



18 March 2020

To whom it may concern ,

## **149 LIVINGSTONE AVENUE, PYMBLE | HERITAGE PEER REVIEW**

### **BACKGROUND & CONTEXT**

I have been engaged by Goldfields Central Pty Ltd to provide a peer review of the *Heritage Assessment Report: Independent Review* prepared by DFP Planning Consultants on behalf of the Residents' Action Group 149 in September 2019.

The subject report was prepared to assess the merits of listing the property at 149 Livingstone Avenue, Pymble ('the subject site') as a locally significant heritage item under Schedule 5 of the Kuring-gai Local Environmental Plan 2015 ('KLEP'), having regard for criteria (b) and (d) of the heritage assessment criteria as outlined in the NSW Heritage Manual. The report also provides an initial opinion about the dwelling's ability to demonstrate aesthetic and representative significance under criteria (c) and (g).

It is noted that the proposed listing of the site as a heritage item under the KLEP 2015 was subject to a planning proposal in 2019. The planning proposal was refused by the Delegate of the Minister for Planning and Public Spaces on 30 June 2019 due to the following reasons:

- Conflicting heritage advice, received from various professional heritage consultants;
- The local planning panel and Council's Specialist Heritage Planner did not support the proposal to list the site as a heritage item; and
- Insufficient justification to support the listing and irreversible changes made to the subject dwelling and the wider site over time.

### **RESPONSE TO ASSESSMENT**

#### **Criterion (b) – Associative significance**

Constructed in c. 1916, the dwelling on the subject site was commissioned by George Hamilton, a local solicitor and son of the prominent local landowner and businessman, Frederick James Hamilton. The house was erected on a section of a larger landholding which was owned by Frederick James Hamilton.

Between c.1923 and 1967, the dwelling was owned and occupied by unmarried children of the Hamilton family.

There is no dispute that Frederick James Hamilton was an important figure in the early development of Pymble, as is evidenced in the sources used to inform the DFP Planning report. There is also no dispute that the Hamilton family are associated with the dwelling. However, no evidence has been presented, to date, which suggests that the entire family – including unnamed children of the patriarch who owned and occupied the subject dwelling – were of themselves of any great importance in the same way as Frederick James Hamilton. Moreover, there is no evidence that Frederick James

Hamilton himself ever lived at the subject dwelling, nor that he had any particularly meaningful association with it.

Accordingly, the subject site cannot be said to be “associated with a significant [...] person, or group of persons” as required by the guidelines for inclusion of this criterion. Rather, it can only be concluded, on the basis of the evidence provided, that the subject site only “has incidental or unsubstantiated connections with historically important people”, which would render it incapable of meeting the threshold to fulfil criterion (b).

### **Criterion (c) – Aesthetic significance**

A report prepared on behalf of Ku-ring-gai Municipal Council by Anne Warr (dated September 2018) includes a detailed physical analysis of the existing dwelling. The report finds that: “the house cannot be considered a major work of a prominent architect”; and, further, that although “the house is a competent and well-built example of federation style architecture from 1912,” its irreversible loss of original fabric and detailing – as well as its nature as a “standard design of the era” – result in the dwelling’s inability to fulfil the criterion of aesthetic significance. Indeed, the existing dwelling demonstrates all of the guidelines for exclusion under this criterion, which are reproduced below:

- *An item is not a major work by an important designer or artist*
- *An item has lost its design or technical integrity*
- *[The] positive visual or sensory appeal or landmark and scenic qualities [of the item] have been more than temporarily degraded*
- *An item has only a loose association with a creative or technical achievement*

It is noted that the DFP Planning report does not purport to assign aesthetic significance to the subject dwelling.

### **Criterion (d) – Social significance**

The guidelines for inclusion under this criterion are as follows:

- *An item is important for its associations with an identifiable group*
- *An item is important to a community’s sense of place*

Whether a relatively small proportion of the residents of an entire suburb, in and of themselves, constitute an “identifiable group”, per the first guideline, is questionable. To my knowledge, there is no precedent of a community interest group – ostensibly only created to oppose the development of a single site – as ever having constituted an “identifiable group” in the same way a particular cultural, linguistic, social, or religious community may be understood. Social attachment to place is established over time, through meaningful association and engagement – there is no such evidence of this occurring here. Indeed, in light of the fact that the dwelling has been a privately-owned residential property since its construction – with no real landmark qualities evident – further invalidates any potential findings of social attachment. This guideline can therefore not be met.

On the second inclusion guideline, the DFP Planning report contends that the number of local residents who attended meetings regarding the proposed development on the site, the number of objections submitted to Council during the development’s determination, and the number of residents who attended the on-site conciliation conference and subsequent Land and Environment Court hearing, serve to illustrate that the existing dwelling is “important to the community’s sense of place”. It is evident that there are a number of residents who oppose the development – including those who

form part of the residents' action group, which itself was formed specifically to oppose the development of this site – however opposition to development does not equate to attachment to place.

### **Criterion (g) – Representative significance**

As a result of irreversible changes to the dwelling over time – to accommodate the changing needs and living standards of its residents – it is difficult to conclude that the subject dwelling is a fine example of its type, or indeed that it is outstanding because of its integrity, setting, condition or size. While the dwelling is no doubt legible as an example of a Federation-era dwelling, it is by no means the best, or the most intact, or the most notable example within the local area. The research undertaken by Anne Warr notes several more prominent, intact and significant examples of Federation-era dwellings in the local area.

The subject dwelling *“has lost the range of characteristics of [the] type”* and cannot be said to *“represent well the characteristics that make up a significant variation of [the] type”* – thus meeting two of the three guidelines for exclusion under this criterion. It is therefore unable to meet the threshold to demonstrate representative significance in any meaningful way.

## **CONCLUSION**

My assessment is that the subject site, and the dwelling situated on it, are unable to demonstrate associative, aesthetic, or representative significance, according to the criteria used to assess heritage significance in NSW. The site and the dwelling have undergone significant, irreversible change over time, are not meaningfully associated with Frederick James Hamilton (only with members of his extended family), and cannot be considered a fine or particularly important example of a Federation-era residential dwelling.

Regarding social significance, I consider that the site does not fulfil the guidelines for inclusion under this criterion but, rather, that it can meet guidelines for exclusion. The residents' group which has recently formed to oppose this proposed development does not, in any meaningful sense, constitute an identifiable group; similarly, it has not been established that their opposition to this development has been derived from a particular inherent attachment to the existing dwelling. Moreover, the NSW Heritage Manual notes that a specific guideline for exclusion under this criterion is that *“the community seeks [the item's] retention only in preference to a proposed alternative.”* The residents' action group was created out of opposition to the proposed development on the site. The manual further notes that, if attachment is created primarily out of community rejection of a proposed alternative, *“there must be evidence that the item is separately valued in accordance with this criterion or one of the other criteria to have any validity as a significant heritage item.”* As social significance has not been fulfilled on the basis of the guidelines for inclusion – and as it has been demonstrated that none of the criteria can be fulfilled – a finding of social significance cannot be made.

Accordingly, it is my conclusion that the site should not be listed as a heritage item under Schedule 5 of the KLEP, as it is not able to fulfil any of the criterion used to assess heritage items in NSW.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Stephen Davies".

Stephen Davies  
Director