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# Heritage Assessment Report

Independent Review

149 Livingstone Avenue Pymble

Prepared for: Residents' Action Group 149  
September 2019

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File Name: 149 Livingstone Avenue Pymble  
Project Manager: Brian McDonald  
Client: Residents' Action Group 149  
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## Attachments

1. Curriculum Vitae
2. List of documents received.
3. Additional Information in Support of a Heritage Listing for 149 Livingstone Avenue, Pymble - Simon Nelson, 6 November 2018;
4. Letter to the Minister for Planning and Public Spaces from Colin Hamilton McDonald – 23 July 2019. Colin Hamilton McDonald is a descendant of Frederick James Hamilton, the patriarch of the family.

# 1 Introduction

## 1 Instructions

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Residents' Action Group 149 has requested me to prepare an independent report on the merits of listing the property at 149 Livingstone Avenue, Pymble (**the Property**) as a local heritage item in schedule 5 of Ku ring gai Local Environmental Plan 2015 (**KLEP 2015**) having regard to criteria (b) and (d) of the relevant heritage assessment criteria.

Details of the documents provided to me by Residents' Action Group 149 are set out in the **enclosed** list of documents received (Attachments).

It is understood that the Property is currently subject to an Interim Heritage Order and that Council sought a Gateway Approval for a planning proposal to vary the KLEP 2015 to include the Property as a local heritage item.

## 2 Gateway Determination

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It is also understood that the Planning and Public Spaces Minister's Delegate, Marcus Ray, wrote to the Council on 30 June 2019 to advise that:

*On close consideration of all the heritage advice received, the merit of listing the site as a heritage item is not sufficiently justified. As such, as delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should not proceed.*

This determination was based on the following reasons:

- 1. There is conflicting heritage advice and the proposal was not supported by the local planning panel and Council's Heritage Specialist Planner; and*
- 2. Insufficient information has been presented to support the heritage listing of the site. The original Federation-style house has undergone significant alterations over time, resulting in a reduction of its historical and aesthetic values, which are unlikely to be reversed.*

## 3 Heritage Assessment

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### 3.1 Issues Raised by Residents

The issues raised by Residents' Action Group 149 are whether the proposed heritage item meets the thresholds for inclusion as heritage item of criterion (b) and/or criterion (d) established under the Publication "Assessing Heritage Significance" which is part of the NSW Heritage Manual. The criteria in question are:

*Criterion B. Historical association of significance – An item has strong or special association with the life or works of a person, or group of persons, of importance to NSW's (or the local area's) cultural or natural history*

*Criterion D. -Social significance - An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*

## 3 Heritage Assessment

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Heritage advice has been provided for the applicant by Paul Davies, for the Council by Dr Anne Warr and the Council's specialist heritage planner, Andreana Kennedy, and for Residents' Action Group 149 by Chris Betteridge.

### 3.2 Assessment - Criterion B

Information has now come to light that was not available to the heritage specialists at the time of their reports. This information has a bearing on assessment of significance under criterion B.

The issues of concern in relation to criterion B arising from the heritage assessments recommending against listing are:

That the Hamilton family had little historical association with the dwelling as it was not designed for them and they were not the first to reside there for a substantial amount of time and no significant local historic events occurred during their residency<sup>1</sup>.

That the members of the Hamilton family who lived in the house lived very private lives and were not prominent in the area<sup>2</sup>.

Those assessments appear to rely on the guideline for exclusion of *"has incidental or unsubstantiated connections with historically important people or events"*.

However, two documents are attached that refer to facts which establish that a significant group of persons, namely the Hamilton family, had strong connection with the house at 149 Livingstone Avenue. The documents are:

- Additional Information in Support of a Heritage Listing for 149 Livingstone Avenue, Pymble - Simon Nelson, 6 November 2018 which notes:
  - George Hamilton, son of Frederick James Hamilton, built the house;
  - Frederick James Hamilton was a prominent land holder in the area from 1876;
  - when George sold the house (almost 2 years after its completion), he sold it to his parents-in-law, thereby maintaining a family tie between him and the house;
  - 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;
  - the important Hamilton Brothers business was run not by the patriarch Frederick James Hamilton but by 3 of his sons; and
  - 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.
- Letter to the Minister for Planning and Public Spaces from Colin Hamilton McDonald – 23 July 2019. Colin Hamilton McDonald is a descendant of Frederick James Hamilton, the patriarch of the family. The letter notes:
  - the house was built by George Hamilton and lived in by members of the Hamilton family for over 44 of its first 51 years;

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<sup>1</sup> Council officers' assessment for 16 October 2018 Council meeting.

<sup>2</sup> Dr Warr's assessment.

### 3 Heritage Assessment

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- 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;
- 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;
- 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;
- the Presbyterian Church on Pacific Highway Pymble was built in 1908 on land provided by Frederick James Hamilton;
- the Hamilton family were very-well known and influential in the area, notwithstanding they lead very private lives in accordance with their religious beliefs

Further facts establishing a strong connection of the Hamilton family with the house at 149 Livingstone Avenue are:

- when George Hamilton was married on 11 February 1914<sup>3</sup>, the marriage was held at the house<sup>4</sup>;
- George sold the house in 1914 to the Coombes. The Coombes were his parents-in-law;
- George lived in the house after his divorce and remained living there until shortly before his death; and
- Frederick Hamilton, one of the Hamilton brothers who ran Hamilton Bros, lived in the house until shortly before his death<sup>5</sup>.

The above-mentioned facts establish a strong connection between the Hamilton family and the house for over 44 years of its first 51 years. In particular, they demonstrate that George Hamilton and Frederick Hamilton, who were influential members of the local community, had a strong association with the house at 149 Livingstone Avenue. Those facts, in my opinion, outweigh the facts that the house was not designed for the Hamilton family and that members of the Hamilton family were not the first persons to live in it.

**In my opinion, this information adds weight to the property meeting the threshold for listing under criterion B.**

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<sup>3</sup> Page 110 of the article "*The Hamilton Family in Pymble 1876 -1968*" by the late Joan McDonald, the mother of Colin McDonald, a member of Residents' Action Group 149.

<sup>4</sup> Research material of the late Joan McDonald, held by Colin McDonald.

<sup>5</sup> Page 110 of the article *The Hamilton Family in Pymble 1876 -1968*.

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### 3.3 Assessment Criterion D

With regard to criterion D, types of items which meet this criterion include:

- *items which are esteemed by the community for their cultural values;*
- *items which if damaged or destroyed would cause the community a sense of loss; and/or*
- *items which contribute to a community's sense of identity.*

The important point is whether the inclusion guidelines are satisfied. The inclusion guidelines are:

- *Is important for its associations with an identifiable group*
- *Is important to a community's sense of place.*

As to the first of those guidelines, the local residents, including Residents' Action Group 149, who support the heritage listing of the Property, are clearly identifiable as a group. The importance of the Property to local community members is reflected by the following factors:

- 150 residents attended a site meeting on 2 June 2018 at two days' notice supporting preservation of the Property for its heritage value;
- 325 unique, written objections to the proposed demolition of the house were submitted to Council by 18 June 2018;
- approximately 120 residents attended the on-site conciliation conference in the Land and Environment Court proceedings on 7 May 2019 in support of preservation of the Property for its heritage value; and
- over 100 residents attended the on-site hearing in the Land and Environment Court proceedings on 19 August 2019 in support of preservation of the Property for its heritage value.

These facts also indicate that retention of 149 Livingstone Avenue is important to the community's sense of place, which satisfies the second of the guidelines for inclusion.

The fact that Councillors, who represent residents, voted 9 to 1 on 12 February 2019 to proceed with an application for Gateway approval to list the Property as a heritage item is another factor indicating that the council recognises the importance of the Property to local residents.

The exclusion guidelines are not applicable. The first is: *"only important to the community for amenity reasons"*. The Property does not provide the community with any amenity, other than visual in the streetscape.

The second guideline is *"retained only in preference to a proposed alternative"*. That is not the case here as the local community wants the house heritage listed. It is not a question of the community being prepared to accept demolition of the house if an alternative development proposal is put forward which the community prefers to preservation of the house. A strict application of this guideline would mean that any proposal for heritage listing by a community group would be invalidated if some other

### 3 Heritage Assessment

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development is proposed for a property. **It must be read against the overwhelming satisfaction of the inclusion guidelines for criterion D.**

#### 3.4 Assessment Criterion C

Finally, I note there are assertions that the house and gardens, do not satisfy criterion C – *aesthetic characteristics and/or a high degree of creative or technical achievement*; and hence, do not satisfy Criterion G – *demonstrating the principal characteristics of a class of the area's cultural or natural places*. These assertions are based on the extent to which the original allotment has since been subdivided and the alterations made to the house.

The reduction of curtilage, while regrettable, has not diminished the intrinsic values of the house. I have not inspected the house at the site, but I have seen the drawings prepared by Wayne McPhee and Associates in 1997; photographs of the house in the reports and read the descriptions of the house exterior and interior. The architect's drawings show that the ground floor alterations were at the rear of the house. The attic conversion has resulted in creation of an oversized dormer presenting to the street, which I, as an architect with extensive heritage experience, say is an inappropriate design approach. Nevertheless, the primary characteristics of the Federation period house remain and can be interpreted and appreciated.



**Brian McDonald**

**Principal Urban Designer and Heritage Consultant  
DFP Planning**

#### **Attachments:**

1. Curriculum Vitae
2. Statement of instructions received.
3. List of documents received.
4. Additional Information in Support of a Heritage Listing for 149 Livingstone Avenue, Pymble - Simon Nelson, 6 November 2018;
5. Letter to the Minister for Planning and Public Spaces from Colin Hamilton McDonald – 23 July 2019. Colin Hamilton McDonald is a descendant of Frederick James Hamilton, the patriarch of the family.





## Brian McDonald

### PRINCIPAL URBAN DESIGNER AND HERITAGE CONSULTANT Experience and qualifications



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Brian has over 30 years of experience in private practice working at director level and **20** years of public sector experience at high levels of responsibility and leadership.

His qualifications and experience cover architectural practice, urban planning and design and heritage conservation.

His commitment to heritage conservation and urban design is balanced by a keen appreciation of contemporary architectural practice, building technology and engineering services are reinforced by appreciation of the broader issues of place making and land use.

Brian has extensive experience as a consultant to federal, state and local government with an understanding of the regulatory framework of local government planning and environment approval processes. The width and depth of his experience over three disciplines is recognised by his appointment to Manly Council's and Mosman Council's Independent Hearing and Assessment Panel, St George Design Review Panel and also by appointment to represent Hunters Hill and Leichhardt Councils on the Joint Regional Planning Panel, Sydney East.

This CV focusses on Brian's experience in heritage conservation

- Former Registered Architect in NSW 1966 (No. 2545)
- B. Arch. (Hons), University of NSW
- NSW Board of Architects Medallion
- M. Sc. (Hons), Urban Planning, Edinburgh University
- OHS General Induction for Construction Work in NSW (No. 29698)
- Former Examiner, NSW Board of Architects
- Former Fellow of the Australian Institute of Architects
- Member Planning Institute of Australia
- Member Hunters Hill Council Conservation Advisory Panel
- Former Member Independent Assessment Panel, Manly Municipal Council
- Member Development Approvals Panel, Mosman Municipal Council
- Member Sydney East District Planning Panel – Sydney East representing Hunter's Hill and Leichhardt Councils
- Member Sydney West District Planning Panel representing Cumberland Council
- Member St George Council Design Review Panel
- Member Lake Macquarie Council Design Review Panel

### Positions held

2016 to Present | DFP Planning Pty Ltd, NSW, Australia, Principal Urban Designer Heritage Consultant

2010-2015 | CCG Architects Pty Ltd, NSW, Australia, Director

2003-2010 | HBO+EMTB Heritage Pty Ltd, NSW, Australia, Director

1984-2003 | Brian McDonald + Associates Pty Ltd, NSW, Australia, Managing Director

1982-1984 | Gazzard and Partners Pty Ltd, NSW, Australia, Associate Director and Director

1978-1981 | NSW Heritage Council, NSW, Australia, Government Architects Representative

Deputy Member, Historic Houses Trust of NSW

1969-1977 | Senior Architect, Government Architects Branch, NSW Department of Public Works

1966-1969 | Architect, Government Architects Branch, NSW Department of Public Works

1961-1965 Trainee architect, Government Architects Branch, NSW Department of Public Works

Founding Chairman, National Trust (NSW) Urban Conservation Committee

Member National Trust (NSW) Historic Buildings Committee (former)

### **Key Heritage Conservation Experience includes:**

Heritage conservation services to commonwealth, state and local government and the private sector include:

Strategic advice

Conservation management plans

Heritage studies

Heritage assessments

Urban design studies

Heritage feasibility studies

Design based adaptive re-use and development controls

Expert witness in the Land and Environment Court

Membership of advisory and approvals panels

### **Planning and Heritage Studies**

- Lord Howe Island: Planning and Building Code Review
- Martin Place Civic Design Study
- Mosman Urban Design Study and draft DCP for Residential Zones
- Hyde Park Plan of Management - Heritage Report 2006
- Pittwater and Barrenjoey Peninsula Heritage Study
- Singleton and Jerry's Plain Conservation Areas Study and Draft Development Control Plan
- Fenwick's Tugboat Site, Balmain Development Control Plan for Leichhardt Council
- Leichhardt Heritage Study
- Maitland Conservation Area Study and Outline for DCP
- Parramatta Park Historic Landscape Study
- Parramatta Park Historic Buildings and Monuments Study
- Marrickville Historic Retail Centres Study and Draft Development Control Plan
- Old Government Farm Site, Castle Hill Heritage Study & Master Plan
- Central Sydney Heritage Inventory Review: Pilot Study of 40 Interwar Period buildings and 40 early Twentieth Century buildings
- Harris Park: Review of planning controls and heritage constraints for Elizabeth Farm visual curtilage for Parramatta Council
- Conservation Areas Study for Leichhardt Council
- Building Typologies Study and design guidelines for alterations and additions for Leichhardt Council
- Building Typologies Study, design guidelines for alterations and additions and draft DCP sections for Marrickville Council

### **Conservation Works, Adaptive Re-use and Infill Design in a Heritage Context**

- 363 George Street Redevelopment, Sydney – heritage architect – negotiating heritage outcomes and conservation of former warehouses 22 – 26 York Street
- Scots Church and Assembly Hall, York Street Sydney – established heritage and urban design parameters, negotiating with consent authorities, jury member for design excellence competition, heritage architect for duration of project.

- Retreat and Spirituality Centre for the Sisters of St Joseph, South Kincumber
- Conversion of Naremburn Convent to apartments for the Sisters of St Joseph
- Adaptive re-use of St Leonards Park Grandstand to Planet X Youth Centre for North Sydney Council (National Trust/Energy Australia award for adaptive re-use)
- Australian Catholic University new chapel adjacent to a State Heritage item, North Sydney Campus.
- Emirates Resort Wolgan Valley: Wolgan Valley Homestead (1830s & 1860s) archival measured drawings, conservation works documentation and contract oversight, design and documentation of new services building (National Trust/Energy Australia high commendation for conservation works).
- Old Goulburn Brewery: Conservation works and adaptive re-use design and documentation.
- Defence Housing Australia: Establishment of detailed maintenance database, inspections and maintenance schedule for 83 heritage residences across Australia.
- St Augustine's Catholic Church, Balmain: Repair and conservation works to tower and hail damaged slate roof
- St Canice's Catholic Church, Rushcutter's Bay: Repair and conservation works to hail damaged slate roof and leadlight windows, stone repair
- Conservation works and adaptive re-use documentation of officers' houses, HMAS Creswell, Jervis Bay.
- Infill house at 119 Curtis Road Balmain (case study No2 in Design in Context published by NSW Heritage Council and Australian Institute of Architects)
- Former St Anne's Catholic Church, South Strathfield (1840s): Adaptive re-use of remnants of church as classroom and library for parish school.
- Conservation and Infill Retail/Residential 71-73 George Street, The Rocks for Sydney Cove Authority
- Kyneton Police Station, Victoria: Conservation Works
- Houses and former bakery 6-12 Grose Street, North Parramatta: conservation and adaptive re-use works.
- Mechanics Institute Ballarat, Victoria Conservation Works
- Edmund Barton Building, Parkes, ACT: adaptive re-use guidelines and referral application to Department of Environment.
- High Court of Australia: Heritage impact assessment of reconstruction of external balconies and the roof terrace and consultation with the Department of Environment.
- Wynyard Green, York Street Sydney (former Railway House – Sulman Award and RIBA Medal winner): adaptive re-use guidelines, heritage impact assessments and applications to NSW Heritage Council.

### **Conservation Management Plans (selected examples)**

- Emirates Resort Wolgan Valley: Wolgan Valley Homestead (1830s & 1860s): conservation management plan.
- Sydney University Main Quadrangle: conservation management plan
- Mulwalla: Homestead (1860s): heritage management plan
- Kapooka Army Base: heritage management plan and maintenance guidelines.
- Former Army Maritime School (Submarine Mines Depot) Chowder Bay: conservation management plan and adaptive re-use guidelines for Sydney Harbour Federation Trust
- Science House, The Rocks (first Sulman Award winner 1932) conservation management plan.
- St Augustine's Catholic Church, Balmain: Conservation management plan
- Former Royal Australian Armaments Depot, Newington: conservation management plan and adaptive re-use guidelines, archival measured drawings and photography of 126 structures.
- Launceston Post Office: conservation management plan and adaptive re-use guidelines
- Armidale Courthouse: conservation management plan and adaptive re-use guidelines.
- St Anne's Catholic Church, Bondi Beach: conservation management plan
- 363 George Street Redevelopment, Sydney – conservation management plan and adaptive re-use guidelines for former warehouses 22 – 26 York Street

- Scots Church and Assembly Hall, York Street Sydney: conservation management plan, adaptive re-use and extensions guidelines
- Burns Philp Building: conservation management plan
- Audley Precinct, Royal National Park: conservation management plan
- House, 25 Bushlands Avenue, Gordon: conservation management plan and adaptive re-use guidelines

## DOCUMENTS RECEIVED

1. Heritage Assessment report of Chris Betteridge dated 18 June 2018 in respect of 149 Livingstone Avenue, Pymble (**the Property**).
2. Supplement, dated 20 June 2018, to that Heritage Assessment report containing an additional photograph.
3. Heritage Assessment report of Dr Ann Warr dated 27 September 2018 in respect of the Property.
4. Assessment in respect of the Property of Council staff, including the Council's Specialist Heritage officer, included in the papers accompanying the Agenda for the meeting of Council on 16 October 2018.
5. Submission of Simon Nelson, architect, dated 8 November 2018 in respect of the Property.
6. Assessment in respect of the Property of Council staff, including the Council's Specialist Heritage officer, included in the papers accompanying the Agenda for the meeting of Council on 12 February 2019.
7. The first 20 pages of the draft Planning Proposal for heritage listing of the Property included in the papers accompanying the Agenda for the meeting of Council on 12 February 2019.
8. The determination dated 30 June 2019 of the Planning and Public Spaces Minister's Delegate, Marcus Ray, of the application of Ku-ring-gai Council for Gateway approval for heritage listing of the Property.
9. "*The Hamilton Family in Pymble 1876 – 1968*" by the late Joan McDonald, in *The Historian*, Volume 37, No 1, dated November 2008.
10. Letter dated 23 July 2019 of Colin McDonald, a descendant of the Hamilton family, to the Minister setting out a history of the Hamilton family.

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Additional  
Information in  
Support of a Heritage  
Listing for 149  
Livingstone Avenue,  
Pymble

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Prepared by Simon Nelson

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6th November 2018

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## Background

A DA was submitted on 27<sup>th</sup> April 2018 for the demolition of 149 Livingstone Avenue, Pymble, along with 151 and 153 Livingstone Avenue to be replaced with a development of Seniors units. Ku Ring Gai Council issued an interim heritage listing on 149 Livingstone Avenue and on 16<sup>th</sup> October 2018, at a full meeting of councillors, discussed and voted in favour of applying to the State Minister for Planning for a local heritage listing.

The case for and against listing was made through various reports which drew different conclusions. At the council meeting I (Simon Nelson) spoke to correct some “facts” contained in some reports and offered another view. The Mayor expressly stated that my comments had impacted her decision to vote in favour of listing while other councillors indicated that oral submissions, including mine, influenced their decision. This document is intended codify and expand on those comments I made in support of the heritage listing of this property.

## Simon Nelson (the author)

I am British/Australian registered architect (reg no. 10634) with my own practice working in Sydney. While not a specialist heritage architect, I have undertaken projects on heritage listed properties both in Australia and the UK, ranging in dates from the 11<sup>th</sup> century to the 20<sup>th</sup> century. As such, I am very familiar with current heritage preservation thinking both here and overseas.

I also own and reside in a heritage listed house, 104 Livingstone Avenue, Pymble which is particularly relevant to the matter at hand as it was the first home in Pymble of the Hamilton Family, who subsequently owned 149 Livingstone Avenue and whose ownership of 149 Livingstone Avenue is a justification for listing in its own right. As owner of 104, I have spent significant time researching the history of the house, the Hamilton Family and their involvement in the area. I have undertaken many conversations with surviving members of the family and as part of that, I hosted 4 generations of the family at my home and heard their stories and recollections of the family history.

In addition, I have studied the development of this part of Pymble/West Pymble on an academic basis in order to better understand the manner of sub-divisions that have led to the character of the area. As will be seen, this is closely tied to the Hamilton Family and to some extent, to 149 Livingstone Avenue.

For the reasons given above, I believe that I have a unique perspective of 149 Livingstone Avenue and the Hamilton Family which was not available to the heritage consultants and which strongly supports Heritage Listing of 149 Livingstone Avenue.

## Discussion

This paper will support the Local Heritage Listing of 149 Livingstone Avenue based on the following arguments. First, it will demonstrate that when considering the importance of the Hamilton family, reports were incorrect to recommend against listing because they only considered only the patriarch

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of the family as important to the history of Pymble. It will be shown that the contribution of the whole family should be considered as important to that history. Next, it will be shown that 149 Livingstone Avenue was significantly more important in the Hamilton Family history than has been given credit for. Next it will be shown that 149 Livingstone Avenue played a role in the sub-division of the area and that the plot should be preserved in order to retain important information about that sub-division. Finally, a case will be made for listing based on architectural merit. Each of these arguments alone support listing, but as a whole, they make a compelling case.

### **The Hamilton Family**

All heritage reports and local historians agree that the Hamilton's were a pre-eminent family in the area. Their association with 104 Livingstone Avenue, which they built, has been rightly relied on as part of the justification for listing of the property as a heritage item. However, there seems to be some debate as to whether the important person in the family was FJ Hamilton or whether his children were also important to the area. Heritage reports usually state that it is only FJ Hamilton who is important, because he bought the large amount of land on what is now Livingstone Avenue, that he constructed Livingstone Avenue and that he built 104 Livingstone Avenue. Additionally, it is usual to attribute the sub-division of the area to him, which is incorrect.

In addition, most historical reports mention the family business, Hamilton Brothers, which was located on the Pacific Highway at Pymble. This is acknowledged to be historically important to not only Pymble, but to the Upper North Shore. What is overlooked or given no weight to is the business was not run by FJ Hamilton but by 3 of his sons. If the business is as important to the area history as historians and heritage reports state, then this shows that the wider family is just as important as the patriarch.

To support this view further, we need to consider the sub-division of this part of Pymble. While it is true that FJ Hamilton did sub-divide his holding that formed the land around 104 Livingstone Avenue, this was ultimately unsuccessful as he failed to sell any plots. It wasn't until some 8 years after his death that his children undertook a new sub-division and that this resulted in the suburb we know today. As such, the children of FJ Hamilton were more important to the history of the area than FJ himself and we need to consider the whole family rather than simply the patriarch.

Consideration of the whole family or at least other members of the family is appropriate in the heritage assessment of 149 Livingstone Avenue as criteria (b) of the NSW heritage assessment criteria is "An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)".

### **149 Livingstone Avenue and the Hamilton Family**

It is well established that 149 Livingstone Avenue was built by George Hamilton, a son of FJ Hamilton. One report recommends against heritage listing suggests that as George might have originally built the house as a speculative venture for profit, the house has little importance to the family. This is

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incorrect. Whatever the true motive of George was when he built the house, there are three significant facts that link it to the Hamilton Family. George sold it to his parents-in-law, maintaining a family tie. Next, when it came time to move out of 104 Livingstone Avenue, the family chose 149 as the new dynastic home. It was chosen due to location and the fact it was built by George. It has been suggested to me by descendants of the Hamilton Family that the family waited until they could buy the house before moving out of 104, although this cannot be supported by documentary evidence. What is certain is that the family could have moved anywhere, but they chose to move to a house with strong family ties.

Much is made by the report recommending against heritage listing of a claimed fact that it was “only” home to the unmarried daughters of FJ Hamilton. Again, this is incorrect. Most significantly, George Hamilton, the original builder of the house also lived there until his death. The last of the Hamilton dynasty, who still owns a house nearby in Hamilton Parade, recalls “Great Uncle George” regularly walking over to Hamilton Parade from “the family home” for dinner.

#### **149 Livingstone Avenue and the sub-division of Pymble/West Pymble**

There are a number of houses of which 149 Livingstone Avenue is one, that clearly demonstrate the impact and thinking behind the sub-division of this part of the Upper North Shore. As can be seen on any plan, the successful sub-division led to plots significantly smaller than the existing houses and the original sub-division undertaken by FJ Hamilton which failed to sell. Being able to compare plot sizes in the area and understand how that impacted the street scape is important and would be lost if 149 Livingstone Avenue was to be either further sub-divided or demolished. For instance, there is a significant contrast between the original family home plot size of 4000 m<sup>2</sup>, 149’s 3000m<sup>2</sup> and the surrounding plots of about 1000m<sup>2</sup>. While it is true that a small parcel of land was sold from 149 for a council path, the scale and importance of the plot has not been lost and must be preserved as historically important.

#### **Architectural Importance**

Much is made in reports recommending against heritage listing of the alterations that have been made to the house and that these diminish the architectural importance of the house, but if we only use originality as the criteria for listing, very few houses would ever meet the standard. By way of example, my own home at 104 Livingstone Avenue suffered a serious case of “architectural vandalism” before it was listed, but rightly, this did not stop its listing. The real question is whether we are still able to identify the key elements of the original house and whether the alterations are clear and obvious. Often, the manner in which older properties are adapted to modern living provides us with historically important information of the evolution of housing.

The report recommending against the heritage listing of 149 Livingstone Avenue highlights the loss of certain features, such as ceilings. I question whether all those losses are real, because they rely on sales advertising which are notoriously distorted. The ceilings are less ornate or plain compared with what might be expected, and while it is likely that some have been altered, it is also likely that this is how the house was built. The Hamilton Family were strictly religious and, as can be seen in 104

Livingstone Avenue, included significantly less adornments to their houses than was common at the time, due to their beliefs. Without detailed examination, which has not taken place, the question of originality or not of certain features cannot be taken as given.

What we can say is that we still have a clearly defined Federation Bungalow. It should be noted that the both heritage reports compare it with a number of other federation Bungalows. However, what is overlooked is that this is a federation Bungalow in Pymble, part of Ku-Ring-Gai and as such has significantly more heritage importance to local residents than say, the properties in Cheltenham or Croydon that are used as examples. This is the very purpose of "local" listings, to protect local properties and as such, 149 Livingstone Avenue needs to be compared with local properties. Using that criteria, there is little doubt that the house has architectural merit through both the original features and the history of its alterations.

### **Conclusion**

In addition to supporting arguments made by others, 149 Livingstone Avenue should be heritage listed for the following reasons, each of which would be justification on its own but as a group, make a compelling case for listing.

- The association of 149 Livingstone Avenue with an important local family, the Hamilton's, demonstrating stages of life for the family and a continued presence in the Pymble/West Pymble area.
- The position of 149 Livingstone Avenue within the successful sub-division of the area and its ability to demonstrate the historic differences between pre and post sub-division
- The house is of architectural importance, both in original style and its current additions and alterations.

**Simon Nelson**

2 Hamilton Parade  
Pymble NSW 2073

23 July 2019

The Hon. Rob Stokes, MP  
Minister for Planning and Public Spaces  
1725 Pittwater Road  
MONA VALE NSW 2103

Dear Minister,

**Re: Redevelopment of 149-153 Livingstone Avenue, Pymble 2073**

One of my fellow residents, Mr Mark Weatherley, has recently spoken with you in person about the struggle we've made over the past year, to protect from destruction, the heritage dwelling located at 149 Livingstone Avenue, Pymble.

I would like to raise with you the issue of the Application for Gateway Approval submitted by Kuring-gai Council, the determination of which, made on 30 June 2019, is that the Application has been refused.

Much of the determination has rested on the opinions contained in a report about the dwelling, produced by a heritage specialist. That report contains at least two erroneous opinions which are easily countered by fact.

I need to set the record straight but ask for your indulgence as I dig a little into our family's history – the detail, I feel, is necessary. Please permit me to address two of the heritage specialist's opinions.

**Opinion 1: 'That the Hamilton Family had little connection with the dwelling.'**

The dwelling at 149 Livingstone Avenue was commissioned c.1916 on behalf of the Hamilton Family by my great-uncle, George Hamilton, a solicitor and son of the early landowner, Frederick James Hamilton who was still alive at the time.

The dwelling was built on part of an extensive landholding, held by the patriarch since 1876. It was owned and lived-in by the unmarried children of the Hamilton Family from c.1923 until 1967.

The fact that the Hamiltons had the dwelling built and then lived in it for **44 of its first 51 years**, is significantly at odds with the opinion that 'the family had little connection with the dwelling.'

**Opinion 2: 'That the Hamilton Family was not prominent in the area.'**

***Large Landowners***

Frederick James Hamilton owned large tracts of land in the area west of today's Pacific Highway, from roughly the middle of Gordon to the middle of Pymble and deep into the valleys to the west. What land that wasn't forested, was farmed and tended-to by all members of the large family.

***Economic Contributors***

When the patriarch opened a general store in the middle of Pymble in the 1880s, he named it 'Hamilton Bros Store'. It was a general store, manned by the sons and served a wide area, as evidenced by a turn-of-the-century general journal I have in my possession.

At a time of horse-and-cart transport, in what was definitely a rural backwater and well before the arrival of the North Shore Railway, customers from as far afield as St Ives, Lindfield, Turramurra and Ryde, relied upon the products stocked by Hamilton Bros – a store without equal between Chatswood and Hornsby. As many rural stores of the time did, the Store extended credit to customers and so performed a vital commercial function and economic role in development of the district.

***Providers of Low-Cost Housing***

Before the turn-of-the-century, the Hamiltons were responsible for the construction of a line of low-cost, weatherboard, workers' rental cottages in Pymble, many of which still stand alongside today's Pacific Highway. The Family owned a portfolio of other residential rental housing, including dwellings on Livingstone Avenue.

***Contributors to the Residential Landscape***

The arrival of the Railway in 1890 accelerated the development of Gordon and Pymble villages, to become much more residential and to develop into suburbs – so the Family's landholdings contracted several times by subdivision. Most of the subdivisions, and therefore the street-layouts we see today, were the work of the Family members, designed in concert with their chosen real estate agents and solicitors.

Prior to 1904, in order to reach his new, larger dwelling located one mile to the west, Frederick James Hamilton built, at his own expense, a steep and winding road which he named 'Livingstone Avenue' in honour of the British Empire's then most-famous explorer. Later, he gave the road to the local council and today, the same road serves as one of the most important arteries to the west of Pymble. That 'larger dwelling' is extant today – the State-heritage-listed property at 104 Livingstone Avenue.

### ***Contributors to the Community***

The land, on which stands the Pymble Presbyterian Church (built in 1908), was provided by Frederick James Hamilton. It still stands today, as the Uniting Church, at Pymble's most-prominent location, next door to the site of the former Hamilton Bros Store.

### ***Private People with Victorian-era Values***

This was a time when personal and business conduct was extremely important and good commercial and family reputations considered vital.

The Hamilton Family had roots in Scotland and Northern Ireland, were Scots Presbyterians, were all born in the Victorian era and held typically Protestant Victorian values of high work ethic, reputation and thrift. They lived frugally, eschewed a luxurious lifestyle, were not flamboyant and did not flaunt their wealth. Notwithstanding the Family being very well-known in the district, they were very private members of a large, self-contained family, almost totally self-sufficient, living off their surviving farmland well into the 20<sup>th</sup> Century.

A definition of 'prominence' these days might be influenced by whether or not someone sat on a local government council or similar. However, the Shire of Ku-ring-gai didn't exist until 1906, some 30 years after the Family settled in the district.

The heritage specialist appears not to have discovered the significant contributions made by the Family. Through superficial research, it could be possible to view such a family and how they lived, through a 21<sup>st</sup> Century prism, where self-promotion has become the norm and the most-vocal and loud get attention. However, these were entirely different times in every aspect of social and commercial life.

Given the opinions made in the heritage specialist's report, upon which so much of the Gateway Application has been determined, I ask that the determination of 30 June 2019 be set aside and a new determination be made in light of the relevant history I have introduced here.

Yours sincerely,



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