

RESPONSE

General

This comment is made in response to a submission received directly by the Department of Planning & Environment (DP&E) (as forwarded to Council on 4 December 2017) regarding the draft Middle Harbour Road, Lindfield, Heritage Conservation Area (HCA) (as amended by Council's resolution of 24 October 2017). As Council resolved at this meeting to proceed with a smaller HCA this response will focus on the final draft area only.

In responding to this submission, it is worth noting that, in addition to the documentation submitted directly to the Department of Planning & Environment in 2017, numerous reviews this proposed HCA area have previously been undertaken including:

- 2010 South HCA Review by Architectural Projects Pty Ltd.
- 2015 Perumal Murphy Alessi Middle Harbour Road, Lindfield, Heritage Conservation Area Review (subject to a non-statutory public exhibition period from 20 March to 15 May 2015).
- 2015 Architectural Projects review of the Perumal Murphy Alessi 2015 review.

Further review of the proposed HCA was required as a result of Condition 1 of the Gateway Determination issued on 20 October 2016 requiring:

1. *Council is to conduct a review of the supporting Perumal Murphy Alessi Heritage Study prior to community consultation, and amend the planning proposal accordingly, to address the result of the site inspections undertaken by Council officers and the findings of the Architectural Projects Study. The reviewed study, and amended planning proposal is to be forwarded to the Department for approval prior to community consultation.*

During this time period, Council also consulted with the NSW Heritage Council, who raised 'no objection to the inclusion of the Middle Harbour Road Heritage Conservation Area because it was supported by a robust and up-to-date assessment prepared by Perumal Murphy Alessi dated January 2015.'

Council undertook additional work to meet the Gateway Determination condition and a statutory public exhibition was held between 2 and 30 June 2017. Council considered all submissions received during the public exhibition period and adopted the recommendation of a report on 24 October 2017 to proceed with a reduced area for the Middle Harbour Road HCA.

This reduced area has been assessed as reflecting the overarching characteristics of an HCA being an area containing a collection of properties retaining characteristics from their key development periods including building styles, trees and gardens which are discernable from the public domain. Five individual heritage items are also contained within this area.

The submission recently received by the DP&E questions the ranking allocated to nine properties within the final proposed HCA boundaries. It argues that, should the ranking of these properties be reduced, the percentage of contributory properties would fall to below 50%, thereby rendering the HCA below the threshold required for listing. This opinion is supported by the submission from Brian McDonald of Don Fox Planning who claims that '...according to the Council's criteria the number of contributory items must exceed 50% to justify a Heritage Conservation Area.'

It is important to note that there is no numerical threshold applied to heritage conservation areas. Designation of an area as an HCA requires a far more nuanced and complex assessment than simply counting property numbers on a map. A heritage conservation area is the culmination of many factors including streetscape, setting, gardens and street verges, street alignment, subdivision patterns, visual catchment and vistas and building stock. This is clearly shown by the Statement of Significance prepared by Perumal Murphy Alessi which states:

The built context is enhanced by the street proportions and character, street plantings and garden settings including remnant and planted native trees, creek line and neighbouring reserve areas. The area is significant as part of Dering's Clanville Estate and subdivision and represents the late 19th and early 20th century development of the area. The predominant early 20th century development also reflects the evolution of rail and road networks and particularly improvements of the rail network in the late 1920s and early 1930s. Some re-subdivision and redevelopment has also occurred in the area. Despite these changes the area significantly retains its early subdivision and streetscape pattern of single detached houses within a "green" setting."

It is also important to note that the assessments made by Don Fox Planning and Urbis are in relation to the original HCA boundaries, not the final boundaries adopted by Council in October 2017.

Individual building rankings


In relation to ranking buildings, the heritage assessment report undertaken by Perumal Murphy Alessi states:



'The identification of contributory items is based on the style, condition and integrity of each property and how it relates to the historical development and identified cultural significance of the area. This process is consistent with standard heritage practice and guidelines. The visibility and visual contribution and presentation to the streetscape and area in particular were noted...many of the identified contributory items within this study are aged between 80 and 100 years old. Buildings of this age are rarely completely intact in their original form, fabric and style. It is recognised that modifications and additions are often necessary to allow the continued use of the building in a modern age. Consideration has been given to this requirement for change and the contributory items have been assessed with the consideration of the degree of change and its impact on the historical and visual character of the item and its contribution to the area when viewed from a public place.'




Accordingly, contributory buildings have been identified as houses which retain their design integrity when viewed from the street. As evident from the process of assessing this HCA to date, differing opinions amongst heritage experts exist in relation to determining whether the 'design integrity' of a building has been completely lost. In this case, difference of opinion in ranking exist between the Perumal Murphy Alessi assessment (2015) and the Architectural Projects assessments (2010 and 2017). In some cases, for example 59 Trafalgar Avenue, 9 Short Street and 43 Tyron Road, the Architectural Projects rankings have been amended between 2010 and 2017 despite the properties not undergoing any significant changes within this timeframe. Therefore, it is clear that even within the same consultancy ranking individual properties is not always a straightforward process.



Following the public exhibition, Council undertook a review of the Perumal Murphy Alessi 2015 report property rankings and noted where changes were made. The report considered by Council at its meeting of 24 October 2017 included a comparison between the Perumal Murphy Alessi assessment (2015) and the Architectural Projects assessments (2010 and 2017), along with comments from officers. In some cases, officers agreed to amend property ratings as noted by the recent submissions to the Department of Planning & Environment (4 and 9 Valley Road).

Of the seven remaining properties under dispute, officers have re-assessed them in their report considered by Council at its meeting of 24 October 2017. In relation to these properties, it was not agreed that the property ranking needed to be amended. This assessment process was clearly articulated within the Council report and is replicated as follows:

Address	Perumal Murphy Alessi	Architectural Projects 2010	Architectural Projects 2017	Comments
55 Trafalgar Avenue	Contributory	Neutral	Natural	<p>Contributory</p> <p>The house at 55 Trafalgar Avenue has an extension to the southern elevation which extends from the existing building lines and forms including the ridge line of the roof and the front building line. The extension is discernible as the bricks vary to that of the original house. The extension is further able to be interpreted by assessing the current aerial photograph with the 1943 aerial photograph. As to whether or not the building remains contributory because of the changes, the original design intent is still apparent and as a corner property any alteration would be more visible than a house with a single frontage.</p> 

59 Trafalgar avenue	Contributory	Contributory	Neutral	<p>In 2010 Architectural Projects assessed this house as Contributory. On street view the house hasn't changed from 2008 to present site inspection. The turret roof form is in the 1943 aerial photograph and is also present in a house in Tryon Road.</p>  <p>No change in rating of Contributory from previous assessment recommended.</p>
9 Short Street	Contributory	Contributory	Neutral	<p>In 2010 Architectural Projects assessed this house as Contributory. On street view the house hasn't changed from 2008 to present site inspection. It is on the 1943 aerial.</p> <p>No change in rating from Contributory is recommended.</p> 

43 Tryon Road	Contributory	Contributory	Neutral	<p>In 2010 Architectural Projects assessed this house as Contributory. On street view the house hasn't changed from 2008 to present site inspection.</p> <p>Retention of Contributory ranking recommended</p> 
61 Tryon Road	Contributory	Neutral	Neutral	<p>61 Tryon Road has quite a complex roof form which is discernible as authentic on the 1943 aerial with the exception of a small flatroof extension on the eastern side. It has been rendered but other changes are reasonably reversible.</p> 
52 Middle Harbour Road	Contributory	Contributory	Neutral	<p>No change in rating recommended. There is a garage forward of the front building line with a gable roof which is unsympathetic and flat roof is preferred but it does not completely remove the ability to interpret the historic layer and is conceivably alterable</p> 

38 Middle Harbour Road	Contributory	Contributory	Neutral	 <p>New hipped roof carport at front attached to house. No change in rating from Contributory is recommended.</p>
46 Middle Harbour Road	Contributory	Contributory	Neutral	 <p>Has a new roof (tiles) but is very similar to the 1943 aerial.</p> <p>No change in rating from Contributory is recommended.</p>

Conclusion

Accordingly, it is considered that the draft Middle Harbour Road HCA has been through and exhaustive assessment and consultation process. The final draft boundaries reflect Council's response to the issues raised within the community and more accurately reflects the heritage values of the area. The decision making processes undertaken by Council in reaching this final position are transparent. Whilst it is acknowledged that not all property owners are supportive of the draft HCA, the aim of the exercise is to protect areas of heritage value for future generations which is one of the many responsibilities of local government in NSW.