

STATEMENT OF HERITAGE IMPACT



Development Application

Nos 5-7 Middle Harbour Road, Lindfield

April 2025 | J7202_01

**Weir
Phillips**
Heritage

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Report Details	
Statement of heritage impact for:	Demolition of existing dwellings, construction of a seven storey residential flat building with lower ground level, two levels of basement parking and associated landscaping and infrastructure at Nos 5-7 Middle Harbour Road, NSW.
Prepared for:	Castle 38 Pty Ltd CAN 622 160 196

We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and emerging and all aboriginal people.

Cover photo: The proposed new residential flat building at Nos 5-7 Middle Harbour Road, Lindfield, 2025.

Cortese.

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1 INTRODUCTION

1.1 Preamble

This Statement of Heritage Impact (SoHI) has been prepared in conjunction with a Development Application (DA) for the demolition of existing dwellings, construction of a seven storey residential flat building with lower ground level, two levels of basement parking and associated landscaping and infrastructure at Nos 5-7 Middle Harbour Road, New South Wales.

The site is located within the Municipality of Ku-ring-gai. The principal planning instrument for the site is the *Ku-ring-gai Local Environmental Plan 2015 (LEP 2015)*. No part of the site is listed as a heritage item or located within a Conservation Area listed by Schedule 5 Parts 1 and 2 of the *LEP 2015*. The site, however, adjoins a heritage item, No. 9 Middle Harbour Road, listed by Schedule 5 Part 1 of the *LEP 2015*. Given the massing and scale of the proposed new building it has the potential to be visible within the wider setting of several heritage items and conservation areas listed by Schedule 5 Parts 1 and 2 of the *LEP 2015*. Under Part 5.10 of the *LEP 2025*:

(4) Effect of proposed development on heritage significance

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 prepared under subclause (5), or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

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

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document in this instance is a SoHI.

This statement has been prepared at the request of Castle 38 Pty Ltd CAN 622 160 196 and accompanies plans prepared by Cortese & Associates (architectural) and Conzept Landscape Architects and documentation prepared by others.

1.2 Methodology

Site visits were undertaken in March 2025. Unless otherwise specified, all the photographs in this statement were taken on these occasions.

This SoHI has been prepared with an understanding of the requirements of SoHI set out by the Heritage NSW publication *Guidelines for preparing statements of heritage impact* (2023 update) and with an understanding of the objectives and controls of the planning instruments listed under Section 7 below.

1.3 Limitations

Given that neither No. 5 nor No. 7 Middle Harbour Road are subject to a statutory heritage listing, assessments of significance for the properties comprising the site did not form part of the brief for this statement.

An archaeological assessment did not form part of the brief for this statement.

No. 5 Middle Harbour Road was not accessed.

Access to the rear yard of No. 7 Middle Harbour Road was provided.

The adjoining heritage item, No. 9 Middle Harbour Road, was viewed from No. 7 Middle Harbour Road and the public domain only. Photographs from within No. 9 Middle Harbour Road were provided by Clayton Woods of ESEA.

Community consultation has not been undertaken as part of this assessment.

1.4 Site Location

Nos 7-9 Middle Harbour Road, 'the site,' is located on the south eastern side of Middle Harbour Road towards its south western most end. The site is outlined in red in Figure 1. The site is identified as Lot 4 (No. 5 Middle Harbour Road) and Lot 5 (No. 7 Middle Harbour Road) D.P.4655.

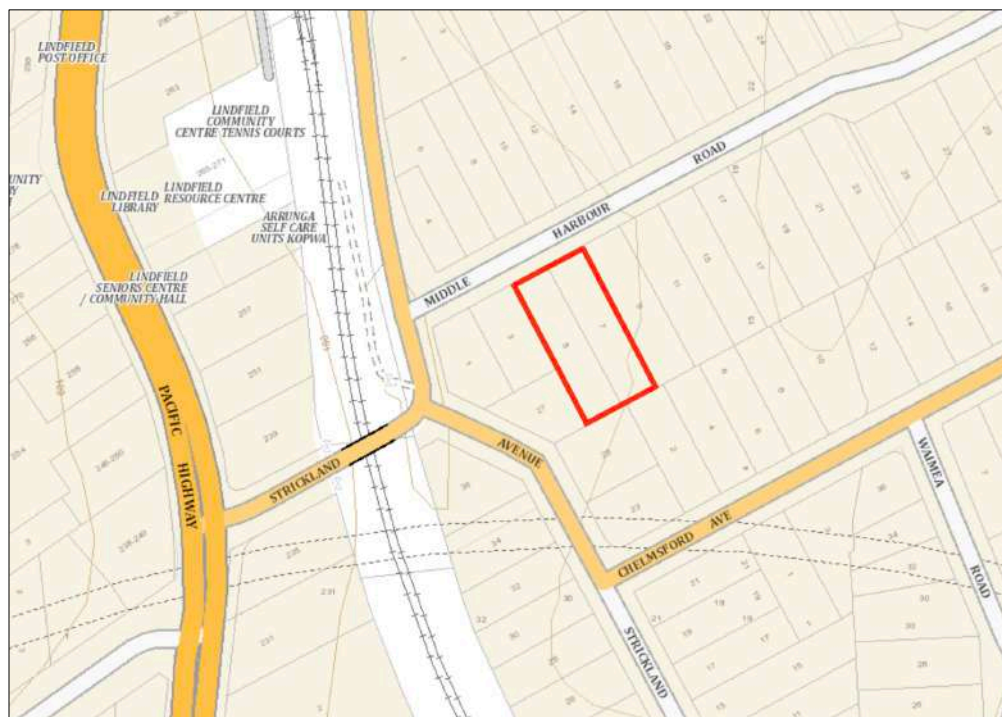


Figure 1: Site Location.

SIX Maps; annotation in red by WP Heritage.

2 THE SITE OF THE PROPOSED WORKS

This section briefly describes the site. For the following, refer to Figure 2, an aerial photograph over the site, which is outlined in solid yellow. This image also identifies the heritage item at No. 9 Middle Harbour Road, identified by the dotted yellow line.



Figure 2: Aerial photograph over the site (solid lines) and the adjacent heritage item (dashed lines). The numbers are the street numbers.

SIX Maps; annotations by WP Heritage.

The site comprises two lots with a combined north western boundary to Middle Harbour Road and a rear, south eastern, boundary of 36.58m and a depth of 71.045m (by survey). The site area is 2,600sqm. The site falls approximately 4.85m from the north western corner to the south eastern corner.

The two lots comprising the site are roughly equal in size.

No. 5 Middle Harbour Road was viewed from the public domain only. There is a fence comprising stone pillars with timber picket infill across the front boundary. The dwelling on the site is set back from the street in line with its neighbours, providing for a small front lawn, which slopes in line with the street to the north east. There are three Broadleaf Paper Bark trees and a White Cedar Tree in the front setback of this property. The dwelling lies closer to its south western than north eastern boundary, providing for a concrete driveway on the north eastern side of the site. This driveway provides access to parking beneath the dwelling on the north eastern side. There is a raised planter bed along the north eastern boundary of the site that rises in height with the fall of the land. There are timber paling fences along the

side boundaries. Aerial photographs (Figure 2) reveals that there is an inground swimming pool within the large rear yard on the north eastern side and lawn with garden beds to the south west. There are several trees within the rear yard- two Lemon-scent Gum trees, a Peacan tree, Leighton Green Cypress, several Lillypillies, two Weeping Lillypillies, a Jacaradah and a Chinese Tallow.

The dwelling at No. 5 Middle Harbour Road is a free standing single storey (to the street) Federation period dwelling constructed of brick on a stone base that has been altered and extended. The once face brickwork has been painted. The roof is hipped and gabled and clad in terracotta tile.

No. 7 Middle Harbour Road has a timber picket fence across the front boundary . The dwelling on the site is set back from the street in line with its neighbours, providing for a small front lawn, which slopes in line with the street to the north east. A paved driveway runs into the site on the north eastern side, providing access to an attached double carport to the rear of the dwelling. There is a narrow garden bed along the north eastern boundary, adjacent to the heritage item at No. 9 Middle Harbour Road. There is metal and wire fence along this boundary. There are two Jacarandas set in the north eastern corner of this garden bed, and an immature hedge in the section forward of the garage. The Jacarandas are the only mature trees in the front setback of this property. There is a solid timber fence north eastern boundary within the rear yard.

The large rear yard includes an inground swimming pool on the north eastern side, lawn on the western side and garden beds, with hedging and other planting along the south eastern and south western boundaries. There are several trees within the rear yard- a Scribbly Gum, a Brush Box, a Cook Pine and a Liquidambar.

The dwelling on the site is a free standing single storey (to the street) Federation period dwelling constructed of face brick on stone with a hipped and gabled roof clad in slate. There is a large two storey addition to the rear.

Figures 3 to 14 illustrate the site, noting that No. 5 Middle Harbour Road was viewed from the public domain only. The focus is on No. 7 Middle Harbour, given that this part of the site lies adjacent to the heritage item. Several of the photographs below also illustrate the relationship of this item to the subject site. This is further considered in Section 4 below.



Figure 3:
No. 5 Middle Harbour
Road from Middle
Harbour Road.



Figure 4:
The paper bark trees in the front yard of No. 5 Middle Harbour Road.



Figure 5:
Stone and picket fence across the front boundary of No. 5 Middle Harbour Road and the timber fence across the front of No. 7 Middle Harbour Road. The corner of the heritage listed dwelling at No. 9 Middle Harbour Road is just visible.



Figure 6:
No. 7 Middle Harbour Road



Figure 7:
The fence along the common boundary between No. 7 Middle Harbour Road and the heritage item at No. 9 Middle Harbour Road. There is a sparse and immature hedge along this side of the boundary fence and two jacarandas.



Figure 8:
Continuing along the common boundary between No. 7 Middle Harbour Road and No. 9 Middle Harbour Road.



Figure 9:
Continuing along the common boundary between No. 7 Middle Harbour Road and No. 9 Middle Harbour Road.



Figure 10:
Rear of the dwelling at No. 7 Middle Harbour Road. The ridge and chimney of the heritage item, No. 9 Middle Harbour Road, is just visible above the carport roof. The tree is a scribbly gum.



Figure 11:
The swimming pool in the rear yard of No. 7 Burgoyne Street with the rear addition of the heritage item at No. 9 Burgoyne Street visible beyond the carport roof.



Figure 12:
Showing the rear
section of the north
eastern fence
between Nos. 5 and 7
Middle Harbour Road.



Figure 13:
Looking south east
within the rear yard
of No. 7 Middle
Harbour road.



Figure 14:
South western
boundary within the
rear yard of No. 7
Burgoyne Road.

3 THE SURROUNDING AREA

3.1 Existing Setting

This section describes the existing setting of the subject site, which is also the setting of the heritage items and conservation areas identified in Section 4 below.

For the following, refer to Figure 15, an aerial photograph over the site and the surrounding area. The arrow points to the site.

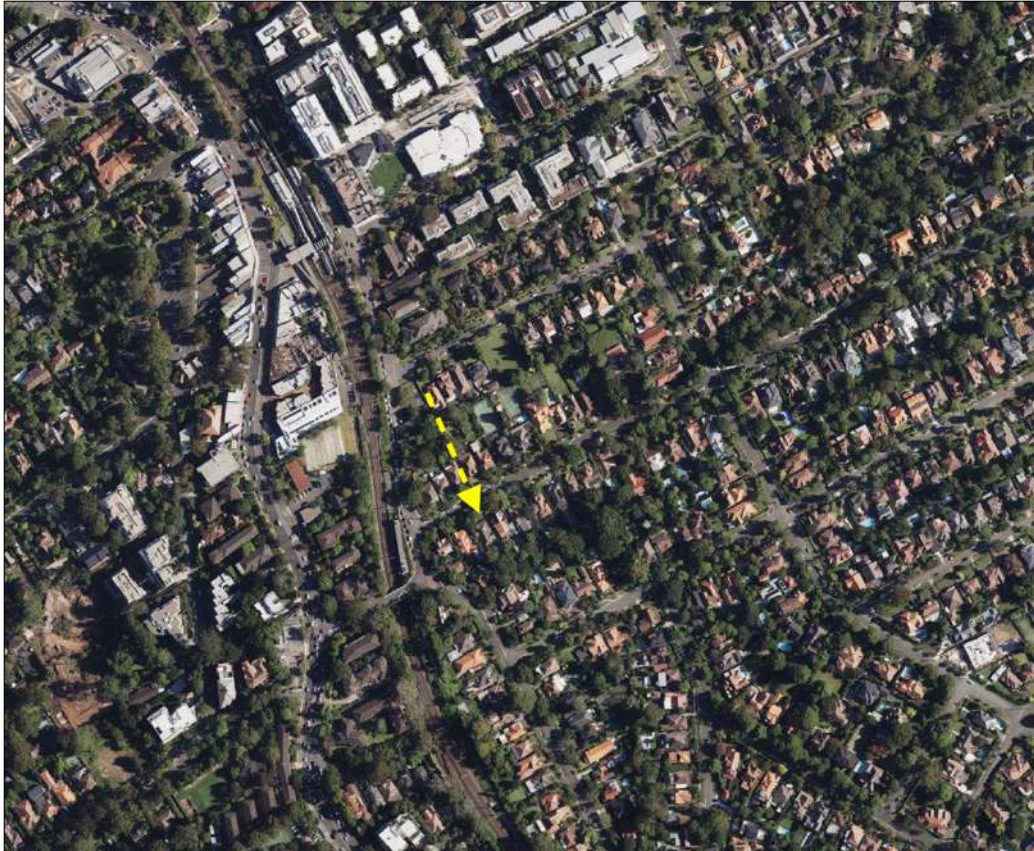


Figure 15: Aerial photograph over the site and the surrounding area. The arrow points to the site.

SIX Maps; annotation by WP Heritage.

The site is located within a predominately residential setting comprising free standing dwellings set within garden surrounds. These dwellings date from the Federation period onwards but are predominately Pre-World War II. There are more recent two-three storey residential developments in Russell Avenue to the north west and six storey plus mixed use buildings north west of Russell Avenue and within the Lindfield Town Centre. There are several areas where there are single or two storey buildings adjoining developments of a larger scale.

Middle Harbour Road falls steadily to the north east from its junction with Lindfield Avenue. The subject site lies within the south western most end of the road. This part of the road is wide, with concrete kerb and guttering, wide nature strips and concrete footpaths to either side. The nature strips rise gently from the road. There is mixed street planting to either side, including Jacarandas and Brush Box directly outside of the subject site.

The dwellings within this part of Middle Harbour Road are free standing and one and two storeys in height. They predominately date from the Federation and Interwar periods and

are of brick (face or painted) or rendered masonry construction, with hipped and gabled roofs clad in tile or slate. Most have undergone some form of alteration and many have later additions. Front setbacks vary; most are set closer to one side boundary than the other to provide for driveways. Most sites are well vegetated. Front fence types vary and include rendered masonry, metal and timber picket fencing and low brick walls.

The immediately adjoining property to the north east of the subject site is No. 9 Middle Harbour Road. This property is listed as a heritage item by Schedule 5 Part 1 of *LEP 2015* and is described in Section 4 below. Continuing north east, No. 11 Middle Harbour Road is a single storey (to the street) face brick Federation period dwelling with a hipped and gabled tiled roof set behind a modern brick and timber fence. It has a double carport set forward of the front building line. Nos. 13 and 15 Middle Harbour Road are altered and extended late Federation/early Interwar period dwellings.

The immediately adjoining property to the southwest of the subject site is No. 3 Middle Harbour Road, a single storey (to the street) Federation period dwelling with a two storey addition to the rear. It has face brick walls and a hipped and gabled roof clad in terracotta tile. It is set away from its common boundary with the subject site to provide for a twin strip driveway. There is a picket fence across the front boundary and screening planting. Continuing south west, No. 1 Middle Harbour Road, on the corner with Lindfield Avenue, is a two storey Late Federation/early Interwar period dwelling with rendered and painted walls and a prominent pitched terracotta tiled roof. A hedge partially screens it from Lindfield Avenue.

The south western boundary of the subject site also adjoins the rear boundary of No. 23 Strickland Avenue. The dwelling on this site is a single storey Interwar period bungalow with rendered masonry walls and pitched terracotta tiled roof. It lies close to its common boundary with the site. The front elevation addresses Strickland Avenue.

To the south east (rear) of the site lies No. 25 Strickland Avenue. The dwelling on this site is a much altered one and two storey, originally Federation period, dwelling with rendered walls and a pitched roof clad in terracotta tile. The front elevation addresses Strickland Avenue.

Figures 16 to 25 illustrate the existing setting of the site. Refer to Section 4 below for photographs of the heritage item, No. 9 Middle Harbour Road.



Figure 16:
Looking north east
down Middle Point
Road from Lindfield
Avenue showing
the tree lined
streetscape.



Figure 17:
Brush box and
jacaranda
street trees
outside of the
subject site.



Figure 18:
Nos 11 and 13
Middle
Harbour Road
to the north
east of the
heritage item at
No. 9 Middle
Harbour Road
and the site.



Figure 19:
Continuing
north east
along Middle
Harbour Road
from Figure 17.



Figure 20:
No. 3 Middle
Harbour Road
to the south
west the site.



Figure 21:
No. 1 Middle
Harbour Road
from Lindfield
Avenue (orange
arrow). This
photograph
also shows an
angled view
towards the
site (red arrow)
from Lindfield
Avenue. The
heritage item at
No. 9 Middle
Harbour Road
is concealed.



Figure 22:
Middle
Harbour Road
opposite the
site.



Figure 23:
Middle
Harbour Road
opposite the
site.



Figure 24:
No. 27
Strickland
Avenue
adjoining the
south western
boundary of the
site as seen
from Strickland
Avenue.



Figure 25:
No. 25 Strickland
Avenue to the south
east of the site from
Strickland Avenue.

3.2 The Changing Setting

The character of the area in which the site lies is likely to undergo significant changes in the coming years. The *State Environmental Planning Policy (Housing) Amendment (Transport Orientated Development) 2024* (hereafter *TOD SEPP*) came into effect on 13 May, 2024. The *TOD SEPP* permits development of greater height and density within 400m of Lindfield Station than envisaged under the *LEP 2015* controls.

Figure 26 reproduces a detail from the NSW Planning Portal plan. This plan shows the sites in the vicinity of Lindfield Station to which the *TOD SEPP* applies (hatched in blue). The subject site, outlined in black, and the adjoining lots are among these sites. Under the *TOD SEPP*, the 9.5m height limit for the site under the *LEP 2015* is replaced with a height limit of 6 storeys and the FSR is increased from 0.3:1 to 2.5:1.

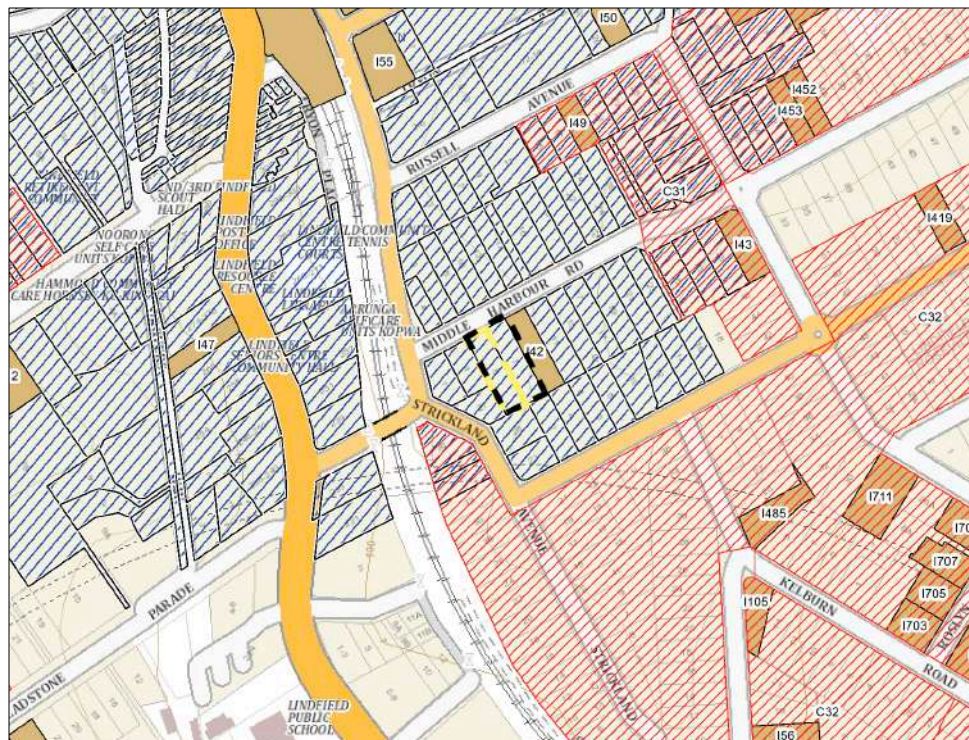




Figure 27: Potential future context under the *TOD SEPP* provisions. The subject site is outlined in red.

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4 HERITAGE ITEMS AND CONSERVATION AREAS IN THE VICINITY OF THE SITE

4.1 Identifying the Heritage Items in the Vicinity of the Site

For the following, refer to Figure 28, which provides a detail of a plan showing heritage items in the vicinity of Lindfield Station. In this plan, heritage items are coloured brown (Schedule 5 Part 1 *LEP 2015*) or blue (State Heritage Register under the *Heritage Act 1977*) and numbered and Conservation Areas are hatched red and numbered (Schedule 5 Part 2 *LEP 2015*). The numbers relate to the listing number provided by Schedule 5 Parts 1 and 2 of the *LEP 2015*. The subject site is outlined in black and coloured blue.

There is no statutory definition for ‘in the vicinity’ regarding heritage items. For the following, ‘in the vicinity’ has been determined with reference to physical separation, existing and potential view corridors and the nature of the proposed new works.

Given the nature of the proposed works, it is acknowledged that the proposed buildings may be distantly visible from additional items not identified by Table 1 below, that are further removed from the site. These distant views are mitigated by distance, the existing tree canopy and, in some instances, by topography.

<i>Listing Type</i>	<i>Item Name and Address</i>	<i>Listing Number</i>	<i>Distance from Site</i>
Located within the vicinity of local heritage items listed by Schedule 5 Part 1 of the <i>Ku-ring-gai LEP 2015</i>	<i>'Laurabada,' dwelling house, No. 9 Middle Harbour Road</i>	I142	0m
	<i>Dwelling house, No. 24 Middle Harbour Road</i>	I452	123m
	<i>Dwelling house, No. 31 Middle Harbour Road</i>	I43	212m
	<i>Dwelling house, No. 32A Middle Harbour Road</i>	I453	270m
	<i>Dwelling house, No. 19 Russell Avenue</i>	I49	165m
	<i>Dwelling house, No. 22 Russell Avenue</i>	I50	108m
	<i>St. Alban's Anglican Church, Nos 1-5 Tryon Road</i>	I55	213m
	<i>Commercial block, Nos 1-21 Lindfield Avenue</i>	I41	285m
	<i>Lindfield Railway Station Group, Lindfield Avenue</i>	I1109	275m
	<i>Dwelling house, No. 23 Waimea Road</i>	I485	200m
	<i>'Doralyn,' dwelling house, No. 16 Kelburn Road, Roseville</i>	I105	230m
	<i>Dwelling house, No. 26 Trafalgar Avenue, Killara</i>	I711	287m
Located within the vicinity of conservation areas identified by Schedule 5 Part 2 of <i>Ku ring gai LEP 2015</i> .	<i>Trafalgar Avenue Conservation Area</i>	C31	128m
	<i>Clanville Conservation Area</i>	C32	33m
	<i>Middle Harbour Road, Lindfield Conservation Area</i>	C42	250m

Table 1: Table identifying heritage items in the vicinity of the site.

The item that adjoins the subject site to the north east, No. 9 Middle Harbour Road, is considered in greater detail in Section 4.2 below.

The Clanville Conservation Area that lies 33m removed from the site is considered in greater detail in Section 4.3 below.

The other items and conservation areas identified in Table 2 above are further removed from the site. They are identified because the proposed building may be visible within their general setting but are not considered in detail in this section because of the distance that

separates them from the site. Section 4.4 below illustrates typical views that include several of these heritage items/conservation areas and the skyline above the existing dwellings on the subject site.

4.2 *'Laurabada,' dwelling house, No. 9 Middle Harbour Road*

This item adjoins the subject site to the north east.

4.2.1 Brief History

The following is based on the information provided by the State Heritage Inventory (SHI) listing sheet for the site, which is supplemented by additional information from other sources as foot noted.¹

Ku ring gai lies in the land of the Darruragal people.

No. 9 Middle Harbour Road lies on part of a 400 acre grant made to free settler Daniel Dering Mathew on 15 July, 1819. The grant was the first formalised grant north of the Lane Cove River. Mathew occupied and developed his land before selling it to emancipist Richard Archbold in 1824, who was granted a further 600 acres adjoining Mathews grant the following year. Archbold, who called the land *Clanville*, also occupied the land, where he developed a fine orchard and a school. Archbold died in 1836. When his widow, Mary, died in 1850 the estate was divided into eight allotments for each of their children, with each lot being approximately 50 acres in size. The subject site is located on Lot 7 of the Clanville Estate, which ran from Lane Cove Road (Pacific Highway) west to Government Road (now Archbold Road).

On 11 April, 1889, the Anglo Australian Investment Finance and Land Company purchased Lot 7 of the Clanville Estate. The following year, the first section of the North Shore Railway Line opened. The railway (and suburb) were named for a cottage built by Francis List in the area in 1884.

A large portion of Lot 7 was subdivided and offered for sale as the Lindfield Grove Estate. Refer to Figure 29. The estate comprised 78 lots on either side of Middle Harbour Road and Trafalgar Avenue. The first lots were offered for sale in 1906, at which time it was advertised as being 'just far enough' and 'just high enough.'² The 'just far enough' refers to it being 'practically in the country,' whilst being 'only seven miles from Sydney'.³ The suburbs of the Upper North Shore was often cited as being healthy because of its height above sea level. The Estate also benefited from the 'good local shops' and 'frequent deliveries from Sydney.'⁴

¹ *Laurabada,' dwelling house*, No. 9 Middle Harbour Road, Lindfield. State Heritage Inventory, Heritage Item ID: 1882381.

² 'Advertising ('Plans Ready Next Week),' *The Daily Telegraph*, 3 February, 1906, p.3.

³ 'Forthcoming Sales,' *The Sydney Morning Herald*, 3 March, 1906, p.15.

⁴ 'Forthcoming Sales,' *The Sydney Morning Herald*, 3 March, 1906, p.15.



Figure 29: Lindfield Grove Estate near Lindfield Station..., 3 March 1906 at 3.30pm. No. 9 Middle Head Road stands on Lot 6 of this subdivision.

National Library of Australia.

Sales at the first auction of lots in March 1906 were reported as being 'brisk,' with 42 allotments being sold for £3,870.⁵ The first advertisements for the construction of dwellings in Middle Harbour Road, Lindfield date from soon after.

No. 9 Middle Harbour Road stands on Lot 6 of the Lindfield Grove subdivision, which was transferred to Edward William Briscoe, a Methodist minister of Bega, on 9 July, 1906.⁶ The land was sold with a covenant in place that specified that the front part of any building erected on the land be constructed of brick or stone with a slate or tiled roof. A minimal amount of £350 was to be expended on it.⁷ The land was mortgaged several times until it passed by transmission to his widow, Emma Briscoe of Mosman, in 1911, who sold it soon after to Edward Francis Lambert Brown, a sales manager from Lindfield (1 December, 1911).⁸ Brown retained ownership for nine years, before selling it to Violet Lizzie Thompson, wife of Frank Hebert Thompson, of Sydney, secretary, on 31 December, 1920.⁹

The SHI listing sheet for the item dates the existing dwelling on the site to around this time, citing the listing of F.H Thompson in *John Sands' Sydney Directories* in 1922. The property is, however, listed prior to this year by Directory. The first apparent listing is for Francis W. McAlister in the Directory of 1916, when the property was listed as *Retsila*. This provides a construction date of c.1915 or the immediately preceding years, which is consistent with the architectural style of the dwelling. It was one of ten properties listed on the southern side of Middle Harbour Road between the railway and Trafalgar Street in this year.

⁵ 'Yesterday's Land Sales,' *Sunday Times*, 4 March, 1906, p.2.

⁶ Transfer cited Certificate of Title Volume 920 Folio 132. NSW LPI.

⁷ Transfer cited *Ibid*.

⁸ Transfer cited *Ibid*.

⁹ Transfer cited *Ibid* and Certificate of Title Volume 3365 Volume 91. NSW LPI.

What is now No. 9 Middle Harbour Road was transferred to John Edward Phillips of Lindfield, clerk, on 2 September, 1922, who is first listed on the site in *Sands' Directories* in 1924, at which time the property was known as *Kalimna*. Twenty years later, the property passed by transmission to Jessie Morrison Phillips, widow, registered October 1944, who was resident at her death in March 1949.¹⁰ When the property first became known as *Laurabada* is not known.

Figure 30 provides an aerial photograph over the site dated 1943, during the Thompson's period of ownership, which may be the original footprint of the dwelling. The dwelling has been extended and altered since this photograph was taken. The Brush Box street trees outside the site are clearly visible, indicating that they were likely planted in the Interwar period. Most of the trees within the site were planted well after this time.



Figure 30: Aerial photograph over No. 9 Middle Harbour Road in 1943.

SIX Maps.

Ownership passed by transmission to Ethel May Magee, a spinster of Lindfield, in 1949, who sold it six years later, on 4 July, 1955, to Samuel Paddle, an advertising manager from Lindfield. The property was transferred to Fred Theophilus Sherborne, a naval officer of Lindfield, on 29 July, 1963, who was the last registered owner prior to the computerization of the land title.¹¹ A substantial addition was constructed to the rear of the dwelling in the 1980s.¹² When the property acquired its existing name is not known.

¹⁰ Transfer cited *Ibid*; 'Family Notices,' *The Sydney Morning Herald*, 5 March, 1949.

¹¹ Transfers cited *ibid*.

¹² With reference to aerial photographs.

The section of Lindfield around the Railway Station has changed significantly over the past twenty years as low density housing has been replaced with five storey (and higher) residential flat and mixed use buildings in streets to the north. No such buildings have yet been erected in Middle Harbour Road.

4.2.2 Description

The SHI listing sheet describes this heritage item as follows:

‘The property contains a single storey Federation period Bungalow constructed of painted brick with a hip roof clad in terracotta tile, dutch gable with timber vents at the apex and brick chimneys. The main roof has a broken pitch which extends over a verandah across the front of the house. The verandah roof is supported on timber posts with decorative timber screen/ frieze and balustrades. The verandah also features a central gable with shingle finish to the gable end. The verandah is accessed via a flight of rendered brick steps and a timber boarded floor. The front entrance door is framed by two other doorways each with a screen door. The east and western ends of the verandah have been enclosed by large multipaned windows. A small hexagonal shaped tower with pyramidal roof clad in shingles rises above the roof of the western end of the verandah. The eastern façade of the house features hooded window openings. A deck with timber balustrade extends from the south eastern corner of the house and is elevated over an open carport. The house is setback from the street frontage which features a timber post and picket fence on brick base and timber gate. Stone flagged path and garden edging extends across the front of the house and yard which also features open lawn and perimeter planting with ornamental trees and planting. A brick paved driveway extends parallel to the eastern site boundary to the carport. The rear yard also features a swimming pool.’¹³

This description remains accurate but makes no reference to the large addition that has been built to the rear.

Figures 31 to 35 illustrate the item. Refer to Figures 7-9 above for photographs of the western elevation from within the subject site.

¹³ ‘*Laurabada,*’ dwelling house, No. 9 Middle Harbour Road, Lindfield. State Heritage Inventory, Heritage Item ID: 1882381.



Figure 31:
No. 9 Lindfield
Avenue from
Lindfield Avenue.



Figure 32:
Driveway into No.
9 Lindfield Avenue
from Lindfield
Avenue from
Lindfield Avenue.



Figure 33:
North eastern
elevation of the
dwelling and the
driveway.
Clayton Woods of ESEA.



Figure 34:
Rear of the dwelling.
Clayton Woods of ESEA.



Figure 35:
Rear yard, looking south east. Note the well-established vegetation along the common boundary with the site (RHS of the image)
Clayton Woods of ESEA.

4.2.3 Setting and View Corridors

The setting of this item is as described in Section 3 above, noting also the likely changes in the near future that will occur under the *TOD SEPP*, regardless of which scenario put forward by Ku ring gai Council is adopted.

The principal view corridors towards this item from the public domain are obtained from directly outside of it on Middle Harbour Road. Refer to Figure 31 above.

The dwelling at No. 9 Middle Harbour Road is concealed on approach from the south west and north east until close by, by the close set side setbacks of adjoining dwellings and/or vegetation, including street trees. The view is slightly more open on approach from the north east because of the dwelling's set back from this boundary.

There are no significant view corridors into the rear of this property from the public domain.

The most significant view corridors out of this item are over Middle Harbour Road. The view is currently of a single storey dwellings in garden settings. The dwelling was not designed to

have significant view corridors over the subject site to the south west and none have developed over time that help to explain its significance.

It is noted that this item is visually and physically isolated from other heritage items and conservation areas. There are no statutory protections for other Pre-World War II buildings in this part of Middle Harbour Road.

Refer to Figures 36 to 40.



Figure 36:
View towards the heritage item, marked by the arrow, on approach up Middle Harbour Road from the north east. The side of the roof and chimney of the heritage listed dwelling are visible. The item is not prominent on approach in this direction.



Figure 37:
View towards the heritage item, marked by the arrow, on approach up Middle Harbour Road from the east and at a wider angle than Figure 36.



Figure 38:
View towards the heritage item, marked by the arrow, on approach from the north east and at an acute angle.



Figure 39:
View towards the heritage item, marked by the arrow, on approach from the south west. Little of the heritage listed dwelling is visible.



Figure 40:
View towards the heritage item, marked by the arrow, on approach from the south west at a more acute angle. Little of the heritage listed dwelling is visible.

As discussed above, significant changes are envisaged within the surrounding area. Figure 41 illustrates how the setting of this item may change under the *TOD SEPP*.

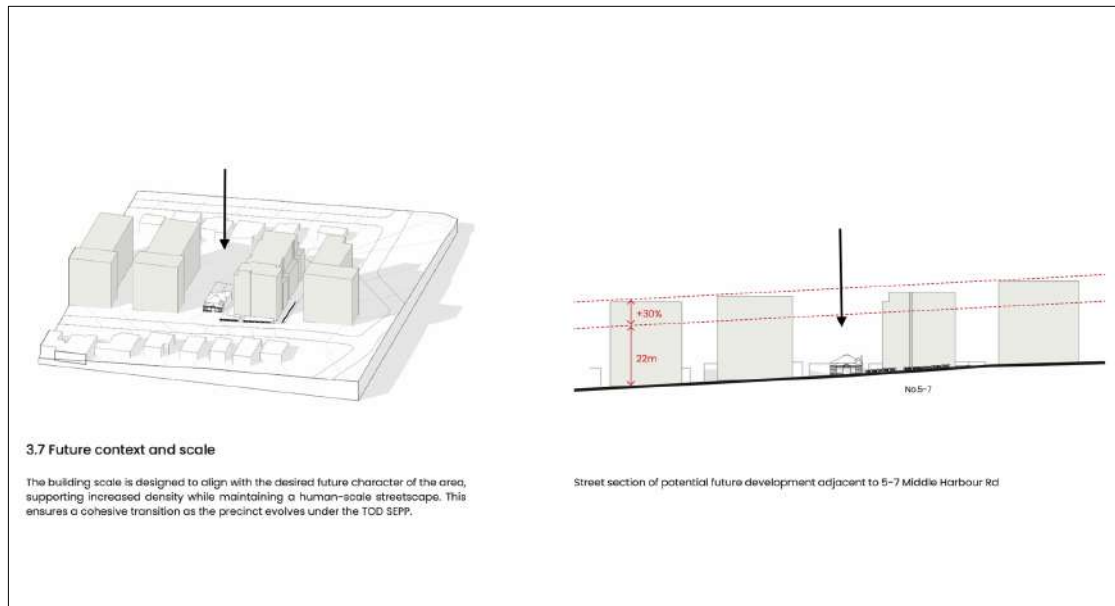


Figure 41: Proposed building envelopes and heights permitted under the *TOD SEPP* in the vicinity of No. 9 Middle Harbour Road, marked by the arrow.
Cortese; arrow added by WP Heritage and Planning.

4.2.4 Significance

The SHI listing sheet provides the following statement of significance for this item:

‘The property has significance as part of the early residential development of the suburb of Lindfield during the second decade of the twentieth century when the subdivision of the larger holdings was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally with its original Federation Bungalow stylistic detailing. The largely intact and mature gardens at the front of the house contribute to the streetscape character as a significant curtilage to this early twentieth century residence.

The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.’¹⁴

This statement is accepted in so far as the dwelling is identifiable as a Federation period dwelling. Whilst having a garden setting, which contributes to its presentation to the street, the front fence and much of the planting within the front setback appears relatively recent in date. The painting of the once face brickwork, the addition to the rear and the partial glazing of the verandah have all impacted upon integrity. The timber detailing to the verandah may also have been replaced over time. It is noted that, although a listed item, there are better preserved examples of Federation period dwellings listed as heritage items (and others not subject to any statutory) in Ku-ring-gai.

¹⁴ *Laurabada, dwelling house*, No. 9 Middle Harbour Road, Lindfield. State Heritage Inventory, Heritage Item ID: 1882381.

4.2.5 Curtilage

The *LEP 2015* listing is for a lot boundary curtilage. This is an appropriate curtilage given that view corridors on approach are restricted. This heritage item is isolated from other heritage items/conservation areas, visually and physically. None of the other pre-World War II dwellings in this part of Middle Harbour Road are heritage listed.

4.2.6 Relationship to the Subject Site

This item adjoins the north eastern boundary of the subject site. As illustrated by Figures 7, 8 and 9 above, the heritage listed dwelling lies very close to its common boundary with the site. The proposal will form part of its immediate setting and be visible in view corridors that include it. As noted above, the heritage listed dwelling does not have significant view corridors over the subject site that help to explain its significance.

4.3 Clanville Conservation Area

This area lies to the south and east of the subject site but does not directly adjoin it. It is separated from the site by at least 33m at the closest point, by Strickland Avenue and/or by intervening dwellings and vegetation.

4.3.1 Brief History

After acknowledging the Aboriginal history and Matthews/Archbold history of the Conservation Area (see Section 4.2.1 above), the SHI listing sheet provides the following brief history the area:

‘...The conservation area is located entirely within Richard Archbold’s 400-acre land parcel, and across Lots 1 to 6 of the eight lots left to his children.

By the end of the 1890s, subdivision of these eight 50-acre parcels into residential lots had begun and Roseville the suburb began to emerge (The Historian, Vol. 48 No. 1 p. 7). The first subdivision within the Clanville Estate was in 1893, within Lot 1, known as “The Roseville Park Estate”, with lots along both sides of Victoria Street and the northern side of Albert Street (now Boundary Street). A second subdivision took place in 1896, within Lot 3 which had been taken over by Lord’s mortgagees. In May 1896 they auctioned the “Roseville Station Estate” which comprised a total of 114 residential lots on Hill Street, Roseville Avenue and the northern side of Lord Street. By that stage, the small cut-through streets such as Martin Lane and Glencroft Road had not yet been created and by 1900, 46 of the lots had been sold and by 1919, 23 remained unsold. Subsequent subdivisions took place throughout the conservation area during the 1900s, 1910s and 1920s:

Clanville Estate 1906 – 76 lots on the southern side of Lord Street and both sides of Henry Street (now Bancroft Ave).

Clanville Heights Estate 1905 - (aka Lindfield Heights Estate of 1906) – 20 lots along the southern side of Clanville Road.

Terry’s Hill Estate 1908 – 51 lots on both sides Dudley Street, Gerald Avenue and Gregory Avenue.

Archbold Hill Estate (1) 1909 – Between Trafalgar Avenue and the railway line, including Kelburn Road, Waimea Road, and the western side of Trafalgar Avenue and the western end of Chelmsford Avenue.

Clermiston Estate 1912 – lots along Archbold Road between Boundary Road and Bancroft Avenue, and all of Clermiston Ave. This was a subdivision of earlier estate including Elouera (Hugh Sharpe Esq) on Archbold Road, Clermiston on cnr Clermiston and Boundary). Two large estates on southern side of Bancroft Avenue between Archbold and Clermiston – Charles Knowles Esq and CA Desjardines Esq).

Taraville Estate 1914 – 64 lots including the eastern side of Trafalgar Avenue, Belgium Avenue and Oliver Road.

The Firs Estate 1918 – 41 lots on both sides of Clanville Road between Archbold Road and Gregory Street, plus lots on Cranbrook Avenue. The estate was named for the “magnificent fir trees on the land, together with other fine specimens of the blue and white gum”. Advertising makes note of large building blocks, well-formed roads, pleasant walk to the railways station and within a beautiful district of modern villa residences, picturesquely situated, surrounded by flowering gardens. The Council of the Shire of Ku-ring-gai was amongst the various parties which purchased allotments. Between December 1920 and January 1924, Council purchased a number of allotments, including that which contained the house belonging to Robert Fowler who had owned the land from until 1906 until 1918. It is believed the house was built at the end of the nineteenth century by the previous owners, the Archbold family. These allotments formed a large part of what is now Roseville Park. A portion of Marjorie Street was the subject of a Crown Grant to the Council on 22 October 1920 and this was added to the park.

The Garden Estate 1920 – 54 lots on Chelmsford Ave (southern side between Archbold and McLeod), both side of Marjorie (between Archbold and McLeod) and the eastern side of McLeod Street.

Hordern’s Roseville Estate 1922 – 15 lots including the southern side of Oliver Road, between Hill Street and The Grove.

Archbold Hill Estate (2) 1923 – 19 lots between Trafalgar Avenue and McLeod Street – south side of Chelmsford Ave and the north side of Marjorie Street.

Very little further subdivision has taken place in the area since the early twentieth century.’¹⁵

4.3.2 Description

The SHI listing sheet provides the following description for this area:

‘The Clanville Conservation Area covers a large part of the eastern side of the suburb of Roseville and represents a substantial portion of the 400-acre land grant to Daniel Dering Mathew. Following the purchase of Mathews’ land by Richard Archbold, upon his death the land was subsequently divided amongst his eight children. The 400 acres was divided into 50-acre strips of land running between the Pacific Highway and Archbold Road, and it is the division between these eight lots that form the main roads through the area, running east-west, including Boundary Street, Bancroft Avenue, Lord Street, Roseville Avenue, Clanville Road, Chelmsford Avenue and Middle Harbour Road. These long avenues are joined periodically by smaller and narrower side streets to

¹⁵ *Clanville Conservation Area*, Roseville. State Heritage Inventory, Heritage Item ID: 1882683.

allow access through the area. Most of the streets developed with a linear pattern, except for the section between the railway line and Trafalgar Avenue, within which the street pattern follows the original irregular lines of Gerald and Richard Archbold junior's land parcels. The irregularity can be seen in Clanville Road, Roslyn Avenue, Kelburn Road and Waimea Road. The main roads through the area are generally wide and slope gently down from the railway line and rise up again towards Archbold Road.

The area contains great consistency of intact buildings. The predominant architectural style is Federation, and this varies from Federation Arts and Crafts to Queen Anne and the Bungalow. There are many fine examples of the inter-war Old English and Californian Bungalow styles which emerged after the Federation period. There are also examples of late twentieth century Sydney regional style within the area.

The earliest subdivided areas such as Victoria Street, Bancroft Avenue, Lord Street, and Roseville Avenue contain the majority of Queen Anne and Arts and Crafts style buildings, but there are still elements of inter-war styles, such as California Bungalows and Old English, as well. The later subdivided area, such as Belgium Avenue, Trafalgar Avenue, Clanville Street, Kelburn Road and Rawhiti Street, contains highly significant buildings with more variety of architectural styles, including Federation Arts and Crafts, Federation Bungalow and inter-war styles such as Old English, Art Deco, Spanish Mission, but Californian Bungalows predominate.

The area is characterised by extensive avenue plantings, dominated by jacarandas and brushboxes. The pedestrian network of footpaths throughout the suburb is uniform, as are the grassed verges, creating a practical and user-friendly pedestrian environment. Private gardens are consistent in volume, density and style and generally an understanding by the owners of the architectural period of residence that the gardens surround. Many gardens are intricately designed and well maintained and provide a stimulating backdrop to the streetscape. There is distinct uniformity on front fencing, style and sizes.

Detracting elements within the area include dominating garages and driveways, carports within the front setback, obstructive front hedges, enclosed front verandahs, dominating front porch additions, aluminium front windows, large dormers windows at the front of the house, upper storey front balconies, rendered face brick work, painted face brick work and uncharacteristic colour schemes.¹⁶

4.3.3 View Corridors and Setting

The setting of that part of the Conservation Area that lies within Lindfield is residential. It is further removed from the Lindfield Town Centre than the subject site. Only the very northern most lots of this Conservation Area that lie within Lindfield are impacted by the provisions of the *TOD SEPP*.

The principal view corridors that explain the significance of this Conservation Area are obtained along the streets located within it and to/from contributory properties. View corridors out of the Conservation Area in the direction of the subject site at street level

¹⁶ *Clanville Conservation Area*, Roseville. State Heritage Inventory, Heritage Item ID: 1882683.

are predominately of the skyline with trees above dwellings. This will change under all of the five TOD SEPP scenarios proposed by Council.

Refer to Figures 41 and 42 below, view corridors out of the Conservation Area towards the subject site.



Figure 42:
View out of the Clanville Conservation Area towards the subject site, marked by the arrow, from Strickland Avenue. The proposed building will be visible in this view corridor, behind the No. 27 Strickland Avenue.



Figure 43:
Second view out of the Clanville Conservation Area towards the subject site, marked by the arrow, from Strickland Avenue. The proposed building will be visible in this view corridor behind the No. 27 Strickland Avenue.

4.3.4 Significance

The SHI listing sheet provides the following statement of significance for the Clanville Avenue Conservation Area:

‘Historically, the area represents the fine residential development of Roseville and Lindfield during the nineteenth and twentieth centuries. The area provides evidence of the 1819 land grant to Daniel Dering Mathew, the subsequent purchase of this grant by Richard Archbold in 1824 and later its subdivision.

The area has further historic significance for the successive subdivisions of “Clanville” in the late nineteenth century with the subdivisions of Roseville

Park Estate (1893) and Roseville Station Estate (1896), and the early twentieth century subdivisions of Clanville Estate (1903); Clanville Heights Estate (aka Lindfield Heights Estate of 1906) (1905); Terry's Hill Estate (1908); Archbold Hill Estate (1909); Clermiston Estate (1912); Taraville Estate (1914); The Firs Estate (1918); The Garden Estate (1920); Hordern's Roseville Estate (1922) and Archbold Hill Estate (1923). These subdivisions demonstrate the development resulting from the construction of the North Shore rail line at the end of the nineteenth century.

The area has aesthetic significance for the highly intact and quality Federation and inter-war houses, with some examples of mid to late twentieth century development. Architectural styles present from the Federation period include Federation and transitional bungalows, Queen Anne, and Arts and Crafts, and present from the inter-war period mostly Californian Bungalows with some examples of Old English, Art Deco and Spanish Mission.

The area is of local heritage significance in terms of its historical and aesthetic value. This satisfies two of the Heritage Council criteria of local heritage significance for local listing.¹⁷

4.3.5 Curtilage

The boundary of the Conservation Area is clearly defined by the *LEP 2015* heritage plan.

4.3.6 Relationship to the Subject Site

This Conservation Area lies south east and south west of the subject site and is separated from it by a row of properties and by Strickland Avenue. The proposed building is likely to be visible behind these properties and through/above the tree line. Refer to Figures 41 and 42 above.

4.4 Items Further Removed from the Site

Figures 43 to 45 below illustrate view corridors from other heritage items and conservation areas identified in Table 2 towards the subject site. Works of the proposed massing and scale may/will be visible in view corridors that include these items.

¹⁷ *Clanville Conservation Area*, Roseville. State Heritage Inventory, Heritage Item ID: 1882683.



Figure 44:
View from the overpass above Lindfield Station in the general direction of the site. The Station, No. 1-17 Lindfield Avenue (visible on the LHS) and St. Albans Church (visible in the centre) of the image are all listed as heritage items by the LEP 2015.



Figure 45:
View across the Trafalgar Avenue Conservation Area near the heritage item at No. 19 Russell Avenue, towards the subject site. At approximately 200m from the site.



Figure 46:
View across the Trafalgar Avenue Conservation Area near the heritage item at No. 31 Middle Harbour Road, towards the subject site. At approximately 190m distance from the site.

5 HERITAGE IMPACT ASSESSMENT

5.1 Scope of Works

It is proposed to remove the existing built structures on the site and several trees and to construct a seven storey residential flat building with lower ground level, two levels of basement parking and associated landscaping and infrastructure.

The proposed building is set back at least 6m from each of the boundaries, with an increased setback to 9m over part of the north eastern boundary. The proposed materials and finishes include light and dark coloured face brickwork; light coloured masonry screens; and metal framed doors, windows and balustrades with a natural anodized finish.

Landscaping includes new planting in the front, rear and side setbacks of varying scale including ground planting, shrubs and canopy trees, and hard and soft ground finishes. Planting will include native and adaptive species. Communal open spaces are provided on the north eastern and south eastern sides of the site.

Figure 47 reproduces one of the photomontage that accompanies this application, illustrating the proposal from the north east. The heritage item at No.9 Middle Harbour Road is visible in the foreground.



Figure 47: Photomontage of the proposal from Middle Harbour Road, with the heritage item, No. 9 Middle Harbour Road, to the north east.

Cortese.

5.2 Pre-Lodgment Consultation

A Pre-DA was not held.

5.3 Method of Assessment

The following is a merit-based assessment. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the planning documents that accompany this application.

The proposal is assessed with an understanding of:

- The objectives of the *LEP 2015* and the *State Environmental Planning Policy (Housing) Amendment (Transport Orientated Development) 2024*.
- The *Apartment Design Guide*.

- The objectives and controls for new works in the vicinity of heritage items set out by the *Ku-ring-gai LEP 2015* and the *Ku ring gai Development Control Plan (DCP)*.
- With an understanding of the requirements for SoHI provided by the Heritage NSW publication *Guidelines for preparing statements of heritage impact* (2023 update). Under 'matters for consideration,' the guidelines for works within the vicinity of a heritage item are simply to 'describe any direct or indirect impacts to the significance of other heritage items in the vicinity.'

5.4 Effect of Works on Heritage Items in the Vicinity of the Site

Part 19F of the *DCP* contains the primary objectives and controls for development in the vicinity of heritage items or heritage conservation areas. Given the applicability of the *TOD SEPP*, the heritage provisions of the *DCP* need to be considered alongside the planning objectives of this *SEPP*, notably increased height and density permitted close to public transport. Consequently, the proposal is not assessed point by point under these controls but with a general understanding of their objectives, as well as those of the *SEPP*. It is noted that the *DCP* controls cannot override the *SEPP*.

5.4.1 No. 9 Middle Harbour Road

The Geotech Report recommends further testing and/or outlines methods for construction to ensure that the proposed works will not impact on the fabric of the heritage item. The principal view corridors to/from this item and the public domain are obtained when standing outside of the item on Middle Harbour Road. The proposed works will not block these view corridors. Given the retention of the fabric and the primary view corridor, the public will still be able to view and appreciate this dwelling as a Federation period and style dwelling, albeit altered.

The proposed works will not block view corridors towards the item on approach along Middle Harbour Road from the north east. View corridors on approach from the south west may be reduced because the proposed building is setback 6m at its closest point to Middle Harbour Road whilst the heritage item has a 10m setback. The impact is acceptable because:

- The existing view is largely screened by planting, including hedging within the heritage item and street trees, which are retained by the proposal. Increasing the setback to match the heritage item will not measurably expand the view corridor.
- The existing view is, at best, oblique and limited because of the close side setbacks of existing buildings and existing planting.
- As assessed above, this item does not have significant view corridors over the subject site. The principal view corridors out of this item are over Middle Harbour Road. These view corridors will remain unobstructed.

The impact is mitigated by:

- The provision of a greater front setback for the north eastern part of the proposed building, adjacent to the item. This allows for significant planting within this setback to provide a vegetative screen.
- The low side fence on the boundary forward of the front building line and proposed new planting, within the front setback.

The above measures will help soften the building form and will maintain a landscape interface from Middle Harbour Road. Refer to Figure 48.

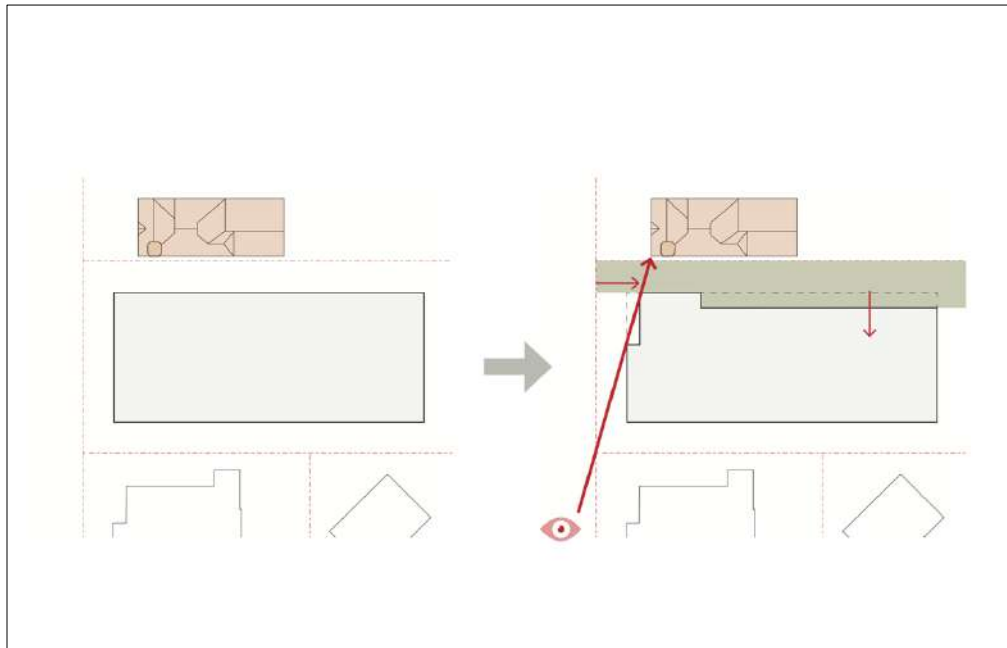


Figure 48: Increased setback to improve visibility towards the heritage item and provide for a green interface.

Cortese.

The proposed works will be visible within the setting of this item and in view corridors towards it from the public domain. The following observations are made:

- Only minor changes are proposed to natural ground levels.
- As noted above, the front elevation of the proposed is stepped, widening the view corridor towards the heritage item when close to the site and increasing the area of planting within the front setback adjacent to the heritage item. A 'green' interface is provided at street level.
- The basement levels on the north eastern side, adjacent to the heritage item, have a six metre set back to allow for mass planting, including canopy trees.
- The setback of the upper levels from the heritage item is increased to nine metres over the rear section of the proposed building. The upper most level- Level 7- has a consistent nine metre setback from the heritage item.
- The building mass is broken into smaller volumes through the careful use of setbacks and recesses. Although the proposed buildings is of a different massing and scale, these volumes relate to the existing dwellings, providing a transition between the surrounding low rise dwellings and the proposed building. It is noted, however, that many of these dwellings are likely to be replaced with buildings of a similar massing and scale to that proposed on the site as the *TOD SEPP* is implemented.

The front and north eastern elevations, being the elevations visible in conjunction with the heritage item, are well articulated. The front elevation is broken into two stepped sections with shadow line, created by a fine recess, between. The use of darker brickwork at ground floor level creates a 'podium' that is of a human scale and that provides a direct reference to the scale of the adjoining heritage item.

Massing and scale are further broken through the use of strong vertical and horizontal elements. There are strong vertical elements in the vertical alignment of openings and in the vertical proportioning of windows and doors and balustrade detailing. The floor plates and balconies introduce horizontal elements. As set out in the Architectural

Design Statement, this 'structured grid' pattern provides a sense of rhythm and proportion that relates to the existing streetscape and provides visual coherence to the elevations. Massing and scale is also broken through the use of shadow created, for example, by the deeply recessed balconies and framed openings.

The limited material and colour palette makes for 'quiet facades' that relies on fine grain detail to break down massing and scale and provide variation, for example, in tonal variations in the brickwork, variations in the brick bond and recessed courses and detailing.

Two key diagrams from the Architectural Design Report illustrate this process. Refer to Figures 49 and 50.

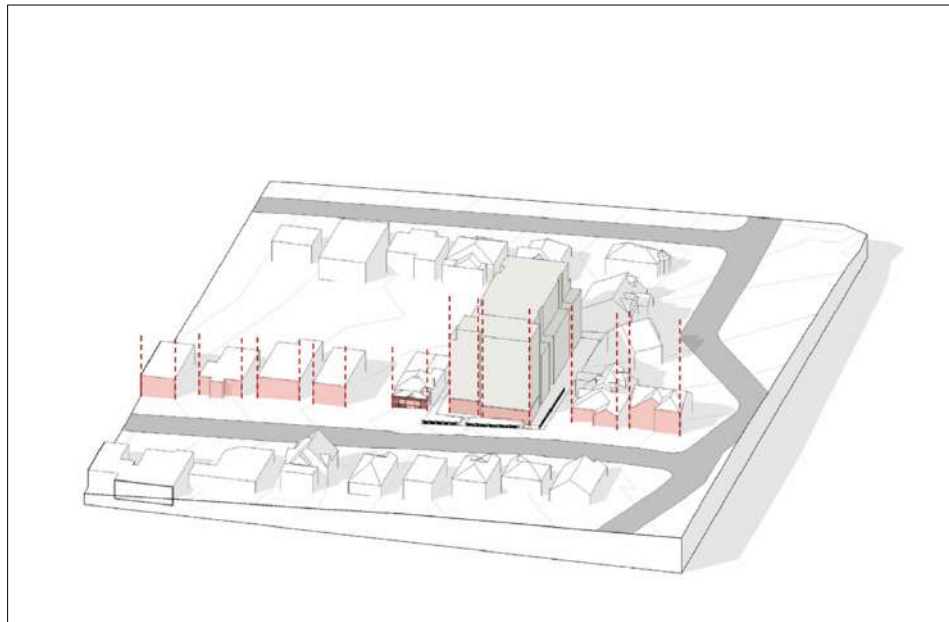


Figure 49: Breaking down the building mass to respond to the proportions of existing fabric.

Cortese.

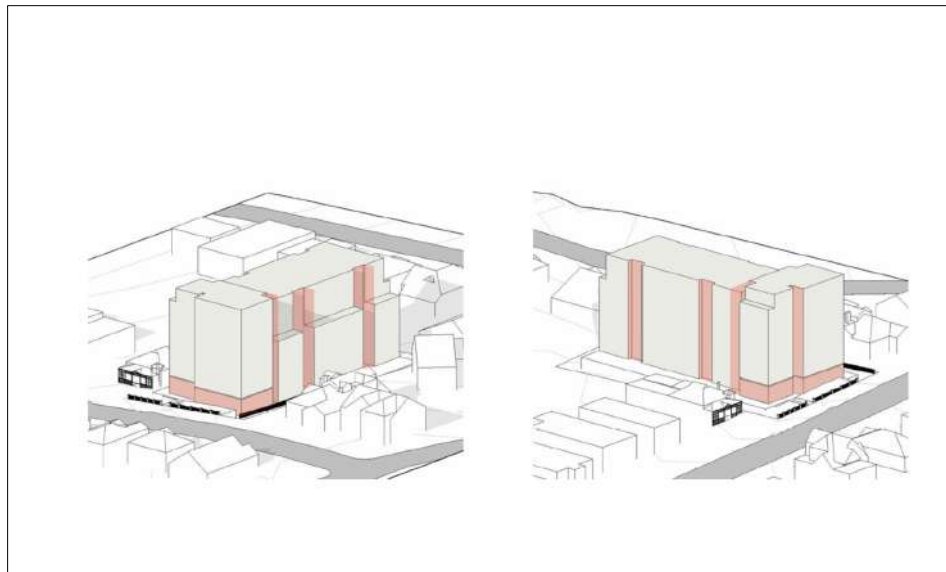


Figure 50: Setbacks and articulation to soften building mass.

Cortese.

- The proposal is for a different building typology to the heritage item. It is appropriate that it develop its own form and not seek to replicate the pitched roof form of the heritage item, which would be inappropriate at the proposed massing and scale. Flat roof forms, for example, will be recessive against the pitched, tiled, roof forms of the heritage dwelling.

The proposed buildings, however, take 'cues' from the heritage item, and existing streetscape, as follows:

- The use of different brick colour for the ground floor and the upper levels. This echoes the distinct difference between the stone base of the heritage listed dwelling and the painted brickwork of the walls above. As set out above, it also provides a 'human' scale to the street-face that relates directly to the scale of the heritage item.
- Face brickwork is a material common in the setting of No. 9 Middle Harbour Road, which was itself once face brickwork. The darker colour of the base 'anchors' the building and provides a human scale at street level, consistent with the heritage item. The lighter colour of the upper levels will be recessive within the existing tree canopy and skyline.
- The use of clearly defined bays and recesses to help break massing and scale, including along the eastern (side) elevations, directly addressing the heritage item. See above. Refer to Figures 48 and 49 above.
- The use of strong horizontal lines in the balconies and floor slabs which references the strong horizontal lines of the front balcony of the heritage dwelling.
- Whilst the proposed buildings have a higher solid to void ratio than the heritage item, the glazing has a vertical emphasis thereby responding to the vertically proportioned openings of the heritage dwelling. The glazing gives the buildings a lightness against the solidity of the masonry of the heritage dwelling that is moderated by the recession of some of this glazing in deeply recessed balconies.
- The balustrades of the balconies and the front fence detail, whilst of a modern material and profile, reference the vertical timber pickets of the verandah of the heritage item.
- The proposed entrance into the basement carpark is located on the western side, away from the heritage item. This allows for deep soil planting within the eastern set back, adjoining the heritage item. The location of the driveway minimizes impacts on street trees.
- Fencing has been carefully located and integrated to ensure that it is not a dominant landscape element. The sandstone detailing references the use of this material in fences in the existing streetscape.
- The shadow diagrams indicate minimal overshadowing impacts.

5.4.2 Clanville Conservation Area

The proposed works will not impact on the fabric of the Conservation Area or block view corridors the principal to/from them from the public domain, noting that the principal view corridors to/from these items are obtained from the streets within the Conservation Area. The public will still be able to view and appreciate these streetscape as fine predominately Federation period streetscapes. There will be no impact on the subdivision pattern or tree canopy within this area.

The proposed buildings will be visible from the Conservation Area and form part of its setting. The following observations are made:

- A 6m ground floor setback is provided to the rear boundary of the site, which is further separated from the Conservation Area by properties fronting Strickland Avenue and Strickland Avenue itself. Some of the existing planting is retained in this area. New planting in this setback will soften the building forms as it matures. It is proposed to plant a relatively fast growing Sydney Red Gum within the rear setback that has a mature height and spread of approximately 15-20m and 7-13m respectively.
- The proposal presents a simply detailed, but balanced, elevation to the Conservation Area. The lighter brickwork of the upper levels will be recessive within the skyline.
- As discussed for No. 9 Middle Harbour Road, the proposal is for a different building typology to the heritage items. It is appropriate that it develop its own form and not seek to replicate the pitched roof form of the dwellings in the conservation area, which would be inappropriate at the proposed massing and scale. Flat roof form will recede against the pitched tile and slate clad roofs of the contributory items in the Conservation Area.
- Planting is provided on the upper most level to the rear.

5.4.3 More Distant Items and Conservation Areas

The impact on the more distant items and conservation areas identified in Table 2 above is acceptable because:

- No significant fabric will be impacted upon.
- No significant view corridors will be blocked.
- The proposed buildings will form part of wider setting of more distant heritage item and Conservation Areas from some viewpoints. The impacts are mitigated by distance; by the existing tree canopy, by the proposed planting; and by the careful articulation of the elevations of the proposed building.

6 SUMMARY

This statement has assessed the impacts of a proposed new residential flat building at Nos 5-7 Lindfield Avenue, Lindfield. The site is not subject to any statutory heritage listings but adjoins a heritage item listed by Schedule 5 Part 1 of the *LEP 2015* and lies within the wider setting of several other heritage items and conservation areas.

The section of Lindfield in which the site is located will change significantly as sites are redeveloped in line with the *TOD SEPP*. The existing *TOD SEPP* provisions for the site and the immediately surrounding area and the advertised alternative scenarios prepared by Ku Ring Gai Council all envisage increased height and density for this part of Lindfield and thus within the setting of heritage items/conservation areas.

The proposal meets the objectives of the *TOD SEPP*, whilst managing impacts on the existing setting and the adjoining heritage item, No. 9 Middle Harbour Road. Buildings of a larger massing and scale will have an inherent impact on the setting of this item, which is physically and visually isolated from other heritage items and conservation areas.

No. 9 Middle Harbour Road and more distant heritage items/areas will remain as visible from the public domain as they are today. Appropriately, the proposed building develops

its own typology and does not seek to replicate the forms of the heritage item on a larger scale. Basement levels are set 6m away from the common boundary with No. 9 Middle Harbour Road to provide for planting, including canopy trees, which will mitigate the impacts at street level as it matures by providing a green interface. The driveway is set away from the heritage item. The proposed elevations are restrained, well-modulated and well-articulated, with a darker base to provide a human scale, that relates directly to the heritage item, at ground floor level. The elevations are broken down into volumes that relate to the existing streetscape.

The proposal has carefully considered the potential impacts on the heritage item at No. 9 Middle Harbour Road and more distant heritage items within the context of a part of Lindfield that will change considerably as the *TOD SEPP* is implemented.

7 REFERENCES

7.1 General References

'Advertising ('Plans Ready Next Week'),' *The Daily Telegraph*, 3 February, 1906, p.3.

'Family Notices,' *The Sydney Morning Herald*, 5 March, 1949.

'Forthcoming Sales,' *The Sydney Morning Herald*, 3 March, 1906, p.15.

'Yesterday's Land Sales,' *Sunday Times*, 4 March, 1906, p.2.

7.2 Historic Maps and Plans

(Aerial photograph over the site and the surrounding area), 1943. SIX Maps.

Lindfield Grove Estate near Lindfield Station....., 3 March 1906 at 3.30pm. National Library of Australia.

Middle Harbour Road, Lindfield, 1908. Ku-ring-gai Library.

7.3 NSW LPI Records

Certificate of Title Volume 920 Folio 132; Volume 3365 Volume 91.

7.4 Heritage Inventory Sheets

Clanville Conservation Area, Roseville. State Heritage Inventory, Heritage Item ID: 1882683.

Laurabada,' dwelling house, No. 9 Middle Harbour Road, Lindfield. State Heritage Inventory, Heritage Item ID: 1882381.

7.5 Planning Documents

Ku-ring-gai Development Control Plan.

Ku-ring-gai Local Environmental Plan 1995.

State Environmental Planning Policy (Housing) Amendment) (Transport Orientated Development) 2024.