

20 May 2020

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Your ref:
Our ref: CYCS/AJWS/3433627

Ku-ring-gai Heritage Advisory Committee
c/o Antony Fabbro
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Ku-ring-gai Council
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Dear Heritage Advisory Committee,

Written Submission to Heritage Advisory Committee regarding 6 Springdale Rd, Killara

We act for Mr Josh Leahy and Ms Emily Keenan, the new owners of 6 Springdale Rd, Killara (purchased in November 2019). As you know, the Heritage Advisory Committee is considering the merits of listing our client's property at 6 Springdale Rd, Killara as a heritage item. We have recently been provided with a copy of a Heritage Assessment Report prepared for Ku-ring-gai Council (**Council**) by Robertson & Hindmarsh Pty Ltd (**Robertson Report**). We would like to address a number of inaccuracies in the Robertson Report and to inform the Heritage Advisory Committee of some key facts of which they may not be aware.

Origins of Interim Heritage Order

The origin of the interim heritage order (**IHO**) and the manner in which the IHO was imposed was unusual, hasty and not based on any formal inspection. The IHO was not imposed after Council contacted either the previous or current owner and arranged to formally inspect the property. Rather, Council's Heritage Advisor attended a public 'open for inspection' session when the property was on the market to be sold. At the time of the open for inspection, the Council officer did not introduce him or herself to the real estate agent and no attempt to inform any relevant party of the inspection was made in the period following the inspection.

It was not until after Mrs. Keenan (Mr Leahy's wife) had purchased the property (14 November 2019), moved in and submitted a minor works application (4 December 2019) that our clients became aware that Council was seeking to have the property listed as a heritage item. On a meeting on 10 December 2019, Council resolved to have the property listed with an IHO. The resolution was made on the basis of a short walk-through during an open for inspection as well as photographs taken from real estate advertisements (www.realestate.com.au).

The open for inspection was utilised by Council's Heritage Advisor to carry out a cursory heritage assessment (carried out without the consent of the owner) upon which Council then proceeded to act.

Robertson Report

Our client provided Council and their heritage consultant with copies of original DA approved plans as well as letters from Mrs Eastment (the original owner of the property who engaged Mr Woolley to design the family house). However, The Robertson Report fails to address or give adequate consideration to a number of important issues which impact on the heritage assessment:

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- The Robertson Report does not consider the evidence of Mrs Eastment regarding the involvement of Mr Woolley and various design elements of the house (see further information below). Mrs Eastment was present for the design and building of the house and has firsthand evidence as to the involvement of Mr Woolley;
- The Robertson Report does not properly consider the approved plans for the property. For example, the Robertson Report places importance on the lack of a front street fence in terms of the Woolley design when in fact the original design included a front street fence which was approved by Council (although never constructed);
- The Robertson Report does not acknowledge the large number of changes that have been made to the property by the Eastment family since approved by Council. The Robertson Report is premised on the property being intact and in original condition. However, as outlined in the Touring the Past Report (page 8) a large number of changes were made. These include the replacement of timber roof cladding, alterations to external window locations, updated window framing, alterations to the bathrooms and kitchen, replacement of the rear deck, alterations to level façade and windows, removal of cloak room and conversion to toilet, removal of balustrades and erection of new balustrades in different locations, demolition of internal walls, replacement of feature lighting and loss of all original flooring including parquetry timber flooring.

Heritage Criteria

As the Committee would be aware, our client's property should only be given heritage status if it meets the heritage criteria. As a starting point, we note that the threshold for individual heritage significance is high. We also provide the following response to the Robertson report's assessment of the property against the heritage criteria.

a) Criterion (a) An item is important in the course or pattern of NSW's cultural or natural history

- o The Robertson Report concludes that 6 Springdale Rd shows evidence of significant activity and is associated with a significant activity or historical phase (being post WW2 subdivision of the grounds of large suburban houses).
- o The design of the Eastment House was initiated in 1970. The house itself was not built until 1977. The decade of the '70s occurred 25 years after the cessation of the Second World War. It is more historically accurate to describe the Eastment House as belonging to the late twentieth century period. Material shortages, which suggest austerity modes of design and construction that this substantial house does not reflect, are far more associated with building projects of the late 1940s and early '50s.
- o The progressive break-up of larger estates and their intensive development in the municipality is a common/consistent theme across Ku-ring-gai's 20th-century history. The subject place does not exemplify or demonstrate this theme of the areas historical development with any greater clarity than a wide range of already included heritage items and conservation areas.
- o No evidence has been produced to suggest why the McKee family subdivided their large holding in the early 1960s, creating the subject allotment. Ascribing such a decision to 'economic downturns' is conjecture.
- o Every single-family residence constructed between the mid-19th century to date speaks to the pronounced cultural preference of Australians for a suburban lifestyle. The Eastment House is not of any historical note for being an example of a late 20th-century freestanding house situated in a suburban context.
- o The application of 'brick only' covenants was widespread across 20th-century suburban landscapes. While it was intended to ensure quality houses, historians also recognise the exclusive class undertones of such covenants. In many cases, they were implemented to preserve a middle-class character for certain areas. The absence of any adequate comparative study of the influence, location or effect of 'brick only' areas on the built character municipality makes it difficult to accredit the

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Eastment House as being of any importance in this regard. It is one of imaginably thousands of detached brick houses built during the municipality's late 20th-century consolidation.

- The requisite threshold for the Eastment House to meet as an individual heritage item, under Criterion (a), has not been reached.

b) Criterion (b) An item has strong or special association with the life or works of a person or group of persons

- The Robertson Report claims a 'strong association' between the Eastment House and Mr Woolley. This connection—which to attain the threshold for Criterion (b) *must* be profound or 'special'—has not been sufficiently established. The evidence does not paint a picture of Mr Woolley having been intimately involved in the design or completion of the Eastment House. Woolley's involvement was limited to the exterior of the house, his plans for which were diluted by the decision of Council to not approve the planned for porte cochere (which appears to have been intended as a defining feature of the façade) and also due to direction from the Eastment building company. The Eastment family were solely responsible for the design of the interior and the construction of the house. Mr Woolley was also not involved during construction. Mr Woolley is associated with thousands of buildings sites in New South Wales and further afield. Accordingly, for such a connection to be deemed of heritage significance, it should be more than tangential. The case that Mr Woolley's presence at the Eastment House is pronounced or that his constrained involvement in its composition had any meaningful impact on his career, views, or approach has simply not been made.
- That Mr Woolley's planned formulation for the Eastment House, as articulated by the drawings of his office's draughtsman, were not wholly implemented, as acknowledged by the Robertson Report, is not an insignificant detail. The curtailment of the original plans further weakens the case that the Eastment House has a special/profound connection with Mr Woolley.
- That the Eastment family is of historical importance to the municipality has not been adequately established. Imaginably, there were other local families involved in the construction industry over the 20th century, including the latter part. Many of whom likely adopted the term 'Master Builders' (a common appellation for professional contractors, predominantly utilised in a promotional sense) and were responsible for 'quality work' and 'honesty', qualities which the Robertson Report assigns to Barry Eastment on the basis of an obituary prepared by a colleague. The relevance of the Eastment family wishing to live within 'an existing suburban area' (i.e. Killara) appears immaterial to an assessment of associational significance.
- The requisite threshold for the Eastment House to meet as an individual heritage item, under Criterion (b), has not been reached.

c) Criterion (c) An item is important in demonstration aesthetic characteristics and/or a high degree of creative or technical achievement.

- Planning qualities attributed to the Eastment House (separating spaces on the basis of function, split-level, clerestory windows, solar orientation, long corridor, air flow, openness etc.) were not innovative or unusual by the 1970s.
- That the design of the Eastment House 'merged' with the topography of the subject allotment—formerly part of 4 Springdale Road's lawn with a slight drop in land level—in a symbiotic relationship has not been substantiated.
- The so-called 'Sydney School' style of architecture (which is a far from accepted idiom that is critiqued by numerous architectural historians) is acutely associated with bushland contexts and settings, not inter-war period suburban streetscapes. As stated within the heritage report prepared by Touring the Past dated 6 March 2020: *'Particularly telling in this respect is that the split-level nature of the house (hardly pronounced—compared to the Johnson House or Woolley House I) is perpendicular to the slight fall of the subject land. Its siting then is opposed to the*

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remnant natural quality of the topography and not responsive to it at all. Simply, a mid-1970s infill house was situated between the retained tennis court and established suburban street.'

- The conclusion reached in the Robertson Report that the Eastment House is 'visually recessive' within the Springdale Streetscape is contestable. The relationship formed by its angular/geometric form, mass of uniform common brown brick, brown tiling, brown paint, small setback, large garage door, and lack of fence with surrounding inter-war buildings is stark. This is not a design that fades into the background.
 - The Robertson Report does not make plain what the 'hallmarks' of the architectural design mode the subject place is associated with (variously described as the 'so-called Sydney School' and a 'regional form of modernism', both of which are nebulous conceptions). Unpainted external brickwork, weatherboard, clerestory windows, 'complex, broken roof forms' (noting that we contest the description of the roof form as 'complex'), and split-level were all—by the 1970s—too common/conventional across the housing industry to provide any level of distinctiveness for the subject place.
 - The Robertson Report assertion that the palette of the Eastment House, which it acknowledges was downgraded from the intended employment of face brick to an economical common brick, demonstrates the approach of the firm Archer, Mortlock, Murray & Woolley is questionable. Again, the employment of brown brick in the late 20th-century Sydney/Ku-ring-gai suburbia is not uncommon. Mr Woolley is also frequently associated with the designs of painted brick and other softer external colour palettes, including a lot of his individual one-off house designs (i.e. not for volume Building clients), such as his own houses in Paddington and Palm Beach. The submission that the Eastment illustrates the firm's 'construction method' is inaccurate. The Eastment's were solely responsible for the erection of the residence.
 - The fireplace is a notable internal element. However, without an adequate comparative study of others of its type, the suggestion that it is anything other than a typical 1970s brick/concrete fireplace is not reasonably makeable.
 - The Robertson Report does not make plain what the 'key hallmarks' of Mr Woolley's approach were or why the Eastment House, compared to the many other residential designs he was involved with, is exemplary.
 - The Eastment House was not the recipient of any architectural award or subject to any contemporary architectural coverage, both elements that characterise many of Mr Woolley's designs. It has also never, to our knowledge, featured in any publication concerning the practice of Mr Woolley or general expositions on late 20th century architecture.
 - That there is a dedicated number of passionate individuals in the current era captivated by the work of Mr Woolley means little to an assessment of the Eastment House's aesthetic significance.
 - That the Eastment House illustrates or was the inspiration for a sufficiently high degree 'creative or technical innovation or achievement' for an individual heritage item, as required by Criterion (c) has not been demonstrated.
- d) **Criterion (d) An item has strong or special associations with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.**
- The Robertson Report does not provide details of an identifiable concrete group who have formed a special attachment to the Eastment House prior to the decision of the real estate agent to highlight Mr Woolley's involvement in the design of the place in an effort to boost interest during the 2019 sale.
 - Proving that such a group is definable (who belongs to the 'architectural community of NSW') and has an important association with the item—the conditions which must be met in claiming Criterion (d)—would not appear likely.

e) Criterion (f) An item poses uncommon, rare or endangered aspects of NSW's

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cultural or natural history (or the cultural or natural history of the local area).

- That the Eastment House performed as a design 'trial' for project homes he prepared for Pettit & Sevitt (which had been designing since 1962, several years prior to the Eastment House) has not been satisfactorily proven.
 - The appearance of an architect-designed exterior in the suburbs in 1970s Ku-ring-ai is not in itself remarkably, historically or otherwise. Between 1962 and 1977, some 3,5000 project homes designed by Mr Woolley were constructed in Australia, predominantly in New South Wales. The presence of his designs is hardly infrequent.
 - Margaret Eastment recalls her husband Barry, who knew Mr Woolley, engaged him on the basis of a 'favour'. This likely indicates that Barry, a professional builder intended to always design/construct his own house and sought the assistance of an architect he knew personally in 'signing off' on the plans. This was a matter of convenience. The Eastments did not engage Mr Woolley or his firm because they sought to make an architectural statement or develop a ground-breaking design
 - The requisite threshold for the Eastment House to meet as an individual heritage item, under Criterion (e), has not been reached.
- f) **Criterion (g) item is important in demonstrating the principle characteristics of a class of the local area's cultural or natural places:**
- Claiming aesthetic and rarity significance (i.e. the place is of 'exceptional interest' and outstanding design merit) would seem to be undercut by pursuing Criterion (g), or vice a versa. It is difficult to reconcile how a potential heritage item can be both unrivalled/special and also broadly representative of a designer's approach.
 - The link between the Eastment House and Mr Woolley's design work on project homes has not been clearly established.

Evidence from Original Owner

The Robertson Report contains a number of factual errors regarding the original design and Woolley's involvement. This is confirmed in a document signed by Mrs Eastment, who for clarity was the original owner, original client and original builder. Mrs Eastment was intimately involved in the design and construction of the home and her evidence should be given significant weight. Please see the **attached** letter (subsequent to previous letters) and detail file notes from two recent phone calls between Mrs Eastment and Mr Leahy confirming Mrs Eastment's view. In summary, Mrs Eastment's comments include the following:

- a) There is no connection between the existing brown roof tiles, mission-brown timber and common bricks. To say it was Mr Woolley's aesthetic desire and design intent is factually incorrect.
- b) The common brick façade was chosen by the Eastment's at the time because it was cheaper to build. The Eastment's always intended to paint the bricks white.
- c) The street fence was designed and approved and to built in-line with the height of the neighbouring properties.
- d) Mrs Eastment's view is that the design of the house was not significant to Mr Woolley &/or his firm. Mrs Eastment notes that Mr Woolley took the initial job and was partially involved as a "favour" as a "mate" of Mr Eastment. Whilst Mrs Eastment obviously enjoyed her house, in her view the design of the house was predominantly dictated by the Eastment building company and is in no way close to Mr Woolley's best work.
- e) Mrs Eastment disagrees with the statement in the Robertson Report that the commissioning of Mr Woolley (or the firm) by the Eastment family demonstrates a design of exceptional interest as in embodies the Client's brief.
- f) The exterior materials and colour palette were chosen by Mr and Mrs Eastment, not Mr Woolley.
- g) The interior of the property was fully designed by the owners and not Mr Woolley. Mr Woolley was not involved in selecting any finishes, colour palettes, products or interior design elements.

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- h) Mrs Eastment has expressed deep concern at Council's actions, it's unfounded consultant report that dismisses her in depth involvement in the project, Mr Eastment personal relationship with Mr Woolley and the way that her property was accessed without her consent during an open house inspection.

Mrs Eastment has stated to the new owners over a number of phone calls that she is happy to be contacted by Mayor Jennifer Anderson or anyone else from the Heritage Advisory Committee to provide further information, historical facts or respond to queries.

Original DA Approved Plans & Conditions:

It should be noted that Mrs Eastment provided what appears to be the only existing and original DA approved plans and stamped conditions to the new owners to assist them in carrying out any appropriate renovations as discussed at the time of purchase. The DA plans and conditions clearly demonstrate a number of key items that also contradict The Robertson Report:

- External Timber Colour: If the weatherboards are not western red cedar or Canadian redwood, treated with a heavy body stain, they are to be painted with a pigmented paint and not oiled, stained, varnished or similarly treated.
- Street Fence: The height of the brick street fence on the front boundary is not to exceed 6'0" above footpath level.

There is no notation &/or condition anywhere in the original documentation provided by Mrs Eastment that specifies any particular external &/or internal colouring, other than the previous condition of Consent above, being a heavy natural stain &/or any pigment paint.

Recommendation

The case that the Eastment House meets or exceeds any of the thresholds for heritage listing has not been made by its heritage assessment as an individual heritage item. The interim IHO has served its statutory purpose and should be revoked and the item should not be listed as an item of local heritage significance.

The property is already within the local Springdale Conservation Area and any future development applications will appropriately be assessed in this context.

If you have any questions, please call Anthony Whealy on direct line +61 2 8035 7848 or Clare Collett on direct line +61 2 9121 9027.

Yours sincerely



Anthony Whealy
Partner

Accredited Specialist — Local Government and Planning

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3/2 Milray St,
Lindfield NSW 2070
May 19, 2020

Mr Josh Leahy,
6 Springdale Road,
KILLARA NSW 2071

Dear Josh,

6 SPRINGDALE ROAD, KILLARA 2071 – INTERIM HERITAGE ORDER

Following our conversation the other day I am pleased to confirm some of the items we discussed to assist understanding of the degree of involvement of the architect Ken Woolley in the design and construction of our home at 6 Springdale Road.

1. My husband was the managing director of a construction and joinery company F T Eastment & Sons. He knew Mr Woolley through their association in the construction industry. It was through this connection that Mr Woolley was engaged to prepare concept and detailed design plans and specifications suitable for Building Approval for our home. We did not engage Mr Woolley for site supervision services and he did not attend the site during the construction phase. We had our own project manager and my husband supervised construction on a daily basis.
2. External finishes for the house were determined mostly by us. You have reminded me that the approved DA documents prepared by Mr Woolley did not specify a external timber colour for the house. My specific recollection is as follows:
 - a. that the mission brown colour for timberwork and roof tiles was our choice (it was a common choice at the time), and
 - b. that the house bricks were always intended to be painted. For this reason, common house bricks were selected. These were not thoughtfully arranged, as would be expected of intentional face brick masonry work, because they were to be painted.
3. Detailed internal layouts, fittings and fixtures were designed by my husband and, mostly, fabricated in the joinery. The kitchen was an off-the-shelf Danish joinery design. Soft internal furnishings, materials, products and colour palettes where selected by my husband and me.
4. The approved BA drawings included a front boundary fence designed by Mr Woolley. It was our intention at the outset to construct the fence, however, for various reasons this has not happened.

I hope the above is helpful. Please contact me if you have any other questions or require further clarifications.

Kind Regards,



Margaret Eastment