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**MM12/17 HERITAGE PROTECTION - 330 ROWE STREET,  
EASTWOOD - Mayor, Councillor Jerome Laxale**

**File Number: CLM/17/1/1/8 - BP17/1245**

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Council on the 11 October 2017 received a Local Development Application (LDA) to demolish the existing dwelling house at 330 Rowe Street Eastwood, and construct a two storey child care centre for 74 children, with basement parking.

The LDA was available for community comment between the 23 October and 15 November 2017. A petition containing 150 names and several individual submissions were received by Council. A concern expressed throughout the submissions relates to the heritage significance of the building as the property is subject to a development application that will see this significant dwelling demolished.

**Council may wish to take the opportunity to review heritage in the City of Ryde to ensure that Interim Heritage Orders are not required in the future.**

### **Background**

330 Rowe Street, Eastwood is not listed as an item of heritage significance under the provisions for Ryde Local Environmental Plan 2014. However, the property was identified as having local heritage significance in the *City of Ryde Draft Heritage Study 2010*.

The *Draft Heritage Study 2010* recommended that 330 Rowe Street, Eastwood be listed, because it was identified as a substantially intact Federation style dwelling, in excellent condition and a representative example of the architectural style because of its high degree of original design integrity. It is also aesthetically distinctive within the streetscape, being complemented by its generously proportioned landscaped garden setting, with many mature plantings.

Council considered the *Draft Heritage Study 2010* on 17 August 2010 and resolved not to pursue the heritage listing of any property unless the land owner specifically applied for a heritage listing of that property. Council also resolved that the properties that had been rejected from the heritage listing process not be considered by Council in any future heritage studies. (**ATTACHED**).

Given that this property has already been assessed as having local heritage significance and is under imminent threat of harm through demolition, it is prudent that Council resolves to follow the necessary process to impose an Interim Heritage Order (IHO) over the property.

**MM12/17 (continued)**



(Source: 2017 Google Map, Image captured Feb 2014 – 330 Rowe Street, Eastwood)

**CITY OF RYDE HERITAGE STUDY 2010**

The *Ryde Heritage Study 2010* was commenced in 2003, when the members of Council's Heritage Advisory Committee sought heritage nominations from the community groups they represented.

71 properties were identified and recommended for heritage listing, together with the removal of existing heritage items, amendments to existing heritage listings (e.g. updated land title information) and boundary changes to a conservation area. The 71 properties identified for listing comprised 47 dwellings, 15 public buildings/churches and 9 stone survey markers.

Council resolved only to list properties where the owners consented to the heritage listing, together with the removal of heritage listings, minor changes to existing heritage listings and boundary changes to the Maxim Street Heritage Conservation Area. In summary 5 properties (3 dwellings and 2 public buildings) and 9 stone markers were listed.

Council also resolved that the properties that had been rejected from this process, not be considered in any future heritage studies.

This means that 57 items that had been identified as having heritage significance by the Study and recommended for heritage listing currently have no statutory protection and are at risk of demolition or substantial alteration. The dwellings not listed are particularly vulnerable to redevelopment and demolition.

A study of those 57 potential heritage items reveals that since 2010;

- 1 has been significantly damaged by fire and is beyond salvageable repair,
- 9 have been demolished or consent granted for demolition,
- Several have been the subject of DAs for alterations and additions,

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Council, dated 28 November 2017, submitted on 28 November 2017.

### **MM12/17 (continued)**

- 1 was the subject of a Development Application for demolition and redevelopment (87 Bowden Street, Meadowbank). Council imposed an Interim Heritage Order on 87 Bowden Street Meadowbank, culminating in a subsequent amendment to Ryde LEP 2014 and listing on Schedule 5 as an item of local heritage significance.

Many of the rare and representative properties identified in the Study are considered to be of cultural significance and importance to the City, having heritage significance for their historical importance, social significance and aesthetic contribution to the streetscape and strong architectural interest and value.

### **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.

One of the key requirements for imposing an IHO over a property by Council is that it must consider that the subject property is being or is likely to be harmed.

A threat of harm can constitute:

- i) Council's own observations of the item (i.e. actual works to the item).
- ii) Notification of works under other legislation.
- iii) Pre development application consultation.
- iv) Lodgment of a Development Application.
- v) Community lobbying.

I am therefore proposing that due to the imminent threat of harm through demolition at 330 Rowe Street, Eastwood, that Council delegate the General Manager to impose an IHO.

**I also propose that Council discuss the matter of heritage during discussion of this Interim Heritage Order.**

**MM12/17 (continued)**

**RECOMMENDATION:**

- (a) That Council delegate the Acting General Manager to place an Interim Heritage Order over 330 Rowe Street, Eastwood; and
  - (i) Prepare a Planning Proposal to list the property as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014, and
  - (ii) That the Planning Proposal seeking heritage listing of 330 Rowe Street Eastwood is 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 Acting General Manager places the Planning Proposal on Community Comment, in accordance with the conditions of the Gateway Determination.
  - (iv) That a report on the outcomes of community consultation is presented to Council as soon as practicable.
- (b) That Council discuss and recommend action on the current Heritage Policy in the City of Ryde.

**ATTACHMENTS**

- 1 Committee of the Whole - 17 August 2010 - Item 5: Draft Heritage Study 2010

Report Prepared By:



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

**5 DRAFT HERITAGE STUDY 2010**

Note: Councillor Pickering disclosed a less than significant non-pecuniary interest in this item for the reason that his company has previously provided pro-bono support to the community group opposing the residential overdevelopment.

Note: A MEMO dated 16 August 2010 from the Group Manager, Environment and Planning was circulated at the meeting and a copy is ON FILE.

Note: Ms Susan Hissey, Mr David Hamley, Ms Louise Cullen, Ms Anne Marie Scott and Mr William Cardiff addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Petch and Tagg)

- (a) That properties identified in Table 2 as circulated by Memo and tabled at the meeting (dated 16 August 2010 from Group Manager Environment and Planning) be included in the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5 and maps.
- (b) The boundary of the Maxim Street Heritage Conservation Area be amended as shown on the plan attached to the report of the Heritage Officer dated 26 July 2010 and be included in the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5 and maps.
- (c) That four Heritage Items identified in Table 3 be deleted from the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5 and maps.
- (d) That the property descriptions and information of fifteen listed heritage items identified in Tables 4, 5 and 6 be updated and amended in the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5.
- (e) That a report be attached to the Heritage Study that outlines the results of the consultation process and outcomes (including Council's resolutions).
- (f) That the properties that have been rejected from this process not be considered by Council in any future heritage studies.
- (g) That the proposed Heritage Study in the Management Plan for 2011-2012 be discontinued and be removed from the 2011-2012 Plan.
- (h) That Council not pursue compulsory heritage listing of any property unless the land owner of the property applies for a heritage listing of the property.

**Record of Voting:**

For the Motion: Unanimous

EXTRACT FROM REPORT OF THE COMMITTEE OF THE WHOLE NO. 12/10  
AT ITS MEETING HELD ON 17 AUGUST 2010