



Ku-ring-gai Council

PLANNING PROPOSAL

To include Middle Harbour Road, Lindfield Heritage Conservation Area in the KLEP 2015

PP_2016_KURIN_007_00

November 2017

Revised in accordance with the conditions of the Gateway Determination issued 20 October 2016 and following the Council Resolution of 24 October 2017.

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INTRODUCTION

This planning proposal contains the justification for the proposed amendments to the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) to include a Heritage Conservation Area (HCA) in Middle Harbour Road, Lindfield in Schedule 5 and on the accompanying Heritage Maps.

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning and Environment's "*A Guide to Preparing Planning Proposals*" (October 2012).

The Department of Planning considered the nature of this planning proposal and decided not to issue an authorisation for Council to exercise delegation to make the plan.

Background

On the 8 November 2011 Council resolved to incorporate provisions for biodiversity, riparian lands and Heritage Conservation Areas into the Ku-ring-gai Planning Scheme Ordinance. The Heritage Conservation Areas were a result of numerous studies conducted over many years to ascertain the cultural significance of heritage conservation areas.

Heritage consultants Architectural Projects Pty Ltd were engaged in 2010 to produce a draft report recommending potential HCAs for inclusion into the draft Ku-ring-gai Principal Local Environmental Plan. The area which included the current proposed Middle Harbour Road Conservation Area (then assessed as part of the Clanville Heritage Conservation Area) was evaluated in the Southern Heritage Conservation Areas Review. This draft report was exhibited (non-statutory) for public comment from 21 February to 25 March 2011. Consideration of submissions led the Council to recommend that amendments to the draft HCA maps be considered. The proposed Clanville HCA boundary was then reduced to exclude the subject area of Middle Harbour Road and its surrounds due to the perceived introduction of unsympathetic additions to the area that would rate the overall level of intactness of the HCA as below the threshold for inclusion. As a result the current proposed Middle Harbour Road Conservation Area did not proceed to listing.

At the Council meeting of 26 November 2013, in considering submissions on the Draft Principal LEP, Council adopted the resolution to review the area around Middle Harbour Road, Lindfield (Archbold/Tryon/Middle Harbour and Trafalgar) as shown in the 2010 South HCA review, with the view to its inclusion into the Ku-ring-gai Local Environmental Plan as a potential HCA:

- 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:

...

- 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.

Perumal Murphy Alessi (PMA) Heritage Consultants were commissioned by Ku-ring-gai Municipal Council to undertake a heritage conservation area peer review of the area around Middle Harbour Road, Lindfield in late 2014. This assessment concluded the area has heritage significance and should be considered for inclusion as an HCA:

“The Middle Harbour Road Heritage Conservation Area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses primarily from the Federation and Inter-war period with some good examples of mid to late 20th century dwellings. 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.”

The final heritage assessment report by PMA Heritage Consultants is included at **Appendix A**. The accompanying Heritage Inventory Sheets are included at **Appendix B**. Additional maps can be found in Part 4 of this document.

The heritage assessment study was put on non-statutory exhibition from the 20 March to 15 May 2015. Submissions were compiled in a council report which can be found in **Appendix C**.

At a council meeting held on 28 June 2016, Ku-ring-gai Council resolved to prepare a planning proposal to include Middle Harbour Road Heritage Conservation Area as a potential discrete heritage conservation area in Schedule 5 and on the Heritage Map of the KLEP 2015. The Council resolution can be found at **Appendix D**.

At a Council meeting held on 24 October 2017, Ku-ring-gai Council resolved to forward an amended planning proposal recommending a reduced heritage conservation area to the Department of Planning and Environment for the plan to be made. The Council resolution can be found at Appendix E.

Gateway Determination

The Planning Proposal was sent to the Department of Planning and Environment on 23 August 2016 for a Gateway Determination. The Department of Planning and Environment issued a Gateway Determination on 20 October 2016. The Gateway Determination included the following condition:

- 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.*

Council's Heritage Specialist Planner has undertaken a review of the following:

- The Perumal Murphy Alessi Heritage Study (2015) which forms the basis for proposed listing of the Heritage Conservation Area
- the Architectural Projects Report (2015) which was prepared on behalf of the residents in Middle Harbour Road in response to the non-statutory exhibition of the PMA Heritage Study
- the site inspections undertaken by Council in 2016

and prepared **Appendix G** – *Proposed Middle Harbour Road Heritage Conservation Area: Explanation of review of contributory ratings* in order to satisfy Condition 1 of the Gateway Determination.

Appendix G clarifies the process and issues Council considered in making a judgement as to whether or not a property within the proposed Middle Harbour Road HCA should be considered contributory, which include:

- The Statement of Heritage Significance for the proposed Middle Harbour HCA
- Any unsympathetic additions
- Errors, for example where new houses designed as faux heritage houses had been identified as contributory

Appendix G also provides an explanation of individual property ratings where Council has amended them from what was proposed in the PMA Study, and where they are different to the Architectural Projects submission.

On 19 September 2017, Council requested that the Department of Planning and Environment grant an extension of time of 4 months to the Gateway Determination to allow Council to finalise the Planning Proposal. On 29 September 2017, the Department of Planning and Environment altered the Gateway Determination to require the Planning Proposal to be completed by 27 January 2018. The Gateway Determination, acknowledgment from the Department that the conditions of the Gateway Determination have been met and the Alteration to the Gateway Determination are included at Appendix H.

Site Description

The exhibited potential Middle Harbour Road HCA is bounded by two existing conservation areas, the Clanville Heritage Conservation Area to the south and the Crown Blocks Heritage Conservation Area to the north.

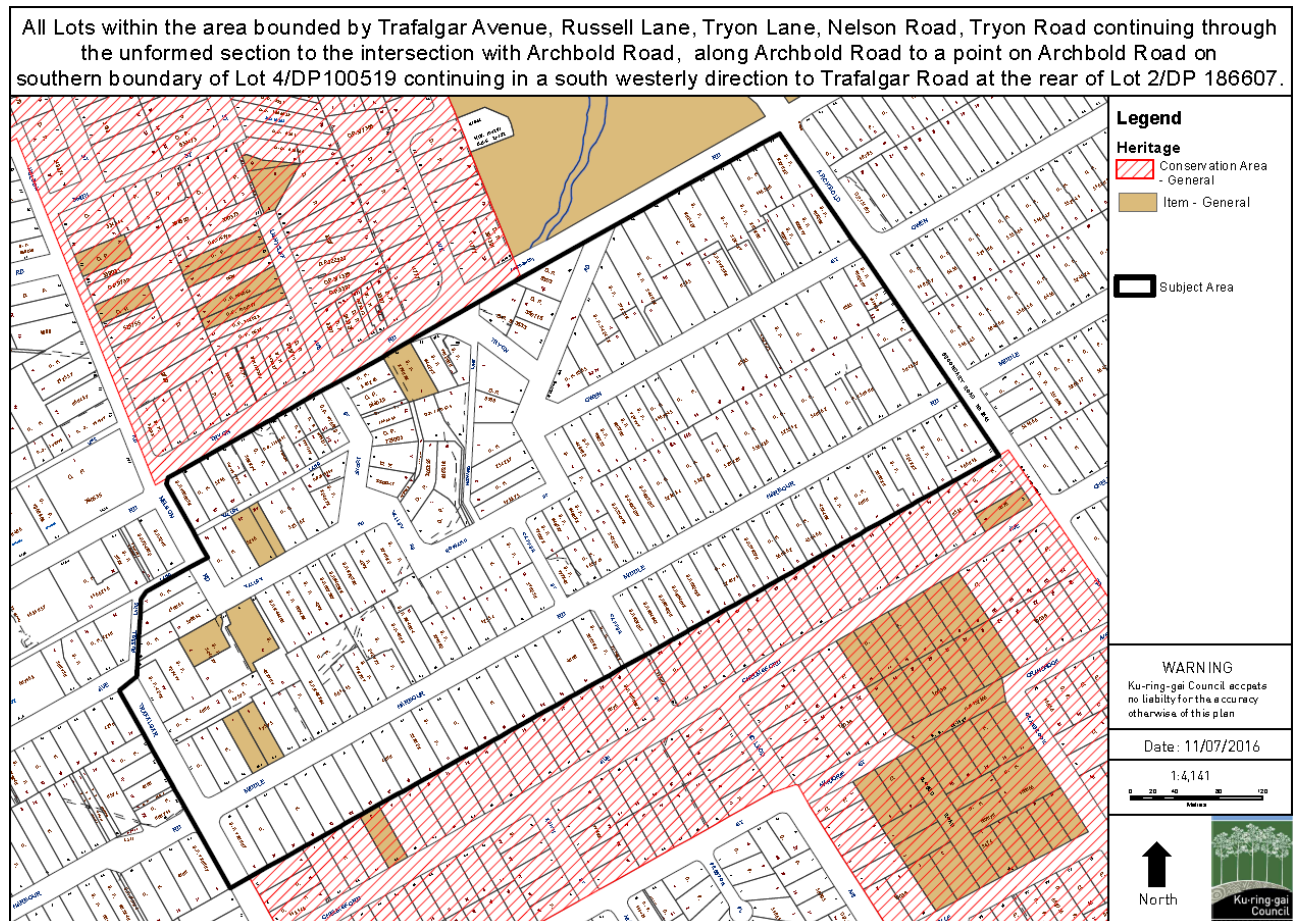


Image 1 - Exhibited study Area

The exhibited subject area is generally bounded by Trafalgar Street, Russell Lane and Nelson Street to the west, Tryon Road to the north, Archbold Road to the east and includes properties on both sides of Middle Harbour Road. The area is surrounded by residential development also a reserve area, the Seven Little Australians Park and is traversed by a creek line. The built context is enhanced by pockets of remnant bushland, wide street proportions, street trees including a number of mature jacarandas also individual garden settings and other introduced trees and plantings. The street and subdivision pattern has been influenced by the natural topography, creek and tree lines. The area also retains a sense of the early Clanville Estate subdivision pattern and subsequent early 20th century subdivisions.

All Lots within the area bounded by Trafalgar Avenue, Nelson Road, Tryon Road, Short Street, the rear of Lot 44 DP 1005040 to the rear of Lot B DP 380941, Valley Road, Howard Street, Copper Street and Middle Harbour Road. - **Adopted study area**

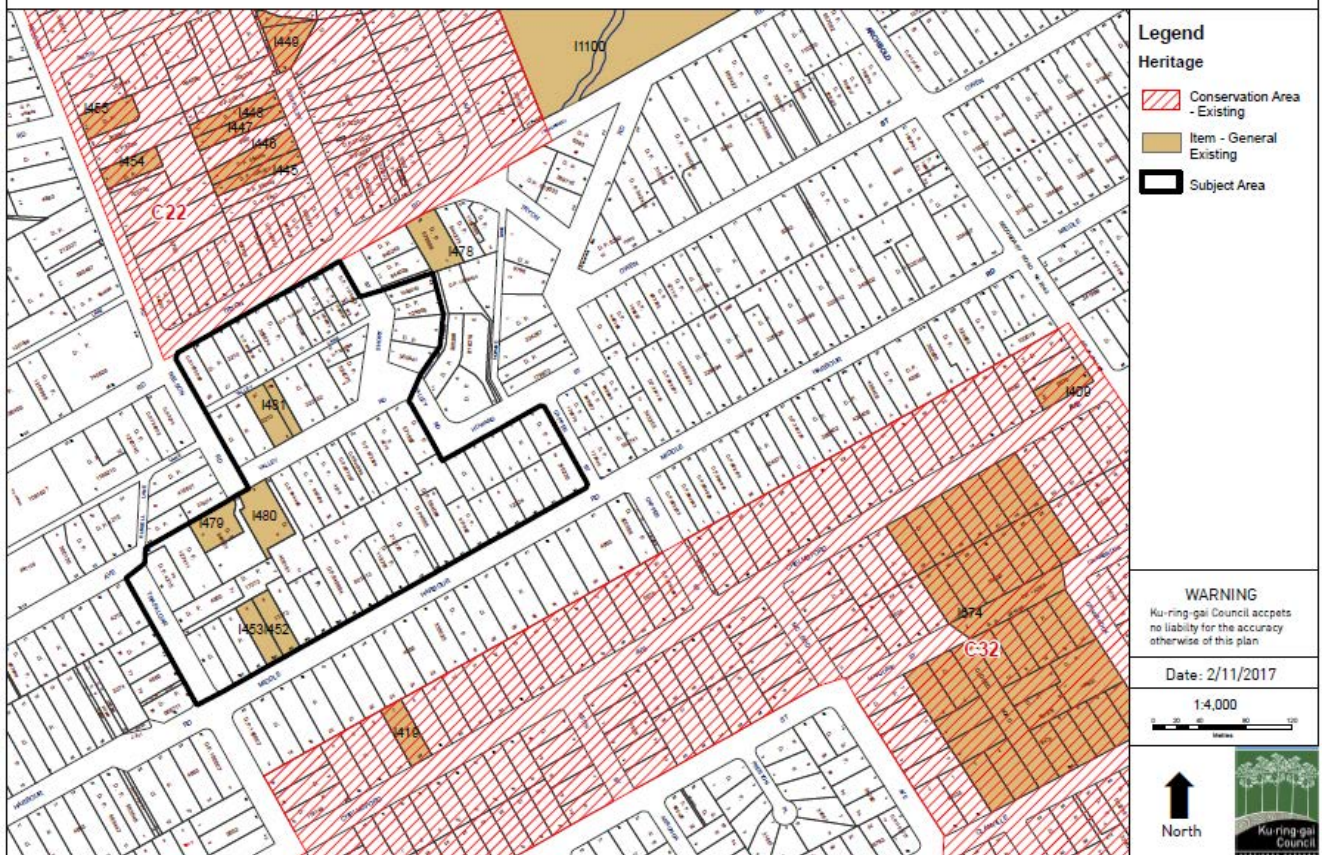


Image 2 - Revised study Area

The revised subject area is generally bounded by Trafalgar Avenue, Nelson Road, Tryon Road, Short Street, Valley Road, Howard Street, Copper Street and Middle Harbour Road. The area is surrounded by residential development and is traversed by a creek line. The built context is enhanced by pockets of remnant bushland, wide street proportions, street trees including a number of mature jacarandas also individual garden settings and other introduced trees and plantings. The street and subdivision pattern has been influenced by the natural topography, creek and tree lines. The area also retains a sense of the early Clanville Estate subdivision pattern and subsequent early 20th century subdivisions.



Image 3 - Aerial Photo of Study Area

The 2015 report by PMA Heritage Consultants found:

'The area currently has six heritage listed items, however, the area should be recognised as a conservation area, possibly as an extension of the Clanville Heritage Conservation Area. The land was part of the Clanville Estate and subsequent, early subdivision patterns remain visible and area retains good and intact late 19th and early to mid-20th century detached dwellings enhanced by garden settings, wide street proportions, street trees and plantings, creek line and remnant native trees and plantings. The area should continue to include reserve areas and deep grassed verges and remnant Blue Gum forest to protect, reinforce and enhance the values of the place.'

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

A statement of the objectives and intended outcomes of the proposed instrument

The objective of this planning proposal is to conserve the cultural and environmental heritage of Ku-ring-gai by including an area of Middle Harbour Road, Lindfield and adjoining areas as a new Heritage Conservation Area in Schedule 5 of the KLEP 2015 and on the accompanying heritage maps.

PART 2 – EXPLANATION OF PROVISIONS

An explanation of the provisions that are to be included in the proposed instrument

The objective of the planning proposal will be achieved by amending Schedule 5 Environmental Heritage, Part 2 Heritage Conservation Areas as follows:

Description	Identification on Heritage Map	Significance
Middle Harbour Road, Lindfield Conservation Area	Shown by red hatching and labelled “C42”	Local

The objective of the proposal will also be achieved by amending the following map:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_015

The map will be amended by representing the potential HCA in red hatching to indicate a Heritage Conservation Area.

Refer to **Part 4** for the proposed amended Heritage Map Sheets.

The planning proposal does not seek to change zoning or development standards for the area identified in this proposal.

PART 3 - JUSTIFICATION

The justification for those objectives, outcomes and the process for their implementation

A. Need for the planning proposal

Q1. *Is the planning proposal a result of any strategic study or report?*

Yes. An independent heritage assessment was carried out on the site following the resolution by Council to investigate the area as a potential Heritage Conservation Area.

A copy of the Assessment of Heritage Significance report prepared by Perumal Murphy Alessi Heritage Consultants is included in **Appendix A**.

The heritage assessment outlines the statement of significance as follows:

“The Middle Harbour Road Heritage Conservation Area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses primarily from the Federation and Inter-war period with some good examples of mid to late 20th century dwellings. 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.”

This heritage assessment was subject to public consultation and review following a non-statutory exhibition from the 20 March to 15 May 2015. Submissions were compiled in a council report which was considered at a council meeting on 28 June 2016 (**Appendix C**). In response to submissions, the contribution rating (contributory/neutral/detracting) of properties in the area were re-assessed and a new contributions rating map was prepared (**Attachment A6** of Council Report at **Appendix C**).

Council’s Heritage Specialist Planner has also undertaken a review of the following:

- The Perumal Murphy Alessi Heritage Study (2015) which forms the basis for proposed listing of the Heritage Conservation Area
- the Architectural Projects Report (2015) which was prepared on behalf of the residents in Middle Harbour Road in response to the non-statutory exhibition of the PMA Heritage Study
- the site inspections undertaken by Council in 2016

and prepared **Appendix G** – *Proposed Middle Harbour Road Heritage Conservation Area: Explanation of review of contributory ratings* in order to satisfy Condition 1 of the Gateway Determination.

Appendix G clarifies the process and issues Council considered in making a judgement as to whether or not a property within the proposed Middle Harbour Road HCA should be considered contributory, which include:

- The Statement of Heritage Significance for the proposed Middle Harbour HCA
- Any unsympathetic additions
- Errors, for example where new houses designed as faux heritage houses had been identified as contributory

Appendix G also provides an explanation of individual property ratings where Council has amended them from what was proposed in the PMA Study, and where they are different to the Architectural Projects submission.

While Council's re-assessment showed a lower proportion of contributory buildings than the Perumal Murphy Alessi study, it is still considered that there is sufficient intactness to proceed with the listing as a Heritage Conservation Area.

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The site has been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance and the planning proposal is the best means of achieving the objective to conserve and protect Ku-ring-gai's heritage.

B. Relationship to strategic planning framework

Q3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The relevant regional strategy is 'A Plan for Growing Sydney' (December 2014). The planning proposal is assessed against the four goals contained within the strategy below:

Goal 1- A competitive economy with world class services and transport

The planning proposal will not adversely impact on the directions and actions identified in the strategy to achieve a competitive economy and transport system.

Goal 2 – A city of housing choice, with homes that meet our needs and lifestyles

This planning proposal will have no impact on Ku-ring-gai's ability to meet the housing and employment targets and accordingly, the planning proposal is not inconsistent with this goal.

Goal 3 – A great place to live with communities that are strong, healthy and well-connected

This planning proposal will not adversely impact on the directions and actions identified in the strategy. The planning proposal is consistent with Direction 3.4 Promote Sydney's heritage, arts and culture and Action 3.4.4 Identify and re-use heritage sites, including private sector re-use through the priority precincts program.

Goal 4 – A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

The planning proposal will not adversely impact on the directions and actions identified regarding the natural environment and sustainability.

Ku-ring-gai Council is located within the North District. The planning proposal is considered to be not inconsistent with the priorities for the North District, including:

- A competitive economy
- Accelerate housing supply, choice and affordability and build great places to live
- Protect the natural environment and promote its sustainability and resilience

The site the subject of the planning proposal is not located within an identified Strategic Centre within the North District.

Q4. Is the planning proposal consistent *with a council's local strategy or other local strategic plan?*

The Ku-ring-gai Community Strategic Plan 2030 is consistent with the planning proposal, in particular the following objectives:

P1.1 Ku-ring-gai's unique visual character and identity is maintained

P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai.

P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed.

The planning proposal is also consistent with the following aims of the KLEP 2015:

(a) to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai

(f) to recognize, protect and conserve Ku-ring-gai's indigenous and non-indigenous cultural heritage

Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs.

SEPP	Comment on Consistency
State Environmental Planning Policy No.19 – Bushland In Urban Areas	<p>Consistent.</p> <p>This policy applies to land within Ku-ring-gai Council Local Government Area and protects and preserves bushland in public open space zones and reservations. The planning proposal is consistent with the aim of the policy which seeks to protect and preserve bushland within urban areas due to its value to the community as part of the natural heritage. The inclusion of a HCA will not impact the application of the SEPP to preserve bushland within the area.</p>
State Environmental Planning Policy No.32 – Urban Consolidation (Redevelopment of Urban Land)	<p>Consistent.</p> <p>This policy applies to all urban land and focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used. The planning proposal to include Middle Harbour Road HCA will not impact on the application of the SEPP.</p>
State Environmental Planning Policy No.55 – Remediation of Land	<p>Consistent.</p> <p>This policy applies to the whole of NSW and provides planning controls for the remediation of contaminated land. The planning proposal for the inclusion of the Middle Harbour Road HCA does not impact on the ability to use the SEPP for remediation works on contaminated sites. The area the subject of the planning proposal is low density residential, and there is no evidence to suggest that sites within the area could be affected by contamination from past land uses or activities being carried out on the land.</p>

SREPP	Comment on Consistency
SYDNEY REP (Sydney Harbour Catchment) 2005	<p>Consistent.</p> <p>The Planning Proposal is consistent with the aims of the policy and will have no adverse impacts on the Sydney Harbour Catchment.</p>

Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The following table identifies applicable Section 117 Directions and outlines this Planning Proposal's consistency with those Directions.

Directions under S117	Objectives	Consistency
2. ENVIRONMENT AND HERITAGE		
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.	Consistent. The planning proposal is consistent with this direction and it will result in the conservation of an area that has been assessed to satisfy the NSW Heritage Council's criteria for local heritage significance.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Consistent. The planning proposal relates to an area of established dwellings, and in this regard will have no effect on the housing choice, infrastructure or environment.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. The planning proposal does not preclude the carrying out of a home occupation.
6. LOCAL PLAN MAKING		
Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The planning proposal will not result in the requirement for concurrence, consultation or referral of a future development application to a Minister or public

Directions under S117	Objectives	Consistency
		authority as a result of the proposed local heritage listing.
7. METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	Consistent. The planning proposal will not adversely affect the directions and actions outlined in the strategy to achieve the four goals relating to economy, housing, environment and community.

C. Environmental, social and economic impact**Q7. Is there any likelihood that *critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The planning proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of the heritage listing.

Q8. Are there any other likely *environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no environmental effects envisaged as a result of the inclusion of land within a HCA proposed by the planning proposal.

Q9. Has the *planning proposal adequately addressed any social and economic effects?*

The planning proposal has positive social effects in recognising and protecting the local cultural heritage significance of the site within the Ku-ring-gai area.

The planning proposal is not expected to result in adverse economic effects. A review of numerous studies undertaken around Australia and the world looking at the effect of heritage listing and inclusion within a heritage conservation area on the value of houses has found the impact to be negligible. Other factors including locational factors such as proximity to schools and access to public transport and household attributes such as number of bedrooms and parking spaces, have been shown to have greater influence on price than heritage listing.

D. State and Commonwealth interests**Q10. Is there *adequate public infrastructure for the planning proposal?***

The planning proposal relates to the heritage listing of a potential Heritage Conservation Area. No additional demand for public infrastructure is anticipated as a consequence of this listing.

Q11. What are the views of state and *Commonwealth public authorities consulted in accordance with the Gateway determination?*

Council's resolution of 28 June 2016 (see **Appendix D**) outlined:

C. That in order to facilitate an expedient Gateway Determination, the NSW Heritage Office be consulted prior to submitting the Planning Proposal to the Department of Planning and Environment. Should comments not be received within 21 days, the Planning Proposal is to be submitted regardless.

The Planning Proposal was sent to NSW Heritage Office, Office of Environment and Heritage on 28 July 2016. The NSW Heritage Office provided a response on 8 August 2016 which is included as **Appendix F**.

The NSW Heritage Office recommendation to inspect the interiors and gardens of all properties within the proposed Middle Harbour Road Heritage Conservation Area in order to include these in Schedule 5 is not normal practice for the assessment and listing of heritage conservation areas. The Heritage Council of NSW "*Conservation areas: guidelines for the identification and management of change in heritage conservation areas*" (draft) (p.9.) 2007 notes the following:

"A heritage conservation area is identified by researching its history and identifying its distinctive and contributory components through fieldwork. These usually include the area's subdivision and street pattern, building scale, size and forms, siting and setbacks. Distinctive landscape components, natural vegetation and cultural plantings, significant views to, from and within the area and its wider setting also contribute."

A detailed inspection of the interior and garden of all 208 properties within the proposed Heritage Conservation Area to include as part of the proposed HCA listing within Schedule 5 of the KLEP 2015 is considered both impractical and superfluous. Council has no means to control or limit any changes to these interiors as the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* permits internal alterations to be carried out to houses within Heritage Conservation Areas as exempt development.

The Statement of Significance prepared by Perumal Murphy Alessi does not identify the interiors and individual gardens as part of the significance of the HCA, instead it notes "*The Middle Harbour Road Heritage Conservation Area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses primarily from the Federation and Inter-war period with some good examples of mid to late 20th century dwellings. The built context is enhanced by the street proportions and*

character, street plantings and garden settings 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..... reflects the evolution of the rail and road networks.the area significantly retains its early subdivision and streetscape pattern of single detached houses within a “green” setting.” The recommendations contained within the Heritage Inventory Sheet relate to retaining external elements that contribute overall heritage significance such as:

- Subdivision pattern
- Street and reserve plantings
- Landscaping
- Building alignments and setbacks
- Form and scale of buildings
- Original finishes and details such as face brick work, slate and terracotta tiles

The heritage significance of the proposed Middle Harbour Road Heritage Conservation Area is focused on the streetscape and the protection of the external envelope of the buildings and landscaping – not the individual interiors.

The Planning Proposal does not seek to heritage list individual properties as heritage items within the KLEP 2015. The Middle Harbour Road Heritage Conservation Area has been identified as a collection of places that together have heritage value but individually do not.

The Gateway Determination issued by the Department of Planning requires Council to consult with the Office of Environment and Heritage (Heritage Division) and NSW Rural Fire Service under section 56(2)(d) of the Environmental Planning and Assessment Act 1979.

PART 4 - MAPPING

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The potential Middle Harbour Road HCA is bounded by two existing conservation areas, the Clanville Heritage Conservation Area (C32) to the south and the Crown Blocks Heritage Conservation Area (C22) to the north.

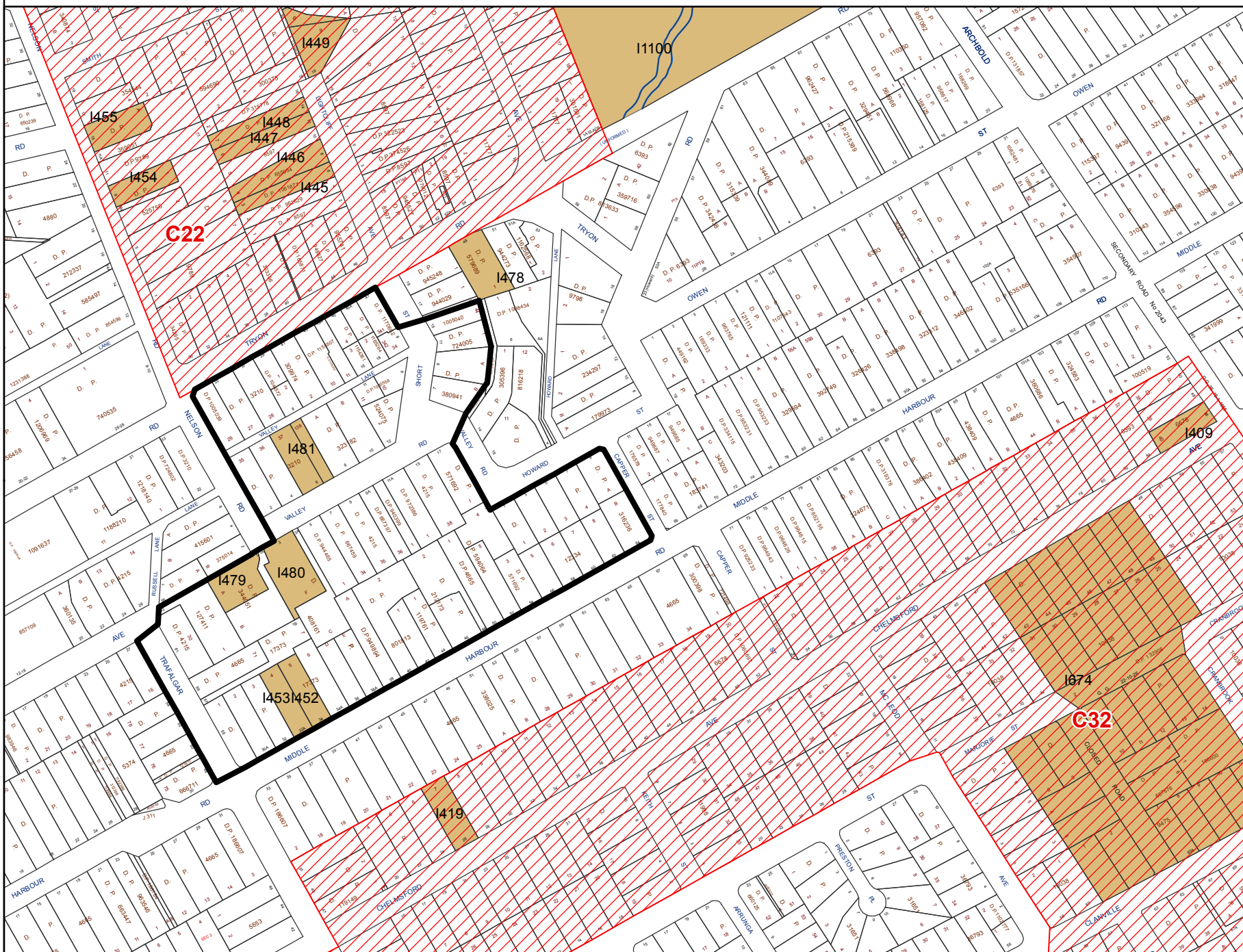
The planning proposal will require the amendment to the following KLEP 2015 Heritage Map Sheet:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_015




The area encompassed by the planning proposal will be represented by red crosshatching to indicate a Heritage Conservation Area.

The following maps represent the existing and proposed changes to the HCA mapping. The proposed area will be given the number C42.

All Lots within the area bounded by Trafalgar Avenue, Nelson Road, Tryon Road, Short Street, the rear of Lot 44 DP 1005040 to the rear of Lot B DP 380941, Valley Road, Howard Street, Capper Street and Middle Harbour Road. - **EXISTING**



Legend Heritage

-  Conservation Area - Existing
-  Item - General Existing
-  Subject Area

WARNING

Ku-ring-gai Council accpets no liability for the accuracy otherwise of this plan

Date: 2/11/2017

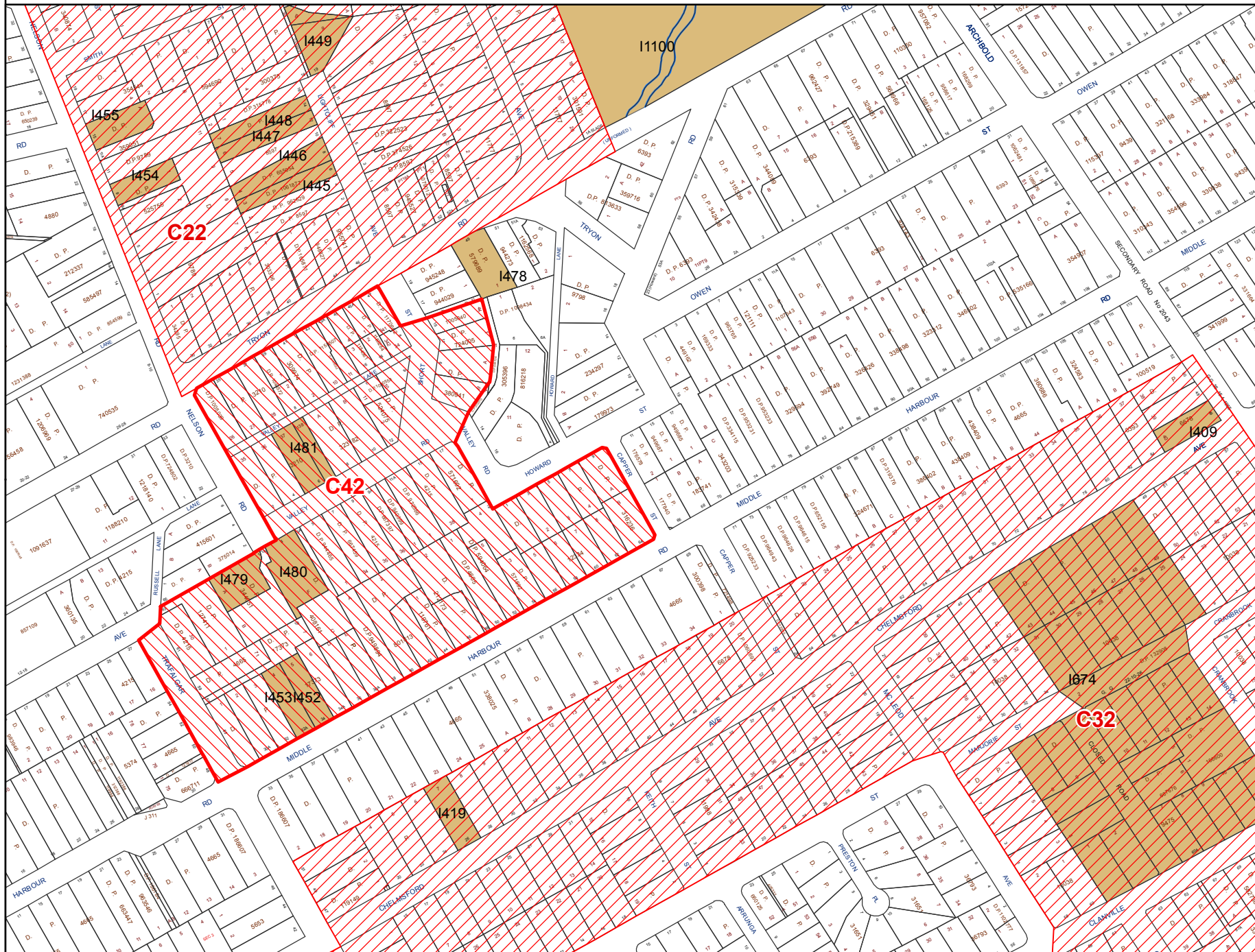
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North



All Lots within the area bounded by Trafalgar Avenue, Nelson Road, Tryon Road, Short Street, the rear of Lot 44 DP 1005040 to the rear of Lot B DP 380941, Valley Road, Howard Street, Capper Street and Middle Harbour Road. - **PROPOSED MIDDLE HARBOUR ROAD, LINDFIELD CONSERVATION AREA**



Legend Heritage

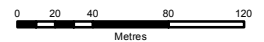
-  Conservation Area - Existing
-  Item - General Existing
-  Conservation Area - Proposed

WARNING

Ku-ring-gai Council accepts no liability for the accuracy otherwise of this plan

Date: 2/11/2017

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Ku-ring-gai Local Environmental Plan 2015

Heritage Map - Sheet HER_015

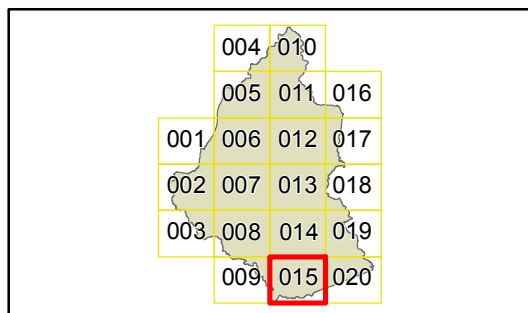
Heritage

Conservation Area - General

Item - General

Cadastral

Cadastre 02/11/2017 © Land and Property Information (LPI)



Projection: GDA 1994
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Scale: 1:10,000 @ A3

Map identification number: 4500_COM_HER_015_010_20171102



PART 5 – COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the planning proposal

Community Consultation for this planning proposal has been consistent with the requirements of the Gateway Determination and the consultation guidelines contained in the Department of Planning and Environments “A Guide to Preparing Local Environmental Plans”(April 2013).

The Planning Proposal was publicly exhibited between 2 June 2017 and 7 July 2017.

Public exhibition of the planning proposal was undertaken in the following manner:

- Notification in a newspaper circulated to the area affected by the planning proposal the North Shore Times
- Notification on Council’s website
- Notification in writing to the affected land owners

During the exhibition period, the following material was made available for viewing:

- Planning Proposal and appendices
- Gateway Determination
- Information relied upon by the planning proposal such as heritage assessments

At the conclusion of the public exhibition, on 24 October 2017 Council considered a report on the submissions received in response to the public exhibition of the planning proposal. All persons who made formal submissions were notified of this matter being considered at the Council meeting of 24 October 2017.

PART 6 – PROJECT TIMELINE

Stage	Timing
Anticipated commencement date (date of Gateway determination)	October 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Mid March 28 days - Run concurrently with exhibition period.
Commencement and completion dates for public exhibition period	June - July 2017
Post exhibition review and reporting	August- September 2017
Council meeting / consideration	24 October 2017
Legal Drafting LEP	November-December 2017
Anticipated date RPA will make the plan (if delegated)	January 2018
Notification of Plan on Legislation website	March 2018

APPENDIX A – Heritage Assessment Report - Perumal Murphy Alessi Heritage Consultants

MIDDLE HARBOUR ROAD, LINDFIELD HERITAGE CONSERVATION AREA REVIEW



January 2015

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1.0 Introduction

1.1 Background and study area

Perumal Murphy Alessi, Heritage Consultants were commissioned by Ku-ring-gai Municipal Council to undertake an additional heritage conservation area peer review of the area around Middle Harbour Road, Lindfield in late 2014.

Numerous studies have been conducted in Ku-ring-gai over many years to determine heritage conservation areas. Recent studies in the area include:

- 2008 Ku-ring-gai Town Centres HCA Review by Paul Davies; and
- 2010 South HCA Review by Architectural Projects Pty Ltd.

These studies relied on early work done by the National Trust in association with Robertson and Hindmarsh and various studies completed by Godden Mackay Logan between 2002 and 2005.

On 26 November 2013 Ku-ring-gai Council resolved to seek additional peer review of the area which is bounded by two existing conservation areas, the Clanville Heritage Conservation Area to the south and the Crown Blocks Heritage Conservation Area to the north.

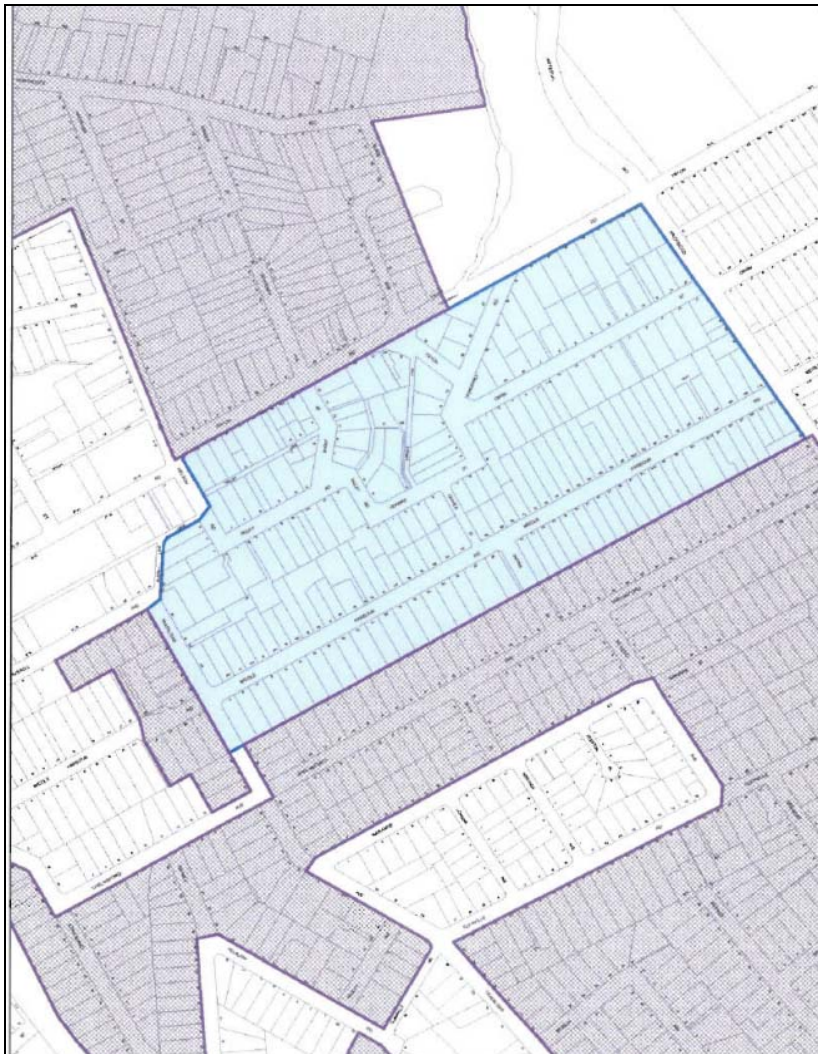


Figure 1.1 Plan of the study area (shaded in blue).

(Source: KMC).

1.2 Methodology of the review

This review has been undertaken in accordance with best practice and standard guidelines outlined in the Heritage Manual produced by the Heritage Branch of the NSW Office of Environment and Heritage. The overall basis of the review also relies on the principles and terminology contained in *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, known as *The Burra Charter*.

The history and development of the area has been previously undertaken and is well documented. In addition to a review of previously prepared material some additional research was undertaken using sources listed below.

A physical inspection of the identified area and immediate surrounds was undertaken. The inspection was undertaken on foot, street by street. Each property was viewed and rated as being a “contributory”, “neutral”, or “detracting” item to the particular streetscape and area.

The “contributory” items in particular were marked up on a plan of the area and used to define and confirm the recommended boundaries of the proposed area. A table of contributory and neutral items has been included in this report.

A summary of the history and development of the area, description, assessment of significance and other details were entered on a standard State Heritage Inventory form. A draft form was forwarded to Council for review.

1.3 Documentary & photographic sources

A review of the following reports was undertaken as part of the project:

- *Ku-ring-gai Heritage and Neighbourhood Character Study*, Godden Mackay Logan Keys Young (2001);
- *Ku-ring-gai South Conservation Areas Study* (2010) by Architectural Projects Pty Ltd; and
- *Heritage Data Forms for the Clanville Heritage Conservation Area (HCA 32)* by Architectural Projects Pty Ltd (2010) and *Crown Blocks Heritage Conservation Area (HCA C22)* by Perumal Murphy Alessi (2013).

Additional documentary information was also sourced from the Mitchell and Ku-ring-gai Local Studies Libraries, NSW Land and Property Information Office, SIX maps (1943) and Sydney Water Plans.

Area plans were supplied by Ku-ring-gai Council. Contemporary photographs included in this report, unless otherwise stated, were taken by Luisa Alessi of Perumal Murphy Alessi, Heritage Consultants, in January 2015, specifically as part of the review.

1.4 Limitations

The history and development of the area has been documented and covered in the previously prepared reports. Some additional research was undertaken and a summary has been provided.

The study area was confined to the previously identified area with some context also reviewed. The assessment of the quality and condition of each of the properties is based on an external inspection from the public domain. Buildings that are not visible from the public domain such as those occupying battleaxe and subdivided blocks were not assessed.

1.5 Authorship & acknowledgements

The review has been completed by Luisa Alessi of Perumal Murphy Alessi, Heritage Consultants.

Luisa is a graduate architect with 19 years experience in the heritage field. She has worked on a number of review projects for a range of local Councils and authorities, including a number of projects for Ku-ring-gai Council and is familiar with the area. She has prepared numerous Heritage Assessments, Statement of Heritage Impact reports, Conservation Plans and Conservation Management Plans for both the private and public sector.

The author would like to thank KMC staff for their assistance with this project.

1.6 Basis of the assessment & conclusions

As noted above the review of the proposed area included an external inspection of each of the properties in the nominated area and immediate surrounds and context in order to verify and establish the conservation area boundaries. Mapping of the “contributory” items assisted the definition of the area boundaries.

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.

A fairly wide range of stylistic variations of Federation, Inter-war and Post-War period buildings are visible and contribute to the character and significance of the area. The buildings range from modest to substantial scale residences which reflect the changing economic situation throughout the 20th century and the ever changing attitudes to housing and architectural styles within the community. The influence of improved rail and road infrastructure is also generally evident in the area. This evolution has continued to the present with a number of highly modified and new houses also located in the area. These are generally considered to be “neutral” and have not been identified as they do not relate to the primary, early 20th century subdivision and development of the area.

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.

2.0 The Middle Harbour Road, Lindfield Area

2.1 Background

A summary of the history and development of the area has been provided to Council in the format of the standard Standard Heritage Inventory (SHI) form.

The subject area is part of 400 acres granted to Daniel Dering Mathew in July 1819, later known as the “Clanville” Estate. Timber was initially extracted from the area generally between the years c. 1815 to 1840 and transported to Sydney via the Fiddens Wharf Road and Lane Cove River. The timber getters opened up the area for orchardists, however, the area remained largely undeveloped to the 1890s. The establishment of the North Shore Railway Line proved to be the catalyst for major development along the railway line. Lindfield Station opened in 1890. By this time most of the early grants, including Dering’s land had been subdivided into smaller land holdings suited to small scale farming, dairying and orcharding. A community at Lindfield began to emerge from 1895, following the subdivision of the Lindfield Estate in 1893, which was adjacent to the Station, however, significant development in the surrounding area does not appear to have occurred until the early decades of the 20th century and Inter-war period to c. 1930s. The later expansion, in part, was probably due to the construction of the Sydney Harbour Bridge and improved rail services (including electrification in 1927).

The area is part of Lots 7 and 8 of the Clanville Estate subdivision which comprised of larger “rural” sized allotments which were transferred a number of times before they were subdivided into smaller, residential sized allotments in the 1890s and early decades of the 20th century.

Sydney Water Plans of the area dated 1926 and 1927 confirm that a number of dwellings had been constructed and the majority of the lots in the study area had been developed by this time. A number of double and wider lots are clear particularly at the Archbold Road end of Middle Harbour Road, east of Capper Street and western arm of Valley Road. The plans also clearly show a creek line that traverses the area, extending along part of Tryon Road and the Howard Lane alignment, across the junction of Valley Road and Howard Street and continuing diagonally across the lots on the northern side of Middle Harbour Road to the north eastern corner of Trafalgar Avenue and Middle Harbour Road. A small bridge is shown over the creek line near the bend of Tryon Road opposite the intersection with Slade Avenue. The kinked part of the road was then part of Owen Street. A number of long lots, particularly around the creek line are also evident. The lots along the northern corner of Trafalgar Avenue and Middle Harbour Road where the creek line extends close to the street frontage are vacant at this time.

The 1943 aerial photograph shows that the streets had been formed and most of the remaining vacant sites had been developed with single detached dwellings by this time. Some of the double blocks had been subdivided with houses constructed on the divided blocks. The area remained heavily treed with pockets of bushland also visible to the south of the lots at the south eastern end of Owen Street, around Howard Lane and south west of the junction of Valley Road and Howard Street. The vacant lots along the creek line had also been developed in the Inter-war period. The sites along the north eastern corner of Trafalgar Avenue and Middle Harbour Road are setback from the street frontage with a number of trees “in front” of the dwellings. The remainder of the street and area in general appear to have consistent front setbacks, front and rear garden settings.

Today the area is bounded by residential development and a reserve area extending from the north western corner of Tryon and Archbold Roads. The land form is generally undulating with the creek line and treed areas remaining. The subdivision pattern reflects the topography and boundaries of the early subdivisions which largely remain visible. A number of sites have been subdivided with a number of late 20th century and also more contemporary replacement dwellings also constructed in the area, however, the pattern of single detached dwellings on well proportioned streets with green and garden settings remains.

2.2 Significance

As assessment of the cultural values of the area has also been outlined on the completed SHI form provided to Council.

The significance included on the form is as follows.

The Middle Harbour Road Heritage Conservation Area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses primarily from the Federation and Inter-war period with some good examples of mid to late 20th century dwellings. 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.

3.0 Recommendations

The area currently has six heritage listed items, however, the area should be recognised as a conservation area, possibly as an extension of the Clanville Heritage Conservation Area. The land was part of the Clanville Estate and subsequent, early subdivision patterns remain visible and area retains good and intact late 19th and early to mid 20th century detached dwellings enhanced by garden settings, wide street proportions, street trees and plantings, creek line and remnant native trees and plantings. The area should continue to include reserve areas and deep grassed verges and remnant Blue Gum forest to protect, reinforce and enhance the values of the place.

No highly detracting elements have been identified. There are some battle-axe properties which do not generally make any visual contribution to the streetscape and area. Some, however, have been identified as potentially retaining early building stock and should be investigated.

Street name	Contributory Nos.	Neutral Nos.	To be investigated, Nos.
Tryon Road	35, 41, 43, 47, 49, 51, 58, 53A, 55, 57, 59, 61, 63, 67, 69, 71, 73, 75, 77	37, 39, 43A, 45, 45A, 51A, 53, 56, 60, 62, 65	
Nelson Road	2	4, 6	
Valley Road	1, 3, 5, 7, 9, 11A, 15, 17, 16, 14, 6, 4, 2	1A, 3A, 9A, 8, 10, 12, 19	1A
Valley Lane		8, 11, 16, 18	
Short Street	7, 9, 11, 15, 19	6, 8, 17	
Howard Street	5, 7, 9, 11, 17, 8, 10, 12, 14, 16, 18	1, 3, 4, 6, 6A	
Owen Street	1, 3, 9, 15, 17, 19, 21, 23, 27, 31, 2B, 2A, 4, 8, 10, 16, 18, 20	5, 7, 11, 11A, 25, 29, 2, 6, 12, 14	
Trafalgar Avenue	55, 59, 61	63, 57	63, 57
Archbold Road	52, 54	56, 58	
Middle Harbour Road	30A, 32, 32A, 34, 34A, 36A, 38, 40, 42, 44, 46, 50, 52, 54, 56, 58, 60, 64, 66, 70, 72, 74, 76, 78, 82, 88, 90A, 92, 96, 106, 108, 110, 33, 35, 37, 41, 43, 45, 47, 51, 55, 59, 61, 65, 67, 69, 73, 77, 79, 81, 83, 85, 87, 91, 93A, 95, 97, 101, 103, 105, 107, 109, 111, 113	36, 48, 68, 80, 84, 86, 90, 94, 98, 100, 102, 102A, 104, 39, 49, 53, 57, 63, 71, 79, 93, 101A	



Figure 3.1 Mark up plan showing contributory items.

4.0 Attachment

Completed SHI form

APPENDIX B – Heritage Inventory Sheets

Heritage Data Form

ITEM DETAILS					
Name of Item	Middle Harbour Road, Lindfield, Heritage Conservation Area				
Other Name/s Former Name/s					
Item type (if known)	Area				
Item group (if known)	Urban Area				
Item category (if known)	Townscape				
Area, Group, or Collection Name					
Street number					
Street name					
Suburb/town	Lindfield		Postcode	2070	
Local Government Area/s	Ku-ring-gai				
Property description	Area including properties on both sides of Middle Harbour Road and bounded by Archbold Road to the east and including Nos. 52, 54, 56 and 58 Archbold Road; southern side of Tryon Road to Nelson Road, Russel Lane and Trafalgar Avenue to the west (see map of study area).				
Location - Lat/long	Latitude			Longitude	
Location - AMG (if no street address)	Zone		Easting		Northing
Owner	Various				
Current use	Residential				
Former Use	Residential				
Statement of significance	<p>The Middle Harbour Road Heritage Conservation Area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses primarily from the Federation and Inter-war period with some good examples of mid to late 20th century dwellings. 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.</p>				
Level of Significance	State <input type="checkbox"/>		Local <input checked="" type="checkbox"/>		

Heritage Data Form

DESCRIPTION	
Designer	
Builder/ maker	
Physical Description	<p>The subject area is generally bounded by Trafalgar Street, Russell Lane and Nelson Street to the west, Tryon Road to the north, Archbold Road to the east and includes properties on both sides of Middle Harbour Road. The area is bounded by residential development also a reserve area, the Seven Little Australians Park and is traverse by a creek line. The creek and associated tree line appears to have influenced the subdivision pattern and more or less remains and extends along the alignment of Howard Lane through the junction of Valley Road and Howard Street.</p> <p>Tryon Road is a wide dual carriageway which generally runs perpendicular from the North Shore Railway corridor, kinks near the south western corner of Seven Little Australians Park and continues through to Archbold Road which is a major arterial road. The street falls steeply to the intersection of Slade Avenue. The street is characterised by a mix of dwelling styles ranging from late 19th century, single storey Federation period detached dwellings to two storey contemporary homes constructed in brick with terracotta and concrete tiled pitched roofs. The dwellings on the south eastern part of the road, near the Archbold Road intersection and facing the Park are elevated well above street level with natural and built up rock formations, rockeries, trees and plantings located along the street alignment.</p> <p>Nelson and Valley Roads are also dual carriageways with grassed verges and street trees. Valley Road generally falls from Nelson and curves around to the low point, creek line and treed area at the intersection with Howard Street. These streets are also characterised by a mix of residential dwellings with single storey Federation and Inter-war detached dwellings neighboured by larger contemporary dwellings also constructed in brick with rendered and lightweight details and predominantly tiled roofs.</p> <p>Owen Street is also a wide dual carriageway with wide, grassed verges and street trees. The street rises as it extends from the junction with Howard Street and is characterised by a number of substantial predominantly Federation and Inter-war period detached dwellings with some later and contemporary homes between. A number of dwellings have been modified and extended. The northern side of the street also features several driveways accessing properties addressing Tryon Road.</p> <p>Middle Harbour Road is a wide dual carriageway with deep grassed verges and mature street trees, particularly a number of jacarandas on both sides of the street. Stands of remnant native trees and gums dominate the the intersection with Trafalgar Avenue. The street is also characterised by single detached dwellings dating from the early to mid 20th century with some late 20th century and replacement, contemporary dwellings located between. Much of the earlier building stock has been modified with larger and upper storey additions, painted and rendered finishes and basement garages evident, particularly on the southern, higher side of the street.</p> <p>Overall the built context is enhanced by pockets of remnant bushland, wide street proportions, streets trees including a number of mature jacarandas also individual garden settings and other introduced trees and plantings.</p>

Heritage Data Form

Physical condition and Archaeological potential	In good condition. The street and subdivision pattern has been influenced by the natural topography, creek and tree lines. The area also retains a sense of the Clanville Estate subdivision pattern and subsequent early 20 th century subdivisions.				
Construction years	Start year	1890s	Finish year	1960s	Circa <input checked="" type="checkbox"/>
Modifications and dates	<p>The 1943 aerial photograph of the area indicates that the area was almost fully developed by this time. The early 20th century subdivisions comprised of both regular and irregular shaped blocks. Most of the larger and double blocks have now been subdivided and developed with some battle-axe type properties also formed.</p> <p>Most dwellings have been modified and or enlarged and some replacement dwellings constructed in the late 20th and early 21st centuries are also evident.</p>				
Further comments					

Heritage Data Form

HISTORY	
Historical notes	<p>The subject area is part of 400 acres granted to Daniel Dering Mathew in July 1819, later known as the "Clanville" Estate. Timber was initially extracted from the area generally between the years c. 1815 to 1840 and transported to Sydney via the Fiddens Wharf Road and Lane Cove River. The timber getters opened up the area for orchardists, however, the area remained largely undeveloped to the 1890s. The establishment of the North Shore Railway Line proved to be the catalyst for major development along the railway line. Lindfield Station opened in 1890. By this time most of the early grants, including Dering's land had been subdivided into smaller land holdings suited to small scale farming, dairying and orcharding. A community at Lindfield began to emerge from 1895, following the subdivision of the Lindfield Estate in 1893, which was adjacent to the Station, however, significant development in the surrounding area does not appear to have occurred until the early decades of the 20th century and Inter-war period to c. 1930s. The later expansion, in part, was probably due to the construction of the Sydney Harbour Bridge and improved rail services (including electrification in 1927).</p> <p>The area on the southern side of Tryon Road, bounded by Forsyth Street (now Archbold Road), Nelson Street, Small Street (now Valley Road), Howard Street and including properties on both sides of Owen Street was part of the 1895, Second Subdivision of the Seldon Estate. The land had been part of Lot 8 of the subdivision of the Clanville Estate and part of over 39 acres of land purchased by Richard Seldon in April 1886. It was subsequently transferred to John Hill Hancock and Thomas Todd Forsyth, who became the sole owner in 1893 and who subdivided the land. The subdivision was also divided by Short Street and a 20 feet wide reserve for drainage running along the alignment of what is now Howard Lane. The subdivision comprised 93 allotments including regular shaped allotments with 60 feet wide frontage along Forsyth Street (now Archbold Road), Owen Street and in the block between Tryon, Nelson and Small Street (now Valley Road) and a number of larger, irregular shaped blocks about Short and Howard Streets. The subdivision included nine lots addressing Forsyth Street (Archbold Road). A laneway was provided at the rear of these and separated them from the allotments to the east, along Owen Street. Laneways were also provided to the rear of the properties along both sides of Owen Street. Valley Lane, which was also created as part of the 1895 subdivision, remains today. The lots about Howard and Owen Streets were subsequently re-subdivided (re-subdivision of part of Seldon's Estate No. 2 subdivision) in c. 1906 at which time the laneways to the Owen and Archbold Road properties were deleted and lots widths were mostly widened to between 72 to 80 feet frontage. The lots addressing Forsyth (Archbold) Road were amended with allotments re-orientated to address Owen Street and Tryon Road. It would appear that land sales were slow and auction sale of the "Bonnie View Estate" was advertised for the 16 March 1912. The advertisement indicates only six of the 41 allotments had been sold prior. It would appear that some re-subdivision of these allotments has occurred since that time, with a number of driveways extending from Owen Street to provide access to the rear of some of the properties addressing Tryon Road also created.</p> <p>The allotments on the southern side of Valley Road and part of Trafalgar Street located in the study area are part of the 1900 Bothwell Estate Subdivision which created Russell Avenue. The land was also part of Lot 8 of the Clanville Estate subdivision and in 1886 was part of a long rectangular shaped parcel of land owned by a Theodore Servais and his wife Eliza. Ownership was transferred to Richard Archbold by 1889 and several times to 1899 when it was transferred to William Cowan, Marie Cowan and Edith Maria Swane. The subdivision comprised of 42 allotments, 13 of which are in the study area. In c. 1906 the subdivision was split, when Trafalgar Street was extended to connect to Russell Avenue. The 1943 aerial photograph shows that most of the lots were developed by this time and that one of the allotments (Lot 15) located at the south eastern end of Russell Avenue had been used to create the northern end of Trafalgar Street.</p> <p>The properties about Middle Harbour Road were part of Lot 7 of the subdivision of the Clanville Estate and part of over 47 acres of land purchased by The Anglo Australian Investment Finance and Land Company in 1889. In 1895 the land was transferred to The Anglo Australian Assets Company. The land had been transferred a number of times prior, including to Richard Archbold in 1882 and 1885 and was finally subdivided and sold as the "Lindfield Grove Estate" from 1906. The southern side of the street extended from the railway corridor to Forsyth Street (now Archbold Road). The allotments on the northern side of the street extended from Trafalgar Avenue which connected to Russell Avenue. Eight smaller, regular shaped allotments addressed Trafalgar Street. The remainder of the</p>

Heritage Data Form

	<p>street also comprised of mostly regular, rectangular shaped allotments with varying street frontages and two larger lots at the eastern end of the street. These both had long frontage to Forsyth Street (Archbold Road). It would appear that Trafalgar Avenue had been extended (through Lot 16 of the subdivision) by 1943 and Capper Street was also added and divided the lots on the southern side of the street.</p> <p>Sydney Water Plans of the area dated 1926 and 1927 confirm that a number of dwellings had been constructed and the majority of the lots in the study area had been developed by this time. A number of double and wider lots are clear particularly at the Archbold Road end of Middle Harbour Road, east of Capper Street and western arm of Valley Road. The plans also clearly show the creek line that traverses the area, extending along part of Tryon Road and the Howard Lane alignment, across the junction of Valley Road and Howard Street and continuing diagonally across the lots on the northern side of Middle Harbour Road to the north eastern corner of Trafalgar Avenue and Middle Harbour Road. A small bridge is shown over the creek line near the bend of Tryon Road opposite the intersection with Slade Avenue. The kinked part of the road was then part of Owen Street. A number of long lots, particularly around the creek line are also evident. The lots along the northern corner of Trafalgar Avenue and Middle Harbour Road where the creek line extends close to the street frontage are vacant at this time.</p> <p>The 1943 aerial photograph shows that the streets had been formed and most of the remaining vacant sites had been developed with single detached dwellings by this time. Some of the double blocks had been subdivided with houses constructed on the divided blocks. The area remained heavily treed with pockets of bushland also visible to the south of the lots at the south eastern end of Owen Street, around Howard Lane and south west of the junction of Valley Road and Howard Street. The vacant lots along the creek line had also been developed. The sites along the north eastern corner of Trafalgar Avenue and Middle Harbour Road are setback from the street frontage with a number of trees "in front" of the dwellings. The remainder of the street and area in general appear to have consistent front setbacks, front and rear garden settings. It would appear that a number of sites have since been subdivided with a number of late 20th century and also more contemporary replacement dwellings now evident in the area.</p>
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THEMES	
National historical theme	Building settlements, town and cities Developing Australia's cultural life Marking the phases of life
State historical theme	Accommodation Domestic life
Local historical theme	Suburban consolidation

Heritage Data Form

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	The area is of historic significance as part of Dering's "Clanville Estate", subdivided and developed from the 1890s following the establishment of the North Shore Rail line and opening of Lindfield Station in 1890. The early grant boundaries of the surrounding areas and resulting street pattern, estates and subdivision pattern significantly remain visible in the current layout and pattern of development. The development of the area and later subdivisions of the larger blocks represent the changes in the surrounding rail and road network and attempts to provide additional housing in the Post-war period. Despite these changes the area significantly retains a streetscape pattern characterised predominantly by detached single dwellings with uniform setbacks and garden settings.
Historical association significance SHR criteria (b)	The area is associated with a number of local land speculators.
Aesthetic significance SHR criteria (c)	<p>The area is of high local aesthetic significance for its relatively intact and cohesive late 19th and early 20th century subdivision pattern and development. The area is characterised by streetscapes of good, high quality examples of single detached houses mostly from the Federation and Inter-war periods with some good examples of Post-war and late 20th century dwellings enhanced by garden settings, wide street proportions, street trees and plantings, remnant and planted native trees and introduced species.</p> <p>The area is neighboured by a park and retains a creek and heavy tree line with remnant native trees and plantings. The street and subdivision pattern was influenced and is now enhanced by the natural topography and "green" character of the area.</p>
Social significance SHR criteria (d)	The adjacent park is of some social significance.
Technical/Research significance SHR criteria (e)	The area retains undulating land form, creek line and remnant Blue Gum forest and native trees which indicate the early character of the area.
Rarity SHR criteria (f)	
Representativeness SHR criteria (g)	The area has representative significance as a highly intact area subdivided and predominantly developed in the early to mid 20 th century.
Integrity	The building stock retains a high level of integrity.

Heritage Data Form

HERITAGE LISTINGS

Heritage listing/s	

INFORMATION SOURCES

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Written	Godden Mackay Logan Keys Young	Ku-ring-gai Heritage and Neighbourhood Character Study	2001	
Written	Godden Mackay Logan	Ku-ring-gai Urban Conservation Area Study – Stage 4 – Draft	2004	KMC
Written	Architectural Projects Pty Ltd	Ku-ring-gai South Conservation Areas Study	2010	KMC
Written	KMC	Heritage Data forms for: Clanville Heritage Conservation Area (HCA C32) and Crown Blocks Heritage Conservation Area (HCA C22).	2013	KMC
Written & Plans	Land and Property Information	Primary Applications: No. 5832, No. 7331, No. 12491, DP 3210, DP 4215, DP 4665, DP 6393, Certificate of Titles, Volume 786 Folio 142, Volume 920 Folio 132, Volume 1472 Folio 157.		Land and Property Information
Plans	Sydney Water	Sydney Water plans Ku-ring-gai Series Nos. 10, 11, 12 & 20	1926 & 1927	Ku-ring-gai Library
Photograph	SIX Maps	Aerial photographs of Sydney	1943	Land and Property Information

RECOMMENDATIONS

Recommendations	<p>The area features a number of heritage listed items, however, the area should be recognised as a conservation area, possibly as an extension of the Clanville HCA. The area was part of Dering's Clanville Estate and early subdivision patterns remain visible and area retains good and intact primarily early to mid 20th century detached dwellings enhanced by garden settings, wide street proportions, street trees and plantings, creek line, remnant native trees and plantings.</p> <p>The recommended contributory items are as follows (also refer to map):</p> <ul style="list-style-type: none"> ▪ Tryon Road: Nos. 35, 41, 43, 47, 49, 51, 58, 53A, 55, 57, 59, 61, 63, 67, 69, 71, 73, 75, 77. ▪ Nelson Road: No. 2. ▪ Valley Road: Nos. 1, 3, 5, 7, 9, 11A, 15, 17, 16, 14, 6, 4, 2. ▪ Short Street: Nos. 7, 9, 11, 15, 19. ▪ Howard Street: Nos. 5, 7, 9, 11, 17, 8, 10, 12, 14, 16, 18. ▪ Owen Street: Nos. 1, 3, 9, 15, 17, 19, 21, 23, 27, 31, 2B, 2A, 4, 8, 10, 16, 18, 20. ▪ Trafalgar Avenue: Nos. 55, 59, 61. ▪ Archbold Road: Nos. 52, 54. ▪ Middle Harbour Road: Nos. 30A, 32, 32A, 34, 34A, 36A, 38, 40, 42, 44, 46, 50, 52, 54, 56, 58, 60, 64, 66, 70, 72, 74, 76, 78, 82, 88, 90A, 92, 96, 106, 108, 110, 33, 35, 37, 41, 43, 45, 47, 51, 55, 59, 61, 65, 67, 69, 73, 77, 79, 81, 83, 85, 87, 89, 91, 93A, 95, 97, 101, 103, 105, 107, 109, 111, 113.
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Heritage Data Form

There are no detracting items in the area, the remainder are neutral items or unknown on battle-axe and subdivided sites.

Identified contributing items are largely visible and are considered to “contribute” to the visual and architectural character of the streets and area. There are some good examples of mid and late 20th century dwellings which have been included as they also represent the 20th century development of the area. For example No. 106 Middle Harbour Road is a good example of a late 20th century building that exhibits characteristics of the period, occupies a large site with garden setting and appears to have been architect designed. There are some good examples of contemporary dwellings, including several around the intersection of Valley Lane and Short Street which reflect characteristics of the area, however, these are considered neutral as they occupy re-subdivided sites and do not relate to the predominant 20th century subdivision pattern and development of the area.

There are some battle-axe properties which do not generally make any visual contribution to the streetscape and area. Some, however, have been identified as potentially retaining early building stock and should be investigated. These properties are:

- No. 63 Trafalgar Avenue;
- No. 57 Trafalgar Avenue; and
- No. 1A Valley Road.

We also reiterate the following guidelines as previously recommended:

1. Protection of Significance

(a) Protect subdivision pattern:

- retain the wide street proportions and late 19th and early 20th century subdivision patterns;
- avoid further subdivision and amalgamation of sites within the area;
- retain the block width and street frontages within the existing streetscape;
- require a curtilage assessment to accompany any application for further subdivision of sites within the HCA.

(b) Protection of contributory items and their settings:

- protect street and reserve plantings;
- retain the fundamental Federation, Inter-war and Post-war characteristics of the items and one to two storey form and scale of the detached houses;
- protect and retain garden settings including any original and complementary fences;
- protect and retain significant trees and plantings, particularly native trees and mature cultural plantings within properties;
- maintain building alignments and setbacks including side setbacks which contribute to the streetscape pattern and rhythm;
- encourage high quality, modern development which does not seek to detract or mimic the historic building stock and retains the “green” and garden setting of the streetscapes and individual sites.

(c) Works to contributory items:

Generally:

- encourage recovery of original character during renovations and building upgrade;
- retain original finishes and details including face brick work, slate and terracotta tiled roofs;
- reinstate lost elements such as verandahs, lost decorative details and fences;
- encourage visible additions that are setback and located behind the original building form and do not detract and are appropriately scaled with the original character;
- provide new fencing that is appropriate to the period of the house;
- encourage removal of detracting elements such as high, solid fences and security screens to openings;

Heritage Data Form

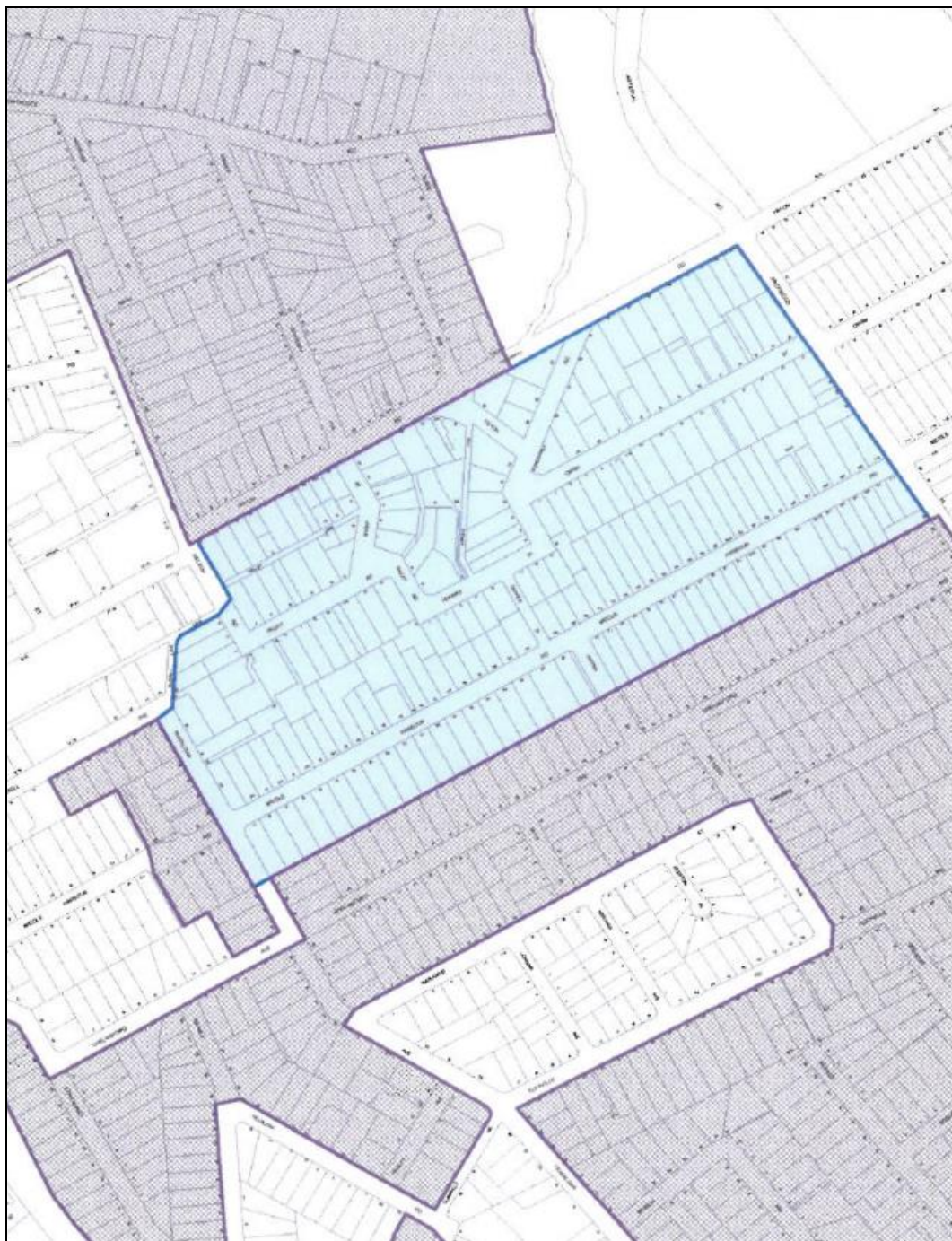
	<p>Car parking:</p> <ul style="list-style-type: none"> ▪ maintain existing garden settings, pathways and driveways; ▪ discourage large areas of hard paving and hardstand areas particularly in front of the buildings; ▪ retain original car access and garage location where provided; ▪ garages and carports should be located behind the main building line and preferably to the rear of the item; <p>Landscaping:</p> <ul style="list-style-type: none"> ▪ retain street trees and large front gardens which contribute to the character of the area; ▪ retain high percentage of landscaping which contributes to the conservation area; and ▪ retain or reinstate any significant plantings and encourage appropriate and complimentary landscaping and planting. <p>2. Enhance Significance</p> <p>(a) Works to and redevelopment of non contributing (neutral) sites:</p> <ul style="list-style-type: none"> ▪ retain the late 19th and early 20th century subdivision patterns; ▪ avoid further subdivision and amalgamation of sites within the area; ▪ retain the block width and street frontages within the existing streetscape; ▪ respect the building line, scale, form, setbacks and streetscape pattern and rhythms of the existing development in the vicinity; ▪ retain significant plantings and encourage garden settings and screening; ▪ discourage high, solid fences and provide fences that compliment the streetscape; ▪ do not allow car parking forward of the building line; and ▪ encourage good contemporary design that does not seek to mimic or detract from the historic character of the contributing and existing heritage items.

SOURCE OF THIS INFORMATION			
Name of study or report	Middle Harbour Road, Lindfield, HCA Review	Year of study or report	2014
Item number in study or report			
Author of study or report	Perumal Murphy Alessi, Heritage Consultants		
Inspected by	LA		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	LA	Date	January 2015

Heritage Data Form

IMAGES - 1 per page

Image caption	Plan of the Middle Harbour Road, Lindfield, study area (shaded in blue).				
Image year	2013	Image by	KMC	Image copyright holder	KMC



Heritage Data Form

IMAGES - 1 per page

Image caption	Middle Harbour Road, Lindfield review – examples of contributory items				
Image year	2015	Image by	PMA	Image copyright holder	KMC



Middle Harbour Road



No. 54 Middle Harbour Road



No. 106 Middle Harbour Road



No. 3 Owen Street



No. 18 Owen Street



No. 2A Owen Street



No. 7 Short Street



No. 19 Short Street



No. 41 Tryon Road



No. 51 Tryon Road



No. 17 Valley Road



No. 16 Valley Road

Heritage Data Form

IMAGES - 1 per page

Image caption	Middle Harbour Road, Lindfield review – examples of neutral items				
Image year	2015	Image by	PMA	Image copyright holder	KMC



No. 68 Middle Harbour Road



No. 80 Middle Harbour Road



No. 1 Howard Street



No. 11/11A Owen Street



No. 8 Short Street



No. 39 Tryon Road



No. 11 Valley Lane



No. 12 Valley Road



No. 19 Valley Road



No. 19 Howard Street



No. 4 Nelson Road



No. 51A/ 53 Tryon Road

APPENDIX C – Council report on the consideration of submissions on the non-statutory exhibition of the Middle Harbour Road, Lindfield – Potential Heritage Conservation Area Review including attachments

CONSIDERATION OF SUBMISSIONS ON THE NON-STATUTORY EXHIBITION OF THE MIDDLE HARBOUR ROAD, LINDFIELD - POTENTIAL HERITAGE CONSERVATION AREA REVIEW

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the comments received during the non-statutory exhibition of the Middle Harbour Road, Lindfield, Potential Heritage Conservation Area (HCA) Review, undertaken by Perumal Murphy Alessi Heritage Consultants (PMA).

BACKGROUND:

Council resolved on 10 March 2015, to proceed with a non-statutory exhibition in respect to the potential inclusion of the properties surrounding Middle Harbour Road, Lindfield, in a HCA. The document was placed on non-statutory public exhibition from 20 March to 15 May 2015.

COMMENTS:

The heritage assessment undertaken by PMA concluded that the area has heritage significance. As a result of the non-statutory exhibition, a total of 29 submissions were received. This report provides the outcomes of the exhibition and the recommendations.

RECOMMENDATION:

It is recommended a planning proposal be prepared and submitted to the Department of Planning and Environment for Gateway Determination to include Middle Harbour Road HCA in schedule 5 and on the Heritage Map of KLEP 2015

PURPOSE OF REPORT

For Council to consider the comments received during the non-statutory exhibition of the Middle Harbour Road, Lindfield, Potential Heritage Conservation Area (HCA) Review, undertaken by Perumal Murphy Alessi Heritage Consultants (PMA).

BACKGROUND

The 2010 HCA studies provided the basis for the boundaries of the HCAs listed on Council's LEP. Further to the adoption of the draft KLEP 2013 on 26 November 2013, Council resolved

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.

On 10 March 2015 Council resolved the following:

A. That the Middle Harbour Road, Lindfield, Potential Heritage Conservation Area Review, prepared by Perumal Murphy Alessi Heritage Consultants be placed on non-statutory public exhibition for 28 days after being amended in accordance with the Manager Urban and Heritage Planning's memorandum dated 10 March 2015 regarding the deletion of bullet point 7 Protect curtilage and element within Swain Gardens and Killara Park from page 8 of Attachment 2 to the report namely PMA – Middle Harbour Road Heritage Inventory Sheet.

B. That a report be brought to Council at the conclusion of the exhibition period.

COMMENTS

The heritage assessment prepared by PMA concluded that the area has heritage significance and it should be considered for inclusion in a HCA.

PMA provides the following Summary Statement of Heritage Significance for the study area:

The Middle Harbour Road [Potential] Heritage Conservation Area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses primarily from the Federation and Inter-war period with some good examples of mid to late 20th century dwellings.

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.

PMA provides the following recommendations for the study area:

The area currently has six heritage listed items, however, the area should be recognised as a conservation area, possibly as an extension of the Clanville Heritage Conservation Area. The land was part of the Clanville Estate and subsequent, early subdivision patterns remain visible and area retains good and intact late 19th and early to mid-20th century detached dwellings enhanced by garden settings, wide street proportions, street trees and plantings, creek line and remnant native trees and plantings. The area should continue to include reserve areas and deep grassed verges and remnant Blue Gum forest to protect, reinforce and enhance the values of the place.

The PMA study is included at **Attachments A1-A3**.

The subject area is currently zoned R2—Low Density Residential.

As a result of the non-statutory public exhibition, a total of 29 submissions were received. 23 submissions were against the HCA proceeding. This including two petitions:

1. 15 signatories from Owen Street; and
2. 53 signatories from Middle Harbour Road.

6 submission were in support of the HCA proceeding. The issues considered varied, with many expressing concerns over the potential impacts of heritage listing, and others over the need for the protection and retention of the significant building and garden stock. Six submissions were in favour of the proposal. A summary of the submissions is included at **Attachment A4**.

A summary of the common issues discussed in the submissions is included below.

- *Council should disclose to owners the intention to investigate the area as a potential HCA or should allow owners to undertake works under the conditions prevailing at the time of purchase.*

Adequate research and consultation need to be completed before any new HCA can be made. The purpose of the non-statutory exhibition was to seek initial comment from owners and the wider community early in the process as part of transparent decision-making. The proposal was notified in the local press and notification letters were provided to the subject properties and the adjacent properties inviting submissions.

- *Council should contemplate a compensation package for owners of heritage properties bearing the cost for the benefit of the overall community.*

It is recognised that undertaking conservation works to a heritage property, including maintenance, requires specialist skills. Council currently offers pre-application specialist advisory services to assist owners of heritage properties with proposed changes. There are heritage grants available for owners of heritage items and contributory items in a HCA for conservation works up to \$5,000.

- *The heritage listing would impact on the cost of development.*

The inclusion of the property in a HCA may result in the requirement for a Development Application. However, this does not necessarily make the process more expensive. Listing does not impose an obligation on owners to rectify previous unsympathetic work. Minor building works or maintenance may be undertaken as minor works, without the need to obtain development consent.

- *The listing of some properties and not others is discriminatory.*

Council's decisions are based on the advice of independent Heritage Consultants skilled in the application of heritage management standards set by the NSW Heritage Council and the Burra Charter and Council's Heritage Officers.

In NSW, heritage items of local significance are assessed against 7 criteria. The consistency in the application of the standard criteria reduces uncertainty for both owners and Council.

- a) **Historical significance** – an item is important in the course, or pattern, of the cultural or natural history of the local area;
- b) **Historical association significance** – an item has strong or special association with the life or works of a person, or group of persons, of importance to the local area's cultural or natural history;
- c) **Aesthetic significance** – an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area;
- d) **Social significance** – an item has a strong or special association with a particular community or cultural group in the local area, for social, cultural or spiritual reasons;
- e) **Technical/research significance** – an item has potential to yield information that will contribute to an understanding of the local area scientific, cultural or natural history;
- f) **Rarity** – an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history; and
- g) **Representativeness** – an item is important in demonstrating the principal characteristics of a class of the local area's cultural or natural places; or cultural or natural environments.

- *The heritage listing would detract potential buyers and impact on property value.*

Site constraints, such as land zoning, physical constraints, impacts on neighbours and environmental issues, including heritage issues, can impact on property value.

Numerous studies have been undertaken that have found no significant price effect resulting from heritage designation, including *The Economics of Heritage: Integrating the costs and benefits of heritage into government decision making* by the Department of Sustainability, Environment, Water, Population and Community.

- *The heritage listing does not necessarily retain the character/appeal of the area.*

The NSW planning system uses standard and site specific development controls to minimise environmental impacts, including heritage impacts. This is reflected in Council's recently gazetted LEPs and adopted DCPs. The principal objective is that contributory buildings and their settings are retained, and that new buildings within the HCA boundaries are compatible.

The heritage controls in the DCP aim to:

- i. *retain, conserve and enhance the Heritage Items, HCAs and their associated settings;*
 - ii. *ensure the heritage significance, streetscape and landscape character of HCAs are maintained;*
 - iii. *ensure alterations and additions to Heritage Items and within HCAs respect those buildings and do not compromise the significance and character of the individual Heritage Items or the HCAs;*
 - iv. *ensure new development in the vicinity of Heritage Items and HCAs respects the heritage context and is sympathetic in terms of form, scale, character, bulk, orientation, setback, colours and textures and does not mimic or adversely affect the significance of Heritage Items or HCAs and their settings.*
- *Disagree with the assessment that the property and the area have heritage significance due to alterations and additions.*

Some re-subdivision and redevelopment has occurred in the area. Some dwellings are new, altered or have had unsympathetic work undertaken. Council considers every application on a case-by-case basis and there are other matters for consideration in addition to heritage. Listing does not impose an obligation on owners to rectify previous unsympathetic work.

- *The heritage listing would impact on the ability to make improvements/The houses are approaching a date when major renovations or rebuilds are likely to be required and the inclusion in a HCA would prevent these from being undertaken expeditiously as Complying Development.*

The inclusion in a HCA does not preclude future development. However, Council's approval would be required for new development. Council's LEP has provisions for minor works which can be undertaken without formal consent.

- *The property is not uncommon and makes a little contribution to the amenity of the area, therefore is not suitable for heritage listing.*

Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole as described in the Statement of Heritage Significance.

- *Imposing a restrictive HCA seems unfair when there are other options such as the inclusion in a 'Character Area'.*

The two options have different meanings and objectives. Heritage has an established framework (i.e. the Burra Charter). There is an expectation that heritage controls will be applied to conserve Ku-ring-gai's environmental heritage. Ku-ring-gai Council does not have provisions for character areas in the development control plan or the local environmental plan. As such character areas do not have any statutory weight and would not protect a heritage area from unsympathetic complying development.

- *New houses should not be included in a HCA.*

The threshold between buildings identified as contributory and non-contributory has been considered by the Heritage Consultant. The study concluded that the area retains the significant subdivision pattern and this provides the basis for the proposed HCA boundaries.

- *The proposal should not proceed against the wishes of the ratepayers and residents.*

Council has an obligation to protect Ku-ring-gai's environmental heritage and this is reflected in the recently gazetted LEPs and adopted DCPs. Should the proposed HCA proceed to the next stages, further public consultation will be conducted, including another round of submissions.

- *The review is inaccurate and provides no substantial justification for inclusion*

The overall basis of the review relies on a physical inspection of each property from the street and its rating as being a 'contributory', 'neutral' or 'detracting' building to the streetscape and area. PMA provides the following definitions.

Contributory buildings- *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...The visibility and visual contribution and presentation to the streetscape and area in particular were noted...Consideration has been given to this requirement for change and the contributory items have been assessed with 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.

Neutral buildings- *are those which do not relate to the primary period of development of the area.*

Detracting buildings- *are those which are out-of-character in terms of scale, bulk, form, style.*

A visual inspection (from the street) was undertaken by Council Officers to provide a recommendation for those properties with submissions based on recent alterations/additions or where new houses have replaced old houses to confirm the extent of change (eg modifications which have occurred under complying development).

These issues have been individually addressed in the attached summary table and map (Attachments A5 and A6).

	Contributory	Total	Percentage
Archbold Road	2	4	50.00
Howard Street	8	18	44.44
Middle Harbour Road	47	88	53.41
Nelson Road	0	3	0.00
Owen Street	13	28	46.43
Short Street	4	8	50.00
Trafalgar Avenue	3	6	50.00
Tryon Road	18	29	62.01
Valley Road/Lane	11	24	45.83
Total	106	208	50.96

The total number of contributory buildings has to be at least greater than 50% for the area to be considered for inclusion in a HCA. The study area retains around 51% contributory buildings. This assessment includes those buildings which are borderline such as those who have undertaken changes which may be reversible, like infill of verandahs and the inclusion of unattached carports forward of the front building line. These changes, however, cannot be ignored as they can be used in court by appellants to demonstrate changes that Council deems acceptable to contributory places even when they are contradictory to Council's development controls.

For this reason those places with clearly unsympathetic alterations like dormer windows on the front façade, and additions to the rear which are clearly visible to the street and dominate the roofline of what would have been a modest single storey bungalow, have been rated as neutral.

If those places tagged as borderline were to be rated as neutral, the overall percentage of contributory buildings falls to 48%. On review of the mapping it is clear there are clusters of contributory and neutral buildings in the proposed HCA. One option may be to identify smaller intact areas as individual HCAs.

As a non-statutory exhibition not all those affected owners who may make submission to a statutory exhibition have taken the opportunity to have their say. Given the borderline nature of this heritage conservation area it is recommended to proceed to statutory exhibition to further gauge the community opinion and through this process potentially garner more information about the properties within the HCA.

INTEGRATED PLANNING AND REPORTING

Delivery Program Term Achievements 4 Years	Delivery Program Critical Actions	Operational Plan Tasks
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. Should the recommendation to proceed with a Planning Proposal be adopted by Council, then comment from stakeholders and the wider community in respect to the listing of the subject area as a HCA on Council's LEP will be sought, in accordance with the requirements of the *EP&A Act*.

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 proposal was exhibited from 20 March until 15 May 2015. It was advertised on Council's website, the North Shore Times and letters were sent to the owners of affected and adjacent properties inviting submissions.

Should the recommendation to proceed with a Planning Proposal be adopted by Council, a formal process of further statutory public consultation will be sought in accordance with the requirements under the *EP&A Act*.

INTERNAL CONSULTATION

This report has been referred to the relevant sections of Council for comment.

SUMMARY

The heritage assessment prepared by PMA concluded that the area has heritage significance and should be considered for inclusion in a HCA. Council resolved on 10 March 2015, to proceed with a

non-statutory exhibition in respect to the potential inclusion of the properties surrounding Middle Harbour Road, Lindfield, excluded from the draft KLEP 2013, in a HCA. The document was placed on public exhibition from 20 March to 15 May 2015. It is recommended a planning proposal be prepared and submitted to the Department of Planning and Environment for Gateway Determination to include Middle Harbour Road HCA in schedule 5 and on the Heritage Map of KLEP 2015

RECOMMENDATION:

- A. That a Planning Proposal be prepared in accordance with s55 of the EP&A Act to amend KLEP 2015 to include Middle Harbour Road Heritage Conservation Area as a potential heritage conservation area in Schedule 5 and on the Heritage Map.
- B. That the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- C. That in order to facilitate an expedient Gateway Determination, the NSW Heritage Office be consulted prior to submitting the Planning Proposal to the Department of Planning and Environment. Should comments not be received within 21 days, the Planning Proposal is to be submitted regardless.
- D. That Council requests the plan making delegation under Section 23 of the EP&A Act for this Planning Proposal.
- E. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.

Andreana Kennedy
Heritage Specialist Planner

Craig Wyse
Team Leader Urban Planning

Antony Fabbro
Manager Urban & Heritage Planning

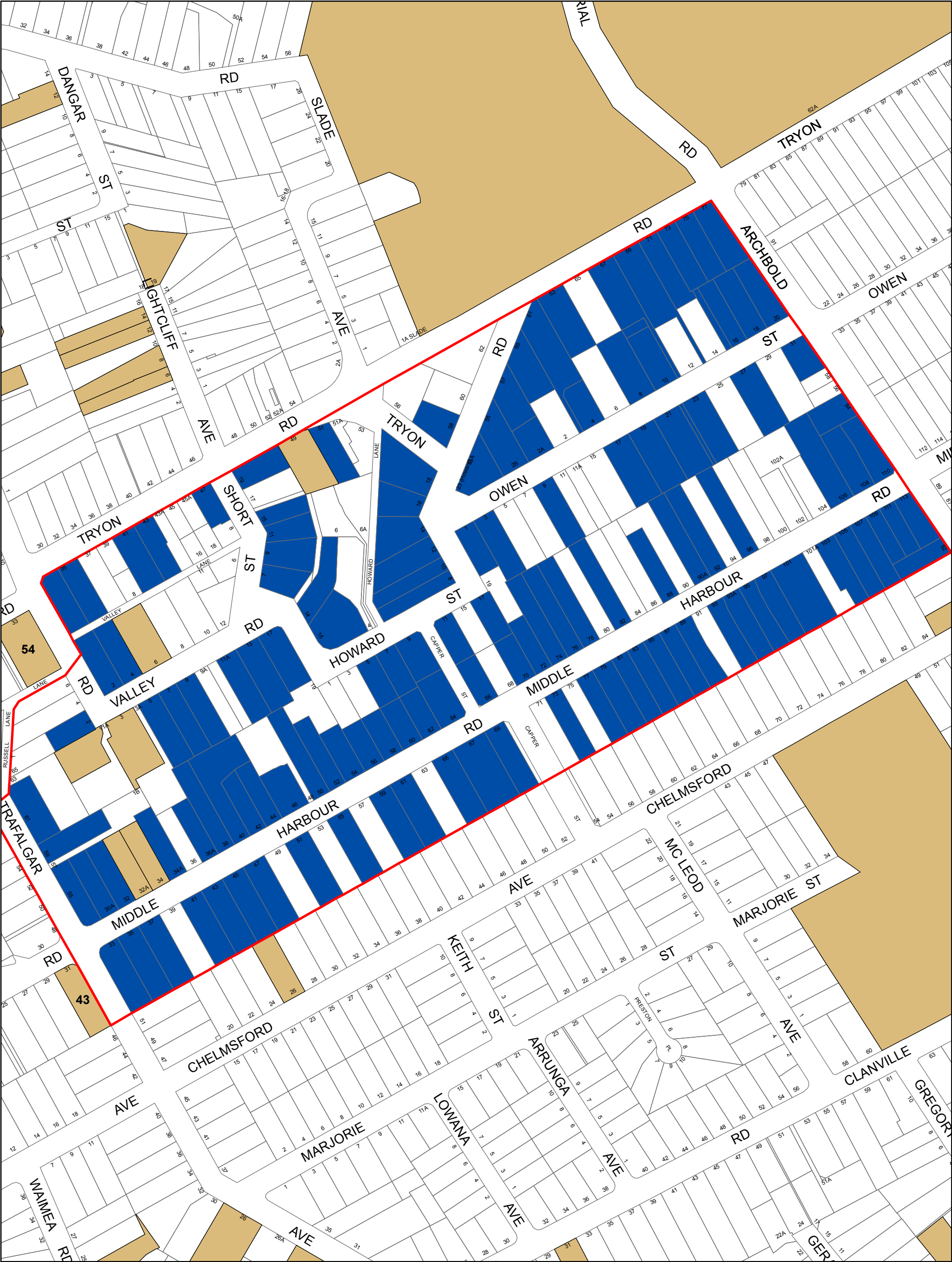
Andrew Watson
Director Strategy & Environment


Attachments:	A1	PMA Review - Report	2015/048880
	A2	PMA Review - Heritage Inventory Sheets	2015/059057
	A3	PMA Review - Maps	2015/125173
	A4	Summary of submissions table	2016/160217
	A5	Comparison of contribution ratings - Table	2016/160224
	A6	Revised contribution ratings - Map	2016/160586

ATTACHMENT A1 – refer to APPENDIX A


ATTACHMENT A2 – refer to APPENDIX B


ATTACHMENT A3 – PMA Review - Maps




 Study Area

 Heritage Items

 Contributing

 Neutral

 Uncharacteristic

Heritage Rating

Contributing

Neutral

Uncharacteristic

Middle Harbour Road, Lindfield

HCA Review

Date: 21/05/2015

ATTACHMENT A4 – Summary of submissions table

MIDDLE HARBOUR ROAD, LINDFIELD
POTENTIAL HERITAGE CONSERVATION AREA REVIEW
2016

No	Address	Issue/Concern	Comment
1	14 Valley Road	Object the inclusion of the property in a HCA.	Noted.
		Council should disclose to potential buyers the intention to investigate the area as a proposed HCA, or should provide sufficient time to carry out works under the conditions prevailing at the time of purchase.	Adequate research and consultation need to be completed before any new HCA can be made. The purpose of the non-statutory exhibition is to seek feedback from the community early in the process.
		The price paid reflected the ability to make improvements under complying development while the DA process is significantly more expensive and time consuming.	Not all changes to a property within a HCA require a development application. Certain types of exempt and complying development are still permissible. Please refer to the Exempt and Complying SEPP for guidelines.
		Restrictions imposed by HCAs reduce property value.	Numerous studies have shown that inclusion within a HCA has minimal impact on house prices while other factors such as number of bedrooms, bathrooms and carspaces, and proximity to schools and public transport have a significant effect on price.
		Question what is to be gained by making this area a HCA because it has retained its character/appeal while there are other areas where the DA process has failed to maintain the character.	The planning system uses standard and site specific development controls to minimise environmental impacts and these are reflected in the recently gazetted LEPs and adopted DCPs. Council considers every application on a case-by-case basis and there are other matters for consideration in addition to heritage.
2	21 Owen Street	Object the inclusion of the property in a HCA.	Noted.

No	Address	Issue/Concern	Comment
		The house has been extended a number of times and looks nothing like the original.	The property has had alterations, including alterations to the front elevation, verandah and front entrance, with French doors installed. The house is considered to be neutral due to these changes.
		There is a mixture of eras and styles in Owen Street, none of particular cultural significance and none of a significant style remaining intact.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The study concluded that the area retains evidence of the significant subdivision pattern and this provides the justification for the proposed HCA boundaries.
		The inclusion in a HCA will result in a significant cost increase for owners who want to make improvements.	See comment for submission 1.
		The houses in Owen Street that have not changed are on large block of land. The inclusion in a HCA will impact on property value.	See comment for submission 1.
3	47 Tryon Road	Object the inclusion of the property in a HCA.	Noted.
		The area retains its landscaped setting. However the house has been added three times since the 1980s and the area does not retain a majority of houses that could be described as good intact late 19th century and early 20th century dwellings.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The process acknowledges that some elements may be more important than others. The property has had alterations including bay window installed and side entrance. The overall external form, use

No	Address	Issue/Concern	Comment
			of materials and garden setting remain.
		A DA would be required for every modification, no matter how minor.	See comment in submission 1.
4	57 Tryon Road	Object the inclusion of the property in a HCA.	Noted.
5	18 Owen Street	Support the inclusion of the property in a HCA. The house is a modest but representative example of a Federation dwelling with a large rear garden reflecting a style of living rapidly being lost in the area. The interiors are original including ornate plaster ceilings, polished Kauri floors and leadlight windows.	Noted.
6	58 Tryon Road	Object the inclusion of the property in a HCA.	Noted.
		The house is Inter-war period construction in a style which is common in the Council area and it contributes little to the amenity of the precinct. The property is surrounded by houses which have been substantially modified or rebuilt with little regard to the pre-existing overall character of the neighbourhood.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. A property is not excluded on the basis that others with similar characteristics have already been included.
		The inclusion in a HCA will place unreasonable restrictions on owners.	Council's approval would be required for new development as described under the LEP. The principal objective of the heritage controls is that contributory buildings and their settings are retained, and that new buildings within the HCA

No	Address	Issue/Concern	Comment
			boundaries are compatible.
		The inclusion in a HCA will do nothing to protect native vegetation.	The planning system uses standard and site specific development controls to minimise environmental impacts. These are reflected in the LEPs and DCPs.
7	Resident (address of property unknown)	Support the inclusion of the property in a HCA. The area retains highly significant 19th century and early 20th century building stock. The area was previously included in a conservation area for its special historical and aesthetic character. The inclusion in a HCA will retain the unique characteristics of the area.	Noted.
8	65 Middle Harbour Road	Support the inclusion of the property in a HCA. The area retains highly significant 19th century and early 20th century building stock. The area was previously included in a conservation area for its special historical and aesthetic character. The inclusion in a HCA will retain the unique characteristics of the area.	Noted.
9	34 Middle Harbour Road	Object the inclusion of the property in a HCA.	Noted.
		Object the heritage listing of the house and land. A new design by a current day Architect would be of more significance than the original design by an Architect of	The property is currently listed as a heritage item.

No	Address	Issue/Concern	Comment
		partial note in the area, but not of national or any meaningful significance.	
		The house and many others in the street are approaching a date where major renovations or rebuilds are likely to be required. The inclusion in a HCA will prevent new work from being undertaken expeditiously and as cost effective as possible. Current owners should have the same freedom to renovate or rebuild as previous owners.	Council's approval would be required for new development as described under the LEP. The process acknowledges that some elements may be more important than others and that modifications are often necessary to allow the ongoing use of the buildings.
		There is strong evidence to suggest that heritage listing decreases the value of the properties and land impacted.	Site constraints, such as land zoning, physical constraints, impacts on neighbours and environmental issues, including heritage issues, can impact on property value.
		Council should contemplate a compensation package for owners of heritage properties.	Owners of heritage places are eligible to apply for the Heritage Home Grant which provides funding for conservation works to heritage properties.
10	7 Owen Street	Object the inclusion of the property in a HCA.	Noted.
		There are only six houses in the proposed area of significance and these are heritage listed.	Noted.
		The inclusion in the HCA would result in stricter development controls.	Council's approval would be required for new development as described under the LEP. Development is still permissible

No	Address	Issue/Concern	Comment
			as long as the heritage values of the area are conserved.
		The house has been extensively modified and the additions are not consistent with the desired style in the area.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The property has had substantial alterations including substantial upper floor additions, alterations to the front elevation and verandah, side entrance, and has been rendered. For these reasons the house is rated as neutral meaning it is not a mostly intact representative example of the key development period.
		The inclusion in a 'Character Area' should be used instead to preserve the nature, style and amenity of the area.	There is an expectation that heritage controls will be applied to conserve Ku-ring-gai's heritage.
11	15 Owen Street	Object the inclusion of the property in a HCA.	Noted.
		Owen Street is a mix of styles and the house is not a quality example of a Federation home.	The threshold between buildings identified as contributory and non-contributory has been carefully considered by the Heritage Consultant. Federation and Inter-war houses include a variety of styles but share common elements like facebrick, form and massing, terracotta tiles, shingles.
		It is not unfair to limit owners from making changes to their homes to stay within certain style guidelines. However, imposing a restrictive HCA seems unfair when there are other options available such as the inclusion in a	There is an expectation that heritage controls will be applied to conserve Ku-ring-gai's heritage. Character areas do not protect heritage values. Ku-ring-gai Council does not apply character areas in our DCP or LEP. These do not have

No	Address	Issue/Concern	Comment
		'Character Area'.	statutory weight and would not prevent exempt and complying development including demolition.
12	105 Middle Harbour Road	Object the inclusion of the property in a HCA.	Noted.
		The inclusion in a HCA would limit future development.	Council's approval would be required for some types of new development as described under the LEP, while other types would fall under minor works or exempt and complying. The principal objective of the heritage controls is that contributory buildings and their settings are retained, and that new buildings within the HCA boundaries are compatible.
		The inclusion in a HCA would detract potential buyers and reduce the value of their home.	See comments in submission1.
		The house is a c1920s Californian Bungalow of no architectural heritage attributes.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The house is modest Californian bungalow but it is substantially intact as can be seen from the street with facebrick, terracotta tiles and no substantial detracting additions. The verandah has been windowed-in however this alteration is considered minor.
13	Resident	Object the inclusion of the property in a HCA.	Noted.

No	Address	Issue/Concern	Comment
14	31 Owen Street	Object the inclusion of the property in a HCA.	Noted.
		Object the inclusion of Owen Street in a HCA given the number of houses identified as neutral. However have no objection to requiring new development in Middle Harbour Road to comply with certain style guides to reflect the character of the area.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The study concluded that the area retains evidence of the significant subdivision pattern and this provides the basis for the proposed HCA boundaries.
		The property has been extensively modified. The house is not optimally positioned on a relatively smaller block of land making it impossible to include it in any future development.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The property has had alterations including open carport to the side. The overall modest scale, external form, use of materials and garden setting remain.
		The property is not energy efficient/soundproof.	Strict compliance is not always achievable in heritage places but sensitive upgrades are possible with expert guidance.
		The inclusion in a HCA will impact on property value.	See comments in submission 1.
		The inclusion in a 'Character Area' instead of a HCA would be preferable to preserve the character of the area.	See comments in submission 11.
15	6 Short Street and 11 Valley Lane	Object the inclusion of the properties in a HCA.	Noted.
		There are numerous fine residences in the area that are good contributory items and hopefully those will survive the future years more or less intact. But recent houses like these two properties should not be impacted by any new	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The study concluded that the area retains evidence of the significant subdivision pattern and

No	Address	Issue/Concern	Comment
		HCA.	this provides the basis for the proposed HCA boundaries.
		The HCA would have a blanket prohibition on new works, no matter how minor, with Council as the approval authority. Owners of non-contributory buildings should be able to undertake works under Complying development.	Council's approval would be required for new development as described under Clause 5.10 of the LEP. Minor development without the risk of adverse impacts would still be carried out as exempt development. Certain alterations and additions will also be able to occur as complying development.
16	31 Middle Harbour Road	Support the inclusion of Middle Harbour Road in a HCA.	Noted.
		9 Middle Harbour Road is a heritage item, yet it is not protected from inappropriate development of adjoining properties under complying development. 4, 6 and 8 Middle Harbour Road are zoned R3 and should be excluded from the HCA.	Approval from Council is required for new development in the vicinity of a heritage item. 4, 6 and 8 Middle Harbour Road are not in the area being considered for the HCA.
17	17 Owen Street	Object the inclusion of the property in a HCA.	Noted.
		Object the inclusion of Owen Street in a HCA.	Noted.
		Have no issue in requiring new development to comply with certain style guides in Middle Harbour Road.	Noted.
		Owen Street contains a mix of styles, none of particular significance, and most buildings have been extended a number of times, unsympathetically. The houses that have not changed, often do not take advantage of the large	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The area retains evidence of the significant subdivision pattern and this provides the

No	Address	Issue/Concern	Comment
		block. The rooms are small and badly configured and do not suit a modern family which would be attracted to the area given the large block sizes. The house should not be a contributory item. It is not architecturally significant or representative of the area (i.e. not consistent with the desired style). It should be classified as 'neutral' should the listing proceed against the wishes of the residents and ratepayers. Other houses in Owen Street should be excluded or re-viewed as none fall into the 'contributory' category.	justification for the proposed HCA boundaries. The identification as a contributory building is based on the style and integrity of each property and how it relates to the historical development and identified cultural significance of the area and its visual contribution to the streetscape. The house has had alterations and additions, including side entrance, but overall, it retains evidence of the style, form, use of materials and garden setting, consistent with the prevailing character of the area
		The inclusion of the property in a HCA as 'contributory' will impact on property value.	See comments in submission 1.
		The preservation of the area would be better achieved by the inclusion in a 'Character Area', which would allow sympathetic development to continue.	See comments in submission 11.
		The building has extensive fibro asbestos which should be removed as a matter of public health.	Asbestos is not uncommon in heritage places and it is not necessarily an indication the building should not be retained. This would need to be confirmed by experts.
		The construction is not energy efficient and uses more energy than a newer house or even an old brick house.	Strict compliance is not always achievable in heritage places but sensitive upgrades may be possible with expert guidance.
		The proposal is unnecessary, unjust and not in the best	There is wider community expectation that heritage places

No	Address	Issue/Concern	Comment
		interests of ratepayers. If Council wishes to maintain the character of the area, they should prefer the use of a 'Character Area' instead of a HCA.	will be conserved in Ku-ring-gai's heritage.
18	Petition Owen Street 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17, 19, 21 and 31	Object the inclusion of the property in a HCA.	Noted.
		Object the inclusion of Owen Street in a HCA.	Noted.
		Have no issue in requiring new development to comply with certain style guides in Middle Harbour Road.	Noted.
		HCAs can be a desirable scheme provided the area is a homogeneous style of houses. However, Owen Street contains a mix of styles, none of particular significance, and most buildings have been extended a number of times, unsympathetically. The houses that have not changed, often do not take advantage of the large block. The rooms are small and badly configured and do not suit a modern family which would be attracted to the area given the large block sizes. The house should not be a contributory item. It is not architecturally significant or representative of the area (i.e. not consistent with the desired style). It should be classified as 'neutral' should the listing proceed against the wishes of the residents and ratepayers. Other houses in Owen Street should be excluded or re-	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The area retains evidence of the significant subdivision pattern and this provides the justification for the proposed HCA boundaries. As stated earlier the houses styles in Federation and Inter-war period are not homogeneous these periods both had a variety of housing styles which is reflected in the diversity in Owen Street. The rating where warranted have been reviewed and changed. Please see attachment A5 for more detail.

No	Address	Issue/Concern	Comment
		viewed as none fall into the 'contributory' category.	
		The inclusion of the property in a HCA as 'contributory' will impact on property value.	See comments in submission1.
		The preservation of the area would be better achieved by the inclusion in a 'Character Area', which would allow sympathetic development to continue.	See comments in submission11.
		The building has extensive fibro asbestos which should be removed as a matter of public health.	Asbestos is not uncommon in heritage places and it is not necessarily an indication the building should not be retained. This would need to be confirmed by experts.
		The construction is not energy efficient and uses more energy than a newer house or even an old brick house.	Strict compliance is not always achievable in heritage places but sensitive upgrades may be possible with expert guidance.
19	73 Middle Harbour Road	Object the inclusion of the property in a HCA.	Noted.
		The inclusion in a HCA will restrict future development.	See comments in submission1.
		The inclusion in a HCA will reduce the number of prospective buyers and impact on property value.	See comments in submission1.
		The proposal is discriminatory and should not proceed.	Council's decisions are based on the advice of independent Heritage Consultants, skilled in the application of heritage management standards set by the NSW Heritage Council.

No	Address	Issue/Concern	Comment
20	8 Owen Street	Object the inclusion of the property in a HCA.	Noted.
		Object the inclusion of Owen Street in a HCA.	Noted.
		The house has been extensively modified and is not architecturally significant.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The property has had substantial additions including substantial upper floor additions, alterations to the front elevation and verandah, new windows installed, gabled front elevation, and visible rear additions, and as such it is rated neutral.
		The inclusion in a HCA will impact on property value.	See comments in submission1..
		A number of other properties in Owen Street are badly configured or poorly built and require work. All new development should comply with a style guide or 'Character Area'.	New development is guided by Council Development Control Plan or for complying development, the controls in the Exempt and Complying SEPP (2008).
21	17 Valley Road	Support the inclusion of the property in a HCA. The inclusion in a HCA will ensure the protection and retention of a significant amount of well-built housing stock, much of which dates from the Federation and Inter-war periods. The house, which dates back to the 1920s, is a solid double brick construction, characteristic of many homes of the	Noted.

No	Address	Issue/Concern	Comment
		time and era. The inclusion in a HCA will ensure that any new houses respect the built and landscape environment.	
22	30A Middle Harbour Road	Object the inclusion of the property in a HCA.	Noted.
		The proposal is based on a subjective assessment of the streetscape. It is difficult to understand why a wide range of stylistic variations of Federation, Inter-war and Post-war period buildings could warrant heritage conservation.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole (refer to the Statement of Heritage Significance).
		The inclusion in a HCA will impose restrictions to development for owners wanting to modernise their homes relevant to the age we live in which is what makes the streetscape so attractive.	New development is guided by Council Development Control Plan or for complying development, the controls in the Exempt and Complying SEPP (2008).
		The inclusion in a HCA will impact on the value of their home.	See comments in submission1.
23	35 Middle Harbour Road	Object the inclusion of the property in a HCA.	Noted.
		There has been additional development in Middle Harbour Road since the last review in 2010. Much of the remaining housing stock represents generally poor quality design and construction that has no real significance. The PMA report is inaccurate. 18% of the houses in Middle Harbour Road mapped as neutral or uncharacteristic in the 2010 study by Architectural Projects have been assessed as contributory.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole.

No	Address	Issue/Concern	Comment
		Concerned as a ratepayer that Council is continuing to authorise expenditure towards these types of reviews.	Council has an obligation to identify and conserve Ku-ring-gai's local environmental heritage. There is an expectation that gaps in existing heritage listings will be rectified and DCP.
24	4 Owen Street	Understand the desire to list areas as HCAs. But the house has been assessed as contributory and this would limit future development, as Council would generally not allow alterations or additions to the front elevation nor substantial changes such as roof additions.	The inclusion in a HCA does not preclude future development. However, Council's approval would be required for some types of new development as described under the LEP.
		The inclusion in a HCA will impact on property value.	See comments under submission 1.
25	32 Middle Harbour Road	Object the inclusion of the property in a HCA.	Noted.
		The recommendations in the report are not substantiated with houses in Middle Harbour Road identified as contributory although they are totally out of character. Only 30% of the houses retain the original facade and these are mostly the smaller houses. With some many houses modified or replaced, it appears unfair of Council to freeze the street in time and prevent alterations in accordance with the latest DCP. The inclusion in a HCA will limit the ongoing improvements to homes to make them suitable for modern living. The street is of heritage interest but not of such significance that it should be frozen to its present appearance.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The inclusion in a HCA does not preclude future development. However, Council's approval would be required for new development as described under the LEP. The house is not visible from the street. It is well removed from the street and views are blocked by a garage/deck addition to the front of the house. Assessment is neutral.
26	3 Owen Street	Object the inclusion of the property in a HCA.	Noted.

No	Address	Issue/Concern	Comment
		<p>The house has had the front facade changed significantly and many of the features are modern and not true to the era of the house.</p> <p>The houses in the street are of many different styles. Most houses have been significantly renovated and no longer represent true heritage properties.</p> <p>There are some smaller old houses which would look much nicer if they were allowed to be completely demolished and rebuilt.</p> <p>They would not have considered buying this house with a heritage listing.</p>	<p>Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole.</p> <p>The house has had alterations, including the windowing-in of the verandah. It is considered to retain the form and materials of an Inter-war house and as such is considered contributory.</p>
		<p>It is possible to have a 'Character Area' listing without a heritage listing, so new builders/renovators can build in a style sympathetic to the surrounding houses. This would achieve a much nicer streetscape and make the area much more sought after.</p>	<p>See comments under submission 11.</p>
27	Friends of Ku-ring-gai Environment (FOKE)	<p>Support the inclusion of the area in a HCA.</p> <p>Support the recommendations of the PMA report in terms of protecting a highly significant area of late 19th century and early 20th century housing and garden stock in Ku-ring-gai.</p> <p>The area has historically been classified as a conservation area.</p> <p>The report states that while some redevelopment has occurred, the area retains its early subdivision and streetscape pattern of heritage significance.</p> <p>The report has identified a high percentage of contributory buildings.</p>	<p>Noted.</p>


No	Address	Issue/Concern	Comment
		As Clanville Road and Chelmsford Avenue, also part of Dering's Clanville Estate, though with a lesser number of significant housing examples from the era, are included in a HCA, Middle Harbour Road should undoubtedly be also included in a HCA. Council should act immediately to limit any further degradation of the significance of the area.	
28	10 Owen Street	Object to the inclusion of the property in a HCA.	Noted.
		The inclusion in a HCA will restrict future development and diminish the value of the property.	See comments under submission 1.
		The house has no architectural merit being one of thousands of between wars standard cottages of which there are numerous examples.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. A property is not excluded on the basis that other properties with similar characteristics have already been included. The Inter-war period is valued period of architectural development in Ku-ring-gai as it represents a significant time of development for the local area from market gardens to residential. Intact streetscapes of this period are not common due to incremental change that has occurred over the years.
		The house is inadequate for contemporary living containing significant fibro asbestos panels.	Asbestos is not uncommon in heritage places and it is not necessarily an indication the building should not be retained. This would need to be confirmed by experts.
		Including some properties and excluding others, is highly discriminatory.	Council's decisions are based on the advice of independent Heritage Consultants, skilled in the application of heritage management standards set by the NSW Heritage Council.

No	Address	Issue/Concern	Comment
		The street is a poor example and a terrible mix of diverse dwellings. Owen Street should be excluded as it does not represent a classic streetscape notwithstanding attempts by owners to extend in keeping with the original dwelling.	Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole. The assessment of individual components relates to their ability to contribute to the understanding of the historic development of the area, rather than solely on the aesthetic aspect.
29	Petition Middle Harbour Road	Object to the inclusion of the property in a HCA.	Noted.


No	Address	Issue/Concern	Comment
	30a, 32, 33, 34, 34a, 35, 37, 39, 40, 43, 44, 47, 49, 51, 52, 55, 56, 59, 61, 63, 67, 68, 72, 73, 74, 75, 77, 79, 81, 82, 83, 84, 85, 87, 88, 89, 90, 90a, 91, 93, 93a, 96, 98, 101, 101a, 105, 106, 107, 108, 109, 110 and 113	<p>The PMA review misrepresents the heritage significance of the street. 18% of the houses have changed from 'neutral' or 'uncharacteristic' to 'contributory' since the review undertaken in 2010. PMA does not assess the highly detracting elements in the street.</p> <p>The 2015 review by Architectural Projects prepared for the residents of Middle Harbour Road in response to the proposal, concluded that Middle Harbour Road does not reach the threshold for listing as a HCA having a low level of integrity. Approximately 50% of the houses in the street have a character that is not representative of the primary period of significance.</p> <p>In regards to historical significance, development following the establishment of the North Shore line is common to the whole of the North Shore and other major rail corridors but does not provide significance for this street where the majority of buildings have undergone substantial modification from their original form and character.</p> <p>In regards to aesthetic significance, only approximately 30% of the street can be described as intact.</p>	<p>The threshold between buildings identified as contributory and non-contributory has been carefully considered by the Heritage Consultant. Each property within the potential HCA has been assessed for its contribution to the streetscape and to the significance of the HCA as a whole (described in the Statement of Heritage Significance). A further analysis of Middle Harbour Road can be found in attachment A5.</p>


ATTACHMENT A5 – Comparison of contributions ratings - table

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Tryon Road	35	C		C
	37	N		N (built after key period, mid-late 20 th century)
	39	N		N (built after key period, recent)
	41	C		C
	43	C		C
	43A	N		N (alterations and additions)
	45	N		N (alterations and additions)
	45A	N		N (alterations and additions)
	47	C	Object the inclusion of the property in a HCA (alterations and additions undertaken three times since the	C (some alterations with bay windows added and side entrance. Retains overall external form, use of materials and garden setting. Corner site)


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
			1980s)	
	49	C		C (heritage item)
	51	C		C
	51A	N		N not assessed (not visible from the public domain)
	53	N		N (built after key period, recent)
	53A	C		C

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
	57	C	Object the inclusion of the property in a HCA (submission does not provide any justification for removal)	C
	59	C		C
	61	C		C
	63	C		C
	65	N		N (alterations and additions)
	67	C		C
	69	C		C
	71	C		C
	73	C		C
	75	C		C
	77	C		C
	56	N		N (substantial alterations and additions)


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
	58	C	Object the inclusion of the property in a HCA (the style is common in the LGA and adjoining houses are new or modified houses)	C (no unsympathetic work evident from the street) 
	60	N		N (built after key period, recent)
	62	N		N

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Nelson Road	2	C		<p>N</p> <p>(Second storey addition 2011. 1943 aerial shows single storey house with hipped roof and 1 projecting bay with gable. House has been rendered. New first floor addition DA0094/11)</p> 
	4	N		<p>N</p> <p>(built after key period, mid-late 20th century)</p>
	6	N		<p>N</p> <p>(built after key period, mid-late 20th century)</p>


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Valley Road	1	C		C (heritage item)
	1A	N (potentially retaining early building stock, needs further investigation)		N not assessed (not visible from the public domain)
	3	C		C (heritage item)
	3A	N		N not assessed (not visible from the public domain)
	5	C		C
	7	C		N (Completely new second floor i.e. not within roof. Confirmed on 1943 aerial)

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	9	C		C
	9A	N		N (built after key period, recent)
	11	(not assessed)		C


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
	15	C		C
	17	C	Support the inclusion of the property in a HCA	C
	19	N		N (alterations and additions)
	2	C		C
	4	C		C
	6	C		C (heritage item)
	8	N		N (alterations and additions)
	10	N		N (built after key period, recent)
	12	N		N (built after key period, recent)
	14	C	Object the inclusion of the property in a HCA (submission does not provide any justification for removal)	N The roof form has changed from the 1943 aerial with the removal of a front gable. Windows have been replaced with french doors. There is DA approved for a total revamp of the building including a second storey as a faux overscaled interwar bungalow.


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	16	C		C


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Valley Lane	11	N	Object the inclusion of the property in a HCA (recent house)	N (built after key period, recent)
	8	N		N (built after key period, recent)
	16	N		N (built after key period, recent)
	18	N		N (built after key period, recent)

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Short Street	7	C		C
	9	C		C
	11	C		C
	15	C		C
	17	N		N (built after key period, recent)
	19	C		N (Unsympathetic dormers and additions. Very clear that these are additions and confirmed by 1943 aerial) 


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
	6	N	Object the inclusion of the property in a HCA (recent house)	N (built after key period, recent)
	8	N		N (built after key period, recent)


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Howard Street	1	N		<p>D (recent, inconsistent with prevailing character, appears to be 4 storeys although technically is only 2 storeys at any one point)</p> 
	3	N		<p>N (alterations and additions)</p>
	5	C		<p>N (Previously a modest house with small stand alone garage. DA approved 2006 created new wing on western side with integrated garage and first floor above. No longer resembles the original bungalow)</p>


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	7	C		<p>N</p> <p>(Unsympathetic pop-top. Pop-top forms the ridge line for an expansive extension to the rear. Not likely to be reversed))</p>


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	9	C		C
	11	C		C
	15	(not assessed)		N (alterations and additions)
	17	C		C
	19	(not assessed)		N (built after key period)
	4	N		N not assessed (not visible from the public domain)


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
	6	N		N not assessed (not visible from the public domain)
	6A	N		N not assessed (not visible from the public domain)
	8	C		C
	10	C		C
	12	C		C
	14	C		N (Simple cottage with oversized dormer additions (not realistically reversible).


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	16	C		C
	18	C		C


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Owen Street	1	C		<p>C</p> <p>Borderline – verandah windowed in</p> 
	3	C	<p>Object the inclusion of the property in a HCA</p> <p>(significant alterations to the front facade not true to the era)</p>	<p>C</p> <p>Borderline - Verandah windowed in. (alterations to the front elevation including fenestration, new windows, side entrance and modified garden)</p>


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	5	N	<p>Object the inclusion of the property in a HCA</p> <p>(submission does not provide the justification for removal)</p>	N (alterations and additions)
	7	N	<p>Object the inclusion of the property in a HCA</p> <p>(extensive alterations and</p>	N (substantial additions, including substantial upper floor additions, alterations to the front elevation and verandah, side entrance, rendered)


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
			additions, not consistent with the desired style for the area)	
	9	C	Object the inclusion of the property in a HCA (submission does not provide the justification for removal)	C (New garage below ground level, terrace at side. Original house is still legible) 
	11	N		N (built after key period, recent)
	11A	N		N


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				(built after key period, recent)
	15	C	Object the inclusion of the property in a HCA (submission does not provide the justification for removal)	N (The integrated garage is forward of the front building line. Not original roofline. Building facade has doubled in size since the 1943 aerial). 
	17	C	Object the inclusion of the property in a HCA (house is not representative of the area, style is inconsistent, it	C (the house has had alterations and additions, including side entrance, but overall, it retains evidence of the style, form, use of materials and garden setting, consistent with the prevailing character of the area)


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
			contains asbestos)	
	19	C	<p>Object the inclusion of the property in a HCA</p> <p>(submission does not provide the justification for removal)</p>	<p>C</p> <p>Retains original form with minor side verandah addition.</p>


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	21	C	<p>Object the inclusion of the property in a HCA</p> <p>(extended a number of times, does not look like the original)</p>	<p>N</p> <p>(alterations, including alterations to the front elevation, verandah, and front entrance, and new doors)</p>


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	23	C		<p>N</p> <p>Integrated double garage at the front. Window in front facing gable. New roof and ridgeline (large gable added).</p>


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	25	N		N (built after key period, recent)
	27	C		C
	29	N		N (built after key period, mid-late 20 th century)
	31	C	Object the inclusion of the property in a HCA (extensively	C (some alterations but overall scale, external form, use of materials and garden setting remain. Open carport to the side. Corner site)

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
			modified)	
	2	N	Object the inclusion of the property in a HCA (submission does not provide the justification for removal)	N (alterations)
	2A	N	Object the inclusion of the property in a HCA (submission does	C (building is present on the 43 aerial. It is representative of the Inter-war period. Due to the scale of the original building the addition to not detract from the contribution value of the original building).

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
			not provide the justification for removal)	
	2B also known as 55 Tryon Rd	C		C
	4	C	Object the inclusion of the property in a HCA (submission does not provide the justification for removal)	C (like 2A building is present on the 43 aerial. It is representative of the Inter-war period. Due to the scale of the original building the addition to not detract from the contribution value of the original building).

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
				
	6	N	Object the inclusion of the property in a HCA (submission does not provide the justification for removal)	N (alterations and additions)
	8	C	Object the inclusion of the property in a HCA (extensively	N (substantial additions, including substantial upper floor additions, alterations to the front elevation and verandah, new windows and gabled front elevation, visible rear additions)

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
			modified)	
	10	C	Object the inclusion of the property in a HCA (a standard between wars cottage of which there are numerous examples)	<p>C</p> <p>The Inter-war period is valued period of architectural development in Ku-ring-gai as it represents a significant time of development for the local area from market gardens to residential. Intact streetscapes of this period are not common due to incremental change that has occurred over the years.</p>
	12	N		<p>N</p> <p>(alterations and additions)</p>

Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
	14	N		N (built after key period, mid-late 20 th century)
	16	C		C
	18	C	Support the inclusion of the property in a HCA	N Large new gable with window. Integrated gabled carport forward of the front building line. 
	20	C		C


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Trafalgar Avenue	55	C		C
	57	N (potentially retaining early building stock, needs further investigation)		N not assessed (not visible from the public domain)
	59	C		C
	61	C		C
	63	N (potentially retaining early building stock, needs further investigation)		N (built after key period, recent)
	65	Not assessed		N (built after key period, recent)


Street	Perumal Murphy Alessi 2015 Review		Submission	Comment
Archbold Road	52	C		C
	54	C		C
	56	N		N (built after key period, recent)
	58	N		N (built after key period, recent)


Please note that Architectural Projects (AP) have applied detracting as a contribution rating throughout their assessment of Middle Harbour Road. The Perumal Murphy Alessi (PMA) report reserved the detracting rating for only those buildings which were overscaled and out of character for the HCA. As such where AP have assessed a new two storey dwellings as detracting, the assessment by PMA is neutral.


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
Middle Harbour Road	33	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	35	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey) (additional development undertaken since 2010)	C	C	C (sympathetic alterations, minor, including open carport to the side, entrance steps/landscaping)
	37	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C (rear addition, not visible)	C	C
	39	N	Object the inclusion of the property in a	N/C	C	N (upper floor addition, alterations to the front elevation)

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
			HCA (refer to AP 2015 survey)			
	41	C		N (later than key period)	N	N (built after key period, mid-late 20 th century)
	43	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	45	C		N (C/D) (verandah addition)	N	N (alterations and additions, garage)
	47	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	N (Dormer that is dominant and detracting. Garage is forward of the front building line with hipped roof).

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	49	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (modified)	C	N (alterations and additions)
	51	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C (garage to side, minimal impact)	C	C

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	53	N		N (C/D) (altered)	N	N
	55	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (two-storey addition)	N	N (two-storey, large scale, recent fabric resembling traditional style/detailing) 
	57	N		N (C/D) (new verandah)	N	N (alterations and additions to the front elevation, including balcony)
	59	C	Object the inclusion of the	C	C	C (no unsympathetic alterations visible from the street)

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
			property in a HCA (refer to AP 2015 survey)			
	61	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (garage at front)	C	N (overscaled first floor addition, carport forward of the front building line.) 
	63	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (modified)	N	N (built after key period, recent)

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	65	C	Support the inclusion of the property in a HCA	C	C	C
	67	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (painted, two-storey)	N	C (no unsympathetic alterations visible from the street) 
	69	C		C	C	C
	71	N		D	C	N (built after key period, recent)


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	73	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (double garage)	C	C Borderline (Bungalow retains form but unsympathetic carport forward of the front building line))
	75	(not assessed)	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	D	D	N (alterations and additions)
	77	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C (verandah infill same form)	C	C





Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	79	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C (verandah infill same form)	C	C Borderline - (Building form unaltered. Painted. Verandah has been windowed in. Garage is attached but not forward of the front building line. Garage recessive colour and flat roofline)
	81	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C




Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	83	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C/N (rear additions)	C	C
	85	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	87	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (double garage)	N	N Hipped carport to the front. Dominant and detracting pop-top.


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	89	(not assess ed)	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (painted)	C	<p>C</p> <p>Recently rendered but retains roofline and form of the Inter-war bungalow and the terracotta roof tile.</p>

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	91	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (double garage)	C	C (open carport in front garden, no unsympathetic alterations to the house visible from the street)
	93	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (set back from street)	N	N (upper floor addition)


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	93A	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	(not assessed)	(not assessed)	C
	95	C		C	C	C
	97	C		C	C	C
	101	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (built after key period)	N	N (recent, inconsistent with the prevailing character of the area) 


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	101A	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (largely altered)	N	N (alterations and additions)
	103	C		N (C/D)	N	N (two-storey, rendered, enclosed verandah, new fabric) 
	105	C	Object the inclusion of the property in a HCA (refer to	C (infill balcony no impact on form)	C	C


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
			AP 2015 survey) (house is a c1920s California bungalow of no architectural heritage attributes)			
	107	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	109	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (two-storey addition)	N	N (substantial alterations to the front elevation, upper floor addition, rendered, windows added, side entrance)


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	111	C		C	C	C
	113	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	30A	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	32	C	Object the inclusion of the	N (double	C	N


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
			property in a HCA (refer to AP 2015 survey)	garage)		Not assessed (well setback from the street, garage/deck addition blocking views of the house)
	32A	C		C	C	C (heritage item)
	34	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C (heritage item)
	34A	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (C/D) (modified to two-storey)	C	N New prominent first floor extension – DA 0261/13. (built after key period, mid-late 20th century, two-storey)

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	36	N		D (two-storey building)	D	N (built after key period, recent)
	36A	C		N (C/D) (double garage)	N	N House constructed between 1951 – 1956 (aerials). Not from the key development period. Absent from the 43 aerial. Large carport forward of front building line.


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	38	C		N/C (double garage)	C	C Bordeline - New hipped carport at front attached to the house. Form of original bungalow is still mostly legible and original materials present.


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	40	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	42	C		C	C	C
	44	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	46	C		N (C/D) (double garage)	C	C There is a substantial double garage but this is set back from the forward building line. The original house is still legible and contributory. 
	48	N		(battleaxe)	(not assessed- battleaxe)	N not assessed (not visible from the public domain)
	50	C		C	C	C
	52	C	Object the inclusion of the	N (double	N	C (alterations to the front elevation, carport, painted. Retains

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
			property in a HCA (refer to AP 2015 survey)	garage)		evidence of overall external form and scale) 
	54	C		C	C	C
	56	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C/D (roof change)	C	C
	58	C		C	C	C


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	60	C		C	C	C
	62	(not assess ed)		D (1960s project house)	D	N (built after key period, mid-late 20 th century)
	64	C		C	C	C
	66	C		N (C/D)	C	C
	68	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	D (two-storey building)	N	N (two-storey, garage)
	70	C		N (C/D) (visible addition)	C	N (alterations and additions)
	72	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	D/C (double garage)	N	N Roof form completely changed from 43 aerial. Odd dormer/pop-top addition. Hipped roof carport in front setback.


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	74	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	76	C		C	C	C
	78	C		D (recent two-storey house)	C	N New house.


Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	80	N		D/C (two-storey building)	N	N (built after key period, recent)
	82	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C/D in front (garage)	C	C Agreed the house is contributory but the front garage is detracting.

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	84	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	D (two-storey building)	D	N (built after key period, recent)
	86	N		D (two-storey building)	D	N (built after key period, recent)
	88	C	Object the inclusion of the property in a HCA (refer to	C	C	C

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
			AP 2015 survey)			
	90	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	D (garage at front)	D	N (built after key period, recent)
	90A	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	92	C		N (C/D) (two-storey building)	D	N New second storey. Projecting first storey gable overwhelmed by new addition.

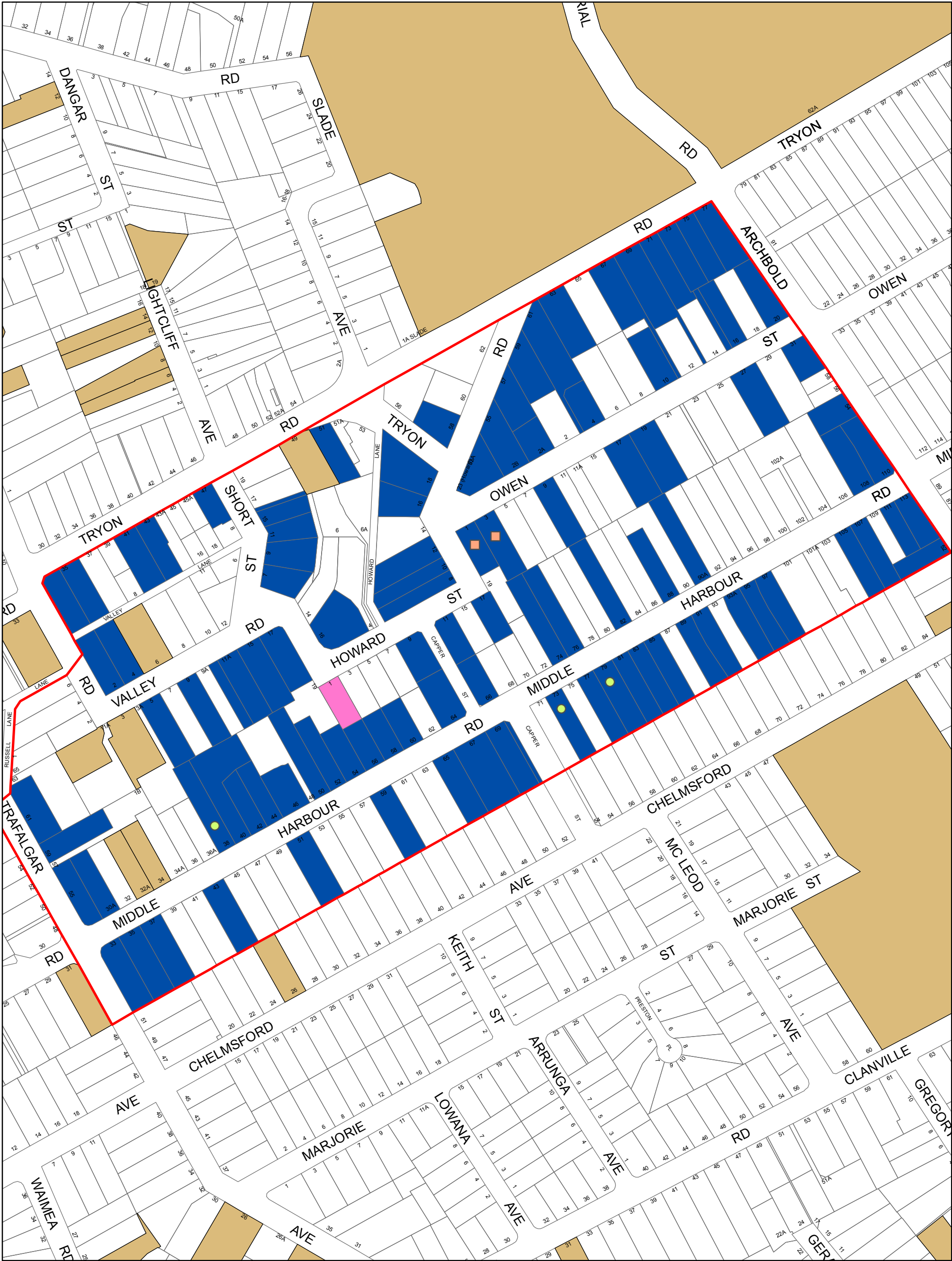
Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	94	N		D (two-storey building)	D	N (built after key period, recent)
	96	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	D (two-storey building)	N	N New second storey. Visible change has occurred from 43 aerial. Large carport forward of front building line. Can see chimneys on original ground floor are much lower than the height of the second storey roof line. As a cluster the 3 houses 92, 94 and 96 are detracting.

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
						
	98	N	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	N (after key period)	N	N (built after key period, mid-late 20 th century)
	100	N		D (two-storey building)	D	N (built after key period, recent)
	102	N		D (two-storey	D	N (built after key period, recent)

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
				building)		
	102A	N		(battleaxe)	(not assessed- battleaxe)	not assessed (not visible from the public domain)
	104	N		D (two-storey building)	D	N (built after key period, recent)
	106	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	D (after key period)	D	N In the 43 aerial it is a vacant lot. It is a 1970s development and is not from the key development period. It may be a potential heritage item 

Street	Perumal Murphy Alessi 2015 Review		Submission	Submission/ Architectural Projects 2015 Survey	Architectural Projects 2010 Survey	Comment
	108	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C
	110	C	Object the inclusion of the property in a HCA (refer to AP 2015 survey)	C	C	C

ATTACHMENT A6 – Revised contribution ratings map



Study Area

Heritage Items

Borderline Contributing

Carports at front

Bricked in verandah

Heritage Rating

Contributing

Neutral

Detracting

Middle Harbour Road, Lindfield HCA Review - Revision - June 2016

APPENDIX D – Council resolution 28 June 2016

**Consideration of Submissions
on the Non-Statutory
Exhibition of the Middle
Harbour Road, Lindfield -
Potential Heritage
Conservation Area Review**

File: S10099

For Council to consider the comments received during the non-statutory exhibition of the Middle Harbour Road, Lindfield, Potential Heritage Conservation Area (HCA) Review, undertaken by Perumal Murphy Alessi Heritage Consultants (PMA).

Resolved:

(Moved: Councillors Anderson/McDonald)

- A. That a Planning Proposal be prepared in accordance with s55 of the EP&A Act to amend KLEP 2015 to include Middle Harbour Road Heritage Conservation Area as a potential heritage conservation area in Schedule 5 and on the Heritage Map.
- B. That the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- C. That in order to facilitate an expedient Gateway Determination, the NSW Heritage Office be consulted prior to submitting the Planning Proposal to the Department of Planning and Environment. Should comments not be received within 21 days, the Planning Proposal is to be submitted regardless.
- D. That Council requests the plan making delegation under Section 23 of the EP&A Act for this Planning Proposal.
- E. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.

For the Resolution:

*The Mayor,
Councillor
Szatow,*

*Councillor
s , Citer,
McDonald
, Malicki,
Armstron
g, Berlioz,
Anderson,
Fornari-
Orsmond
and Ossip*

Against the Resolution:

*Councillor
Pettett*

APPENDIX E – Council resolution 24 October 2017

Consideration of submissions on the planning proposal for Middle Harbour Road Heritage Conservation Area

File: S11160

Vide: GB.5

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).

The following members of the public addressed Council on this item:

W Goh
U Bonzol
A Pik

Resolved:

(Moved: Councillors Citer/Clarke)

- 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.

For the Resolution:

*The Mayor,
Councillor
Anderson,
Councillors
Ngai,
Clarke,
Spencer
and Citer*

Against the Resolution:

*Councillors
Pettett,
Greenfield
and Smith*

APPENDIX F – Comment from Heritage Division, Office of Environment and Heritage



Level 6, 10 Valentine Avenue
Parramatta NSW 2150

Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599

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DOC16/390918
EF14/9409

Mr Antony Fabbro
Manager Urban & Heritage Planning
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

Attention: Alexandra Plumb
Send via email: aplumb@kmc.nsw.gov.au

RE: Planning Proposal to include Middle Harbour Road, Lindfield Heritage Conservation Area within the Ku-ring-gai Local Environmental Plan (KLEP) 2015

Thank you for your letter dated 5 August 2016, seeking comments on the abovementioned planning proposal to the Heritage Division, Office of Environment & Heritage (OEH) for comments.

As delegate of the Heritage Council of NSW, I raise no objection to the listing of a new heritage conservation area where it is supported by a robust and up-to-date heritage assessment. In this regard, I note from the planning proposal documentation that Perumal Murphy Alessi undertook a Middle Harbour Road, Lindfield Heritage Conservation Area Review dated January 2015. This review is also accompanied by a Heritage Inventory Sheet for each proposed heritage item.

I would recommend that internal investigations be carried out on all the properties to be located within the conservation area to determine levels of significance and intactness. Inspections should include interiors and gardens. This would allow for significant interiors and gardens to be identified within the name of the heritage item in Schedule 5, adding further protection.

If you have any queries, please contact Bronwyn Smith, Heritage planning officer at the Heritage Division, Office of Environment and Heritage on 02 9873 8604 or by email at Bronwyn.smith@environment.nsw.gov.au.

Yours Sincerely

Rajeev Maini
Acting, Manager, Conservation
Heritage Division, Office of Environment & Heritage
As Delegate of the Heritage Council of NSW
8 August 2016

APPENDIX G – Explanation of changed contribution ratings

Proposed Middle Harbour Road Heritage Conservation Area: explanation of review of contributory ratings

Following the submission process in making a judgement as to whether or not a property within the proposed Middle Harbour Road HCA is contributory Council considered the following issues:

1. Statement of significance

The statement of significance for the proposed Middle Harbour Road HCA is:

The Middle Harbour Road Heritage Conservation Area is of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses primarily from the Federation and Inter-war period with some good examples of mid to late 20th century dwellings. 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.

In terms of heritage assessment the NSW Heritage Council's guidelines for inclusion and exclusion in Criterion C Aesthetic Significance and Criterion G Representativeness refer to loss of design integrity or the loss of the range of characteristics of type as a reason for exclusion.

The PMA assessment under criterion C Aesthetic Significance was:

The area is of high local aesthetic significance for its relatively intact and cohesive late 19th and early 20th century subdivision pattern and development. The area is characterised by streetscapes of good, high quality examples of single detached houses mostly from the Federation and Inter-war periods with some good examples of Post-war and late 20th century dwellings enhanced by garden settings, wide street proportions, street trees and plantings, remnant and planted native trees and introduced species.

The area is neighboured by a park and retains a creek and heavy tree line with remnant native trees and plantings. The street and subdivision pattern was influenced and is now enhanced by the natural topography and “green” character of the area

Guidelines for inclusion and exclusion under criterion C (adapted from the NSW Heritage Office’s *Assessing Heritage Significance*) are:

GUIDELINES FOR INCLUSION	GUIDELINES FOR EXCLUSION
Shows or is associated with, creative or technical innovation or achievement	Is not a major work by an important designer or artist
Is the inspiration for a creative or technical innovation or achievement	Has lost its design or technical integrity
Is aesthetically distinctive	Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
Has landmark qualities	Has only a loose association with a creative or technical achievement
Exemplifies a particular taste, style or technology	
SIGNIFICANCE	

The aesthetically significant housing stock is described as “mostly from the Federation and Inter-war period”. In applying the guidelines for this criterion to a HCA, the houses as seen from the street should have retained their design integrity. Many of the Federation and Interwar bungalows from this period were originally single storey.

Many of the houses whose rating changed from the PMA designated contributory to the Council applied neutral were based on the inclusion of a new second storey or a highly prominent dormer to the street facing elevation. These houses no longer read as original and have not retained their design integrity as can be seen from the street.

The PMA assessment under criterion G Representativeness was:

The area has representative significance as a highly intact area subdivided and predominantly developed in the early to mid 20th century.

Guidelines for inclusion and exclusion under criterion G (adapted from the NSW Heritage Office’s *Assessing Heritage Significance*) are:

GUIDELINES FOR INCLUSION	GUIDELINES FOR EXCLUSION
Is a fine example of its type	Is a poor example of its type
Has the principal characteristics of an important class or group	Does not include or has lost the range of

of items	characteristics of a type
Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity	Does not represent well the characteristics that make up a significant variation of a type.
Is a part of a group which collectively illustrates a representative type	
Is a significant variation to a class of items	
Is outstanding because of its setting, condition or size	
Is outstanding because of its integrity or the esteem in which it is held	
SIGNIFICANCE	

Houses which have lost the range of characteristics of a type cannot be considered as representative. As such a one storey Inter-war bungalow that as the result of a renovation now resembles a two storey late Victorian house cannot be considered representative of its type.

2. Unsympathetic additions

Some properties whose ratings have changed have significant new buildings or additions forward of the front building line of the house. For houses on large lots, a garage forward the building line and not set immediately in front of the house may have a reduced impact on significance. However, for a bungalow, where a new garage conceals significant views to the front of the house, and in particular when the garage is integrated under the roofline of the house, the scale and the form of the building has changed. Depending on the extent of this change this can result in a loss of design integrity and a rating of neutral is appropriate.

3. Errors

In some instances relatively new houses designed as faux heritage houses were identified as contributory. These ratings were changed to neutral.

Explanation of individual property ratings amended from PMA study or different to Architectural Projects submission

The ratings in the below tables are:



N – Neutral




C – Contributory




D – Detracting and




A description of “BL tending to N” means the property is borderline and the rating given is neutral and a description of “BL tending to C” means the property is borderline and the rating given is contributory.


Addition of a second storey

No.	Street	PMA 2015	AP 2015	KMC2016	Comments
2	Nelson Road	C	NA	N	<p>Second storey addition 2011. 1943 aerial shows single storey house with hipped roof and 1 projecting bay with gable. House has been rendered. New first floor addition DA0094/11</p> 
7	Valley Road	C	NA	N	<p>Completely new second floor i.e. not within the original roof form. Confirmed on 1943 aerial.</p> 
7	Howard Street	C	NA	N	<p>Unsympathetic pop top .Pop-top forms the ridge line for an expansive second storey extension to the rear. Not likely to be reversed.</p>



					
19	Short Street	C	NA	N	
34A	Middle Harbour Road	C	N	N	<p>New prominent first floor extension (DA0261/13)</p> 
55	Middle Harbour Road	C	N	N	<p>Second storey added to original one storey building.</p>


					
61	Middle Harbour Road	C	C	N	<p>Significant pop top addition, Gabled carport forward of the front building line.</p> 
70	Middle Harbour Road	C	N	BL tending to N	 <p>Addition of secondary gable changing the roof line. The addition is set back and the colour of the materials recessive.</p>
72	Middle Harbour Road	C	D	N	<p>Roof form completely changed from 1943 aerial. Odd dormer/pop-top addition. Hipped roof carport in front setback.</p>




					
101	Middle Harbour Road	C	N	N	<p>Large extension to second storey on original bungalow.</p> 
103	Middle Harbour Road	C	N	N	<p>Poptop added to bungalow. No longer reads as a one storey building.</p> 
109	Middle Harbour Road	C	N	N	<p>Large second storey addition. No longer reads as a single storey residence.</p>




					
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Unsympathetic change



No.	Street	PMA 2015	AP 2016	KMC201 6	Comments
14	Valley Road	C	NA	N	<p>The roof form has changed from the 1943 aerial with the removal of a front gable. Windows have been replaced with french doors. There is a DA approved for a total revamp of the building including a second storey as a faux overscaled interwar bungalow.</p> 
5	Howard Street	C	NA	N	<p>Previously a modest house with small stand-alone garage. DA approved 2006 created new wing on western side with integrated garage and first floor above. No longer resembles the original bungalow.</p> 
14	Howard Street	C	NA	N	<p>Simple cottage with oversized dormer additions (not realistically reversible).</p>



					
15	Owen Street	C	NA	N	<p>Borderline. Confuses the vernacular style – garage forward of the front building line and integrated</p> 
21	Owen Street	C	NA	N	<p>Alterations, including alterations to the front elevation, verandah, and front entrance, and new doors.</p>




					
23	Owen Street	C	C	N	<p>Integrated double garage at the front. Window in front facing gable. New roof and ridgeline (large gable with window added).</p> 
8	Owen Street	C	NA	BL tending to N	<p>Borderline Large pop-top extension</p> 
45	Middle Harbour	C	N	N	<p>Integrated garage, rendered, new window openings on the façade.</p>



	Road				
47	Middle Harbour Road	C	C	N	<p>Dormer that is dominant and detracting. Garage is forward of the front building line with hipped roof.</p> 
87	Middle Harbour Road	C	N	N	<p>Hipped carport to the front. Dominant and detracting pop-top.</p> 
92	Middle Harbour Road	C	N	N	<p>New second storey. Projecting first storey gable overwhelmed by new addition.</p>



					
96	Middle Harbour Road	C	D	N	<p>New second storey. Visible change has occurred from 1943 aerial. Large carport forward of front building line.</p> <p>Can see chimneys on original ground floor are much lower than the height of the second storey roof line.</p> <p>As a cluster the 3 houses 92, 94 and 96 are detracting.</p>  

No.	Street	PMA 2015	AP 2016	KMC201 6	Comments
36a	Middle Harbour Road	C	N	N	House constructed between 1951 – 1956 (aerials). Not from the key development period. Absent from the 1943 aerial. Large carport forward of front building line. 
73	Middle Harbour Road	C	N	BL tending to C	Large detracting carport forward of the front building line. 
78	Middle Harbour	C	D	N	Significant alteration to ground floor and addition of new second storey and integrated garage and

	Road				<p>entrance forward the original front building line.</p> 
83	Middle Harbour Road	C	N	BL tending to C	<p>A second new ridge line is evident behind the original build but is clearly discernible as new. Building is from the key development period. Garage is set back from the front building line.</p> 
89	Middle Harbour Road	C	N	C	<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>

					
91	Middle Harbour Road	C	N	C	<p>Borderline</p> <p>Substantial hipped carport on street frontage. Roofline of the front of the building has not changed since the 1943 aerial. Rendered.</p>  

93A	Middle Harbour Road	C	N	C	<p>There is slight change to the roofline but the original is dominant and clearly discernible.</p> 
106	Middle Harbour Road	C	D	N	<p>In the 1943 aerial it is a vacant lot. It is a 1970s development and is not from the key development period. It may be a potential heritage item.</p> 

No .	Street	PMA 2015	AP 2015	KMC201 6	Comments
38	Middle Harbour Road	C	N	C	<p>New hipped roof carport at front attached to house.</p> 
46	Middle Harbour Road	C	N	C	<p>Has a new roof (tiles) but is very similar to the 1943 aerial.</p> 
52	Middle Harbour Road	C	N	C	<p>Large carport forward of the front building line with gable roof.</p>

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APPENDIX H – Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2016_KURIN_007_00): to amend Ku-ring-gai Local Environmental Plan (2015) to add the proposed Middle Harbour Road Heritage Conservation Area to Schedule 5.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Ku-ring-gai Local Environmental Plan 2015* (LEP) to include the proposed Middle Harbour Road, Lindfield, Heritage Conservation Area in Schedule 5 and on the heritage map, should proceed subject to the following conditions:

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.
2. Consultation is also required with the Office of Environment and Heritage (Heritage Division) under section 56(2)(d) of the Act. The Heritage Division is to be provided with a copy of the planning proposal, Council reports, other heritage studies and any other relevant supporting material, and given at least 21 days to comment on the proposal prior to community consultation.
3. Consultation is required with NSW Rural Fire Service under section 56(2)(d) of the Act prior to the exhibition period to comply with S117 Direction Planning for Bushfire Protection. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. During the community consultation period, Council is to notify all affected land owners within the boundary of the proposed heritage conservation area. The written notification is to include:
 - a. an overview of the proposal; and,
 - b. a copy of a diagram that identifies the proposed heritage conservation area.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of **28 days**;

- b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013); and
 - c. Individual land owners given written notice.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *20th* day of *October* 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073



Our ref: PP_2016_KURIN_007_00 (16/11832)
Your ref: S11160/2017/029034

Dear Mr McKee

Planning Proposal to amend Ku-ring-gai Local Environmental Plan 2015 to add the proposed Middle Harbour Road Heritage Conservation Area

I am writing in relation to Council's letter dated 7 February 2017 seeking approval of the reviewed study and amended planning proposal for community consultation, as required under Condition 1 of the Gateway determination issued on 20 October 2016.

I am of the view that Council has met this condition and may proceed to community consultation, subject to the conditions in the Gateway determination.

Should you have any questions in relation to this matter, please contact Mark Dennett, Planner, Sydney Region West, at the Department on 9860 1534.

Yours sincerely



27/02/17

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2016_KURIN_007_00)

I, Acting Director, Sydney Region West, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 20 October 2016 for the proposed amendment to the Ku-ring-gai Local Environmental Plan 2015 as follows:

1. Delete:

“condition 7”

and replace with:

a new condition 7 “The timeframe for completing the LEP is by 27 January 2018”

Dated 29th day of September 2017.



Malcolm McDonald
Acting Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney
Commission