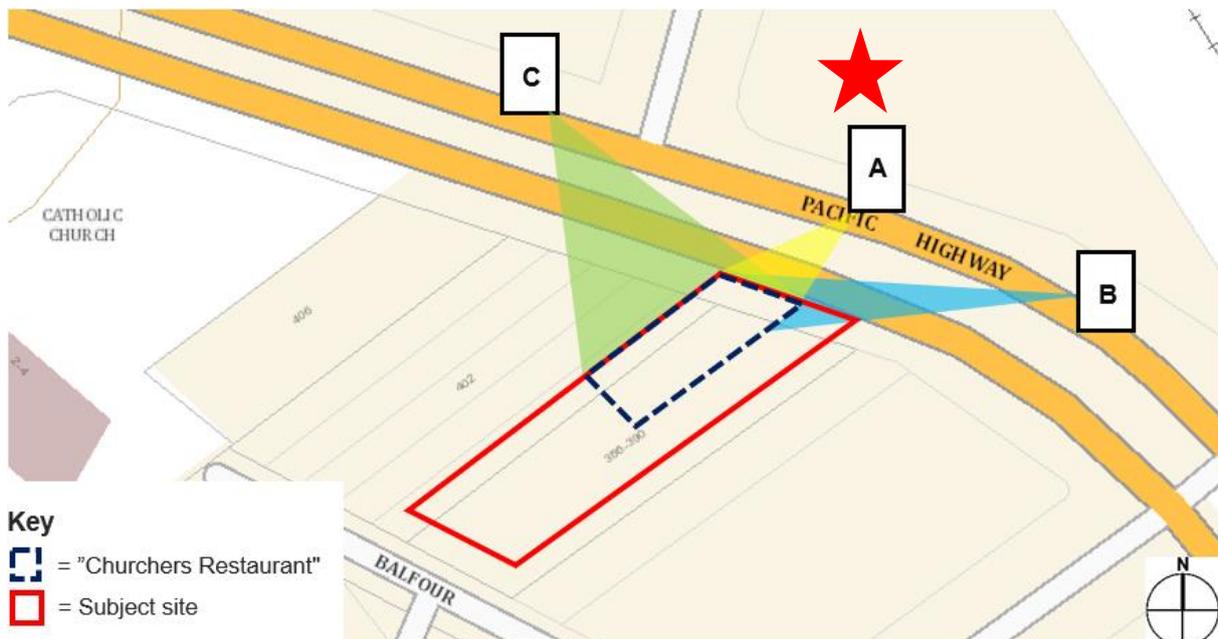


Figure 56: Important views from the subject site towards the Heritage Item 'Churches Restaurant' in the form of view cones at each direction. Please note the red outline indicates the development site surrounding the Heritage Item. The subject site at 345 Pacific Highway is located on the opposite side shown by a red star. Source: City Plan Heritage, 388-390 Pacific Hwy, Lindfield Conservation Management Strategy, December 2022.

Table 2: Important Views of the former Churchers Restaurant.

View	Description	Image
A	From opposite side of Pacific Highway south-west toward primary north-eastern façade	
B	From opposite side of Pacific Highway west toward north-eastern and south-eastern façades	
C	Approaching from the Pacific Highway to the north-west across the landscaped frontage of the adjacent substation toward the north-western and north-eastern façades	

### Lindfield Railway Station Group - Pacific Highway, Lindfield, Item I1109

The heritage item 'Lindfield Railway Station Group' is situated south-east of the subject site, behind a tree-lined acoustic barrier. The location of the railway station in context to the subject site can be seen below.



Figure 57: Lindfield Railway Station platform. The subject site is approximately situated behind the tree line in the background.

The following Statement of Significance has been extracted from the Section 170 State Heritage Register listing for the item:

*Lindfield Railway Station is significant at a local level. Lindfield Railway Station has historical significance at a local level as one of the original stations along the Northern line. While there was some limited settlement in the area prior to this date, the construction of the railway encouraged rapid subdivision and the development of the township. Lindfield station has historical significance as a terminus for the duplication of the line in 1900 between Lindfield and Milson's Point. The Platform 2/3 island platform was one of the first of its type on the Sydney suburban and Blue Mountains lines, reflecting the increased use of the line during the period up to the 1920s and the need for more trains. The buildings are good examples of standard building types, are prominent features in the townscape and contributes to the cohesive character of the North Shore line with its homogenous, early 20th century railway architecture and landscaped settings. The drop slab concrete signals staff building is a representative example of this type of construction.*

### Wolseley Road Conservation Area - Wolseley Road, Lindfield, Conservation Area C28

Wolseley Road Conservation Area is situated north-west of the subject site. The location of the conservation area in context to the subject site can be seen below.



*Figure 58: View from the subject site towards Wolseley Road Conservation Area. The HCA is situated behind the new residential development on the left.*

There is no statement of significance for the Wolseley Road HCA on the State Heritage Inventory. From the photographs of the typical buildings within the HCA, it appears to be preserving several Inter-War Californian Bungalow style dwellings. From the prior history of the subject site, the residential subdivision of Thomas Curran's allotment at Lindfield (in Volume 1080 Folio 109 - see Figure 41) by the NSW Realty Co shows that these allotments on Wolseley Road were established by 1911 at the earliest. It is likely therefore that many of these surviving dwellings within the HCA were built in the immediate years after these allotments were first purchased from 1911 onwards.



Figure 59: Photograph of 12 Wolseley Road in 2008, within the Wolseley Road HCA. Source: Paul Davies, State Heritage Inventory Form, 'Wolseley Road Conservation Area', Item ID. 1882731.



Figure 60: Photograph of 36 Wolseley Road in 2008, within the Wolseley Road HCA. Source: Paul Davies, State Heritage Inventory Form, 'Wolseley Road Conservation Area', Item ID. 1882731.

### Balfour Street / Highfield Road Conservation Area (C29)

Balfour Street / Highfield Road Conservation Area is situated south-west of the subject site. The location of the conservation area in context to the subject site can be seen below.

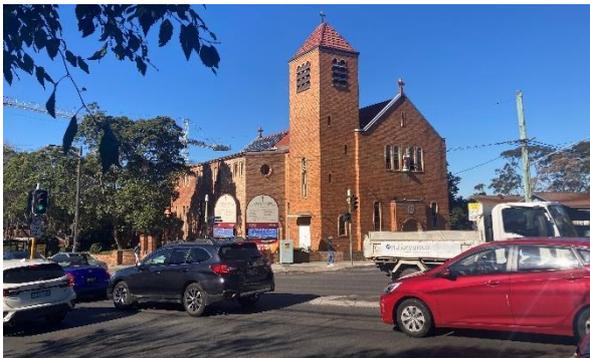


Figure 61: View of Catholic Parish of Lindfield - Killara Church, located on the corner of Pacific Hwy and Highfield Rd within the Balfour St / Highfield Rd HCA, view facing south-east.



Figure 62: View of the subject site from the bus-stop next to the Catholic Parish of Linfield - Killara (within HCA), facing north-east.

There is no statement of significance for the Balfour Street / Highfield Road HCA on the State Heritage Inventory Database. From the photographs of the typical buildings within the HCA, it appears to be preserving several Federation Bungalow style residences, though it also includes the Catholic Parish of Lindfield - Killara Church.



Figure 63: View of bungalow at 3 Balfour Street, with the HCA. Source: Paul Davies, extracted from State Heritage Inventory Form, 'Balfour Street / Highfield Road Conservation Area', Item ID. 1882680.



Figure 64: View of bungalow at 4 Balfour Street, with the HCA. Source: Paul Davies, extracted from State Heritage Inventory Form, 'Balfour Street / Highfield Road Conservation Area', Item ID. 1882680.

## 5. HERITAGE IMPACT ASSESSMENT

### 5.1. Statutory Controls

As ascertained above in Section 1.4, the subject site is not listed as a heritage item on Part 1 of Schedule 5 of the *Ku-ring-gai LEP 2015*, nor is it located within any heritage conservation areas under Part 2 of Schedule 5 of the *Ku-ring-gai LEP 2015*. The subject site is however located within proximity to several heritage items (ascertained above at Section 4.4 - Heritage Items in Proximity) and therefore is subject to the heritage provisions in the *Ku-ring-gai LEP 2015* and the *Ku-ring-gai DCP 2021*, particularly for development of sites in proximity to heritage items.

#### 5.1.1. Ku-ring-gai Local Environment Plan 2015

The proposal is addressed below in relation to the relevant clauses of the *Ku-ring-gai LEP 2015*. Only relevant clauses in relation to the planning proposal have been extracted and assessed below.

Clause 2.7 Demolition requires development consent	Discussion
<p>The demolition of a building or work may be carried out but only with development consent</p>	<ul style="list-style-type: none"> <li>▪ The Planning Proposal seeks to amend the Height of Buildings and Floor Space Ratio designation of the subject site to enable future mixed use development. This mixed use development would be in the form of a 15 storey tower.</li> <li>▪ The potential redevelopment of the subject site to accommodate up to 15 storeys would require development consent from Ku-ring-gai Council as the existing building on site would need to be demolished to accommodate this change.</li> </ul>

Clause 5.10 Heritage Conservation	Discussion
<p><b>(1) Objectives</b>            The objectives of this clause are as follows:            - To conserve the environmental heritage of Ku-ring-gai            - To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views            - To conserve archaeological sites            - To conserve Aboriginal objects and Aboriginal places of heritage significance</p> <p><b>(4) Effect of proposed development on heritage significance</b>            The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is</p>	<ul style="list-style-type: none"> <li>▪ This Planning Proposal seeks to amend the current site's building height designation (11.5 metres to 55 metres) and accompanying floor space ratio (FSR) designation (1.0:1 to 4.5:1) on the <i>Ku-ring-gai LEP</i> to enable the development of a 15 storey mixed use development of the subject site. To enable this development, the existing c.1990 building on the site is proposed to be demolished.</li> <li>▪ There will be no physical impact on any of the heritage items and the conservation areas within the vicinity of the subject site. There may be some visual impact due to the proposed height increase; however, this will not be reducing any views to and from the closest heritage item 'Churchers Restaurant' with only minor impact on setting. As such the current planning proposal confirms with the heritage objectives of Clause 5.10.</li> </ul>

Clause 5.10 Heritage Conservation	Discussion
<p>prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6)</p>	<ul style="list-style-type: none"> <li>▪ The subject site is not identified as a heritage item under Part 1 Schedule 5 of the <i>Ku-ring-gai LEP 2015</i>, nor as within a heritage conservation area under the Act (Part 2 Schedule 5). It is not also assessed in this SHOI as having any heritage value. The subject site is however in close proximity to the heritage item 'Commercial Building' (Item I48), located opposite the subject site at 386-390 Pacific Highway. The site is also in distant proximity to the heritage item 'Lindfield Railway Station Group' (Item I1109), as well as the conservation areas 'Wolseley Road Conservation Area' (C28) and 'Balfour Street / Highfield Road Conservation Area' (C29), which are all listed on the <i>Ku-ring-gai LEP</i>.</li> <li>▪ The demolition of the building at 345 Pacific Highway and the redevelopment of the site into a 15-storey landmark building would have some minor impacts on the setting of the nearby heritage items and heritage conservation areas, primarily that of the heritage item 'Commercial Building' the former Churchers Restaurant (item I48). While the heritage item will be encircled by the new Coles Lindfield development, which is currently under construction featuring 6-7 stories height, the proposed increased height for the subject site may partially cast a shadow over the heritage item. Notwithstanding, the distance between the heritage item on the opposite side of Pacific Highway at the gateway to Linfield after the curvature of the Highway from the northern to southern direction will ensure there is minimal and acceptable visual impact. As a result, this Statement of Heritage Impact has been prepared in response to Clause 5.10 (5) in order to assist Ku-ring-gai Council in its assessment of the subject Planning Proposal.</li> <li>▪ Investigation into the potential Aboriginal heritage significance of the subject site is beyond the scope of this report. Nonetheless, after undertaking a basic search of the Aboriginal Heritage Inventory Management System (AHIMS) database, the subject site was found to have 0 Aboriginal sites recorded within the site, and 0 Aboriginal places within 200 metres of the site.</li> <li>▪ As noted earlier, likely survival of any foundations of the earlier structures that were in existence within the development site is low due to the required excavation works for the existing building. Notwithstanding, should any unexpected archaeological finds be</li> </ul>
<p><b>(5) Heritage Assessment</b>          The consent authority may before granting consent to any development -</p> <p>a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>Require a heritage management document be prepared that assess 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.</p>	
<p><b>(7) Archaeological sites</b>          The consent authority must before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies) -</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) Take into consideration any response received from the Heritage Council within 28 days after the notice is sent</p>	
<p><b>(8) Aboriginal places of heritage significance</b>          The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance -</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p>	

Clause 5.10 Heritage Conservation	Discussion
	<p>uncovered during any ground works, the 'STOP WORK' procedure will be applied to allow for the inspection of an appropriately qualified archaeologist in order to advise on the required management and consultation with Heritage NSW.</p>

### 5.1.2. Ku-ring-gai Development Control Plan 2021

The following table addresses the relevant controls within the *Ku-ring-gai DCP 2021*.

Clause 14.E: Lindfield Local Centre	Discussion
<p><b>14E.1 Lindfield Local Centre Context</b>  <b>Controls</b>  <b>Urban Principles</b>            All development within the Lindfield local centre, as outlined in Figure 14E.1-1, is to be designed to support and enhance the planned future character of the centre. This is to be done through compliance with the general requirements and precinct specific requirements as stipulated in this DCP.</p>	<ul style="list-style-type: none"> <li>▪ The subject site is located on the periphery of the Lindfield Local Centre (LCC) and is not situated within any of the identified core urban precincts (as per the extracted Figure 14.E.1-1 below). Nonetheless, this SOHI has considered the subject site's proposal against the controls of the LCC where they are applicable.</li> </ul>
<p><b>14E.7 Precinct L1: Balfour Stret Retail Area</b>  <b>Controls</b>  <b>Heritage</b>  <b>9)</b> Development adjoining the existing Heritage Item at 386-390 Pacific Highway is to comply with the following controls:  <b>i)</b> Retain and conserve the front portion of the building from the alignment of the facade to the beginning of the recessed link section (the roof form of the front portion of the building should remain apparent from the Pacific Highway).  <b>ii)</b> The front portion of the building is to be integrated with new additions to the rear via a link that does not exceed the height of the eaves at the rear of the front portion of the building, and is to be recessed from the alignment of the northern wall.  <b>iii)</b> The form, detailing material and proportion of any additions to the item are to be sympathetic to the Heritage Item and yet identifiable as new work.  <b>iv)</b> Any additions to the item are to allow for conservation works to the façade; any intact internal spaces; to the shop fronts; and to the front portion of the roof. The significance of any interiors in the front portion of the building should</p>	<ul style="list-style-type: none"> <li>▪ The subject site is not within the identified L1 Balfour Street Precinct, nor is it adjacent to the heritage item 'Commercial Building' (I48). As such, these controls do not directly apply to the subject site.</li> <li>▪ It is noted that the Control 9(v) identifies new development adjoining the Commercial Building heritage item to the south is to be at a maximum height of 11.5 metres, which is the same height of the current subject site (located opposite). While the maximum height controls are applicable to the adjacent development of the former Churchers Restaurant currently under construction, the proposed podium for the new development tower would be at a height lower than 11.5 metres, thereby in keeping with the streetscape when approached from the northern curvature of Pacific Highway.</li> <li>▪ Additionally, the new Coles development adjacent to the heritage item currently under construction is identified to be at a height of 6-7 storeys. As such, the proposed podium for the subject site would be in proportion to the new developing setting and scale of the area.</li> </ul>

Clause 14.E: Lindfield Local Centre	Discussion
<p>be assessed in any scheme prior to approval being given for alterations.</p> <p>v) New development to the south of the Heritage Item is to be sympathetic in scale, massing and alignment to the Heritage Item. The maximum building height for buildings adjoining the item is 3 storeys (11.5 metres).</p>	



Figure 14E.1-1:  
 Lindfield Local Centre Precinct Plan  
 Legend

-  Core Urban Precinct (B2 and B4 zones)
-  Masterplan Site

Figure 65: Lindfield Local Centre Precinct Plan, as extracted from Ku-ring-gai DCP 2021 Part 14E.1 - Lindfield Local Centre Context. The proposed 15 storey development of the subject site (which is just outside the LCC, indicated in red) would have some impacts on the character and context of the LLC.

Clause 19F: Development in the vicinity of Heritage Items or Heritage Conservation Areas (HCAs)	This proposal relates to these matters as follows:
<p><b>Introduction</b></p> <p>This section applies to development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA. This part also applies to a situation where the Heritage Item is not incorporated into new consolidated development,</p>	<ul style="list-style-type: none"> <li>▪ The subject site is situated opposite the heritage item 'Commercial Building' (148), located at 386-390 Pacific Highway Lindfield. Though the two sites are not immediately adjoining each other, the heritage item is deemed to be "in the vicinity" as any proposal</li> </ul>

<p>Clause 19F: Development in the vicinity of Heritage Items or Heritage Conservation Areas (HCAs)</p>	<p>This proposal relates to these matters as follows:</p>
<p>as per 19A of this Part. This part provides guidance to meet the objectives in the KLEP.</p> <p>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.</p> <p>The controls in this part are in addition to the controls in Sections 19A, 19B, 19C and 19D and are to be read in conjunction with them.</p>	<p>to increase the height of the subject site would have some level of impact on the setting of the heritage item. Notwithstanding the width of Pacific Highway ensures that there is sufficient separation between the two sites thereby mitigating any likely impact on the setting of the heritage item. None of the identified significant views to and from the heritage item would be adversely affected by the increased height of the future development within the subject site at 345 Pacific Highway.</p> <ul style="list-style-type: none"> <li>▪ The Lindfield Railway Station Group (I1109) and two HCAs (Wolseley Road HCA - C28 and Balfour Street / Highfield Road HCA - C29) are further away from the subject site than the opposite Commercial Building heritage item, however they have been deemed "in the vicinity" due to the proposed 15 storey development being visible to these sites.</li> </ul>
<p><b>19F.1 Local Character and Streetscape Controls:</b></p> <p><b>General</b></p> <p>1) All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement (HIS). The HIS is to address the effect of the proposed development on a Heritage Item or HCA and demonstrate that the proposed works will not adversely impact upon significance, including any related heritage features within the identified curtilage and setting.</p> <p><b>Built Form</b></p> <p>2) Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to:</p> <ul style="list-style-type: none"> <li>i) the form of the existing building or buildings including height, roofline, setbacks and building alignment;</li> <li>ii) dominant architectural language such as horizontal lines and vertical segmentation;</li> <li>iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels;</li> <li>iv) materials and colours;</li> <li>v) siting and orientation;</li> <li>vi) setting and context;</li> <li>vii) streetscape patterns.</li> </ul> <p><b>Retail / Mixed Use Setting</b></p>	<ul style="list-style-type: none"> <li>▪ The present SOHI has been prepared to address the proposal to amend the height of buildings and floor space ratio designation for the subject site. The SOHI follows the methodology in line with the NSW Heritage Manual "Statement of Heritage Impact" and "Assessing Heritage Significance Guidelines".</li> <li>▪ This SOHI addresses the potential 15 storey development of the site to determine whether this mixed use development would adversely impact upon the significance of the heritage items and HCAs in the vicinity.</li> <li>▪ The indicative massing and site plan of the proposed 15 storey development has been designed to respect the streetscape of Pacific Highway whilst also becoming a landmark site within the Lindfield Local Centre (see discussion of the 'Key Landmark Site and Mixed Use Development' at Section 5.2.1).</li> <li>▪ The indicative site plan identifies a 1.5 metre landscape setback from Pacific Highway (southern elevation) and a 4 metre landscape setback on Wolseley Road (western elevation) to contribute to the public amenity of the pedestrian path whilst also retaining the existing commercial street setback of the area. This setback aids in visually and physically further separating the subject site from the heritage item opposite ('Commercial Building'), where the two sites are already physically and visually separated by the</li> </ul>

Clause 19F: Development in the vicinity of Heritage Items or Heritage Conservation Areas (HCAs)	This proposal relates to these matters as follows:
<p><b>3)</b> New development adjacent to or in the vicinity of a Heritage Item or HCA within a retail/mixed use setting such as an existing row of two-storey shops, are to:</p> <p><b>i)</b> retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades.</p> <p><b>ii)</b> retain a pedestrian building scale at the street level and to set back any levels that are higher than the adjacent Heritage Item or HCA.</p> <p><b>Views</b></p> <p><b>4)</b> New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain</p>	<p>Pacific Highway that runs between the two sites.</p> <ul style="list-style-type: none"> <li>▪ The proposal also has a designated podium height of 11.3 metres, which is 0.2 metres lower than the existing c.1990 building on site. As per the <i>LEP</i>, the 'Commercial Building' heritage item has a maximum building height of 9.5 metres. Though the podium is proposed to be taller than the heritage item, this is to be at a level which is slightly lower than the existing building, which does not have an imposing impact on the heritage item. It is also at a level lower than the aforementioned control at 14E7.1 (9)(v), which required adjoining development to the south of the heritage item to be at a maximum height of 11.5 metres.</li> <li>▪ In accordance with clause 3(ii), the upper levels (storeys 4 - 15) are proposed to have a minimum 4 metre setback from the podium, so as to retain the pedestrian building scale and break up the massing of the proposed building. This podium and tower design aids in not visually overwhelm the heritage item with a single 15 storey development.</li> <li>▪ It is noted that the Coles Lindfield site situated east of the Commercial Building heritage item is currently under construction for mixed use development, incorporating 5 storey residential development above a ground floor Coles supermarket. With this in mind, it is noted that the visual context of the Lindfield Local Centre is set to change and be at a larger height than previously. In this context, the proposed 15 storey development would not be as visually impactful on the heritage item.</li> <li>▪ In relation to views, the proposal would not reduce or impair views of the nearby local heritage items and heritage conservation area.</li> <li>▪ Concerning the Wolseley Road HCA (C28), the subject site is currently obstructed by foliage and contemporary multi-storey residential development on the western side of Wolseley Road. A proposed 15-storey mixed use development would make the subject site visible in the background from certain angles within the Wolseley Road HCA, however this would not be visually obtrusive. There are no identified significant view corridors within the Wolseley Road HCA, thus</li> </ul>

Clause 19F: Development in the vicinity of Heritage Items or Heritage Conservation Areas (HCAs)	This proposal relates to these matters as follows:
	<p>it is not considered to be impacted by the proposal. Finally, the indicative solar impact analysis for this proposal suggests that the HCA would not be shadowed by the proposed 15 storey development.</p> <ul style="list-style-type: none"> <li>▪ This is similar to the Balfour Street / Highfield Road HCA (C29). The majority of the buildings are situated on streets which are not visible from Pacific Highway. The only building within the HCA that is visible from the subject site is that of the Catholic Parish of Lindfield - Killara Church. The views of this church on Pacific Highway and Highfield Road would not be obstructed by the proposal for the subject site, with it only being in the background from some angles. Additionally, the solar impact analysis does not show any shadowing of this HCA by the proposed development.</li> <li>▪ Likewise, views of the Lindfield Railway Station Group (I1109) would not be impacted by the 15 storey development. The significant buildings within the listing (station buildings, signalling hut, platforms, footbridge and shelters) would not be obstructed or impeded by development of the subject site that is 150-200 metres away. On the western side of the railway station are a number of mixed use developments at a higher scale on Lindfield Avenue which do not visually impair the railway station group. The proposed 15 storey development would be visible in the background of the station behind the tree line that runs adjacent to the railway corridor, however this would not adversely impact the amenity or setting of the railway station group as tower heights in proximity to mass transit is considered an appropriate skyline accent. Additionally, the solar impact analysis shows partial shadowing of the railway station in late afternoon, however this shadowing of the railway station and line is not excessive in terms of timeframe within a day hence is it considered as being an acceptable compromise.</li> <li>▪ The important views of the 'Commercial Building' (I48) heritage item as defined in the CMP would not be impaired or impacted by this proposal. The item is situated opposite the subject site and so important views of the heritage item from the Pacific Highway (north-west, north east and north - see Figure 56) would not be obstructed or impaired by future</li> </ul>

Clause 19F: Development in the vicinity of Heritage Items or Heritage Conservation Areas (HCAs)	This proposal relates to these matters as follows:
	<p>development of the subject site. As the distinctive architectural presentation of the heritage item is not affected in any way, it is considered a minor visual impact.</p> <ul style="list-style-type: none"> <li>▪ The solar impact analysis at Section 4.7 of the Draft Urban Design Report by AJC Architects identifies that the heritage item would be overshadowed by the proposed 15 storey development during the morning (9am), however by mid-day the majority of the site would be cleared. This suggests that the heritage item would not be shadowed for too long and thus the site's significant fabric would not be damaged by the dampness of the shadows had it been obstructing the building for longer.</li> </ul>
<p><b>19F.2 Building Setbacks</b></p> <p><b>Controls</b></p> <p><b>Setbacks</b></p> <p>1) The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply.</p> <p><b>Residential Context</b></p> <p>2) All medium and high density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 19F.2-1. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.</p> <p>3) In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following:</p> <p>i) adjacent developments are to have a minimum 12m building separation to the Heritage Item or building in the HCA (more if setback requirements are not met within the 12m) as per Figure 19E.3-1;</p> <p>ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades;</p> <p>iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 19E.3-1;</p>	<ul style="list-style-type: none"> <li>▪ The location of the subject site being opposite the heritage item 'Commercial Building' and not adjacent to it means that this control is not directly applicable as there is physical and visual separation between the two sites. Nonetheless, the proposal for the subject site identifies a 1.5 metre setback from the street, which is more than the heritage item's setback from the street. Additionally, as identified before, the upper storeys of the proposal are setback at least 4 metres from the podium to break up the massing of the building and ensure the opposite heritage item is not overwhelmed.</li> <li>▪ As this SOHI is for a planning proposal, it is anticipated that a more articulated tower design is to be prepared following approval. This more in-depth design would be able to consider these controls in regards to having a sympathetic stepped façade.</li> </ul>

Clause 19F: Development in the vicinity of Heritage Items or Heritage Conservation Areas (HCAs)	This proposal relates to these matters as follows:
Where variations in setbacks exist the larger setback will apply	
<p><b>19F.3 Gardens and Landscaping Controls</b></p> <p><b>Gardens, Setting and Curtilage</b></p> <p>1) Development in the vicinity of a Heritage Item or an HCA is to:</p> <p>i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting. In particular, garden settings in the vicinity are not to be adversely affected in terms of overshadowing or physical impacts on significant trees;</p> <p>ii) retain the established landscape character of the Heritage Item or HCA including height of the tree canopy and density of boundary landscape plantings or otherwise reinstated them in the new development;</p> <p>iii) include appropriate screen planting on side and rear boundaries.</p>	<ul style="list-style-type: none"> <li>▪ The heritage items in the vicinity to the subject site do not have any identified significant landscape or garden associated with its significance.</li> <li>▪ As per the Indicative Site Plan, the 4 metre landscape setback on Wolseley Road is proposed to increase the site's deep soil whilst also contributing to the public amenity of the pedestrian path.</li> <li>▪ The rear of the subject site is adjacent to the acoustic tree line that runs along the railway corridor. The proposal seeks to retain this established natural landscape.</li> </ul>
<p><b>19F.4 Fencing</b></p>	<ul style="list-style-type: none"> <li>▪ The controls associated with fencing are not applicable to the planning proposal.</li> </ul>

## 5.2. Planning Strategies

### 5.2.1. Ku-ring-gai Local Strategic Planning Statement 2020

The North District Plan, of which the shire of Ku-ring-gai is situated within, is a 20-year plan to manage growth in the northern metropolitan Sydney area in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It provides a guide for implementing the Greater Sydney Region Plan: A Metropolis of Three Cities at the district level, being a bridge between regional and local planning. The North District Plan identifies four key themes:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

As identified in the *Ku-ring-gai LSPS 2020*, heritage conservation comes within the umbrella of the liveability key theme. This is addressed under Ku-ring-gai Local Planning Priority K12:

*K12. Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character.*

#### Local Character Area Study

In the *LSPS 2020* as part of addressing Planning Priority K12, Ku-ring-gai Council identified the need to undertake a Local Character Study to investigate "areas of special landscape, views and vistas, visual quality, topography and the Urban Forest." This was undertaken and endorsed in 2021, with the subject site identified within the Ku-ring-gai Ridge and Centres Character Area. The following Local Character Statement and Key Characteristics of this Character Area are extracted below.

#### *Local Character Statement*

*Formed around the rail/Pacific Highway corridor and St Ives Local Centre, the Ku-ring-gai Ridge and Centres Character Area holds the main retail, commercial and residential intensity within the LGA. It is characterised by increased density and diversity of built form and land use. This character area has important social and economic value to Ku-ring-gai.*

*This Character Area includes the primary movement corridors which run through the LGA. It is an area with which residents interface on a daily basis. The Ku-ring-gai Ridge is dominated by the busy Pacific Highway, which effectively separates the town centres into east and west sides. On either side of the highway and rail corridor are hubs of activity in peak hours, before and after school hours, as well as the weekend.*

*Accommodating diverse land uses, buildings in this area have larger footprints and greater height than built form across the rest of Ku-ring-gai. This character area features the majority of medium and high-density housing within the LGA, leveraging amenity provided by proximity to arterial roads, public transport, shops and schools.*

*The Ku-ring-gai Ridgeline is flatter than surrounding areas. The town centres retain a significant mature tree canopy however much less than compared to the rest of Ku-ring-gai. Streets tend to be more varied and accommodate more street planting as they radiate from the rail and Pacific Highway corridor.*

#### *Key Characteristics*

- Higher density and population*
- Larger buildings*
- Commercial and medium / high density residential*
- Less tree canopy cover*
- Follows major ridge-line*
- Dominated by the Pacific Highway and Rail Line*
- Retains a high level of heritage buildings reflecting development from the advent of the rail in the late 1800s and Inter War period*

#### **Discussion:**

As identified, the Ku-ring-gai Ridge and Centres Character Area is characteristically at a higher density with larger buildings than that of other areas of the LGA. The proposed 15 storey development would fit within this character area as it matches the other higher density commercial and residential already present within this character area, particularly across Lindfield. Opposite the subject site next to the Commercial Building heritage item is a mixed use development for a Coles supermarket which is currently under construction and approved to have a height of 5 residential storeys. Likewise, on the eastern side of the railway corridor are a number of multi-storey mixed use developments on Lindfield Avenue that are at heights which are higher than the adjacent and proximate heritage items. The proposed development would not substantially alter the existing identified character, instead implementing a larger building which is in keeping with other development along the Pacific Highway / Railway Line in Lindfield.

The heritage items and heritage conservation areas that are in proximity to the subject site are that which reflect the historical development of the area. The planning proposal for the subject site does not seek to majorly impact these heritage sites, instead complying with the Ku-ring-gai Ridge and Centres Character Area by incorporating a higher density, mixed use development that is characteristic within this area.

#### **Key Landmark Site and Mixed Use Development**

In Figure 66 extracted below, the subject site at 345 Pacific Highway is identified as a proposed mixed use development, as well as a key landmark site in the *Ku-ring-gai LSPS 2020*.

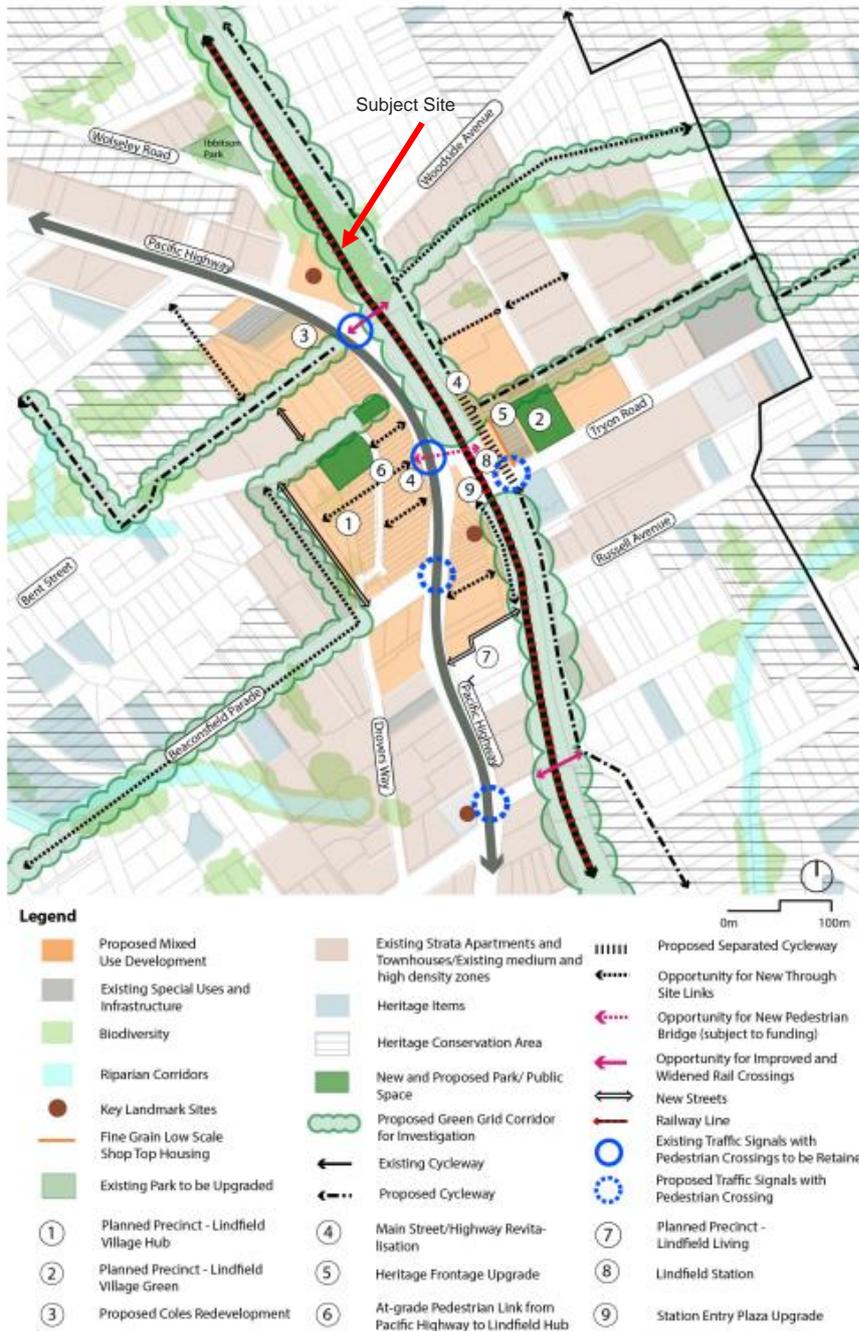


Figure 2-20 Lindfield Local Centre Structure Plan

Figure 66: Lindfield Local Centre Structure Plan, extracted from the Ku-ring-gai Local Strategic Planning Statement 2020 (Part 2: Liveability A), p. 91. The subject site is identified as a proposed mixed use development, as well as a key landmark site.

From the LSPS 2020, the following priorities address mixed use development within the LGA.

*K7. Facilitating mixed use developments within the centres that achieve urban design excellence. This priority will support delivering safe, inclusive and walkable mixed use areas that exhibit urban design excellence and are connected to transport, social infrastructure and open spaces.*

**Background**

... Over the last 15 years, there has been significant development of high and medium density housing around the edges of the centres. This development has generally been on easy to consolidate, large-lot residential land that has been up-zoned. In the commercial areas of the

*Local Centres there has been very little development of mixed use buildings, as it is more difficult to consolidate viable sites for redevelopment given the pattern of small lots in fragmented ownership and very high land values.*

*While new residential development has strengthened the role of the Local Centres over recent years it has resulted in the creation of a 'hole in the donut' situation where large numbers of new residents are living close to the centres which have seen very little change in amenity, services and infrastructure. One exception to this situation is a new mixed use development on Lindfield Avenue, Lindfield which has introduced a contemporary retail environment to the area and has become popular with the local community.*

*Overall the lack of interest shown by the development market in mixed use typology has become a key issue for Council with a growing population and high community expectations.*

#### **Discussion:**

This designation as a key landmark site is attributed to the site's unique location on its own on the Pacific Highway, between Wolseley Road and Havilah Road. Its position on a bend in the main road makes it visible from both the north-west entering Lindfield and south-east exiting the suburb, whilst its positioning 200 metres from the entrance of the Lindfield Railway Station makes it easily accessible by public transport. This designation of a key landmark site enables future development to be at a higher scale and density than the immediate surrounding vicinity. The planning proposal to enable 15 storey development is therefore in accordance with this designation as a key landmark site.

The site is also identified for mixed use development. This is again in recognition of its unique position on the Pacific Highway near the railway line. The close proximity to the well serviced Lindfield Local Centre and the Lindfield Railway Station provides the opportunity for the subject site to provide quality, high density residential accommodation that makes use of its ideal positioning. As the *LSPS 2020* background identifies, there has generally been little mixed use development across the LGA for a number of reasons (difficulty in consolidating viable sites for redevelopment, fragmented ownership, high land values), however the mixed use development undertaken on Lindfield Avenue "introduced a contemporary retail environment to the area" and became "popular with the local community." Similar mixed use development on the western side of the railway line in the Lindfield Local Centre would generate a similar successful commercial and residential environment for the local community to make use of.

#### **5.2.2. Ku-ring-gai Local Housing Strategy 2020**

In the *May 2020 Draft Local Housing Strategy (LHS)* proposed by Ku-ring-gai Council, the subject site was identified within an 'Investigation Area' for mixed use sites (Figure 67). This investigation area recommended that the site be investigated for possible building heights of between 10-15 storeys. With the site also designated as a Landmark Building, the only within the Lindfield Local Centre, it suggests that the higher end of the 10-15 storey height range was intended to be investigated.

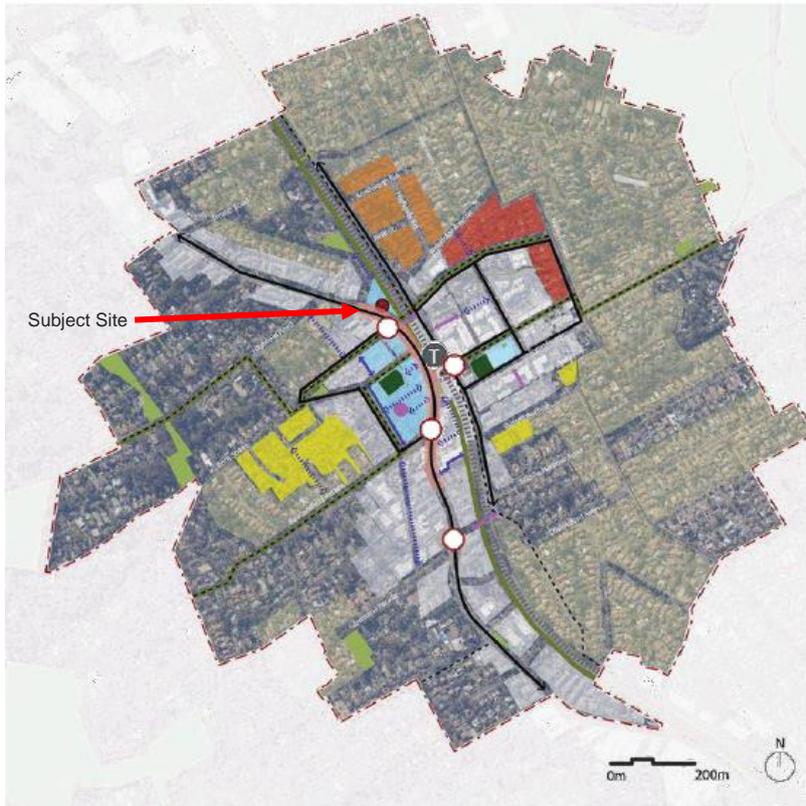


Figure 1-11 Lindfield Local Centre Delivery Plan  
 Note: The Delivery Plan identifies investigation areas only, further detailed analysis is required.

Figure 67: Figure 1-11 within the May 2020 Draft Local Housing Strategy for Lindfield Local Centre developed by Ku-ring-gai Council. The subject site (indicated) was identified as a landmark building within the Lindfield Local Centre, as well as a site for future investigation for potential mixed use development (accommodating 10-15 storeys). This LHS was later superseded in December 2020. Source: Ku-ring-gai Council, Draft Local Housing Strategy, May 2020, extracted from Ku-ring-gai Council, Ordinary Meeting of Council minutes from 28 July 2020, available from: [https://eservices.kmc.nsw.gov.au/Infocouncil.Web/Open/2020/07/OMC\\_28072020\\_AGN\\_AT.htm#PDF2\\_ReportName\\_12394](https://eservices.kmc.nsw.gov.au/Infocouncil.Web/Open/2020/07/OMC_28072020_AGN_AT.htm#PDF2_ReportName_12394).

This Draft Local Housing Strategy was initially endorsed by Council, however this was later revoked following exhibition. A new Local Housing Strategy - *Ku-ring-gai Housing Strategy to 2036* - was adopted in December 2020. A Letter of Approval for the December 2020 LHS was issued by the Department of Planning and Environment in July 2021, however Ku-ring-gai Council rejected the conditions of this Letter of Approval. Nonetheless the LHS from December 2020 is in force, replacing the May 2020 LHS.

The currently in force *Ku-ring-gai Housing Strategy to 2036* (December 2020) identifies the subject site as undeveloped land - Mixed Use (B2 zoned) which, under the current planning controls for the site, would have an estimated moderate level of residential take up (50%). This planning proposal seeks to amend these current controls to enable higher levels of residential take up through the establishment of a greater building height and floor space ratio.

Estimated Future Take-up Within Existing Medium and High Density Residential Zones and Mixed Use Zones - Lindfield Local Centre

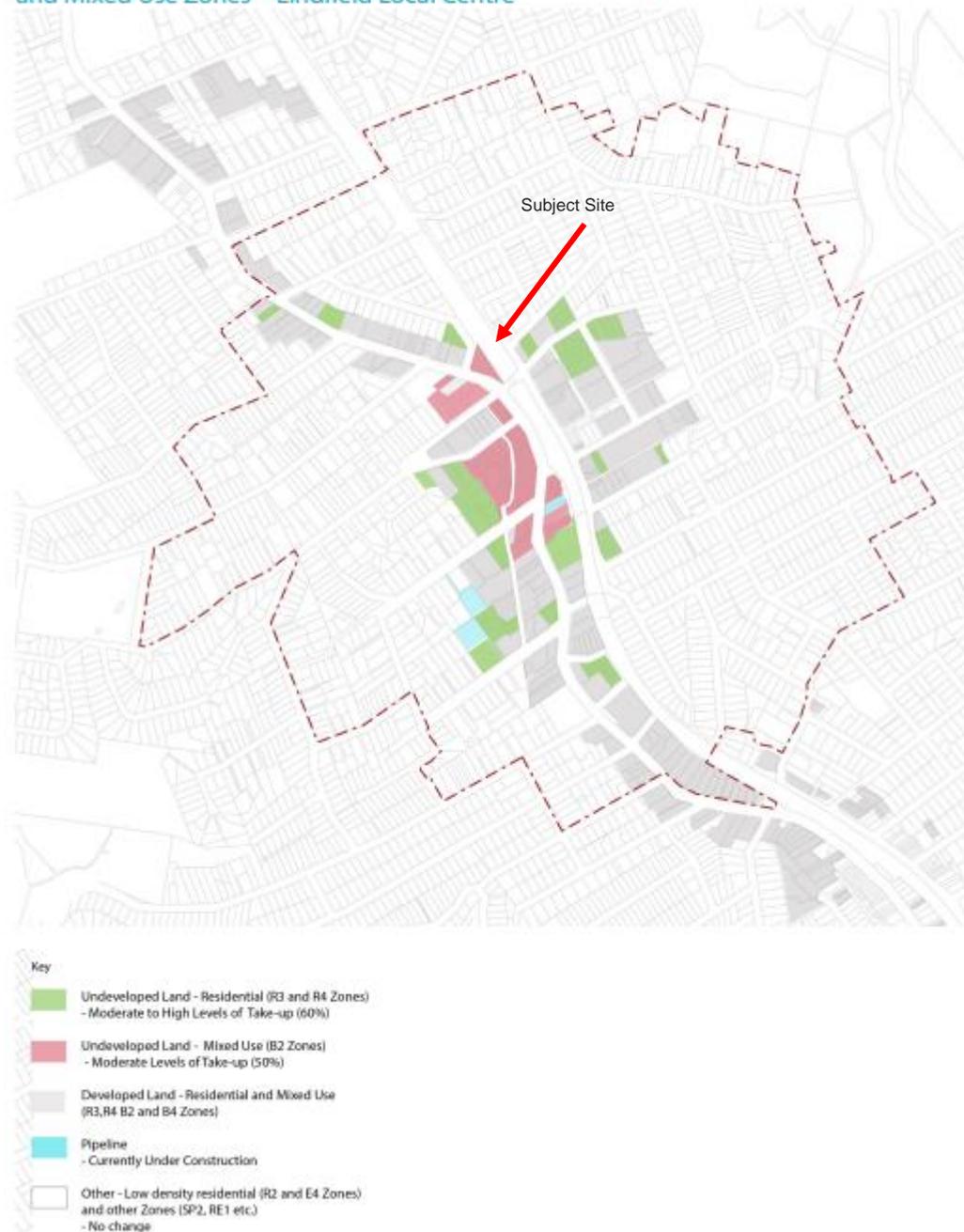


Figure 68: Figure within the Ku-ring-gai Local Housing Strategy to 2036 (December 2020), identifying the site as having moderate potential for residential take ups (50%) under the current planning controls. This planning proposal seeks to amend these controls to enable greater residential take up. Source: Ku-ring-gai Council, Ku-ring-gai Housing Strategy to 2036, December 2020, available from: [https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub\\_pdf/Ku-ring-gai.PDF](https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Ku-ring-gai.PDF).

As per the Letter of Approval by the Department of Planning and Environment (July 2021):

2. Consistent with Priority K3 of the Ku-Ring-Gai Local Strategic Planning Statement (LSPS), Council is to commence a masterplan, or accommodate proponent-led planning proposal(s) with good planning outcomes, for Gordon, Lindfield and/or Turramurra local centres. Planning proposal(s) for these centres are to be submitted to the Department for Gateway determination by December 2022. Where this work is not pursued by Council the Department welcomes good place-based approaches by landowner/developers. This approach is consistent with the priorities

and actions of Council's LSPS. These planning proposals are considered necessary to support the supply and delivery of housing over the medium term and present opportunities for new housing typologies (including affordable housing) suited to the future and changing needs of the community.

No master plan for any of the local centres was submitted by Ku-ring-gai by December 2022, thus this planning proposal is submitted in the context of a landowner-led approach.

### 5.3. Conservation Management Strategy - 386-390 Pacific Highway (former Churchers Restaurant)

The Commercial Building heritage item (I48) opposite the subject site is subject to a Conservation Management Strategy (CMS) that identifies different conservation policies to protect the building and its heritage significance.

The following conservation policies for the Commercial Building (also known as the former Churchers Restaurant) that are relevant to the planning proposal are addressed below.

CMS - 388-390 Pacific Hwy, Lindfield	This proposal relates to these matters as follows:
<p>Policy 37 - Development of the site and surrounding areas shall give consideration to significant views, as identified in Section 3.2.2 [these important views are extracted above at Section 4.4]. Any new works shall take into consideration the scale, form, colour, texture and materials of the site and its surrounding context.</p>	<ul style="list-style-type: none"> <li>▪ The planning proposal to amend the building at 345 Pacific Highway will be sympathetic to the heritage values of the former Churchers Restaurant. The important views of the site from the Pacific Highway will not be impacted as the potential 15 storey tower is set to be developed behind / out of sight of these significant views.</li> <li>▪ The preliminary massing of the proposed 15 storey tower has taken into consideration the scale of the former Churchers Restaurant by implementing a podium and tower design.</li> <li>▪ It is anticipated that more detailed plans for the potential 15 storey tower will be developed at a later stage following the outcome of the planning proposal. This more detailed urban design will need to take into consideration the heritage item's colour, texture etc. in its future design.</li> </ul>
<p>Policy 38 - Development of the site and surrounding areas shall give consideration to the curtilage of Churchers Restaurant.</p>	<ul style="list-style-type: none"> <li>▪ The planning proposal does not seek to amend the curtilage of the heritage item as it is located on the opposite side of the Pacific Highway.</li> </ul>
<p>Policy 39 - The views to and from the primary façade from the Pacific Highway shall be maintained, uninterrupted by other development, and enhanced when the opportunity arises.</p>	<ul style="list-style-type: none"> <li>▪ The planning proposal to amend the building height and floor space ratio of the subject site to accommodate a 15 storey tower will not interrupt or obscure any of the important views of the site from the Pacific Highway.</li> </ul>

### 5.4. State of NSW and Department of Planning and Environment Guidelines

The following questions have been extracted from the State of NSW and Department of Planning and Environment publication, *Guidelines for preparing a statement of heritage impact, 2023*. Responses have been provided in relation to the proposed development.

Questions to be answered	This proposal relates to these matters as follows:
<p>Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?</p>	<ul style="list-style-type: none"> <li>Not applicable as there are no proposed alterations or additions to the heritage item in proximity (former Churchers Restaurant).</li> </ul>
<p>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacted be avoided and/or mitigated?</p>	<ul style="list-style-type: none"> <li>The planning proposal to allow for the potential 15 storey tower development may have some visual impacts to the setting of the nearby heritage item I48, however this will not reduce any important views to and from the item. It is noted that the new Coles Lindfield development adjacent to the heritage item and currently under construction will feature a 6-7 storey height, and this will change the suture setting of the heritage item and the subject site to a much higher scale. As a result, the subject site's redevelopment into a 15 storey tower would have a lesser impact on the setting in the future than that which currently exists.</li> </ul>
<p>Are the proposed works part of a border scope of works?          Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</p>	<ul style="list-style-type: none"> <li>The planning proposal seeks to enable the future redevelopment of the site into a landmark 15 storey mixed use tower. As ascertained before, this would have a minor visual impact to the setting of the heritage item I48, however it will not great or adversely impact the heritage significance of this heritage item, nor will it impact any important and significant views of the former Churchers Restaurant.</li> </ul>
<p>Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?          Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?</p>	<ul style="list-style-type: none"> <li>Works are not proposed to the heritage item I48 - Commercial Building. Additionally, there are no known cultural heritage values associated with this heritage item.</li> </ul>
<p>Do the proposed works trigger a change of use classification under the National construction code that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?</p>	<ul style="list-style-type: none"> <li>Not applicable - this planning proposal only seeks to alter the building height and floor space ratio controls applicable under the <i>Kuring-gai LEP 2015</i>.</li> </ul>
<p>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</p>	<ul style="list-style-type: none"> <li>Not applicable - planning proposal proposes no works to the nearby heritage item, only the potential redevelopment of the subject site.</li> </ul>
<p>Will the proposed works result in adverse heritage impacts? If so, how will this be avoided, minimised or mitigated?</p>	<ul style="list-style-type: none"> <li>There will be no adverse impacts to the nearby heritage item I48 in the planning proposal for the subject site.; there will only be some minor visual impacts.</li> </ul>

## 6. CONCLUSION AND RECOMMENDATIONS

In conclusion, it is considered by City Plan Heritage that the planning proposal to amend the current planning framework for the site would not be detrimental from a heritage perspective.

The subject site at 345 Pacific Highway, Lindfield is not identified as a heritage item, not within a heritage conservation area under Schedule 5 of the *Ku-ring-gai LEP 2015*, and has been assessed in the SOHI as having no heritage value. The subject site is however in close proximity to the heritage item 'Commercial Building' (also known as former Churchers Restaurant) (Item I48), located opposite the subject site. The subject site is also in the distant proximity to the Lindfield Railway Station Group (I1109), Wolseley Road HCA (C28) and Balfour Street / Highfield Road HCA (C29), all identified as having local heritage significance on the *Ku-ring-gai LEP 2015*. As such, this SOHI has assessed the proposal against the potential impacts this proposal would have on the heritage items in the vicinity of the subject site.

The potential redevelopment of the subject site into a landmark site 15-storey mixed use development would not have a discernible impact on the heritage significance of the nearby heritage items and HCAs. The potential 15 storey tower would be visible in the background of some heritage sites, however this would not have a strong impact on these site's heritage significance. No important view corridors of the surrounding heritage items will be impacted by the potential redevelopment. Only the Commercial Building heritage item would be impacted by the proposed solar impact analysis, however this would only be for a short time during the morning and thus its significant fabric should not be damaged or dampened. Lindfield's changing character, particularly in the Lindfield Local Centre towards higher density mixed use development, means that the subject site's potential 15 storey development would not be as overwhelming.

It is recommended that a built heritage specialist is engaged in the future design of the subject site to ensure the design is sympathetic to the values of surrounding heritage items and heritage conservation areas.

CITY PLAN HERITAGE

OCTOBER 2023

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