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**MM5/19 HERITAGE PROTECTION - 68-70 CHATHAM ROAD,  
DENISTONE - Mayor, Councillor Jerome Laxale**

**File Number: URB/08/1/10 - BP19/104**

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**REPORT SUMMARY**

Council on the 3 December 2018 received a Local Development Application (LDA) for the demolition of the existing dwelling houses and construction of part single and part two-storey multi-dwelling housing at 68 and 70 Denistone Road, Denistone (LDA2018/458).

The LDA was available for community comment between 11 January and 6 February 2019. Council received fifty (50) submissions and one petition containing sixty-two (62) signatories during the notification period. All objected to the development raising heritage as a concern.

**Background**

68 and 70 Chatham Road, Denistone is not listed as an item of heritage significance under the provisions of Ryde Local Environmental Plan 2014.

The subject site comprises both 68 and 70 Chatham Road and situated on both sites are single storey, detached style dwelling houses. Both display an overall form and profile, with a number of distinguishing features that define them as belonging to the early 20<sup>th</sup> century Inter-War period specifically the Inter-War Californian Bungalow architectural style.

The site is directly opposite the heritage listed Darvall Park and also falls within the 'Denistone Character Area'. Also known as the 'Outlook Estate – Contiguous Areas', this precinct takes in the area bound by Burmah, Chatham and Simla Roads, Bellevue Avenue and Trelawney and Beaumont Streets.

Council's assessment of the Outlook Estate – Contiguous Areas in 2004, found that the precinct was comprised of a number of relatively intact streetscapes which displayed a high degree of continuum and homogeneity in the Inter-War period built forms, many of which were individually significant.

In 2005, Council resolved not to proceed with the listing of the Outlook Estate – Contiguous Areas precinct as a heritage conservation area within the Ryde Planning Scheme Ordinance (Ryde PSO), due to community opposition from a small number of individual property owners.

### **MM5/19 (continued)**

Consequently, the Denistone Character Area is not afforded statutory protection in the same way that a heritage item or heritage conservation area is that is listed under Schedule 5 of the Ryde LEP 2014 and the heritage conservation provisions of clause 5.10 of the LEP do not apply.

Council's Heritage Advisor has undertaken a preliminary assessment of the property and has described both 68 and 70 Chatham Road as intact examples of modest-scaled Inter-War period houses, displaying features which are attributed to the Californian Bungalow architectural style. While Council's Heritage Advisor does not consider either dwelling to individually warrant heritage listing, the dwellings provide an important contribution to the collective streetscape character, in which modest scaled Inter-War period bungalows are the prevailing housing typology.

Council's Heritage Advisor has also undertaken a preliminary assessment of the streetscape and considers Chatham Road to evidence a high degree of consistency and continuity in the Inter-War period bungalows, forming not only an important backdrop to Darvall Park opposite the site (which is heritage listed), but also forming an important wider precinct, with heritage significance through the homogenous character. It is therefore worthy of being retained and protected as a heritage conservation area.

Given that 68 and 70 Chatham Road are considered to provide an important contribution to the continuity and homogeneity of the established streetscape, their loss through demolition and the proposed replacement built form, would significantly erode the streetscape and diminish the integrity of the wider streetscape.

As the two properties are under imminent threat of harm through demolition, it is prudent that Council resolve to follow the necessary process to impose an Interim Heritage Order (IHO) over the properties in order to investigate and assess the wider significance of the streetscape and their contribution to the streetscape.

### **Interim Heritage Order (IHO)**

An IHO is a temporary heritage protection measure against the demolition of a potential heritage item. It also provides Council with the time to further assess the heritage significance of a potential item and take the appropriate steps to list the item if warranted.

The legal effect of an IHO made by a Local Council is that approval is required for any development for the life of the order and demolition is prohibited during that period.

**MM5/19 (continued)**

One of the key requirements for Council imposing an IHO over a property is that it must consider that the subject property is being, or is likely to be harmed. In this case, the lodgement of the Development Application involving the demolition of the property constitutes a threat of harm.

I am therefore proposing that due to the imminent threat of harm through demolition at 68-70 Chatham Road, Denistone, that Council delegate the General Manager to impose an IHO.

**RECOMMENDATION:**

That Council delegate the General Manager to place an Interim Heritage Order over 68-70 Denistone Road, Denistone; and

- (i) Prepare a Planning Proposal to list multiple properties within Chatham Road, Denistone as a heritage conservation area of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014, and
- (ii) That the Planning Proposal seeking heritage listing be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, and
- (iii) That upon receipt of the Gateway Determination, the General Manager place the Planning Proposal on Community Consultation, in accordance with the conditions of the Gateway Determination.
- (iv) That, in addition to any Community Consultation requirements of the Gateway Determination, a public information session be held at Denistone Sports Club (or similar venue) with Council's heritage expert (or suitable substitute), in regard to the proposed heritage conservation area.
- (v) That a report on the outcomes of community consultation be presented to Council as soon as practicable.

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:



**Councillor Jerome Laxale**  
**Mayor**