

CONSIDERATION OF SUBMISSIONS ON THE PLANNING PROPOSAL FOR MIDDLE HARBOUR ROAD HERITAGE CONSERVATION AREA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the submissions received during the public exhibition of the Planning Proposal to include Middle Harbour Road Conservation Area in *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015).

BACKGROUND:

On 28 June 2016 Council resolved to proceed with a Planning Proposal to amend the Ku-ring-gai Local Environmental Plan 2015 to include the Middle Harbour Road Heritage Conservation Area.

The Planning Proposal was placed on public exhibition between 2 June 2017 and 7 July 2017. This report provides an overview of the outcomes of the public exhibition.

COMMENTS:

Total of 65 submissions were received during the public exhibition of the Planning Proposal including 2 petitions.

RECOMMENDATION:

That Council proceeds with the heritage listing for a revised heritage conservation area.

PURPOSE OF REPORT

For Council to consider the submissions received during the public exhibition of the Planning Proposal to include Middle Harbour Road Conservation Area in *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015).

BACKGROUND

On 10 March 2015 Council resolved to place the Middle Harbour Road, Lindfield, Potential Heritage Conservation Area Review, prepared by Perumal Murphy Alessi Heritage Consultants on non-statutory public exhibition. The document was placed on non-statutory public exhibition from 20 March to 15 May 2015.

Following consideration of the submissions the Council resolved on 28 June 2016 to prepare and submit a Planning Proposal to the Department of Planning and Environment (the Department) for Gateway Determination to include Middle Harbour Road HCA in Schedule 5 and on the Heritage Map of KLEP 2015. The Department granted Council a conditional Gateway Determination requiring a more detailed explanation of the contributory ratings and additional agency consultation with the Office of Environmental and Heritage.

Council resubmitted an amended Planning Proposal to the Department and was granted permission to place the Planning Proposal on public exhibition. The Planning Proposal and supporting material commenced exhibition on 2 June 2017, an updated Planning Proposal was added on Monday, 5 June 2017 and owner residents within the HCA were renotified with hand delivered letters on Tuesday, 6 June 2017 while owners outside the HCA were posted updated notifications. The exhibition concluded on 7 July 2017.

COMMENTS

Heritage conservation areas conserve the heritage values of an area rather than a particular item. These are areas in which the historic origins and relationships between various elements create a cohesive sense of place that is worth keeping. These elements can include the buildings, gardens, landscape, views and vistas.

Common themes from the community submissions

Council received 65 community submissions for the heritage conservation area review north: 36 against the proposal and 29 for the proposal. A summary of the issues raised in the community submissions can be found in **Attachment A1**.

Common themes from the submissions were:

Loss of property value and a reduction in potential buyers

Much concern was expressed with regards to the impact of inclusion in a heritage conservation area on house values. The rationale for this concern stems from a fear that houses in a heritage conservation area will have fewer potential purchasers and this would lead to a lower sale price.

To understand the effects of designation on house values a literature review was undertaken to examine Australian and international studies that have evaluated the impact of designation on house prices. This literature review can be found in **Attachment A2**. The general findings of the majority of studies found that designation had marginal impact on house prices and in several instances the effect was positive. Three studies noted mixed and negative impacts, however, the focus in two of these studies were on the designation of apartments and town houses, not on detached dwellings.

In addition, several studies which utilised hedonic pricing for their analysis noted that other factors were far more influential in affecting house prices such as number of bathrooms and locational factors such as access to public transport and local schools. Based on their analysis of several studies, Armitage and Irons 2005 (see **Attachment A2**) attributed the positive effects on house prices in heritage precincts to the increased consistency and greater certainty of character in an area protected by conservation controls.

Loss of development potential

The inclusion of a property in a heritage conservation area does not preclude future new development, such as additions and sympathetic infill. Instead, change in these areas will be managed to allow the modernisation and expansion of homes while conserving the valued character and cultural significance of the conservation area. Subdivision and infill development is still permitted within a heritage conservation area provided this development is successfully supported by a heritage impact statement which can demonstrate that the significance of the conservation will not be detrimentally impacted by the proposed development.

The character of the area could be conserved through inclusion as a schedule 3 variation to the Exempt and Complying SEPP

The variations that currently exist in schedule 3 of the Exempt and Complying SEPP for other Council areas are typically variations to numerical standards contained in particular clauses that apply to a unique local issue. They are not intended as broad exemptions or an additional layer of multiple development controls. The determination of the consistency of an application with local character is a merit consideration and not appropriate for inclusion in a complying development code.

Heritage conservation areas and the processes set in place for their protection are not a unique local issue. The intention of a heritage conservation area is not to conserve character but to conserve heritage. Council can apply controls to conserve the character of an area but where complying development is permissible Council does not have authority to assert these controls.

Implications of inclusion in a heritage conservation area

There are both costs and benefits to inclusion in a heritage conservation area, both to the individual and to the community. Protecting a conservation area has the benefit of conserving for current and future generations the aesthetic and social qualities which give the area its cultural value and make it a great place to live. Other benefits include certainty as to the types of development that occur in a conservation area. The character of the area is required to be retained; therefore development which is out of character or out of scale to the area is unlikely to gain development approval. New dwellings and demolitions in conservation areas are not complying development for the purpose of the Housing and Demolition Codes. As such these developments would be the subject of neighbour notification, giving the community opportunity to comment on development in their local area. Heritage items or places within heritage conservation areas that are deemed as meeting the criteria for being heritage restricted under section 14G of the *Valuation of Land Act, 1916* may be eligible for a heritage restricted valuation for the purposes of land tax.

Petitions

Two petitions were received with regards to the heritage conservations. One was for the proposal and had 56 signatures. The other was against the proposal and had 65 signatures. Comments on the petition can be seen in the summary of comments at **Attachment A1** and **Attachment A3**.

Recommended changes to the boundary

It is recommended that the boundary for the Middle Harbour Road heritage conservation area be revised and encompass a smaller area (see **Attachment A4**). It has been highlighted in the submissions and verified by walking the area and reviewing historic documents that parts of the heritage conservation can no longer be considered as significantly intact, as contributory buildings in these streets are in the minority. The revised contribution rating map for the study area is at **Attachment A5**. In others, such as the eastern end of Tryon Road the quality of the architecture is not particularly notable and the effect of the high volume traffic and the poor presentation to the street renders this area as a poor contribution to the conservation area.

The area recommended to proceed has clusters of contributory buildings, particularly on Middle Harbour Road, that appear in continuous rows with few non-contributing intrusions. The area also includes every heritage item located within in the previous study area boundary with the exception of one. The contributory buildings and elements represent the majority of the new proposed area.

INTEGRATED PLANNING AND REPORTING

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Strategies, Plans and Processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets	Implement, monitor and review Ku-ring-gai's heritage planning provisions	Identify gaps in existing strategies and plans

GOVERNANCE MATTERS

This report addresses issues of heritage protection in line with Council's recently gazetted LEPs. The process for the preparation and implementation of the Planning Proposal to implement the new Heritage Conservation Area is governed by the provisions contained in the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

Council was not issued with plan-making delegation under Section 23 of the EP&A Act 1979 to finalise the Planning Proposal. Therefore, in accordance with *section 59 of the Environmental Planning and Assessment Act 1979*, the final Planning Proposal will need to be forwarded to the Department of Planning and Environment with a request to make arrangements for the drafting of any required local environmental plan to give effect to the final proposal.

RISK MANAGEMENT

This report provides the level of detail and the justification, including preliminary community consultation.

FINANCIAL CONSIDERATIONS

The costs associated with this matter are covered by the Strategy and Environment Department, Urban and Heritage Planning budget.

SOCIAL CONSIDERATIONS

There is a community expectation that places of heritage significance within the Ku-ring-gai Council local government area will be identified and protected.

ENVIRONMENTAL CONSIDERATIONS

Council is responsible for the identification and management of Ku-ring-gai's environmental heritage. Consideration of this matter will assist Council in meeting this requirement.

COMMUNITY CONSULTATION

The Planning Proposal was exhibited from 2 June until 7 July 2017. It was advertised on Council's website and in the North Shore Times, postcards announcing the public exhibition were hand-delivered to the affected properties and letters were sent and hand-delivered to the owners of affected and adjacent properties inviting submissions.

INTERNAL CONSULTATION

This report has been referred to the relevant sections of Council and the Heritage Reference Committee for comment.

SUMMARY

This report summarises the response to submissions received during the exhibition of the planning proposal to include Middle Harbour Road Conservation Area in the KLEP 2015 under Schedule 5 and on the Heritage Map. It is recommended that an amended, smaller area proceed to gazettal.

RECOMMENDATION:





- A. That Council resolves to adopt the Planning Proposal to list the amended Middle Harbour Road Conservation Area as identified in **Attachment A4** in Schedule 5 and the Heritage Map of the Ku-ring-gai Local Environmental Plan 2015.
- B. That Council forwards the amended Planning Proposal to the Department of Planning and Environment in accordance with section 59 of the *Environmental Planning and Assessment Act 1979* with a request to make arrangements to give effect to the final proposal.
- C. That those who made a submission be notified of Council's resolution.

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Attachments:	A1	Submission summary table - Middle Harbour Road HCA	2017/152974
	 A2	Literature review of effect on house prices	2016/065206
	 A3	Property ratings - Architectural Projects 2017	2017/276034
	 A4	Amended Middle Harbour Road heritage conservation area boundary with ratings	2017/289496
	 A5	Existing study area of Middle Harbour Road heritage conservation area with revised ratings	2017/289489


Submission summary table


No	TRIM	Issue/Concern	Comment
1	2017/150834	Concerned about Ausgrid damaging the trees in the HCA without approval.	<p>Under the Infrastructure SEPP clause 43(1)(k) vegetation management is exempt work when it complies with a tree management plan prepared in accordance with Part 10 of the <i>Electricity Supply (General) Regulation 2001</i>. As such any works that comply with this plan are exempt.</p> <p>Councils across Sydney including Ku-ring-gai are currently in negotiation with Ausgrid to draft new District and Local Precinct Vegetation Management Plans in the hope of achieving a balance between protecting the safety and reliability of the electricity network, and protecting the important urban amenity and ecosystem functions provided by trees, by encouraging better tree management outcomes. It is hoped these plans will result in better and more sustainable pruning practices by Ausgrid contractors.</p>
2	2017/150852	Draft HCA should be extended to include church on the corner of Tryon and Nelson Roads, and the section of Nelson Road between Tryon Road and Tryon Lane.	The Lindfield Uniting Church at 33 Tryon Road is within the area covered by the Local Centres LEP and would require a separate planning proposal to include it within a HCA. The church is on the heritage list as a State heritage item.
3	2017/151562	Does not support the proposed HCA. Not good for population growth, economic growth and diversity.	The Plan for Growing Sydney and the Greater Sydney Commission's Draft North District Plan both outlay strategic visions for growing Sydney's population including expanding housing supply and the creation and protection of employment lands. These plans also advocate the protection of natural and built heritage now and into Sydney's future. The balance between conservation and growth is achieved by selectively protecting

No	TRIM	Issue/Concern	Comment
			those areas which have heritage value. The future Housing Strategy for Ku-ring-gai will address how to achieve housing supply that optimises choice and encourages diversity while protecting Ku-ring-gai's highly valued character and environment.
4	2017/152679	Does not support the proposed HCA. It would limit the development options and reduce market value. The house (105 Middle Harbour Road) does not represent any significant architectural heritage attributes. It is a Californian Bungalow circa 1920s.	The house is a mostly intact bungalow whose verandah has been windowed in. It is a representative example of an Inter-war bungalow, a key development period of the proposed HCA. While some development options may be limited, as certain developments previously permissible under the Exempt and Complying SEPP no longer apply, houses within a HCA can still be developed with development approval.
5	2017/154062	Does not support the proposed HCA. House (62 Middle Harbour Road) built in the 1990s should not be heritage listed. Supports heritage listing individual houses over 100years old that have architectural significance.	HCA's are not individual heritage listings. They protect an area where the majority of houses contribute to the identified cultural significance of the place. New houses are included to ensure that development within this identified area is sympathetic to the desired built character and responds to the heritage context of the contributory elements, including the landscape. In the case of 62 Middle Harbour Road it has houses either side of it and directly across the road that are contributory Support for conditional individual listing is noted.
6	2017/160050	Does not support the proposed HCA. Cannot see any benefits to residents. Wants it withdrawn.	See theme section in main report.

No	TRIM	Issue/Concern	Comment
14	2017/175080		Objection noted. The submissions will assessed and a decision made by Council.
7 12 30 31	2017/166841 2017/168852 2017/182487 2017/182492	Does not support the proposed HCA. Doesn't think their house at 54 Archbold Road is heritage. As the property owner it is their right to say "no I don't want it as heritage".	<p>Opinion noted. See main body of the report regarding property rights</p> <p>This is a 1950s house on a very busy road with a high fence and a double brick garage forward of the front building line. The house is from a later period of development that is not strongly represented in the area of the draft HCA. It is representative of the layers of development in Lindfield which is ongoing. Its contribution to the HCA is borderline at best.</p> <p>Recommend changing the rating to neutral.</p> <p>The house at 54 Archbold Road is a late 1950s bungalow. First appears on the 1961 aerial photograph and has a double brick garage forward of the front building line. The house rating is BL tending to contributory.</p> 

No	TRIM	Issue/Concern	Comment
8	2017/167118	Does not support the proposed HCA. The house at 34a Middle Harbour Road is recent (1982). Inclusion in a HCA will hinder future redevelopment.	The house is considered neutral. New development can still occur in a HCA but it is required to comply with the development controls in the Ku-ring-gai DCP and demonstrate how what is being built does not have an impact on the heritage qualities of the HCA. Recommend you speak with Council's duty planner and your architect or designer about how to achieve change while protecting the HCA.
9	2017/167218	Does not support the proposed HCA. Undemocratic because the process is not proposed or supported by homeowners. Area is not of heritage significance particularly when compared with real heritage in Europe. According to the original report the area is only of marginal significance. Our portion of Tryon Road has no architectural/visual continuity. Listing is an arrogant imposition that will prevent technological change and damage land values. Neighbouring streets do not have the same imposition. Requiring DAs for minor works is time consuming and expensive and will lead to property deterioration. People who can't afford it could be forced to maintain the exterior of their houses. Listing is an impediment to necessary improvement, see the Lindfield retail/residential building as an example. This decision should have been put to a plebiscite of impacted owners.	<p>The exhibition period and public consultation is the opportunity for residents and homeowners to express their opinions with regards to the planning proposal being considered. These submissions are assessed by the Council officer and a recommendation as to how to proceed is made to the elected Councillors. These Councillors then vote as to the outcome.</p> <p>Heritage in the Australian context are those places from the past which are valued and are being conserved for the future. This can be a grand Victorian mansion or a modest turn of the century workers cottage. It is identifying remnants of the local area's history to be kept and shared with future generations.</p> <p>There are many properties within the local area already included within a heritage conservation area. Property deterioration as described is not evident in these properties or in neighbouring LGAs like Willoughby where HCAs have been in place for over 20 years.</p> <p>With regards to 1-21 Lindfield Avenue – a mixed use site with many owners</p>

No	TRIM	Issue/Concern	Comment
			<p>is not comparable to a single house with 1 or 2 owners. Negotiating and facilitating the upgrade with many owners can lead to delays and disagreements.</p> <p>Please see main body of reports regarding DAs, minor works, house values.</p>
10	2017/167275	43 Tryon Road should not be considered as contributory as it was previously apartments and is now a house and 43a Tryon Road which was previously attached to 43 Tryon Road has diminished any significance that 43 may have had.	<p>The use of the building whether as an apartment or as a single dwelling does not impact on the contribution the building makes to the streetscape. The house at 43 is present on the 1943 aerial photograph. The house does have a significant rear extension and the vacant lot beside the house has been infilled with 43a Tryon Road. The house is substantively in original form however there have been some mildly unsympathetic changes to finishes such as the use of weatherboard on the gable fascia. Overall, in form and scale the building present as contributory.</p> 
11	2017/168335	Does not support the proposed HCA. The house has been modified and bears little resemblance to the	The house (47 Tryon Road) as viewed from the street is single storey Inter-war bungalow finished in face-brick. It is modified but inclusion in the


No	TRIM	Issue/Concern	Comment
		<p>original house. Only 7/19 houses in the block are assessed as contributory and therefore the block should not be included within a HCA. Architectural style has been maintained without a heritage overlay including our own dual occupancy. More relevant to preserve the natural environment. Contributions from street trees, gardens, creek lines and reserves is of greater importance in enhancing the amenity and livability than the built environment.</p>	<p>heritage schedule is not preservation that prohibits change. The changes that have occurred such as enclosing verandah spaces with windows are considered minor and the modifications interpretable. The house was assessed as contributory in 2010 and again by PMA. The building is considered contributory to the key development period of the draft HCA.</p>  <p>Basing contribution on the area rather than counting lots of various sizes the block is 48% neutral and 52% contributory. This is still marginal but does not represent the disparity that counting blocks represents.</p> <p>Most conservation areas and more particularly this one do not focus singularly on the built environment. In Ku-ring-gai the realisation of garden suburbs during the Federation and Inter-war periods saw sub-division and estate sales that supported houses set in established gardens, on tree line streets with the local amenity of parks and reserves. The quality of the</p>


No	TRIM	Issue/Concern	Comment
			<p>natural environment in these suburbs was and is not incidental but is instead planned, intentional and purposeful.</p> <p>The loss of trees and natural heritage is a direct and undisputed outcome of subdivision and densification.</p>
12		See 7	.
13	2017/169038	Does not support the proposed HCA. Against the heritage area as it restricts densification, population growth and will increase maintenance costs for owners.	The Plan for Growing Sydney and the draft Northern District Plan both encourage the conservation of heritage places to provide a connection to the past, to collectively tell the stories of an area and positively contribute to a place's sense of identity. The latest Housing Strategy for Ku-ring-gai which is anticipated to be drafted in 2018 will review where densification will have the least impact on conserved places while providing for housing diversity and improved affordability.
14		See 6	
15	2017/175417	Does not support the proposed HCA. Recent house sales have declined due to the draft heritage area. Will cost more money and time when wanting to develop these properties. Takes away my right to apply the Exempt and Complying Development Code. This will tell me how to manage my life. Council should consider this from the point of view of the owner.	<p>In the last month a house in the draft HCA sold before auction setting a record for the street and the sixth highest sale for Lindfield. This report is for a single house and is not statistically significant as is the reported loss of value of another house in the street in 2015. The evidence in Ku-ring-gai is that the sales of houses in existing HCAs has not declined and the places are in high demand.</p> <p>The Exempt and Complying code places conditions on houses in heritage</p>

No	TRIM	Issue/Concern	Comment
			conservation areas that are different to places not in HCAs but some exempt and complying development may still be permissible: please refer to the Code. The intention of these restrictions is to conserve the identified heritage values of the heritage conservation area. Development may still be permissible either with minor works or development approval.
16	2017/177137	Does not support the proposed HCA. Recommendation on erroneous and misleading information and has no merit as a HCA. Instead Council should develop reasonable standards to uphold in-character development to be inserted in schedule 3 – Variations of the NSW SEPP (Exempt and Complying Development Codes) 2008	Errors of fact when stated have been checked and if proven changed. Schedule 3 of the Exempt and Complying SEPP is for variations of the code but as can be seen in the current schedule 3 this is for very discrete and specific clauses not development controls to retain a character area which in practice would and has in the past been numerous clauses in a development control plan. Please see discussion in main body of the report.
17	2017/177727	Support the HCA with the following provisos: any development that doesn't impact on the streetscape character should be allowable under complying development, development such as demolition or carport at the front of the building should require a DA and HIS.	The Exempt and Complying SEPP still permit with conditions some development and changes to properties that are in HCAs. Please refer to the code for details. Demolition or building a carport at the front of the building do require a DA and may require an HIS.
18	2017/178478	Does not support the proposed HCA. Many elements within the proposed HCA that do not constitute heritage. More beneficial to conserve the living environment of the area.	It is agreed that many recent houses and unsympathetic additions do not have heritage value. Policies and controls do exist to conserve the natural environment.
19	2017/180396	Wants it formally noted that 15 Owen Street Lindfield is a new build as of 2007.	The house is not a new build according to the development application approval records held by Council. It is an alteration and addition. At the core of the house some of the original building was to remain according to

No	TRIM	Issue/Concern	Comment
			the development plans. Regardless, the building is not considered to be contributory. As the changes were the subject of a development application they are well documented and the house is rated as neutral.
20	2017/180405	Does not support the proposed HCA. The proposal has no merit as many houses do not have heritage value. Do support those individual houses that have genuine heritage merit being listed as individual heritage places.	The merit of the proposal as is, is considered borderline. The many unsympathetic changes has eroded the former heritage qualities of the wider area that were assessed previously by the National Trust and Godden Mackay Logan in 2002. It is agreed that if the proposal does not proceed places of individual merit should be assessed and considered for listing.
21	2017/180418	Does not support the proposed HCA. Not in the best interest of the area and the character can be conserved without it.	Your objection is noted. Character of an area is different to heritage significance. Brand new estates often have their own 'character' or set qualities that are shared by a group of houses. This is not the same as having historical significance or a significant architectural aesthetic which has survived the test of time as do the existing heritage conservation areas in Ku-ring-gai. These qualities cannot be conserved in areas zoned low density residential (R2) under the existing planning system as state development controls do not obligate designers or builders to respond to the context of the local environment, built or otherwise. This is not in and of itself a bad thing for areas that do not have heritage value but it does mean that character, heritage or otherwise, cannot be protected under the state planning system.
22	2017/180422	Supports the HCA. All arguments for inclusion are in PMA report. Disgrace it has taken so long to go ahead.	Support noted.
23	2017/180428	Does not support the proposed HCA. House at 75 Tryon Road is significantly modified. Statistically the	Statistically a <i>margin of error</i> measures the maximum amount by which the sample results are expected to differ from those of the actual population.


No	TRIM	Issue/Concern	Comment
		margin of error does not warrant the inclusion of the area as a HCA that is 51% contributory. Believe it will impact on value look at what happened to 58 Middle Harbour Road. Tryon Road is already compromised by heavy traffic and security concerns. Already controls in place by Council to protect the area's character. Council can insert variations into the Exempt and Complying Development Code. 80% of the submissions from local area residents to the non-statutory exhibition are against the proposal proceeding.	<p>This survey was not a sample but of the entire population of lots within the survey area therefore statistical sampling error is not a concern. Error in calculation or surveying may have occurred. To counter this type of error the survey was undertaken 3 times by three different surveyors and was publicly exhibited to provide the opportunity for members of the public to comment on any perceived errors. This exhibition is again an opportunity to comment on any errors.</p> <p>It is agreed that presentation to the street of parts of Tryon Road are compromised by the heavy traffic.</p> <p>Re character please see comments under submission 21.</p> <p>Re Exempt and Complying Code please see comments under submission 16.</p>
24	2017/180669	Does not support the proposed HCA.	Noted.
25	2017/181239	Does not support the proposed HCA. Other ways to protect this valued street character without reducing property rights and property values.	See notes on character under comments for submission 21.
26 27	2017/182476 2017/182481	<p>Does not support the proposed HCA for Owen Street for the following reasons:</p> <ul style="list-style-type: none"> • Subdivision pattern of Owen Street lacks the consistency of other streets in the proposed HCA • High degree of heavily modified dwellings and new 	<p>It is agreed that the subdivision has varied particularly on the rear alignment of the northern side of Owen Street to that of DP 6393.</p> <p>The connection with the railway is apparent. The area developed in response to the railway which increased services around the stations which</p>


No	TRIM	Issue/Concern	Comment
		<p> dwellings</p> <ul style="list-style-type: none"> • Has a moderate number of contributory properties • Inconsistent and inappropriate plantings • Due to the distance from the railway station the historic connection with the railway improvements of the 1920s and 30s is not apparent <p>Does not support the proposed HCA for 10 Owen Street for the following reasons:</p> <p>Both neighbours are heavily modified</p> <p>Front elevation unmodified, western elevation heavily modified (no images provided)</p>	<p>enabled development of the wider area. This argument is not supported.</p> <p>There are pockets of intact houses, and pockets of new and heavily modified houses within this draft HCA. This impacts on the visual cohesiveness of this draft HCA. How this specifically affects 10 Owen street is that the house is bounded on two sides and faced by properties that do not contribute to the HCA. Contextually it is isolated. The modifications to #10 itself are not so great as to preclude its inclusion if a HCA were to proceed. However the arguments in this submission as to the compromised nature of the HCA are sound. The HCA as exhibited does not meet the standards of other HCAs in Ku-ring-gai and it is not recommended that it proceed as is.</p> 

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28	2017/182484	Does not support the proposed HCA Not a sufficient number of intact buildings for this to be an HCA. Around 50% is just not enough. Lot of variation in the standard of what is considered contributory. Own building is described as borderline but given same status as those which are almost intact. Numerous factors make this building not intact and therefore neutral. The cost to convert the appearance of the front this house to original would be prohibitive.	<p>Amend map to show “bricked in” verandah. The changes to the property are considered reversible including reinstating the verandah, and replacement of aluminium with timber windows. If and when the house is updated as others in area have been the cost of these works would be an opportunity cost i.e. the cost of renovating the front of the house versus the cost of building the front of a new house. There is no requirement forcing the owner to reinstate the original façade.</p> 
29	2017/182485	Supports the HCA.	Noted
30 31		See 7	
32	2017/182710	As a resident supports the HCA to preserve the character of the housing an the streetscape.	Support noted.


No	TRIM	Issue/Concern	Comment
33	2017/182723	<p>Submission on behalf owners at 19 Valley Road and 54 Middle Harbour Road.</p> <p>Does not support the proposed HCA Previously assessed by Council as not reaching the threshold for listing. Further supported by PMA's comments that the houses are not intact and Council's most recent assessment that only 48% are not contributory. This is a marginal result. Many changes have occurred in recent years through private certification. Financial loss will result through maintenance costs and lost sales.</p>	The area as a whole does not have sufficient contributory buildings and other significant elements to provide sufficient evidence of the historic values to justify the inclusion of the entire area as a HCA. Please see the main body of the report regarding the revised boundary.
34	2017/182905	Does not support the proposed HCA. Lived in the area 10 years and value the area. Council can find another way to preserve the character of the area without impacting on the financial value.	Your objection is noted. Please see main body of the report regarding character areas versus heritage areas.
35	2017/184946	Does not support the proposed HCA. Enough rules and regulations in place to preserve the charm of the area and have to apply for anything visible from the street already. We are not near the rail line.	<p>Objection noted.</p> <p>See response under submission 12</p>
36	2017/185252	Does not support the proposed HCA as it will affect prices in the area.	See attachment A2
37	2017/185772	In support of the HCA. Submission from the Ku-ring-gai Historical Society (KHS). In line with the objective of the	Understanding the history of land grants, estates and subdivisions provides an important starting point for many HCAs but this is particularly true for

No	TRIM	Issue/Concern	Comment
		<p>KHS to preserve Ku-ring-gai's history. Has significance as part of the Clanville Estate, the 400 acres granted to Daniel Dering Mathew, who worked the area in 1814. Including the Middle Harbour HCA will re-establish the Clanville Estate to its origins. Described by PMA as "streetscapes of good, high quality examples of single detached houses from the Federation and Inter-war period with some good examples of mid to late twentieth century dwellings" in established garden settings and green streetscapes.</p> <p>In light of the support from NSW Planning and Environment and the Heritage division the proposal should go ahead.</p>	<p>Ku-ring-gai. Walking around many of our established and protected HCAs the cohesive historic character within these estates is reinforced by houses that present to the street as mostly intact representative types of given key periods of development for these areas.</p> <p>In the draft Middle Harbour Road HCA this cohesive character has overtime eroded due to unsympathetic extensions and uncharacteristic new intrusions. A single storey facebrick bungalow that has had an overscaled and unsympathetic second storey extension and presents to the street as two storey dwelling cannot be considered sympathetic addition. These recent additions are not an architectural type of this time i.e. a new dwelling that responds to its site and the trends of contemporary architecture, and have lost the architectural finesse and integrity of the original design intent of the historic building. These developments are discouraged by the Burra Charter and Council's own DCP for heritage conservation areas.</p> <p>In the proposed area the majority of buildings are now altered and unfortunately the area is no longer "mostly intact". In response a reviewed boundary is recommended. Please see this section in the main body of the report.</p>
38	2017/185781	<p>Does not support the proposed HCA</p> <p>Significant change has occurred in Owen street with some good and some bad examples of change. Most buildings are modified and six have been demolished since the 1970s.</p>	<p>It is agreed that significant change has occurred on Own Street and the street is not recommended to proceed. The changes to the property at 10 Owen Street are considered minor and do not detract from the buildings contributory status.</p>

No	TRIM	Issue/Concern	Comment
		<p>Owen Street was never part of the Clanville Estate. It was instead part of an area of land subdivided by Thomas Todd Forsythe in 1895.</p> <p>Changes have occurred to 10 Owen Street including additions on both sides as well as altered window cawling and shingles to front window bay and an unsympathetic pebblecrete driveway. Several issues due to the deterioration of the house from age need to be addressed.</p>	

No	TRIM	Issue/Concern	Comment
			
39	2017/185783	Supports the proposed HCA to ensure that new homes and alterations on existing houses are consistent with the area's long established character and natural environment. Notes that Valley Street has several heritage items along with other contributory buildings and that several new buildings are sympathetic to the character. There are very few unsympathetic buildings on Valley Street. In addition there are numerous established gardens and tall trees and a temperate turpentine rainforest on the stream.	Your support is noted. It is agreed that Valley Road has some intact clusters of houses and several heritage items.
40	2017/186872	Does not support the proposed HCA Objects inclusion	Objection noted. Please see comments in main report.

No	TRIM	Issue/Concern	Comment
		16 Valley Road. Aware that the financial and development restrictions and it is not Council's place to impose restrictions on ratepayers. The street is a mix modern and older houses and has no visible character.	
41	2017/186886	<p>Does not support the proposed HCA Long term resident. House at 58 Middle Harbour Road instantly lost 10% (\$200K) of its value because of the proposed HCA so don't say there are no financial impacts.</p> <p>In the 2010 study their house, 55 Trafalgar Avenue had no classification. A map rating the house as neutral has disappeared from Council's website. The most recent consultant, regularly used by Council, miraculously assessed the house as contributory.</p> <p>The building is altered with substantial additions that cannot be reversed.</p> <p>The process by Council is confusing and not transparent and the methodology should be changed.</p>	<p>The effect of designation on house prices referred to in the supporting information to the planning proposal report is based upon economic studies that include statistical analysis of multiple properties and give consideration to numerous factors that affect house prices through regression analysis and other statistical models. This is not to dispute the value of anecdotal evidence but is only to highlight that the retelling of a single transaction does not allow for an assessment or in this case knowledge of all the influencing variables on price. At the time of sale 58 Middle Harbor Road was not within a draft HCA and had no heritage affectation.</p> <p>All reports presented at Council's ordinary meeting from 2004 to present are still accessible through Council's webpage. The study you refer to was reported to Council on 1 February 2011 and this is the link: https://eservices.kmc.nsw.gov.au/Infocouncil.Web/Open/2011/02/OMC_01022011_AGN_AT_WEB.HTM and your house is shown in the map as neutral.the link is also accessible through the KMC Heritage Conservation Area webpage: http://www.kmc.nsw.gov.au/Plans_regulations/Building_and_development/Town_Planning_Documents/Supporting_documents</p> <p>If you have trouble finding old reports on Council's website in future please contact Council, we are only too happy to help.</p> <p>The consultant was chosen as the result of a selective tender.</p>

No	TRIM	Issue/Concern	Comment
			<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.</p>  <p>Several staff were available during the exhibition to answer resident questions and many owners availed themselves of this service talking both</p>

No	TRIM	Issue/Concern	Comment
			in person and over the phone to staff. The process for exhibiting planning proposals, heritage or otherwise, is a NSW Government process that must comply with the publication of the Department of Planning and Environment being <i>A guide to preparing planning proposals</i> . The process is fair and transparent in that the entire community can make submission through the submission process, and all submissions will be heard and given consideration by Councillors in a public forum.
42	2017/186895	<p>Does not support the proposed HCA. Does not consider the house contributory and has a CDC for demolition and a new house. This proposal has been overwhelmingly rejected by the residents of the area. Survey by a cursory walk-by. It is not enough to understand the changes, need to talk to owners individually.</p> <p>Provided their own assessment of the houses with revised contribution ratings (C – contributory, N – neutral, D – detracting):</p> <p>1 Owen street – C to N</p> <p>3 Owen Street – C to N</p> <p>5 Owen Street - N stay N</p> <p>7 Owen Street – N stay N</p> <p>9 Owen Street - C to N</p> <p>11 and 11A Owen Street- N to D</p>	<p>Understanding the development of the areas as a whole and the impact of changes to individual houses overtime is the result of both street surveys and historical searches including subdivision plans over time, historical aerial surveys, waterboard surveys and councils own records including building and development applications, and CDCs.</p> <p>The assumption in these studies which differs from your own is that you assume places worthy of inclusion within a heritage conservation area are completely intact or unaltered. It is highly unlikely that properties, some of which are over 100 years old, would have no change what so ever. There is a difference between preservation and conservation. The Burra Charter defines conservation as:</p> <p><i>all the processes of looking after a place so as to retain its cultural significance.</i></p> <p>In terms of the individual houses the cultural significance stems from their representativeness as houses from the key development periods being the “<i>Federation and Inter-war periods with some good examples of Post-war and late 20th century dwellings enhanced</i>”</p> <p><i>Preservation</i> means maintaining a <i>place</i> in its existing state and retarding deterioration.</p> <p>Places in conservation areas are conserved not preserved. This means</p>

No	TRIM	Issue/Concern	Comment
		17 Owen street – C to N 19 Owen Street C – N 21, 23 and 25 Owen Street - N stay N 27 Owen Street - C to N 31 Owen Street – C to N 2B Owen street – C to N 2A Owen Street – C to N 2 Owen Street – N to D 4 Owen Street – C to D 6 Owen Street N to D 8 Owen Street – N stay N 10 Owen Street – C to BL 12 Owen Street – N stay N 14 Owen Street – N stay N 16 Owen Street – C to N 18 Owen street – N to D 20 Owen Street – C to D	<p>that managed change (change that does not diminish the cultural significance) can occur. Examples of managed change in a HCA are sympathetic additions. Any change in and of itself therefore does not disqualify a building from receiving a contributory rating.</p> <p>However it is agreed that Owen Street overall no longer presents as a street with the majority of houses having heritage value and it is recommended it be removed from the proposed HCA.</p> <p>For petition see comments at end of table.</p>

No	TRIM	Issue/Concern	Comment
		<p>This results in only 4% being significant.</p> <p>Please take note of the attached petition where 90% of the Owen Street residents are against the HCA.</p>	
43	2017/187809	<p>Does not support the proposed HCA</p> <p>There are significant number of new residences and the many original houses do not have heritage value. Suspects this proposal is an over-reaction to the high rise development in Lindfield. Listing will result in increasing the costs of DAs by needing to consult heritage consultants. Why have a conservation area neighbouring high rise development? Why use my house which is not heritage in the publication? How is it that the HCA was removed from the original Clanville Estate Conservation Area and now it is re-included? The heritage report is biased because it found no properties to be detracting. PMAs website says Luisa Alessi only has 9 years' experience. Council's planning proposal should have included a two page executive summary and other options for conserving the character of the area. What does listing mean to redevelopment? Who initiated this proposal?</p>	<p>The HCA was reviewed as a result of the recommendation in the report to Council on 26 November 2013 addressing the submissions to the public exhibition of the Ku-ring-gai Local Environmental Plan which included the following:</p> <p><i>Request for the inclusion within an HCA of the area around Middle Harbour Road not included in any draft HCA</i></p> <p><i>One submission queried the exclusion of a number of streets, including Middle Harbour Road from any HCA and argued the area includes fine examples of Federation era homes and Californian Bungalows.</i></p> <p><i>Discussion:</i></p> <p><i>Investigation into previous advice regarding this area revealed an oversight.</i></p> <p><i>The Post-Exhibition Report on the Draft South HCA Review was considered by Council on 28 June 2011. Council's planning staff recommended the exclusion of the streets above Chelmsford Avenue within the proposed HCA 3A/6A Clanville Conservation Area due to their not being within the original National Trust HCA or the amended Godden Mackay Logan HCA boundaries and having experienced considerable recent change. However, on revision, the area between the current draft HCAs C22 (Crown Blocks) and C32 (Clanville Estate) was mistakenly identified as excluded in earlier recommended HCAs.</i></p>

No	TRIM	Issue/Concern	Comment
			<p><i>This area was included within the HCA 6 (Lindfield) in the 1996 Robertson and Hindmarsh/NT conservation areas. It was also included in the Lindfield conservation area recommended by Godden Mackay Logan in 2001. It was included in the 2010 South HCA Review within the Clanville Estate (HCA3A-6A).</i></p> <p><i>Godden Mackay Logan's 2001 description and assessment of the Lindfield HCA makes mention of the 'large number of high-quality intact significant houses of the Federation and Inter-war period' in Middle Harbour Road amongst others. The report also refers to the high visual amenity and landscape qualities within the proposed HCA.</i></p> <p><i>The 2010 South HCA Review describes Middle Harbour Road as one of a number of streets of high quality due to the combination of street trees and intact housing.</i></p> <p><i>Recommendation:</i></p> <p><i>D. That Council resolve to prepare a planning proposal in accordance with section 55 of the EP&A Act to amend the Ku-ring-gai Local Environmental Plan 2013 for the following Heritage related matters and that the planning proposal be forwarded to the DoPI for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations:</i></p> <p><i>ii. To review the area around Middle Harbour Road, Lindfield (Archbold/Tryon/Middle Harbour and Trafalgar) as shown in the 2010 South HCA review within the Clanville Estate (HCA3A-6A), with the view to its re-inclusion as a potential HCA or to identify and assess potential new Heritage Items within the area.</i></p>

No	TRIM	Issue/Concern	Comment
			<p>Regarding photos see response to submission 54.</p> <p>The PMA website referred to in your submission is not current.; and is not a Council managed website.</p> <p>It is agreed that an executive summary would assist readers in navigating the document and highlighting the most important facts and should be considered for future planning proposals.</p> <p>For comments on HCAs and development; and character areas please see comments in the main body of the report.</p>
44	2017/187814	Support the proposal and believe it is important to ensure sympathetic development.	Support noted.
45	2017/187868	Fully supports the proposal. Believes the non-inclusion of the Middle Harbour Road area in the KLEP HCAs was an error and one for which they were not consulted and not given the opportunity to participate in the public exhibition. No reason for the exclusion due to the significant number of original dwellings. The area is significant for the early subdivision patterns which remain visible and the good and intact early to mid 20 th century detached dwellings enhanced by their garden settings and streetscapes. Inclusion of this area would	In support of the Council resolution to reassess the significance of the Middle Harbour Road Area the residents have been given the opportunity to participate in community consultation for this planning proposal and the non-statutory exhibition in 2015. The area has to be assessed for what it is now not what it was in the past. In comparing the current assessment to the Godden Mackay Logan study of 2002 and the Architectural Projects assessment in 2010 the number of contributory properties has significantly diminished. There are still some lovely original homes within the draft conservation area but the degree of change has meant these are now in the minority and the new buildings and unsympathetic renovations have

No	TRIM	Issue/Concern	Comment
		protect the majority of the original 1819 land grant excluding only those lots recently redeveloped for high rise is Roseville. Including this precinct in the HCA will rectify the errors of the past and protect this area for future generations.	<p>degraded patches of the draft HCA to the point they no longer retain a discernible intact heritage layer. Just having the pattern of an underlying subdivision is not enough to warrant inclusion within a HCA. This pattern needs to be reinforced by the presence of buildings and other elements that are evidence of the historic values.</p> <p>An explanation of the revised boundary for the HCA can be found in the main body of the report.</p>
46	2017/188889	FOKE fully supports the proposal for the inclusion of the Middle Harbour Road HCA. Many houses have been lost in Ku-ring-gai due to redevelopment and many streets are at risk of losing their historic streetscapes and character as pressure from medium density intensifies. Middle Harbour Road HCA was previously part of the Clanville Conservation area and should be reinstated. FOKE urges Council to proceed with the listing.	You support is noted. Please also refer to response to submission 45.
47	2017/188891	<p>Does not support the proposed HCA</p> <p>Nothing to conserve, area does not have the feel of a Federation or Inter-war housing estate. This is a waste of my rate payer money with Council altering facts and figures to serve their own hidden agenda.</p>	Opposition noted. See comments in main body of the report.
48	2017/188897	Supports the listing as the area is of significant aesthetic and historic value to Ku-ring-gai. Retaining	Support noted.

No	TRIM	Issue/Concern	Comment
		and protecting our heritage is important. Once gone it is gone forever.	
49	2017/188937	<p>Does not support the proposed HCA</p> <p>The HCA restrictions will prevent desirable downsizing alternatives being developed on small lots. The area bounded by Tryon Road, Short Street, Valley Road and Nelson Road must be excluded from any proposed HCA as the majority of the housing stock is not heritage and rated as neutral. 7-15 Short Street should be reassessed by independent and unbiased professionals as the houses are altered and should not be rated contributory, bring the proportion below 50% so the threshold hold for listing is not attained.</p>	<p>Re downsizing please see response in submission 3.</p> <p>The area at 7-15 Short street has been independently assessed, 3 times being in 2002 (GML), 2010 (Architectural Projects) and 2015 (PMA), and each time the consultants have recommended it be included in a heritage conservation area.</p>
50	2017/188939	As part of the Clanville Estate the precinct should be reinstated. It is clear when walking the area is well planned and maintained, consisting mainly of freestanding Federation houses and prime examples of late 19 th and early 20 th century architecture, and to protect the remnant blue gum high forest. This should be protected for future generations of Australians not just Ku-ring-gai residents.	Please refer to response to submission 45.
51	2017/188943	<p>Does not support the proposed HCA</p> <p>Changing the windows of their house currently is exempt but under a HCA would require development approval. This is unnecessary bureaucratic</p>	Being within a HCA does means that some developments can no longer be undertaken using the Exempt and Complying SEPP. This is to ensure that change is managed and new developments complement rather than diminish the heritage values of the conservation area.

No	TRIM	Issue/Concern	Comment
		intervention. None of the houses on Howard Street except maybe number 9 have heritage value anyway.	
52	2017/188946	Does not support the proposed HCA	Objection noted.
53	2017/188947	It is reasonable to reinstate the heritage conservation area to Middle harbour Road. It is a shame it was excluded by error and it needs to be rectified to conserve the loved historical streetscapes.	Support noted. Please refer to response to submission 45.
54	2017/188969	Does not support the proposed HCA Strong objection: doesn't meet the threshold for listing; Council doesn't use the detracting rating; Council's assessment has numerous inaccuracies (consultant ratings changed by Council), Council's own brochure features neutral properties to justify the HCA, use the Exempt and Complying Code to control character in the area, stop wasting time and money on the heritage listing process for Middle Harbour and fix the potholes instead.	The planning proposal exhibition is an opportunity to receive feedback from the community and review the heritage conservation area boundaries based on the information received and individual property ratings. It is agreed that the whole area does not meet the threshold for listing and that is why the Council officer's recommendation is to amend the boundary. The inaccuracies you refer to are the ratings ascribed to the buildings by the heritage consultant that varied to those allocated by Council. This is a difference of opinion between Council and the consultant. Council's development controls do not permit second storey additions and dormers windows in the roof that can be viewed from the street. The consultant by assessing properties with these types of developments as contributory was potentially giving defacto approval for development that Council does not permit. These ratings were changed to be consistent with Council's development controls.

No	TRIM	Issue/Concern	Comment
			<p>The consultant is free to use whatever photos they choose on their own report. These photos represent the mix of architecture in the area and are not purely heritage. Council also used photos of the area. These are generally street shots of fences, trees and hedges it was not intended as a guide to “this is heritage”. That is a different publication that is available on Council’s website and includes only photos of heritage places.</p> <p>The conservation of heritage is an objective in Ku-ring-gai Council’s adopted Delivery and Operational Plan. As such, it is Council’s responsibility to “monitor, identify and respond to gaps in existing heritage strategies, development control plans and local environmental plans”. As the Middle Harbour Road area was identified as a gap in the heritage listings and a resolution of Council required this be investigated, it was incumbent on Council staff to ensure that a transparent and fair heritage assessment and public participation process be undertaken so that both supporters and detractors of the proposal are able to understand the genesis of this listing and the factors considered in the decision making process that led to the final recommendations of the Council officer.</p>
55	2017/188970	<p>Supports the proposed HCA.</p> <p>Urges Council to proceed to conserve the enormous historic, architectural, streetscape and natural heritage values. When so much heritage is being lost we should conserve the areas that are intact.</p>	<p>Support noted.</p> <p>Please refer to response to submission 45.</p>

No	TRIM	Issue/Concern	Comment
56	2017/188973	<p>Does not support the proposed HCA</p> <p>Why is Council so keen given the State Government considers it an “imposition”. The heritage assessment is flawed. Qualities like “street plantings, wide street, creek line and remnant” trees are typical of most of the north shore and are already protected by KMC. The revised outcomes are not robust nor are they grounds for heritage controls to be enforced. Style of architecture is a mish-mash of new and old – I count that 70% have had their facades altered. Most the original houses are small and heritage restrictions will prevent them being modernised. I cannot see any benefit to the residents they will be disadvantaged, their properties can’t be updated and the prices have been reduced.</p>	<p>The government in the letter of 27 February 2017 stated that Council had satisfied the conditions to proceed with the planning proposal. The natural qualities to which you allude improve the visual quality of the area and provided the underlying landscape on which the subdivision and eventual houses would overlay. As such the natural elements contribute to the heritage values of the area.</p> <p>Please see the main body of the report on the amended boundary, development potential and house prices.</p>
57	2017/188975	<p>Does not support the proposed HCA</p> <p>As a resident for 41 years seen many changes. 41 years ago there were only 3 2 storey houses. The area houses have been added to, renovated and renovated again. Why are you discriminated against a small area when the horse has bolted. You haven’t asked the long term residents what they know about the changes to the area. We have been asked as free democratic citizens to give over ownership of our properties to a government body.</p>	<p>A non-statutory exhibition was held with the findings of the consultants. The residents and owners of properties were invited to participate in the public consultation by letting us know what they thought about the exhibition. Very few took up this opportunity. The response to the statutory exhibition has been much better and people such as yourself have availed themselves of the opportunity to tell us what they know about the area. It is agreed that as part of the non-statutory consultation an evening or afternoon gathering could be held which invites residents to tell us what they know about their area that would be beneficial to both the consultant and the local residents.</p>

No	TRIM	Issue/Concern	Comment
58	2017/189098	<p>Supports the proposed HCA.</p> <p>The exclusion in 2012 was due to an omission. The HCA is our best chance to preserve the character of the area.</p>	Support noted. Please refer to response to submission 45 and main body of the report regarding character.
59	2017/189540	<p>Supports the proposed HCA. The Daniel Derring 'Clanville' Estate is one of the few remaining intact original estates and the area should be recognised as a HCA completing the Clanville Heritage Conservation Area and retaining the visible early subdivision patterns, the good and intact late 19th and early 20th century detached dwellings enhanced by their garden settings, streetscapes, the creek line and the remnant native trees and plants. The area should be included within one large Clanville Estate Heritage Conservation Area. We have seen in recent years the destruction of the Urban Conservation Areas as identified by the National Trust through invasive high rise development. It is time to redress Ku-ring-gai's loss of heritage and bring back some balance to protect the Inter-war homes and streetscapes of Ku-ring-gai. There is increased pressure for development from the Greater Sydney Commission's Draft North District Plan. The loss of 50 heritage homes in Haberfield highlights the urgent need to protect Sydney's heritage.</p>	<p>Support noted.</p> <p>Please refer to response to submission 45 and main body of the report regarding character.</p>

No	TRIM	Issue/Concern	Comment
60	2017/190516	Area has aesthetic and historic significance as part of the 400 acre Daniel Derring Mathew Estate. It was an error to omit the HCA in 2011.12 and this should be rectified.	Support noted. Please refer to response to submission 45 and main body of the report regarding character.
61	2017/190702	Petition in support: 30 signatures	The support of the signatories to the petition is noted.
62	2017/196573	Supports the proposed HCA. Can't see any detrimental effects on house prices or what can sensibly undertaken by way of renovation. The inclusion of the proposed HCA is harmonising the treatment of the different areas.	Support noted.
63	2017/219784	Does not support the proposed HCA House traditionally faced Tryon Road but now the road is extremely busy and potentially dangerous, so have changed the entrance and street address to Owen Street, Any new buyer would want to develop the Owen Street frontage and treat the Tryon Road side as a backyard. The Owen Street façade is not worthy of conservation. Any heritage listing will prevent our property being made safe or private.	Objection noted. It is acknowledged that the houses facing Tryon Road in this block have been comprised by the high volume traffic and also the compromised accessibility with the steep drives and frontages well above street level. Having said this, the façade facing Tryon Road is considered to retain many of the original features and characteristics of a contributory building of the period. The house is not a potential heritage item and this portion of the Tryon Road is not recommended to be included in a heritage conservation area.

No	TRIM	Issue/Concern	Comment
64	2017/196381	<p>Petition for: 65 signatures</p> <p>The Middle Harbour Road Precinct should be recognised as a conservation area, and as an extension of the Dering “Clanville” Estate, of which it was an original part. It has heritage significance in the range of Federation and Interwar architecture, its garden landscapes and streetscape. This classification protects the unique and irreplaceable streetscape of the area which is what gives Ku-ring-gai its character</p>	<p>Your support for the heritage conservation area is noted.</p> <p>Support noted. Please refer to response to submission 45 and main body of the report regarding the amended boundary.</p>
65	2017/197716	<p>Petition against: 56 signatures</p> <p>The recommendation is based on erroneous and misleading information and mapping. The area has no merit in being a Heritage Conservation Area. Requests the Council develop a set of reasonable standards to be inserted in <i>Schedule 3 – Variations of the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, to ensure that any new development is consistent with the current character of the area.’</p> <p>Another report from Architectural Projects that there assessment has more weight and is more accurate.</p>	<p>The crux of the Architectural Projects’ (AP) argument is that an original period building from a key development period with an unsympathetic extension is uncharacteristic or detracting not neutral as ascribed by Council. This is a matter of relativity and context. The development is unsympathetic in the context of altering the design integrity of the original house. A single storey bungalow that is now two storeys cannot be judged as intact. The new entity, which is the two storey building, then needs to be assessed against its setting to determine whether or not it is now neutral. In applying the guidelines of the Heritage Office’s publication <i>Design in Context</i> successful infill design (it is acknowledged that the buildings whose ratings are in question are not new buildings but extensions however the underlying premises remain the same in determining the neutrality of the contextual response) must be appropriate under the following design criteria: character, scale, form, siting, materials and colour; and detailing. The following from the Heritage Office publication give examples of a building of contextual scale and one of inappropriate scale:</p> <p>Contextual scale</p>

No	TRIM	Issue/Concern	Comment
			<div data-bbox="1218 264 1850 750"> </div> <p data-bbox="1205 855 1462 887">Inappropriate scale:</p>

No	TRIM	Issue/Concern	Comment
			<div data-bbox="1216 280 1850 775" data-label="Image"> </div> <p data-bbox="1205 879 2179 1225">While this example is dramatic it clearly demonstrates the premise of over-scaled development. Council does not consider the scale of these buildings to be such that it is outside the context of the local area. The massing and form of some of these buildings is not ideal but this is often as the result of accrued extensions. What many do have is appropriate scale, setback and setting. By far the majority of the buildings fall within purview of the contextual response. This report therefore disagrees with the AP contention that the scale of the new extended houses are so detracting they render the interpretation of the heritage layer in the entire area as unreadable.</p> <p data-bbox="1205 1326 2040 1393">The review of ratings front contributory to neutral can be found in Attachment A3.</p>

No	TRIM	Issue/Concern	Comment
			It is agreed that much of the area does not reach the threshold for listing and that contributory buildings are in the minority. As such, a revised boundary is recommended. Please see the main body of the report.

Note the reason there are more submission numbers in this table than there are total submissions is duplicate submissions by residents. These submissions have been combined into one submission response. For example submission 7: there were 4 submissions from the same person that have been included under submission 7.

International results for hedonic analysis

Numerous studies have been undertaken globally to ascertain the impact of heritage listing (designation^[1]) on property values (see Table 1). Ford (1989), Asabere and Huffman (1994a), Leichenko et al (2001), Coulson and Leichenko (2001), Deodhar (2004), Coulson and Lahr (2005), Narwold et al (2008), and Noonan (2007) all found that designated houses typically sold for a premium when compared to similar properties that were not designated. Others such as Asabere, Hachey and Grubaugh (1989), Schaffer and Millerick (1991), and Asabere and Huffman (1994b) deduced that designation typically led to a discount in the value or had mixed results including no significant price effect. Summaries of these conclusions can be found in Table 1.

The Australian Government Productivity Commission (2006) investigated the effect heritage listing had on the value of residential single dwelling properties in Ku-ring-gai and Parramatta. The analysis found no significant effect on house prices in either area.

An Australian study by William Jeffries in 2012 reviewed the effect of heritage listing on house prices in Mosman. The review challenged the assumptions and methods of previous Australian studies including Deodhar (2004) and the Australian Productivity Commission (2006). The study hypothesized that the previous studies which employed a hedonic price methodology failed to give consideration to:

1. A variance effect – heritage listing increases the price of some properties while reducing the price of others, giving an overall outcome which is erroneous as the two outcomes:
 - a) offset each other to a neutral outcome;
 - b) result in false positive; or
 - c) result in a false negative.
2. Doesn't measure the effect on the prices of neighbouring properties.

Jeffries applied three models to the data:

- When using the hedonic price model the results were closely aligned to the findings of Deodhar and the Productivity Commission for Ku-ring-gai with an estimated increase to house prices of 17.9%. Jeffries postulated this positive outcome was the result of the types of houses which had been listed which may have been of higher quality (design, materials, setting) before listing and therefore regardless of designation, this subset may have had a higher house price compared to the overall sample.
- The difference-in-differences model estimated the average treatment effect i.e. the model assessed before and after listing prices. The results of this modelling were statistically insignificant and therefore it could not be concluded that the higher prices for heritage properties pre-existed the designation.
- The fixed effects model utilised in the calculation only those properties which had sales in both the before and after designation time periods. This analysis eliminates time-invariant observables and unobservables leaving only time-variant observables i.e. changes that occurred as a result of the changing condition (heritage listing) not the environment of the changing time (e.g. past and present macro and micro economic climates). Again, there was no statistically significant result.

Finally Jeffries tested the hypothesis that heritage listing increases the prices of some houses while decreasing the prices of others, with the overall effect being to cancel each other out to no effect. Jeffries applied the Breusch-Pagan heteroskedasticity test to the Mosman data to determine if this variance existed. Jeffries found that designation did not have a varying effect on the price of the houses that were listed or the neighbouring houses.

Results for historic precincts (hedonic modelling and repeat sales analysis)

Ford (1989), Asabere and Huffman (1994a), Coulson and Lahr (2005), and Thompson, Rosenbaum and Schmitz (2010) all used hedonic analysis to ascertain the impact of heritage listing on historic precincts or neighbourhoods and found a positive effect on houses prices.

Australian examples of the impact on property valuations and sale price from being included in a statutorily recognised heritage conservation area (heritage precincts) has tended to review the effect of listing on houses prices in country and mining towns.

Countrywide Valuers and Trevor Budge and Associates in their 1992 study of the Victorian mining town of Maldon found no adverse affect on property valuations from the heritage and planning and controls set in place as a result of heritage listing. The study concluded the planning controls had conserved the heritage character of Maldon and attracted visitors and property buyers to the town. Property values in Maldon were comparable or higher than neighbouring towns which were not included in the heritage overlay.

Penfold (1994) reviewed the impact of heritage controls on prices for four conservation areas in four Sydney local government areas: Ashfield, Burwood, North Sydney and Waverly. The study found that the statutory recognition of the conservation areas had favourable impacts on Ashfield and Burwood but made little difference to the prices in North Sydney and Waverly.

Cotteril (2007) stated in the Sinclair Knight Merz report of the impact of heritage overlays on house prices in Ballarat that “well maintained and marketed heritage listed residential properties are likely to sell at a premium...” and “....generally residential house prices are more likely to be affected by external economic factors such as interest rates and property location”.

Armitage and Irons (2005) reviewed seven Australian and international studies^[2] on the effect of heritage listing on property prices. They surmised that the impact of heritage listing on property prices is marginal and generally tends to be positive, particularly in the case of placing heritage controls on entire precincts. They also note that individual cases, or outliers, do show significant upside or downside value movements. They attributed the positive effects in heritage precincts to the increased consistency and greater certainty of character in an area protected by conservation controls.

Table 1: Overview of studies (Adapted from Lazrak, Nijkamp, Rietveld and Rouwendal (2009) and Jeffries (2012)).


Author(s)	Study	Study area	Key findings
Jeffries (2012)	Does heritage listing have an effect on property prices in Australia? Evidence from Mosman Sydney	Mosman, NSW	Cannot be concluded that heritage listing impacts house prices. A test for heteroskedacity yielded statistically insignificant results.
Zahirovic-Herbert and Chatterjee (2012)	Historic Preservation and residential property values: evidence from quantile regression	Baton Rouge, Louisiana	Results for historic distracts. Buyers pay an average of approximately 6.5% for houses located in the nationally designated historic districts. Near Historic District, is a positive and indicates a 3.8% price premium for houses sold within walking distance from historic districts' boundaries'.




Author(s)	Study	Study area	Key findings
Moro, Mayor, Lyons and Tol (2011)	Does the housing market reflect cultural heritage? A case study of greater Dublin	Greater Dublin, Ireland	Results show that some types of cultural heritage sites, such as historic buildings, memorials, and Martello towers, provide positive spillovers to property prices while archaeological sites seem to be a negative amenity.
Thompson, Rosenbaum and Schmitz (2010)	Property values on the plains: the impact of historic designation	Nebraska, USA	Sale prices of houses in designated precincts rose \$5000 a year in comparison to houses in non-designated precincts in the years after designation.
Narwold, Sandy and Tu (2008)	The effect of historically designated houses on sale price	San Diego, USA	Historic designation of single-family residences creates a 16 percent increase in housing value which is higher than the capitalization of the property tax savings due to designation.
Noonan (2007)	The effect of landmarks and districts on sale price	Chicago, USA	Designated property has a positive effect on both itself and neighbouring properties.
Australian Government Productivity Commission (2006)	Effect of heritage listing: a hedonic study of two local government areas (on property value).	Parramatta and Ku-ring-gai, Australia	Heritage listing had no significant effect on the value of residential single dwelling properties.
Ruijgrok (2006)	The effect of 'authenticity', 'ensemble' and landmark designation on house prices	Tiel, Netherlands	Authenticity and façade elements accounts for 15 percent of sale prices in the Hanseatic city of Tiel.
Coulson and Lahr (2005)	The effect of district designation on appreciation rate	Memphis, Tennessee, USA	Appreciation rate were 14-23% higher when properties were in neighbourhoods which were zoned historical. Local designation is more important than national designation.
Deodhar (2004)	The effect of heritage listing on sale prices	Sydney, Australia	On average heritage listed houses commanded a 12 percent premium over non heritage listed houses. This premium is a combined value of heritage character, their architectural style elements, and their statutory listing status.
Coulson and Leichenko (2001)	The effect of designation on tax appraisal value	Abilene, Texas, USA	Local historic designation raises value 17.6 percent of designated property.




Author(s)	Study	Study area	Key findings
Leichenko, Coulson and Listokin (2001)	The effect of historic designation on house prices	nine different Texas cities, USA	Historical designated properties in Texas enjoy 5-20% higher appraised prices than other property.
Asabere and Huffman (1994a)	The effect of federal historic district on sales prices	Philadelphia, USA	Owner-occupied property located in national historic districts in Philadelphia sell at a premium of 26 percent.
Asabere and Huffman (1994b)	The effect of historic façade easements on sale prices	Philadelphia, USA	Condominiums with historic easements sell for about 30 percent less than comparable properties.
Asabere et al. (1994)	The sales effects of local preservation	Philadelphia, USA	Small historic apartment buildings experience a 24 percent reduction in price compared to nonlocally certified properties.
Moorhouse and Smith (1994)	The effect of architecture on original purchase price	Boston, USA	Architecture design was valued with a premium.
Schaeffer and Millerick (1991)	The impact of historic district on sale prices	Chicago, USA	Properties with national historic designation have a premium and local historic designation have a discount over non designated properties. Properties near a historic district may enjoy positive externalities.
Asabere, Hachey and Grubaugh (1989)	The effect of architecture and historic district on home value	Newburyport, Massachusetts, USA	Historical architectural styles have positive premiums. The historic district of Newburyport does not have positive external effects.
Ford (1989)	The price effects of local historic districts	Baltimore, Maryland, USA	Historic districts do have higher prices than non-historical districts.
Vandell and Lane (1989)	The effect of design quality on rent and vacancy behaviour on the office market	Boston and Cambridge, USA	Design quality has a positive premium of 22 percent on rents but there is a weak relationship between vacancy behaviour and design quality.
Hough and Kratz (1983)	The effect of architectural quality on office rents	Chicago, USA	Tenants are willing to pay a premium to be in new architecturally significant office building, but apparently see no benefits associated with old office



Response to Architectural Projects recommendations for neutral property ratings (July 2017)

Note those with the yellow highlight over the address are within the recommended heritage conservation area boundary.



Address	PM A	AP 201 0	AP 201 7	Comments
55 Trafalgar Avenue	C	N	N	<p>C</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	C	C	N	<p>In 2010 AP assessed this house as C. 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>




Address	PM A	AP 201 0	AP 201 7	Comments
				 <p>No change in rating from previous assessment.</p>
4 Valley Road	C	N	N	<p>Agreed the dormers are intrusive and the roofline is compromised.</p>  <p>Change to N</p>
9 Valley Road	C	-	N	<p>Dormer and garage at the front. Agree change rating to neutral.</p> 
9 Short Street	C	C	N	<p>In 2010 AP assessed this house as C. On street view the house hasn't changed from 2008 to present site inspection. It is on the 1943 aerial.</p>



Address	PM A	AP 201 0	AP 201 7	Comments
				 <p>No change in rating is recommended.</p>
43 Tryon Road	C	C	N	<p>In 2010 AP assessed this house as C. On street view the house hasn't changed from 2008 to present site inspection.</p>  <p>No change in rating recommended.</p>
61 Tryon Road	C	N	N	<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 flat roof extension on the eastern side. It has been rendered but other changes are reasonably reversible.</p>  <p>No change in rating recommended.</p>

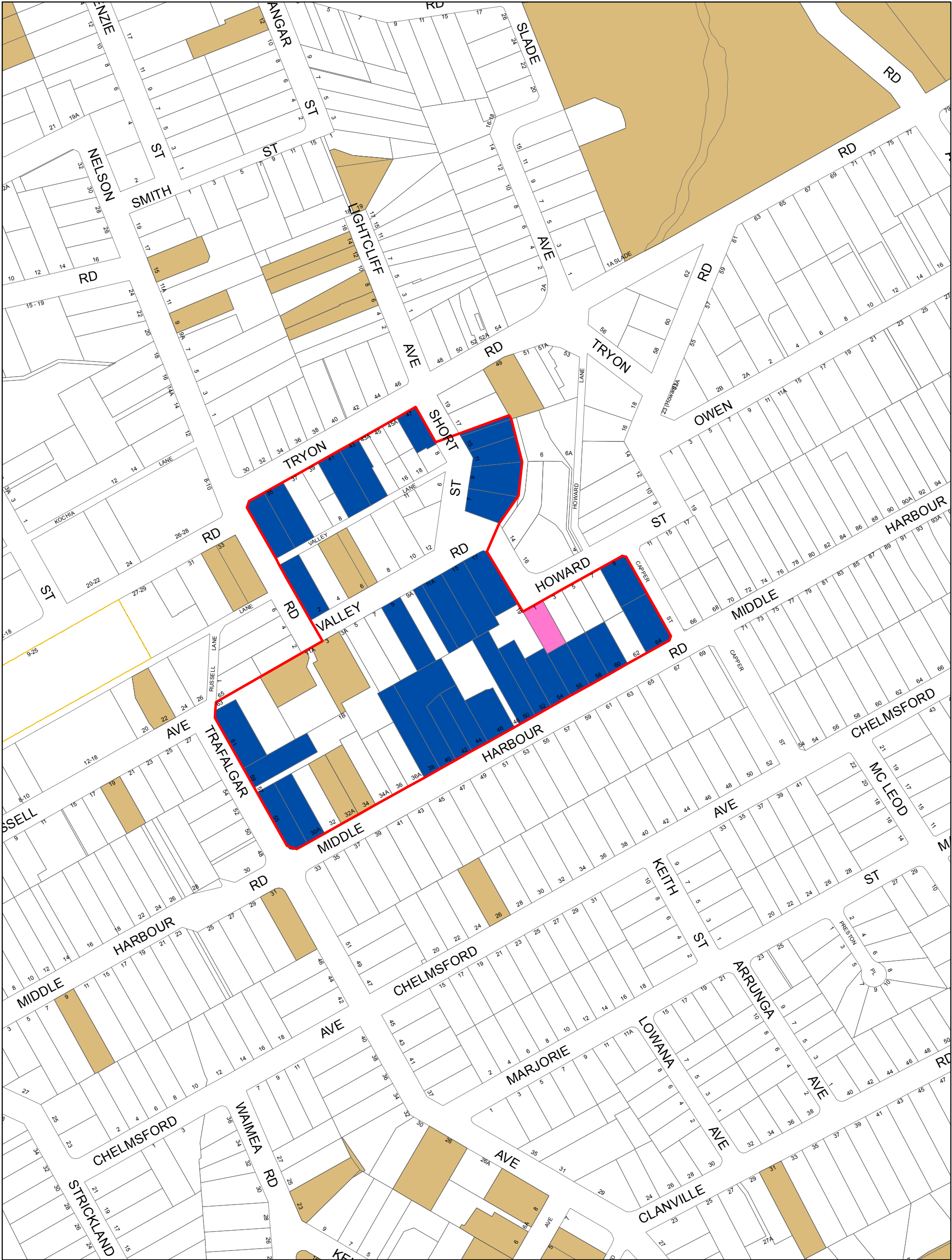
Address	PM A	AP 201 0	AP 201 7	Comments
63 Tryon Road	C	N	D	<p>Do not agree with detracting rating but recommend changing rating to neutral.</p> 
73 Tryon Road	C	N	N	<p>This building appears on the 1943 aerial. The upper floor windows are not new openings but a windowed in first floor balcony. Recommend rating remain the same.</p> 
2A Owen Street	C	C	N	<p>In 2010 AP assessed this house as C. On street view the house hasn't changed from 2008 to present site inspection. The addition while out of scale for a single storey house is fine on this building.</p>

Address	PM A	AP 201 0	AP 201 7	Comments
				 <p>No change in rating recommended.</p>
9 Owen Street	C	C	N	<p>In 2010 AP assessed this house as C. On street view the house hasn't changed from 2008-present. There is a garage but due to the fall in gradient the impact on the house is minimised.</p> <p>No change in rating recommended</p> 
91 Middle Harbour Road	C	C	N	<p>In 2010 AP assessed this house as C. On street view the house hasn't changed from 2008 to present site inspection.</p> <p>No change in rating recommended</p>

Address	PM A	AP 201 0	AP 201 7	Comments
				
89 Middle Harbour Road	C	C	N	<p>No change in rating recommended.</p> <p>A modest bungalow. It has been rendered but the key architectural features and the buildings form, scale and setback are a positive contribution to the heritage streetscape.</p> 
73 Middle Harbour Road	C	C	N	<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>

Address	PM A	AP 201 0	AP 201 7	Comments
				
67 Middle Harbour Road	C	N	N	<p>N</p>  <p>Agree</p>
52 Middle Harbour Road	C	C	N	<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> 

Address	PM A	AP 201 0	AP 201 7	Comments
46 Middle Harbour Road	C	C	N	 <p>Has a new roof (tiles) but is very similar to the 1943 aerial.</p> <p>No change in rating recommended.</p>
38 Middle Harbour Road	C	C	N	 <p>New hipped roof carport at front attached to house.</p> <p>No change in rating is recommended.</p>



Study Area



Heritage Items

Heritage Rating



Contributing



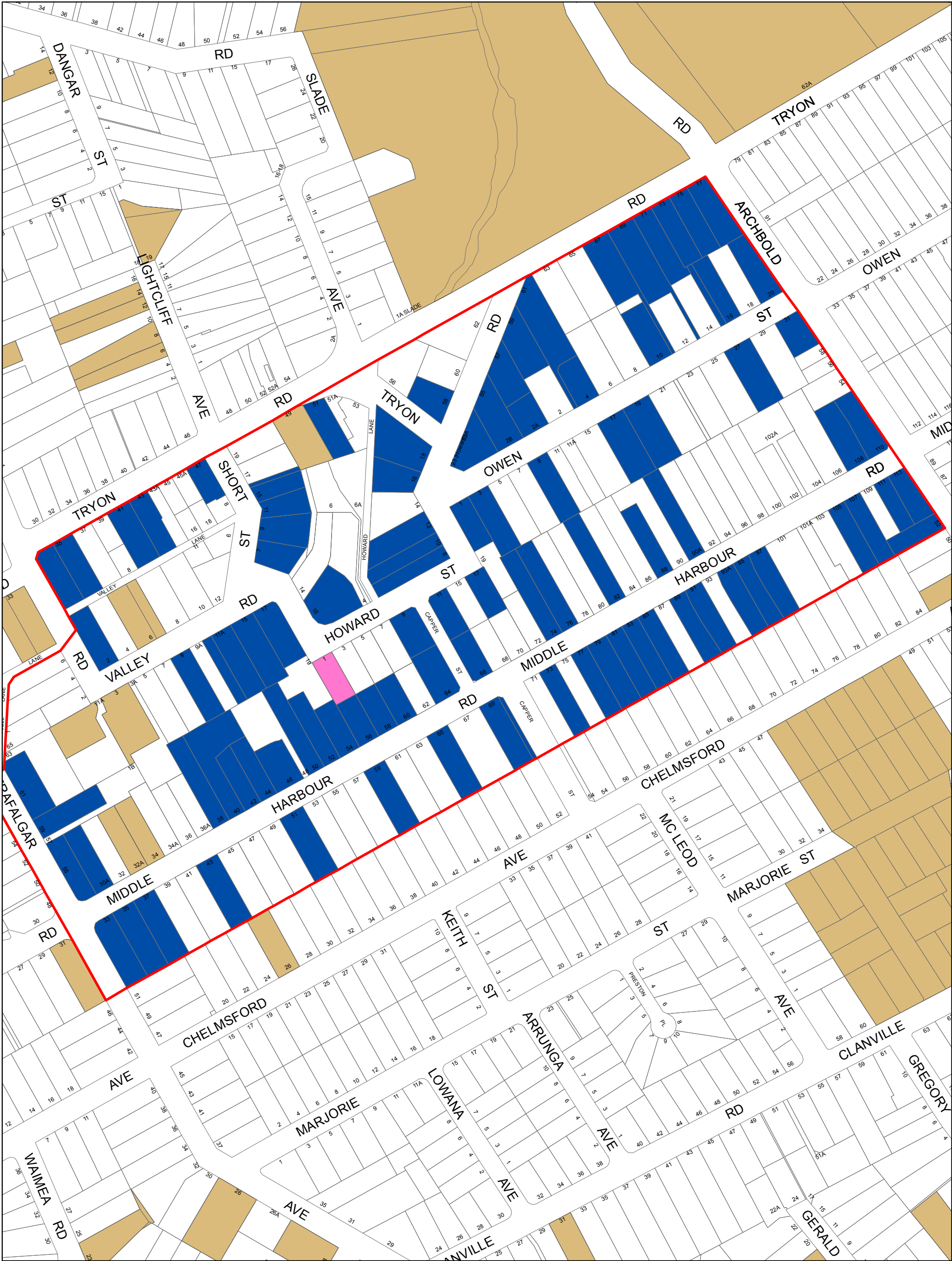
Neutral



Detracting

Middle Harbour Road, Lindfield
HCA Review - Revision - October 2017 -
Recommended Boundary

Date: 16/10/2017



Study Area



Heritage Items

Heritage Rating



Contributing



Neutral



Detracting

Middle Harbour Road, Lindfield HCA Review - Revision - October 2017 - Ratings - original study area

Date: 16/10/2017