



149 Livingstone Road Pymble Heritage Review

4 March 2020

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I have been provided with a report prepared by DFP on behalf of a residents action group in relation to 149 Livingstone Road Pymble. I have been requested to review the report to ascertain if the matters raised require a further consideration of the significance of the property. The report uses material provided from Hamilton family and community members and sets out an argument for social significance. There are numerous reports now on the heritage values of this place prepared by the applicant, council and the resident group. There are also determinations by the Planning Panel and a gateway determination concluding that the place does not have heritage significance.

For a review of the heritage values of the property to be warranted there would need to be substantive and significant new information that has not previously been known or considered. The following response has been set out to determine if the material provided reaches that threshold.

The following table sets out the specific points made in the DFP report (the first column are extracts from that report) with a review of whether it is new information and whether it is relevant and in the third column comments about significance arising from the material set out.

Table i

Information in DFP Report	Known information	Response in relation to significance
Summary of Mr. Nelson's Letter dated 6th November 2018 set out as dot points in the report		
<i>George Hamilton, son of Frederick James Hamilton, built the house;</i>	yes	No change
<i>Frederick James Hamilton was a prominent land holder in the area from 1876;</i>	yes	No change
<i>ii when George sold the house (almost 2 years after its completion)....</i>	i Yes - it was known that the house was built in 1912 and sold about 2 years after construction. - it is not known if the house was occupied or unoccupied during the two years but it was advertised for sale on completion and appears not to have sold, it	No change

	<p>may have been that as the house did not sell on the open market it sold to a family connection.</p>	
<p><i>ii...he sold it to his parents-in-law, thereby maintaining a family tie between him and the house;</i></p>	<p>ii No</p> <ul style="list-style-type: none"> - it was known that the property was sold in 1914 to the Coombes but it was not known that they were his parents-in-law. - the house was sold several times during the next ten years (the Coombes sold it in 1918 after 4 years of ownership) to James Darling who sub-divided the land selling the reduced holding in 1922 before being acquired again in 1924 by two members of the Hamilton family. - the first heritage report by C Betteridge claimed the house was designed by the architect Darling as there is evidence he lived there. This was a major reason for the IHO being placed. This was not correct in that while he was a short-term owner, he did not design or build the house. 	<p>The connection with George Hamilton's parents-in-law does not change the speculative nature of the development and provides only a minor and peripheral link to the property.</p> <p>The sale of the house within a short period of time by the Coombes further suggests a minor connection to the house by the family at that time.</p> <p>There is no link to an architect or designer that adds to the statement of significance.</p>
<p><i>when the Hamilton family sold the patriarch's home at 104 Livingstone Avenue, Pymble, they waited until they could buy 149 Livingstone Avenue Pymble. They chose 149 Livingstone Avenue as their new dynastic home because of its strong ties to the family;</i></p>	<p>Yes and No</p> <ul style="list-style-type: none"> - this information is based on conversations with family members and is probably reasonably correct in that: <ul style="list-style-type: none"> • the family elected to buy back the house • they waited until it was available for sale in 1924 to do that and then sold no. 104. 	<p>It is reasonable to present facts or potential information to assist in assessing significance however, it is not acceptable heritage practice to conflate events with supposition to create significance that does not exist.</p> <p>For example, if there was to be a 'dynastic home' it would surely be the grand house that Frederick built. Dynasties are built on</p>

	<p>What is not supportable in the proposition is that it was intended as a dynastic home or that they acquired it because of its 'strong' ties to the family. This is supposition. There are numerous reasons family members may have chosen to repurchase the house that may be as simple as it was of sufficient size, it was in the immediate vicinity of the family home and it was more suited to their needs.</p>	<p>tradition not on down-sizing into a smaller and lesser house. Apart from the house being occupied by various family members over time there is no evidence that it was a 'dynastic' family home.</p> <p>The historical information is of interest but adds nothing to the assessment of significance.</p>
<p>the important Hamilton Brothers business was run not by the patriarch Frederick James Hamilton but by 3 of his sons; and</p>	<p>Yes</p> <p>This was researched in looking at no. 149, The Warr report notes the business was operated by three sons, that the buildings were built around 1895 by their father and that the business was sold in 1905 around the time of building the main house. There is no information that links no. 149 to the family business apart from occupation of the house by various family members from 1924.</p>	<p>The connection between the house and the business is peripheral. It is not a reason that allows consideration of heritage listing.</p>
<p>....the Hamilton children, after the death of Frederick James Hamilton, undertook the sub-division that resulted in the western part of the suburb of Pymble as it is known today.</p>	<p>Yes</p> <p>It is known that the first sub-division was not taken up (apart from 149 Livingstone) and that it was re-sub-divided after Fredericks death, this is set out in the Warr report in detail. The children sold the estate, they did not do the sub-division, it was undertaken by FJ Leahy.</p> <p>The sub-division created the base structure of the suburb.</p>	<p>The children were not directly related to the sub-division and there is no suggestion or evidence that they had any say in how the lots were divided.</p> <p>There is no relationship between the children and the land apart from speculatively selling the parcel after their parents deaths.</p>

		There is no aspect of significance that links the children or their occupation of 149 to the sub-division.
Comments from letter written by C McDonald		
<i>the house was built by George Hamilton and lived in by members of the Hamilton family for over 44 of its first 51 years;</i>	Yes	This is reflected in the heritage assessments made by all parties except Betteridge
<i>the Hamilton Bros business was vital to the residents of the area between Chatswood and Hornsby, not only for the provision of the products it supplied but for the provision of credit to purchase them, thereby performing a vital commercial function and economic role in the development of the district;</i>	Yes - the nature of the business was known and informed the assessment - the conflation of value is not accepted as valid	There is no change to the assessment
<i>the Hamiltons were responsible for the construction of a line of low- cost, weatherboard, workers' rental cottages in Pymble, many of which still stand along today's Pacific Highway;</i>	No Not relevant. The statement is a broad one that does not link the cottages to events related to 149.	Not relevant
<i>the subdivisions creating the street layouts we see today were created by members of the Hamilton family after the death of the patriarch Frederick James Hamilton;</i>	Not Correct - the Hamilton children sold the land to a speculator, they did not do the sub-division	This further distances the family from the areas development.

<p><i>the Presbyterian Church on Pacific Highway Pymble was built in 1908 on land provided by Frederick James Hamilton;</i></p>	<p>No</p> <p>This is a connection to the father Frederick and not the children who occupied no. 149.</p> <p>This was not researched as it was not relevant to no. 149.</p>	<p>It is not relevant to the significance assessment of no. 149.</p>
<p><i>the Hamilton family were very-well known and influential in the area, notwithstanding they lead very private lives in accordance with their religious beliefs</i></p>	<p>Yes and No</p> <p>It is known that they were a prominent north shore family largely arising from Fredericks land acquisition, philanthropy and business acumen.</p> <p>His children benefited from this but it is not if they were also successful or, if their success arose from their fathers success.</p> <p>While they are not insignificant in the district, they are not of the significance that is claimed in the recent report that equates their contributions to the area beside their fathers. Frederick has particular significance as an early land holder, developer and businessman who appears to have provided for his family by establishing businesses and leaving them the estate.</p>	<p>It is not relevant to the significance assessment of no. 149.</p> <p>The occupation by the children of no. 149 is no different to their occupation of any dwelling. It does not make the property significant. The house was not built for the family to occupy, their reacquisition is not of significance for whatever reason they undertook it.</p>
<p><i>when George Hamilton was married on 11 February 1914, the marriage was held at the house</i></p>	<p>No</p> <p>As his parents in law had just acquired the house this is not unusual</p>	<p>This is not a matter of significance.</p> <p>It is a peripheral event.</p>

<i>George lived in the house after his divorce and remained living there until shortly before his death</i>	No The occupation of the house by a particular family member, unless that occupation is of significance for a specific reason is not important.	This is not a matter of significance. It is a peripheral event.
<i>Frederick Hamilton, one of the Hamilton brothers who ran Hamilton Bros, lived in the house until shortly before his death</i>	No The occupation of the house by a particular family member, unless that occupation is of significance for a specific reason is not important.	This is not a matter of significance. It is a peripheral event.

Assessment Criteria D

The report by DFP takes a selective view of social significance and appears to ignore the extensive material written to assist in understanding this concept. It is well established that social significance does not reside in action groups arising to prevent particular developments irrespective of the value of the place subject to any particular proposal.

It is important to summarise what has taken place and what actions have taken place.

The property at no. 149 has never been heritage listed (prior to the IHO which is a protection order and not a listing). There have been numerous heritage studies, reviews, public information sessions, advertising of studies and outcomes over decades in Kuring-gai and the community, often with the National Trust at the front, have been active in nominating places and precincts. In fact, the community mapping of precincts in particular has formed the basis of the current precinct listings.

The community, in a pro-active manner, acted, made representations and pushed for the recognition of heritage values across Kuring-gai and it could be argued that the social action over sustained periods has resulted in social significance being possible to attribute to a range of places. Interestingly however, that is not recognised in listings and rarely is.

The building at no. 149 has not been identified, nominated or suggested for heritage listing by the community (or by heritage consultants undertaking studies) throughout that period. There has been no community action or program seeking to expand the heritage listings of West Pymble. The earlier Hamilton house has been identified and listed as a heritage item without demur but this also did not result in any further interest in the Hamilton family, the early land-holding, the sub-division or their possible historical significance as a family. That is not to say that the family have not been researched or recognised, they have, but prior to the current DA on the site there has been no traceable interest at any level community or otherwise in the property.

Events after the DA lodgement

Immediately after the DA was lodged and after representations from a newly formed community group, the IHO was requested and placed. It is necessary to have a sound reason to place an IHO and the community group provided a report claiming the house was the work of an important local architect and should be preserved. The report also made the connection to the Hamilton family.

Council, correctly, commissioned an independent study from Dr Anne Warr, a well-recognised heritage consultant, to assess the validity of the IHO in terms of whether the property was significant. That report concluded that the place did not reach a threshold of significance for heritage listing. Dr Warr undertook comprehensive research that is verified by some of the matters noted above.

The applicant also commissioned reports , provided to council, that concluded the place was not significant.

Council officers recommended the place not be listed.

The local Planning Panel recommended the place not be listed.

A planning proposal assessment concluded the place should not be heritage listed.

The decisions were made on the basis of well-researched and competent reports and assessments. Understandably the reports provided by the community groups supported heritage listing while the report commissioned by council as an independent review did not.

Social Value

Social value was not an area that attracted particular attention in the studies and reports and was not considered significant in the formal assessments even though there was opportunity for the community group or council to raise it.

It is not possible to know the motivations of objectors to a development. It may be what is said or written or it may be other reasons that are not expressed. At face value many of the objectors may not wish to see an older house in the area lost, others probably do not want to see a new form of development take place in what is a conservative residential area (conservative in terms of single houses on moderate sized lots, a traditional suburban form of development). The proposal is over several housing lots and proposes a building form that is not found in the area even though it is permissible under councils zoning and guidelines.

The initial resident objections were found not to be accurate. That is a reasonable outcome where a place may be seen to have significance, and that is tested. However, there have been successive submissions trying to establish some form of significance for the place.

It is clear that there is a large community response to the development but this is not social value as set out in the criteria. A different view may be formed if the community action to heritage list this place had taken place separate to a development proposal so that the issue of community concern for the building could be ascertained in contrast to community concern in relation to a new development.

Summary

The recent submission that is based (as stated in the submission) on new information that was not available to previous researchers, adds nothing of consequence to the historical material that would result in a review of the heritage significance of the property.

There is nothing arising from the DFP report and attachments that adds information that would change the reviews and assessments made in relation to the significance of the property. Most of the information is the addition of detail arising from conversations with the family and apparently access to some family records. There are no matters of consequence in this that were not previously known or discussed in the heritage reports.

Much is made in the report of the family connection to the Hamilton children and the property. As was already known, there were connections through speculatively building the house, selling it and later buying it back. The claims of reacquiring the house as a dynastic home are fanciful and not supported. Various members of the family lived there, a number into their old age, but there is no established connection between the property and any Hamilton businesses or other connections except that they bought the house and lived there. It was not built as a dynastic home, it was built to sell as were many houses in the suburb and while on a once sizeable title, sub-divided quit early in its history, is a property that has not attracted any attention for potential heritage value in the decades in which Kuring-gai Council have undertaken numerous and extensive heritage studies.

The focus on social significance, I would suggest, is wrong and the report incorrectly applies the criterion. There is no basis to argue social significance for the property.

The DFP report , in my assessment does not change the understanding of the place and its significance.

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