

**ATTACHMENTS FOR: AGENDA NO. 9/19
COUNCIL MEETING**



Meeting Date: Tuesday 27 August 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

ATTACHMENTS FOR COUNCIL MEETING

Item

**9 PLANNING PROPOSAL - 68 DENISTONE ROAD, DENISTONE -
OUTCOMES OF EXHIBITION**

Attachment 10 Submission from Property Owner

28 June 2019

Your ref:
Our ref: MDSS/KXMS/3382833

All correspondence to:
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AUSTRALIA SQUARE NSW 1215

General Manager
City of Ryde
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Dear General Manager

Planning Proposal PP_2019_RYDEC_001_00
Proposal to list 68 Denistone Road, Denistone as a heritage item in the Ryde Local Environmental Plan 2014 (Council reference D19/79644) (Planning Proposal)

We refer to the above Planning Proposal, which was issued a gateway determination by a delegate for the Minister for Planning on 4 April 2018. The Planning proposal seeks to list the property at 68 Denistone Road, Denistone as a heritage item in the *Ryde Local Environmental Plan 2014 (RLEP)*.

We act for the owner of the property at 68 Denistone Road, Denistone (**the site**) and make this submission on their behalf.

Our client strongly objects to the listing of the site as a heritage item for the reasons set out in this submission.

We are also writing to you to express serious concerns about the process which has been undertaken prior to the application to the Minister for a gateway determination in respect of the site and to bring to your attention the compelling and contradictory evidence which militates strongly against the proposed listing of the site as a heritage item. These include comprehensive heritage assessments and structural reports undertaken by some of NSW's most respected engineers and heritage experts.

We have thoroughly reviewed the background and Council's assessment of the heritage significance of the site and are of the view that Council has **not** followed correct procedure with respect its assessment of the heritage significance, issuing of the IHO and preparation of the Planning Proposal. Perhaps more importantly, the assessment both our client and the council has received have concluded clearly that the subject site is not worthy of listing as a heritage item and does not meet the requisite threshold set out in the Heritage Council Guidelines such that the site should not be listed as a heritage item in the LEP.

Background

1. In March 2018, our client purchased the site.
2. In August 2018, our client lodged development application LDA2018/0340 to Council seeking consent to consolidate and subdivide the site into two allotments (**Development Application**).
3. On 25 September 2018, at a Council meeting, Council resolved to:
 - a. place an IHO on the site;
 - b. prepare a planning proposal to list the site as an item of local heritage significance within Schedule 5 Environmental Heritage of the LEP;

- c. forward the planning proposal to the NSW Department of Planning and Environment (**Department**) for Gateway Determination;
 - d. upon receipt of the Determination, place the planning proposal on public exhibition; and
 - e. a report on the outcomes of community consultation be presented to Council as soon as practicable.
4. We note that at the meeting, only four individuals addressed Council in relation to the heritage value of the site – none of whom carry the requisite qualifications to make recommendations about the heritage significance of the site. The minutes of that meeting and the business paper do not contain the written correspondence that was provided to the Council at the meeting in support of the assertions made.
 5. The Council's agenda for the meeting on 25 September 2018 did not contain a listing for consideration of this item. Accordingly our client was **not** afforded adequate, or any element of procedural fairness to respond to the matters raised he was not put on notice that the heritage significance of his property would be the subject for consideration at this Council meeting.
 6. On 26 September 2018, the IHO was published in Gazette no 99.
 7. On 31 October 2018, Council refused the Development Application on the primary basis that the proposal will require demolition of the existing building which is contrary to the terms of the IHO.
 8. On 14 February 2019, the Planning Proposal was referred to the Local Planning Panel for consideration in accordance with the Ministerial Direction made under s9.1 of the *Environmental Planning and Assessment Act 1979* dated 28 September 2018. The Panel considered submissions made by our client as well as a report from Council's strategic planner.
 9. On 21 February 2019, the Panel made a recommendation that the Planning Proposal be forwarded to the Department for Gateway Determination. Importantly, the consideration by the Panel and the terms of evidence provided to it which advised against listing the subject site as a heritage item is picked up in the Gateway Determination itself.
 10. On 26 February 2019, Council resolved to lodge a planning proposal to amend the LEP to list the site as a heritage item to the Department seeking Gateway Determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979*.
 11. On 7 March 2019, Council lodged the Planning Proposal with the Department.
 12. On 4 April 2019, the Department, as a delegate of the Minister for Planning, issued a Gateway Determination in relation to the Planning Proposal enabling Council to publically exhibit the proposed heritage listing.
 13. Importantly, the terms of the gateway determination expressly require that a further heritage assessment be undertaken which considered the current state of the dwelling – not just the state identified in previous images reviewed by **all** previous assessments.
 14. The Planning Proposal is currently on public exhibition from 29 May 2019 to 28 June 2019.

Council's assessment of the heritage significance of the site

15. Having regard to the above background facts, we are of the view that the original assessment of the property conducted by Council could not have adequately concluded that the property was in fact of heritage significance and that the site warrants listing as a heritage item in the LEP.
16. We have formed this view based on the following:

- a. All initial assessment reports on which council relied which formed the basis of the Planning Proposal did not contain any visual inspection of the internal of the property or structural integrity of the building;
- b. Council disregarded and did not adequately address clear assessment reports provided to it (nor were these brought to the attention of the Department of Planning) as to the structural adequacy of the building and its current condition.
- c. The planning proposal was based on historical photos and no physical inspection of the building's internal areas.
- d. Council has completed three heritage studies in 1988, 2003 and a 'community based' heritage study in 2010. **None** of the three studies completed identify the site as potentially having heritage significance.
- e. Council was only prompted to review the heritage significance of the site after receiving correspondence from a member of the public requesting that Council consider the heritage listing of the site when it was listed for sale in February 2018.
- f. After an IHO was placed on the site, Council engaged Paul Davies Pty Ltd to prepare an assessment of the heritage significance of the site.
- g. Paul Davies Pty Ltd completed an assessment in November 2018 which was included in Council's Planning Proposal application to the Department (**November Assessment**).
- h. We wish to highlight the following about the November Assessment:
 - i. Page 1 of the November Assessment identifies the limitations of the investigations, namely that the assessment was prepared by a Graduate Architect who only viewed the existing building **externally** and, where possible, viewed the interior through the windows.
 - ii. The assessment of the interior of the property was conducted by viewing the real estate photographs that had been undertaken for advertisements for sale of the house in February 2018.
 - iii. Paragraph 1.3 of the report states '*Note that damage to the interior shown on the site visit photos is a result of illegal building work to the house which occurred prior to the imposition of the IHO on the property.*' We note this is not a correct statement as the damage to the interior is actually the present state of the property (see enclosed structural assessment referred to below).
 - iv. Despite noting that there is damage to the interior that was viewed externally through the windows, in the assessment against the criteria, it is noted that the '*house is remarkably intact*'. This statement is grossly inaccurate and we enclose with this submission photos of the internal state of the property.
- i. The November Assessment formed the basis of the Council's resolution to proceed with the Planning Proposal despite lacking consideration of the internal condition of the property. The November Assessment was included in the Planning Proposal application that was made to the Department seeking Gateway Determination.
- j. The November Assessment was 'updated' in May 2019 after an internal inspection of the subject property was undertaken and confirmed that the property has significant heritage value (**May Assessment**). The May Assessment was not considered by Council at any of the meetings prior to lodgement of the Planning Proposal to the Department, nor by the Department in its assessment of the Planning Proposal. The May Assessment was

subsequently included in the Planning Proposal documentation that was amended after receiving Gateway Determination and now forms part of the exhibition documentation.

- k. Our client also obtained heritage advice from two different heritage consultants, Stephen Davies and Sue Rosen, which were provided to Council for their review and consideration in relation to the Planning Proposal. Both of these assessments have confirmed that the existing building:
 - i. does not meet the threshold for an individual heritage listing in accordance with the assessment criteria; and
 - ii. the existing condition of the building has deteriorated over time, is now structurally unsound and beyond repair.
 - l. No regard was given by Council to our client's heritage assessments, nor were they provided to the Department for consideration of the Planning Proposal.
 - m. The structural assessment prepared by Northrop was not addressed nor did it form the basis of consideration by Council or the Department of Planning when determining whether to issue a gateway determination.
17. Please find enclosed for your review, the following documentation regarding the heritage significance and current structural state of the existing building onsite:
- a. [Structural report prepared by Northrop Consulting Engineers dated 18 February 2019](#);
 - b. [Heritage assessment prepared by Stephen Davies dated 18 March 2019](#);
 - c. [Preliminary assessment prepared by Sue Rosen dated 1 April 2019](#); and
 - d. [Submission made to the Department of Planning and Environment on 28 March 2019](#).
18. The above issues and ongoing denials of procedural fairness, disregard of relevant information and active concealment of highly relevant material in relation to the Planning Proposal and its proposed listing are serious flaws in Council's assessment process and should be reviewed independently and impartially in light of the approach which has been adopted to date.
19. The decision whether a Planning Proposal should proceed is a matter which ought be considered and a decision made impartially on the merits of each property's significance after a thorough and rigorous assessment. This has clearly not occurred.

Way forward

- 20. On the basis of the above facts, we are of the view that Council has **not** made a genuine attempt to impartially and fairly assess the heritage significance of the site in accordance with the criteria set out by the Heritage Council Guidelines sufficient to warrant listing of the property as a heritage item in the LEP.
- 21. The Structural Report clearly indicates that there are significant structural defects in the brick walls, timber floor framing and timber roof framing such that

'...the structure in its current condition is unfit for the residents to live in. For the safety of the residents, we believe the house should be condemned. Significant structural remedial works including underpinning, walls and roof rebuilding would be required to bring the dwelling to a structurally sound condition.'
- 22. To date none of these issues have been investigated.

23. **The structural issues are fundamental to the proposed listing of the site as a heritage item and must be investigated prior to the Planning Proposal proceeding.**
24. It is evident from any inspection of the property that significant restoration and rehabilitation works to the existing building are required to ensure that it is structurally sound to actually live in. This is not speculative but is plain to any observer who attends the site and steps within the building.
25. The structural deficiencies within the building are relevant for two reasons:
 - a. Firstly, the advice received from Northrop is that the house is not in fact fit for habitation as a function of structural inadequacies and ongoing issues. This calls into question the practical ability to in fact retain the building; and
 - b. The house is obviously, and plainly dilapidated. In order for it to reflect any element of heritage significance substantial and excessive upgrades works would be required.
26. Both of these factors militate strongly against the listing of the property as an item of environmental heritage.
27. Importantly, the structural issues at the premises have created cracks and a burst in the sewer system which is now at a point of collapse and creating a genuine health issue on site. These issues are not reflective of an 'intact' representative example of a property worthy of listing.
28. Further, there is clear and unambiguous evidence that the heritage significance of the property is questionable at best.
29. The proposed amendment of the LEP to list the site as a heritage item should not proceed altogether, or, in the alternate, be delayed until such time as a comprehensive investigation of the heritage significance of the site as well as structural integrity of the existing buildings is undertaken and put before the Council and the Department of Planning.
30. We will also be making a formal submission to the Office of Environment and Heritage and Department of Planning in relation to the matters raised above and the omissions from the original assessment, submission to the Department of Planning and our invitation to Council to review the process and undertake an independent and comprehensive review of the findings of the reports received to date.
31. We strongly encourage Council to consider the process and conduct and independent assessment of the heritage and structural significance of the site. We are instructed that our client would welcome a further assessment of the property which actually considers the true state of the premises and

Should you have any questions, please contact me on 8035 7850 or msonter@millsoakley.com.au or Kate Marginson on 8035 7851 or kmarginson@millsoakley.com.au.

Yours faithfully



Matt Sonter
Partner

Enc



Structural Engineering Report

68 Denistone Road Denistone

PREPARED FOR

The Owners of the Property

PREPARED BY

Northrop Consulting Engineers
Level 11, 345 George Street
Sydney NSW 2000

Tel: 02 9241 4188

Ref: 182950

Rev: Final

Date: 18.02.2019

STRUCTURAL ENGINEERING REPORT

Activity Schedule

Date	Revision	Prepared By
18/02/2019	Final	Leo Meng

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EXECUTIVE SUMMARY

As requested, a suitably qualified structural engineer has carried out the inspection of the dwelling at 68 Denistone Road Denistone on 13th February 2019. The purpose of our inspection is to assess the structural condition of the existing dwelling and make recommendations on any remedial works that may be required. In general, the main structure was in a very poor condition at the time of our inspection and the following structural defects were noted:

Brick walls

Extensive cracking to the brick walls throughout the dwelling was noted due to possible movement of the reactive clay type of foundation material. Some cracks were measure as large as 5 to 10mm wide at some locations. Loosed brickwork was also evident due to extensive cracking at several door opening locations and possible absence of lintels. Sections of the walls showed significant cracking and movements which further contributed to the ongoing water ingress from the gaps between roof framing and load bearing walls.

Timber floor framing

Due to the movement of the load bearing walls, sections of the timber flooring were noted to be un-levelled. Extensive timber decay was also noted to the existing timber floor at the front veranda.

Timber roof framing

A large section of the ceiling within one of the rooms had previously fallen due to ongoing water ingress caused by the relative movement between roof framing and wall. The roof ridge appeared to be sagging due to the movement of the load bearing brick wall below supporting the under-purlin and strut. Sections of the ceiling within the living room are now showing risks of collapsing.

It is our opinion that the structure in its current condition is unfit for the residents to live in. For the safety of the residents, we believe the house should be condemned.

Significant structural remedial works including underpinning, walls & roof rebuilding would be required to bring the dwelling to a structurally sound condition.

1. INTRODUCTION

A suitably qualified structural engineer from Northrop has carried out the inspection at 68 Denistone Road Denistone on 13th February 2019. The purpose of our inspection is to inspect the structural condition of main dwelling and recommend any remedial works may be required.

For the purpose of our inspection, it is assumed that Denistone Road runs in an north/south direction and the main entrance to the property faces west. An aerial view of the site is shown in Figure 1 below.



Figure 1: Aerial view of the property (Image from Google Map)

The residential building is built on a slope site with natural ground falling from Baxland Road towards Denistone Road.

2. OBSERVATION

2.1 Brick Walls

Extensive cracking and loosed brickwork above the rear entry door into the property was noted as shown in Photo 1 below. It was reported that the render started to fall down from late 2018 at this location. The cracking was dominantly visible throughout the mortar joints.



Photo 1

Loosed bricks with cracking were noted above the kitchen window opening as shown in Photo 2 below.



Photo 2

Extensive diagonal cracking with loosed bricks to the door opening from kitchen into pantry was noted as shown in Photo 3 below.



Photo 3

Extensive cracking to the door opening into one of the bedrooms was noted. The cracking was measured to approximately 10mm wide. The gap between the cornice and wall indicates that the wall and the roof has a relative movement of more than 10mm.



Photo 4

At the corridor outside the main bedroom, a gap of approximately 20mm was measured between the skirting and wall as shown in Photo 5 below. This indicates extensive wall movement at this location.



Photo 5

The vertical gap in the mortar joint between the bricks as shown in Photo 6 indicates that the movement in the brickwork has exceeded 10mm.



Photo 6

Significant diagonal cracking was noted to the wall to the western room adjoining the living area as shown in Photo 6. The cracking was measured approximately 3 to 5mm wide.



Photo 6

Significant diagonal cracking to the external skin of the brick wall was also noted typically at the location around window or door opening as shown in Photo 7 below. Loosed bricks with evidence of previous repair can be seen.



Photo 7

Significant cracking and movement to some sections of the external walls was evident as shown in Photo 8 below.



Photo 8

Other typical extensive cracking can be seen as shown in Photo 9 and Photo 10 below.



Photo 9



Photo 10

2.2 Timber floor framing

There are sections of timber flooring noted to be un-levelled throughout the dwelling due to the relative movement between the load bearing walls and isolated brick piers below the timber flooring.

The external timber flooring at the front veranda shows evidence of sagging towards the corner of the dwelling and extreme decay. The timber posts supporting the front veranda roof are also not plumb due to the movement of the brick walls below.



Photo 11

2.3 Timber roof framing

The roof ridge at northwest corner was noted to be sagging as shown in Photo 12 below.



Photo 12

The ceiling within the room at this corner had previously fallen completely as shown in Photo 13 below.



Photo 13

Sagging ceiling was noted to the living area as shown in Photo 14 below.



Photo 14

The entire ceiling within the living area was noted to be sagging and loosed as shown in Photo 15 below.



Photo 15

3. ASSESSMENT AND RECOMMENDATION

The dwelling is generally in a very poor condition structurally. Based on our experience with buildings of similar age and type of structure, it is likely that the structure is founded over reactive clay with brickwork footing. Any movement within the foundation material caused by extensive stormwater, drying, leaking drainage could cause the brick walls to move and crack.

There has also been significant relative movement between the load bearing walls and roof framing. Sections of walls are noted to have movement greater than 10mm. This is a significant contributing factor for the ongoing water ingress into the roof space, causing the ceiling to become loosed and eventually collapsed at some locations. Unfortunately, the movement and cracking to the load bearing walls would continue due to the weather and seasonal changes.

It is our opinion that sudden large-scale structural failure is unlikely to happen at this stage. However, the magnitude of cracking with loosed brick works would impose significant safety risks for the residents. Localised brick falling & ceiling collapse may be imminent.

If sections of the brick walls move excessively further, there could also be risk of structural roof beam or framing losing its bearing length, thus causing sudden falling or partial collapsing of the roof elements.

Therefore, for the safety of the residents, it is our opinion that the dwelling should be condemned at this stage.

It is our opinion that significant rebuilding and strengthening/underpinning works would be required in order to maintain the structural longevity of the property. Any damaged or blocked drainage system has to be repaired or replaced. Due to the overall condition of the dwelling, all the load bearing walls will have to be underpinned. There are multiple sections of the existing brick walls requiring rebuilding due to the magnitude of the cracking and movement. The roof framing above these walls also would require replacement. The remedial works will have to be carefully engineered in stages and this could be a very costly process.

Based on our experience in similar restoration projects, the cost of remedial works would be well over \$750,000 due to the expensive underpinning works and complexity of this type of remedial works. We recommend the owners get quotations from suitably qualified remedial builders to confirm the remedial cost.

Feel free to contact us directly if you have any queries regarding this report

Regards,

Leo Meng



Group Manager | Remedial Team Leader

HERITAGE ASSESSMENT

68 DENISTONE ROAD,
DENISTONE NSW 2114

18 MARCH 2019
P0003498
PREPARED FOR CHENG YANG

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Senior Heritage Consultant	Ashleigh Persian, B Property Economics		
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Job Code	P3498		
Report Number	01	14.03.2019	Draft
	02	18.03.2019	Final

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EXECUTIVE SUMMARY

Urbis has been engaged by Cheng Yang to prepare the following Heritage Assessment for the property at 68 Denistone Road, Denistone (hereafter referred to as 'the subject property').

The subject site is not a listed heritage item under any statutory planning instrument, nor is it located within a heritage conservation area. The site is located within close proximity to two heritage items, as follows:

- Item 47, "Denistone House" and "Trigg House" (Ryde Hospital), locally-significant heritage item.
- Item 125, Open space, Denistone Park, locally-significant heritage item.

A Development Application was lodged to Ryde Council on 28 August 2018 for the consolidation of all three lots within the subject property, and subdivision into two lots (LDA2018/0340). Following this Development Application lodgement, Council resolved on 25 September 2018 to apply an Interim Heritage Order (IHO) to the subject property. The Development Application (LDA2018/0340) was subsequently refused by Ryde Council on 31 October 2018.

The IHO will lapse on 26 March 2019. Ryde Council has until this date to pass a resolution to list the property as an item of local heritage significance on the local environmental plan. We understand that at its Ordinary meeting of 26 February 2019, Ryde Council resolved to lodge a Planning Proposal with the NSW Planning Minister, to include 68 Denistone Road, Denistone on the heritage schedule of the Ryde Local Environmental Plan (LEP) 2014.¹

This Heritage Assessment has been prepared to assess the potential heritage significance of the subject property in view of the recent IHO and proposed heritage listing on Ryde LEP 2014.

The potential heritage significance of the subject property has been assessed in Section 4.3 of this report, supported by this historical analysis included at Section 3.2 and the comparative analysis included at Section 4.2.

Overall the subject property is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for assessing heritage significance provided for by the NSW Heritage Division. The assessed significance of the place can be summarised as follows:

The subject property at 68 Denistone Road, Denistone is a good externally representative example of the interwar Californian Bungalow typology.

The building demonstrates the principal characteristics of its typology, however these are common throughout the Ryde LGA and Sydney more broadly, in more intact examples. It does not contain any rare, endangered or technically innovative features for the typology. The building was not designed by an important or well-known architect, and the property has no known significant historical associations.

The dwelling is in a dilapidated state of repair and is structurally unsound. As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.

The subject property is not considered to be a rare or endangered typology in the context of Ryde LGA or the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development.

It is understood that no internal inspection was made of the property by Council's consultants in its investigation and this is unacceptable in terms of determining significance.

The property has been occupied for residential purposes since its construction, and holds no particular significance to the community, and has no known significant social values.

¹ City of Ryde, City of Ryde Council Meeting Summary – February Meeting, accessed online at <https://www.ryde.nsw.gov.au/Council/Media-Centre/News-and-Public-Notices/City-of-Ryde-Council-meeting-summary-February-meeting>

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1. INTRODUCTION

1.1. BACKGROUND AND PROPOSAL

Urbis has been engaged by Cheng Yang to prepare the following Heritage Assessment for the property at 68 Denistone Road, Denistone (hereafter referred to as 'the subject property').

The subject site is not a listed heritage item under any statutory planning instrument, nor is it located within a heritage conservation area. The site is located within close proximity to two heritage items, as follows:

- Item 47, "Denistone House" and "Trigg House" (Ryde Hospital), locally-significant heritage item.
- Item 125, Open space, Denistone Park, locally-significant heritage item.

A Development Application was lodged to Ryde Council on 28 August 2018 for the consolidation of all three lots within the subject property, and subdivision into two lots (LDA2018/0340). Following this Development Application lodgement, Council resolved on 25 September 2018 to apply an Interim Heritage Order (IHO) to the subject property. The Development Application (LDA2018/0340) was subsequently refused by Ryde Council on 31 October 2018.

The IHO will lapse on 26 March 2019. Ryde Council has until this date to pass a resolution to list the property as an item of local heritage significance on the local environmental plan. We understand that at its Ordinary meeting of 26 February 2019, Ryde Council resolved to lodge a Planning Proposal with the NSW Planning Minister, to include 68 Denistone Road, Denistone on the heritage schedule of the Ryde Local Environmental Plan (LEP) 2014.²

This Heritage Assessment has been prepared to assess the potential heritage significance of the subject property in view of the recent IHO and proposed heritage listing on Ryde LEP 2014.

1.2. SITE LOCATION

The subject site is located at 68 Denistone Road, Denistone.

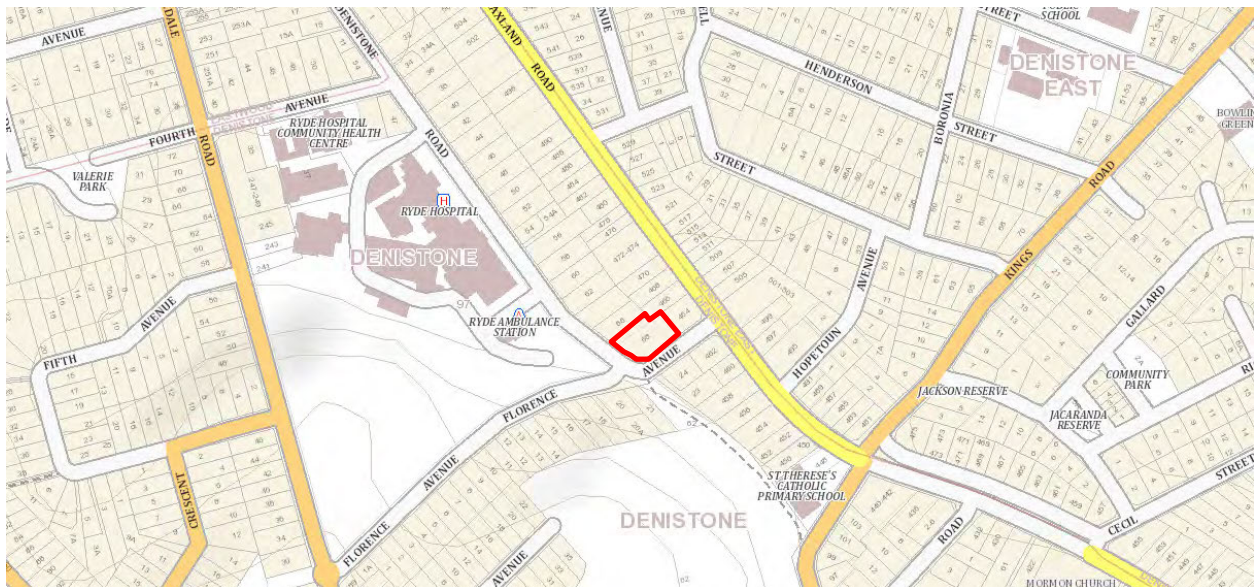


Figure 1 – Locality diagram, subject site shown in red

Source: SIX Maps 2019

² City of Ryde, City of Ryde Council Meeting Summary – February Meeting, accessed online at <https://www.ryde.nsw.gov.au/Council/Media-Centre/News-and-Public-Notices/City-of-Ryde-Council-meeting-summary-February-meeting>

1.3. METHODOLOGY

This Heritage Assessment report has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance'. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999 (revised 2013).

1.4. AUTHOR IDENTIFICATION AND ACKNOWLEDGMENTS

The following report has been prepared by Ashleigh Persian (Senior Heritage Consultant). Stephen Davies (Director Heritage) has reviewed and endorsed its content. Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

2. SITE DESCRIPTION

2.1. DESCRIPTION OF THE PLACE

The subject property is located at a corner location at the intersection of Denistone Road and Florence Avenue, approximately 13.2 kilometres (by direct line) north-west of the Sydney Central Business District (CBD). Immediately adjoining development includes low-scale residential development comprising of one and two storey dwellings along Denistone Road. The Ryde Hospital site is located directly opposite to the subject property, on the western side of Denistone Road, while Denistone Park is located on the southern side of Florence Avenue. More general surrounding development comprises low density residential development throughout Denistone.



Figure 2 – Aerial image

Source: SIX Maps 2019

The subject site is a consolidation of three adjoining land parcels, being Lot 2 in DP 1096437 (the main lot containing the dwelling), together with smaller lots 1 and 3 in the same Deposited Plan, located to the north and east respectively. The subject property is located on the high side of the road, with the natural topography of the site sloping down from the north-east to the south-west Denistone Road frontage.

Improved on the site is a single residential dwelling constructed in 1920 and a garage added in 1926. The dwelling is a typical example of an interwar bungalow, with face brick walls on an ashlar rendered brick foundation and a later tiled roof. The dwelling has features typical of its period and typology, including wide gables and heavy eaves, a deep-set timber posted verandah, and splayed casement bay window. The roof has a row of solar panels installed to the northern face.

Internally, the dwelling provides a large entrance hall with two main reception rooms to the right being the formal lounge room and dining room. A family living room and kitchen are located to the rear of the dwelling with an externally accessed laundry behind. The dwelling provides four bedrooms, a sunroom and a family bathroom. The detached garage is oriented towards Florence Avenue and provides a single car space, WC and adjoining workshop space.

The site contains a number of mature trees including palms and a Jacaranda tree. The remainder of the site is landscaped with hedging and shrubbery.

2.2. CURRENT CONDITION

The dwelling is in an extremely poor condition, showing signs of substantial subsidence and cracking. The roof is in a poor condition which has resulted in internal ceilings collapsing. The overall condition of the building is unstable and unsafe.

Northrop Consulting Engineers undertook a Structural Engineering Report on the subject property in February 2019, and have concluded the following:

In general, the main structure was in a very poor condition at the time of our inspection and the following structural defects were noted:

Brick walls

Extensive cracking to the brick walls throughout the dwelling was noted due to possible movement of the reactive clay type of foundation material. Some cracks were measure as large as 5 to 10mm wide at some locations. Loosed brickwork was also evident due to extensive cracking at several door opening locations and possible absence of lintels. Sections of the walls showed significant cracking and movements which further contributed to the ongoing water ingress from the gaps between roof framing and load bearing walls.

Timber floor framing

Due to the movement of the load bearing walls, sections of the timber flooring were noted to be un-levelled. Extensive timber decay was also noted to the existing timber floor at the front veranda.

Timber roof framing

A large section of the ceiling within one of the rooms had previously fallen due to ongoing water ingress caused by the relative movement between roof framing and wall. The roof ridge appeared to be sagging due to the movement of the load bearing brick wall below supporting the under-purlin and strut. Sections of the ceiling within the living room are now showing risks of collapsing.

It is our opinion that the structure in its current condition is unfit for the residents to live in. For the safety of the residents, we believe the house should be condemned.

Significant structural remedial works including underpinning, walls & roof rebuilding would be required to bring the dwelling to a structurally sound condition.

A quote for repair and restoration works for the property has been sought and has confirmed that the costs of repair to make the dwelling safely habitable would be prohibitive, over \$1,000,000 (February 2019 quote).

The following photographs were taken by Urbis during our site inspection in October 2018.

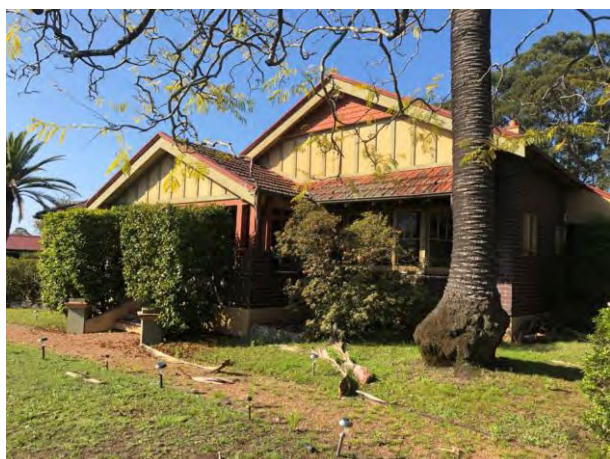


Figure 3 – Primary elevation

Source: Urbis



Figure 4 – Primary elevation

Source: Urbis



Figure 5 – Primary elevation

Source: Urbis



Figure 6 – View of the side elevation

Source: Urbis



Figure 7 – View of the rear garage

Source: Urbis



Figure 8 – View of the rear elevation

Source: Urbis



Figure 9 – View of the living and dining rooms

Source: Urbis



Figure 10 – View of the living room ceiling

Source: Urbis



Figure 11 – View of bay window in rear bedroom
Source: Urbis



Figure 12 – View of fireplace in family living room
Source: Urbis



Figure 13 – View of hallway ceiling
Source: Urbis



Figure 14 – View of wall in living room
Source: Urbis



Figure 15 – View of typical crack in masonry wall
Source: Urbis



Figure 16 – View of fireplace in front bedroom with evidence of major cracks to the left
Source: Urbis



Figure 17 – View of cracks above door and drummy render
Source: Urbis

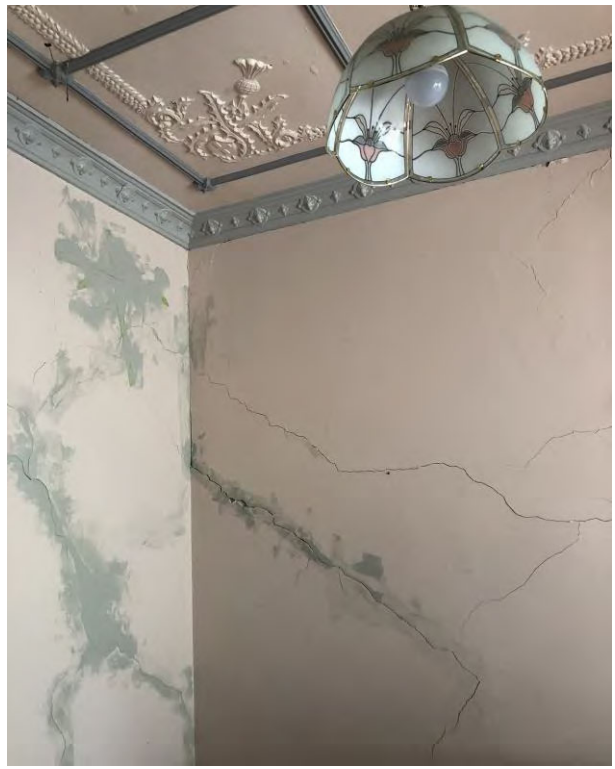


Figure 18 – View of major cracks previously patched
Source: Cheng Yang 2019

3. HISTORICAL OVERVIEW

3.1. AREA HISTORY

The following history is reproduced from Phippen, Angela, Denistone, Dictionary of Sydney, 2010, <http://dictionaryofsydney.org/entry/denistone>, viewed 07 Mar 2019.

Denistone

Denistone is one of 16 suburbs that form the City of Ryde. The city is approximately 12 kilometres from the centre of Sydney and occupies most of the divide between the Parramatta and Lane Cove rivers. Ryde is bisected from west to east by one of Sydney's busiest roads, Victoria Road. It is crossed north-south by another main road, Lane Cove Road and is skirted on the north-west by the M2 Motorway and Epping Road.

At the time of the arrival of Europeans at Sydney Cove in January 1788, the Wallumedegal or Wallumede were the traditional owners of the area which they called Wallumetta. This clan formed part of a large Dharug language group.

Modern day Denistone consists of a number of original land grants: those to Varnice, Evans and Ternan in 1795 (in the area of Denistone House); grants to William Kent in 1797 and George Patfield in 1798 (the area around The Hermitage) and those to William Broughton and Privates John Stone, Richard Taylor and Lewis Williams in 1795 (modern-day Outlook Estate). Subsequent to these grants, throughout much of the nineteenth century, Denistone was consolidated in the hands of a few families of the colonial elite.

On 22 July 1795, 120 acres (48.5 hectares), called Porteous Mount, were granted to John Varnice, Humphrey Evans and William Ternan. Varnice was granted 45 acres (18.2 hectares), Evans 45 acres and Ternan 30 acres (12.1 hectares), but the grants were not subdivided. On August 24, 1795 the Reverend Richard Johnson acquired the property. On 7 March 1800, Johnson sold it to Michael Connor, who transferred to Roger Connor on 12 June 1816.

Farms and big houses

Gregory Blaxland, a free settler, purchased the 450-acre (182-hectare) Brush Farm Estate in 1806 shortly after his arrival in the colony. This estate covered most of the area south from Terry Road to Victoria Road and Tramway Street and east from Brush Road to Shaftsbury Road. In 1829 he transferred Brush Farm Estate to his eldest daughter Elizabeth and her husband Dr Thomas Forster. Forster expanded the estate by purchasing the Porteous Mount grants of 120 acres, east of his Brush Farm Estate. Forster built an eight-room house which he called Deniston after his birthplace in England. He sold a portion of this land to his brother-in-law John Blaxland, eldest son of Gregory. Around 1842 John commissioned colonial architect John Bibb to build a brick and stone house which he called The Hermitage.

On May 23 1840, Dr Forster leased 'the dwelling houses known by the name of Deniston' and 100 acres (40.4 hectares) of land to Major Edward Darvall for a period of 12 years. Darvall was a retired English army officer with strong family connections to the British East India Company. He and his family had arrived in January 1840.

Darvall did not remain at Deniston for the 12 years mentioned in the lease, as the property was again advertised to let in the Sydney Morning Herald on 8 March 1849. Major Darvall purchased other property in the Ryde district eventually settling on a large estate of nearly 400 acres (161.8 hectares) stretching from today's Rowe Street, Eastwood to Victoria Road, West Ryde and from Shaftsbury Road to Ryedale Road. The subdivision of the Darvall estate in the twentieth century also released land that forms part of modern-day Denistone.

After the Darvalls' departure, Deniston House was occupied by D Mackellar and his family. The house was burned down by bushfires in 1855. Deniston Estate passed into the hands of Richard Rouse Terry on 9 December 1872. Terry built the stone house known today as Denistone House and resided there for many years. This was a well designed two-storey sandstone building which was completed in 1874. After Terry's death in 1898, a number of tenants occupied the home and the property was gradually subdivided.



Figure 19 – Denistone House Eastwood, around 1914.

Source: City of Ryde Library, ref no. 5075424

Subdivision and development

The Denistone Estate was opened up for sale in 1913. In that year the house itself and 17 acres (6.8 hectares) of land were acquired for a convalescent hospital for men. This subsequently became Ryde Hospital. Richard Rouse Terry's Denistone House is extant.

John Blaxland died at The Hermitage on 26 January 1884 and Richard Rouse Terry is said to have been the next owner of The Hermitage and its land, which he purchased from the Blaxland estate. The first subdivision of the land took place in 1888 when the Miriam Hill Estate near what was then Ryde railway station (now West Ryde) was subdivided.

There were spurts of subdivision in the area. The first impetus came with the opening up of the railway to Hornsby in 1886 and the increased need for both industrial and residential lots in the area. Eastwood Station (originally called Dundas) opened in October 1886, quickly becoming a busy freight depot for local fruit produce. The arrival of the railway coincided with the deaths of a number of pioneering heads of the 'old families', opening the way for their descendants to subdivide their estates.

In the early decades of the twentieth century, estates such as the Highlands and Deniston Estate were advertised. Highlands Estate (1905), was an area bounded by Blaxland, Meriam, Commissioners and Inkerman roads, and it 'unlocked at last, the homestead of the Blaxland family'. Deniston Estate, no 2, (1914) was the slice of land between Blaxland and Denistone roads, immediately to the east and north of Denistone House.

Interestingly none of these subdivision plans refer to the suburb as Denistone. Various it is Eastwood, Eastwood Ryde, Ryde Eastwood and, for good measure, West Ryde. No doubt the establishment of a railway platform halfway between West Ryde and Eastwood in September 1937, and the naming of it as Denistone, helped with the adoption of the name. It was described as

a pretty little station ... besides giving a needed facility to the locality, this Station has helped towards a considerable increase in local land values some rising, we are told, from 30/- to £5 or £10 per foot. The business of this station is mainly coaching, the district strictly residential.

No. 1 Subdivision
DENISTONE Estate
EASTWOOD
 For Auction Sale on the **GROUND** on
Saturday 19th April 1913.
 BY **J.E. GREEN & CO.** at 3 p.m.
 28 Moore St. Sydney. **TORRENS TITLE**

Terms
 One tenth Deposit. Balance in quarterly payments extending over 5 years. Interest at 5%. Right to pay off with interest to date of payment.

Building Covenant & \$300.

DEWING and HAMILTON
 Solicitors & Conveyancers
 111 Pitt Street Sydney

Richard House Terry
28 Moore St. Sydney

5/10/13

Figure 20 – No. 1 Subdivision Denistone Estate Eastwood, 19 April 1913.

Source: SLNSW, Z/SP/E3/69

Ryedale estate to Outlook estate

After the coming of the railway, the next impetus to subdivision in the area began in the mid-1920s and was spurred by the promise of a railway link between Eastwood and St Leonards. Because of this promise, a subdivision in Denistone called the Outlook Estate was developed, bounded by Bellevue, Trelawney, Chatham and Burmah roads as far north as Outlook Park, in the westernmost part of the suburb. It had been part of the Ryedale estate, 400 acres (161.8 hectares) which became part of western Denistone and surrounding suburbs.

The land on which the Outlook Estate is now located was first granted jointly to a storekeeper, William Broughton, and to Privates John Stone, Richard Taylor and Lewis Williams on 22 July 1795. This was called Chatham Farm and was bounded (approximately) by the intersections of modern-day Rowe Street and Shaftsbury Road, the intersection of Bigland Avenue and Shaftsbury Road, the intersection of Simla and Chatham Roads, and the Eastwood Centre. The southern part of this grant is now part of Denistone, while the northern part is now part of Eastwood. One month after the grant was made, William Broughton purchased the shares of his partners. Before leaving for Norfolk Island to take up a position of storekeeper in 1802, Broughton appointed Captain John Macarthur (of the New South Wales Corps) as his Sydney attorney. Macarthur sold Chatham Farm to Lieutenant John Brabyn (c1759-1835). He had arrived in Sydney as an ensign of the New South Wales Corps aboard the Marquis Cornwallis in 1796.

Three months after purchasing Chatham Farm, Brabyn was granted a further 200 acres (81 hectares) within modern-day Denistone, a grant he subsequently named York Farm. John Bennett, who had also arrived on the Marquis Cornwallis, with a seven-year sentence, leased 10 acres (4 hectares) of Chatham Farm from at least 1802, at which time his sentence had expired. John Brabyn sold Chatham Farm in June 1806 to John Bennett. In 1818 Bennett expanded the farm by purchasing a large section of the estate of William Balmain. With this acquisition, Bennett's land extended from modern-day Rowe Street to the Parramatta River, and from Ryedale Road to Shaftsbury Road north of Victoria Road, and Station Street to the Ryde-Parramatta golf course south of Victoria Road.

John Bennett never married. Upon his death in July 1829 Chatham Farm was inherited by his nephew William Bennett (died 1865) who had arrived in Sydney in 1820 as a midshipman in the Royal Navy. William and his wife Susan (or Susannah) Brown lived in Chatham Cottage. The cottage was located near the modern-day intersection of Bellevue and Bigland avenues. Later, they built a five-room stone cottage on what was later the site of the Meadowbank tennis courts.

On 20 July 1855 William and Susan Bennett sold 373 acres (151 hectares) of their estate to Major Edward Darvall. This land sale involved land from four original grants: James Thompson's original grant, Chatham Farm, Balmain Farm and most of Henderson Hill. Soon after purchasing their estate, the Darvalls built a two-storey mansion on the site of St Columb's Church (Ryedale House) and planted a 50-acre (20-hectare) orchard around it. Upon the Major's death in 1869, the ownership of the Ryedale land passed to his widow, his second wife, Jane Darvall (nee McCullough).

While other estates were subdivided in the last decades of the nineteenth century, Jane Darvall kept the majority of the Ryedale estate intact until the beginning of the twentieth century. When Jane Darvall died in 1899 the estate was inherited by her only son Anthony William Darvall. The subdivision of the Ryedale estate was begun by him. Anthony William's sons, Edward Roger and George Harrison Darvall, and his son-in-law William Herbert Bean continued the subdivision of the former Darvall Estate following Anthony's death in 1915. Darvall Estates 2 and 3, (1915) northern Anthony Road and Miriam Road in Denistone were part of this.

The Outlook Estate was the sixth and last subdivision of the Ryedale estate. The 124 home sites were advertised for private sale in 1929. The building of these houses took place during the 1930s and 1940s. The Eastwood-St Leonards railway line was never built.

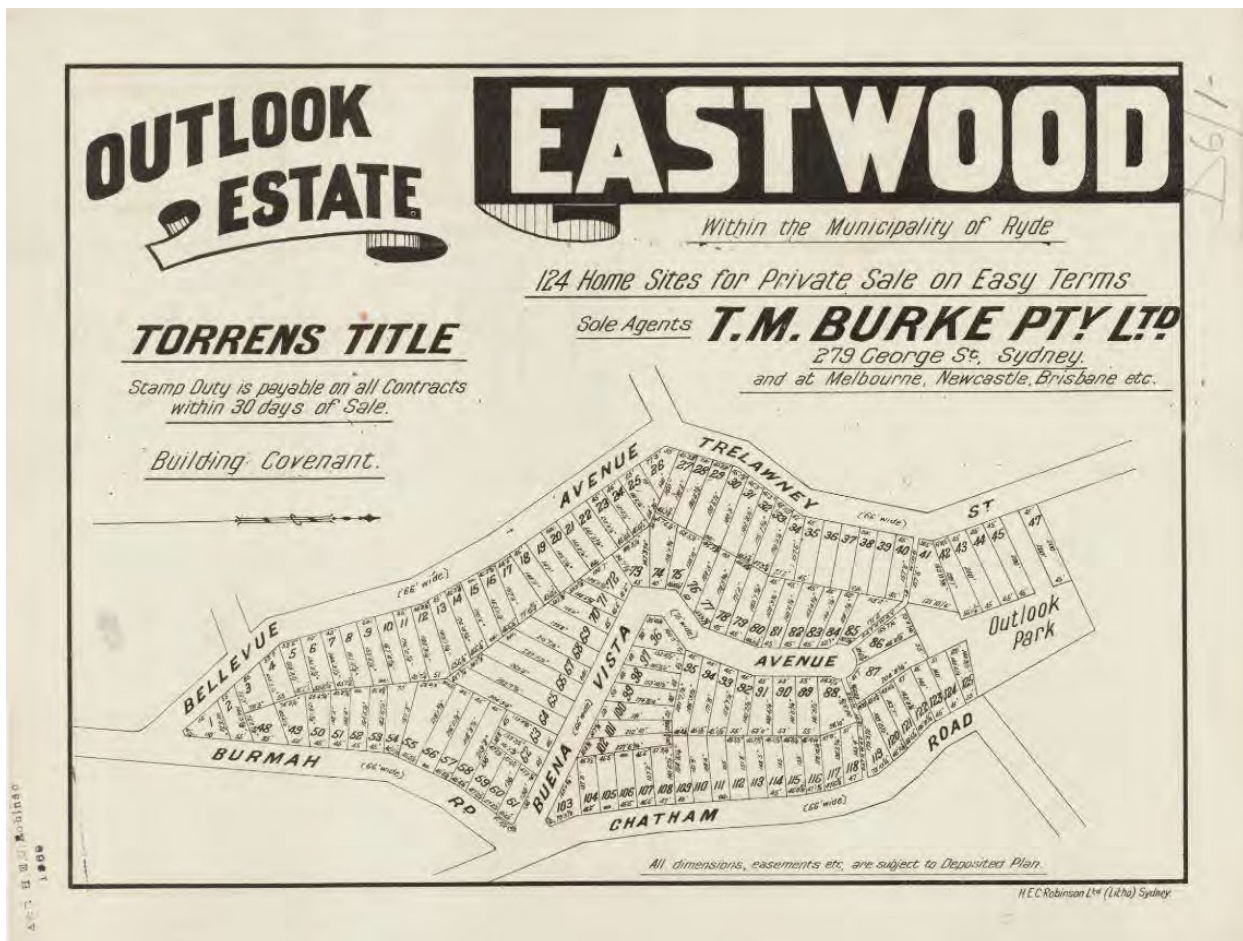


Figure 21 – Outlook Estate Eastwood Within the Municipality of Ryde, undated.

Source: SLNSW, Z/SP/D6/1

3.2. SITE HISTORY

The subject site is located on part of Lots 23, 24 and 25 in Section 4 of DP7997 (Denistone Estate), being originally part of 180 acres (48.56ha) granted to John Varnice, Humphry Evans and William Ternan on 22 July 1795. Following a succession of owners “Deniston” house was built on this land. The original house burnt down in 1855 and was rebuilt as a large sandstone house (Figure 19) in 1872 by Richard Rouse Terry.

In January 1894, 128 acres 3r 4¼ perches of land was registered in the ownership of Richard Rouse Terry.³ Following his death in 1898, the property remained substantially intact until 1913 when the first subdivision of the Denistone Estate took place (Figure 20). It comprised 169 allotments at Eastwood,⁴ a rapidly growing and progressive suburb. The auction sale was held on 19 April the same year.

The large parcel of land passed by transmission in May 1914 to Frank David Muller and John Edgar Terry. They promptly subdivided a further portion of the property as Denistone Estate Subdivision No. 2 (Figure 22). It comprised “110 choice elevated building sites fronting Blaxland road and other roads...three minutes walk from the Eastwood Railway Station, on the right-hand side of line from Sydney”.⁵ The allotments each had a frontage of 66ft by depths up to 250ft and were offered with a building covenant of £300. The auction was held on 5 December 1914. The residue of unsold allotments was offered for sale the following year.

³ CT Vol 1115 Fol 59, NSW LRS

⁴ At this date, the present suburb of Denistone was known as Eastwood.

⁵ “This Day Eastwood-Ryde”, *Daily Telegraph*, 5 December 1914, p20



Figure 22 – Denistone Estate Subdivision No. 2, 5 December 1914. Subject site outlined in red thereon.

Source: SLNSW, Z/SP/E3/3

In November 1917, Lot 23 in Section 4 of the Denistone Estate Subdivision No. 2 was sold to Samuel Watson of Petersham, clerk.⁶ Simultaneously, the adjoining parcel, Lot 24, was conveyed to Christina Ann Jones.⁷ Watson conveyed part of Lot 23 to Jones in October 1919. Two months later, the respective parcels of land were consolidated on a single certificate of title in the name of Christina Ann Jones of Ryde, widow. She erected a house on this land called “Lanark Brae”, after her previous house in Wisdom Road, Greenwich, where she had lived with her late husband, Rev Henry Jones. She is listed for the first time in the *Sands Directory* in Denistone Avenue in 1921. The architect and builder of the subject residence are not known.

The following year, Jones enlarged her property further by the acquisition of part of Lot 25.⁸ This was registered on a new consolidated title in September 1924, totalling 1 rood and 23¾ perches of land as shown in Figure 25. Two months later, she conveyed the subject site to her son, Henry Spencer Jones⁹ and he and his wife moved in with her. According to the 1924 Assessment Card, Lanark Brae was described as a “d. (detached) F. Bk.(brick) Ctge, (cottage) Tile Roof, 5 rooms, K & O (kitchen & offices)”. Henry Spencer Jones was named owner and occupant in this record.

“H Jones” lodged an application to Eastwood Council in 1926 to erect a garage at Denistone Avenue and Florence Avenue with an estimated cost of 40 pounds.¹⁰ This structure is visible in the 1943 aerial survey on what appears to be that portion of the site comprising part of Lot 25 (Figure 25).

According to the 1930 electoral roll, the subject property is in the occupation of Christina Ann Jones and her son and daughter-in-law, Henry Spencer Jones and Margaret Zara Jones.¹¹

Figure 24 comprises the detail survey of the subject site in September 1937 with the footprint of the buildings thereon. By 1939, Lanark Brae is described as a cottage owned and occupied by Henry Spencer Jones with an unimproved/improved/assessed annual value (UCV/ICV/AAV) of 488/1900/129 pounds.

⁶ CT Vol 2807 Fol 108, NSW LRS

⁷ CT Vol 2807 Fol 89, NSW LRS

⁸ CT Vol 3345 Fol 189, NSW LRS

⁹ *ibid.*

¹⁰ “Tenders accepted – stables and garages”, *Construction and Local Government Journal*, 19 May 1926, p1

¹¹ *Commonwealth Electoral Rolls New South Wales Parramatta Ryde West 1930*, ancestry.com.au

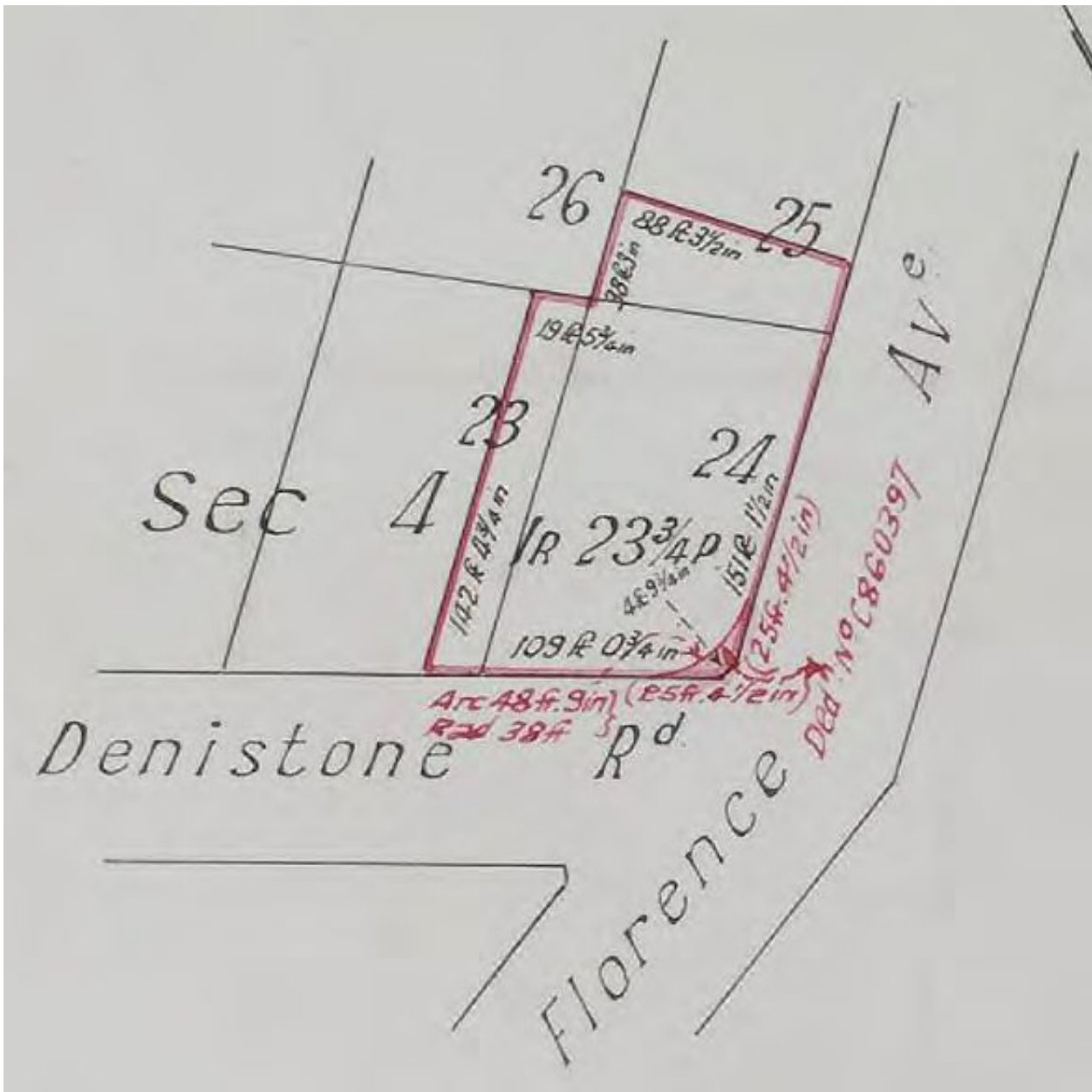


Figure 23 – Block plan of land owned by Christina Ann Jones accompanying CT Vol 3643 Fol 41, September 1924.
 Source: NSW LRS



Figure 24 – Extract from Detail Survey Ryde Sheet 159, Date of Survey September 1937. Subject site outlined in red.
 Source: Ryde Library Local Studies Collection, 15484

Christina Jones passed away in September 1939. Her passing was marked by an obituary in *The Methodist* as follows:

Eastwood Circuit is all the poorer for the passing of one who gave of her very best to God's cause. Mrs. Jones was a native of Ryde, and the home where she was made so happy by her son and daughter-in-law, and from which the funeral moved, was but a short distance from the home of her girlhood.

That home of the Short family was a synonym for hospitality and deep loyalty to Christ and Christ's ministers. Nearly fifty years ago her marriage with Rev. Henry Jones took place, and, like many another of our ministers' wives, she worked with her husband in circuits that were difficult, and where climatic conditions were terribly severe. She was a true mother, and through many dark days, when death invaded the parsonage, taking her babies one by one, her faith never faltered.

When her only child felt that it was a man's job that had to be done at the Great War, no restraining hand was placed on him, and she was left a desolate but proud mother. He returned to be a never-ending comfort, a strong tower to her in her declining days. At the funeral service held in the home, Rev. W. H. Jones, her nephew, very tenderly spoke of her loving solicitude and unfailing brightness of disposition. Her happiness had a contagious quality, and those who went to cheer were more often themselves cheered. She was the captain of her own soul, and did her own thinking.

She hated humbug, and had a very sure touch in the appraisalment of her fellows. Notwithstanding this, she was full of kindness, and hers was a large love. Her brave and independent life was founded on a faith that carried her triumphantly over "the last long mile". She loved life and all the sweetness and opportunity it brought to her, yet when she knew that all hope had to be surrendered there was no complaining, but a quiet acceptance of the burden. She died as she had lived — with the peace of God in her heart. How could we do ought but thank God upon every remembrance of her?¹²



Figure 25 – Detail from 1943 aerial survey of Sydney showing subject site shaded yellow.

Source: NSW LRS, SixMaps

Henry and Margaret Jones continued to own and occupy 68 Denistone Road until 1961 when it was sold to Olga Blanche Scott of Eastwood.¹³ She and her family moved into the house soon after. According to the 1963 electoral roll, 68 Denistone Road was occupied by Olga Blanche Scott, Stanley Norman Scott and Janice Elaine Scott. Norman is described therein as ‘company director’, and Olga and Janice as “home

¹² “Mrs Christina Jones”, *The Methodist*, 3 November 1934, p15

¹³ CT Vol 5112 Fol 217, NSW LRS

duties". They occupied the home until 1987 when it was conveyed to Robert John Hickman and Suzanne Zoe Hickman. Three years later, the property changed hands to Graeme Lloyd Willis and Doreen Myfanwy Willis.

3.3. PROPERTY OWNERS

Table 1 – Property Owners

Date	Owner	Title reference
Jul 1795	John Varnice, Humphry Evans and William Ternan	Crown Grant of 120 acres
Aug 1795	Rev Richard Johnson	
Mar 1800	Michael Connor	
Jul 1816	Roger Connor	
Dec 1837	Thomas Forster	
Dec 1872	Richard Rouse Terry	
Mar 1884	Richard Rouse Terry	CT Vol 686 Fol 191
Jun 1885	Richard Rouse Terry	CT Vol 744 Fol 24
Nov 1888	Richard Rouse Terry	CT Vol 901 Fol 153
Jan 1894	Richard Rouse Terry	CT Vol 1115 Fol 59
May 1914	Frank David Muller and John Edgar Terry	
Nov 1917	Christina Ann Jones (Lot 24 Sec 4 DP7997)	CT Vol 2807 Fol 89
Nov 1917	Samuel John Watson (Lot 23 Sec 4 DP 7997)	CT Vol 2807 Fol 109
Oct 1919	Christina Ann Jones (part Lot 25 Sec 4 DP7997)	
Nov 1921	Frank David Muller and John Edgar Terry (residue of unsold allotments inc Lot 25 Sec 4 DP7997)	CT Vol 3255 Fol 9
Dec 1919	Christina Ann Jones (Lot 24 & part Lot 23 sec 4 DP7997)	CT Vol 2996 Fol 136
Aug 1922	Christina Ann Jones (Lot 25 Sec 4 DP 7997)	CT Vol 3345 Fol 189
Sep 1924	Christina Ann Jones (Lot 24 & part lots 23 and 25 Sec 4 DP7997)	CT Vol 3643 Fol 41
Oct 1924	Henry Spencer Jones	
Jan 1940	Henry Spencer Jones	CT Vol 5112 Fol 217
Oct 1961	Olga Blanche Scott	
Jul 1987	Robert John Hickman	
Feb 1990	Graeme Lloyd Willis and Doreen Myfanwy Willis	

3.4. DATE OF CONSTRUCTION

The existing dwelling at 68 Denistone Avenue was built in 1920. The architect/builder is not known. Henry Spencer Jones built the garage in 1926.

3.5. ALTERATIONS AND ADDITIONS

Due to time constraints, no information is provided here for alterations and additions to the property as GIPA applications to Council can take up to one month to process files for access. However, we note that the dwelling has been extended to the rear to provide for a further bedroom, during the mid to late twentieth century.

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.1. HERITAGE LISTING

The subject site is not a listed heritage item under any statutory planning instrument, nor is it located within a heritage conservation area. The site is located within close proximity to two heritage items, as follows:

- Item 47, “Denistone House” and “Trigg House” (Ryde Hospital), locally-significant heritage item.
- Item 125, Open space, Denistone Park, locally-significant heritage item.



Figure 26 – Extract of heritage map, subject site outlined in blue

Source: Ryde Local Environmental Plan 2014, Heritage Map HER_002

A Development Application was lodged to Ryde Council on 28 August 2018 for the consolidation of all three lots within the subject property, and subdivision into two lots (LDA2018/0340). Following this Development Application lodgement, Council resolved on 25 September 2018 to apply an Interim Heritage Order (IHO) to the subject property. The Development Application (LDA2018/0340) was subsequently refused by Ryde Council on 31 October 2018.

The IHO will lapse on 26 March 2019. Ryde Council has until this date to pass a resolution to list the property as an item of local heritage significance on the local environmental plan. We understand that at its Ordinary meeting of 26 February 2019, Ryde Council resolved to lodge a Planning Proposal with the NSW Planning Minister, to include 68 Denistone Road, Denistone on the heritage schedule of the Ryde Local Environmental Plan 2014.¹⁴

¹⁴ City of Ryde, City of Ryde Council Meeting Summary – February Meeting, accessed online at <https://www.ryde.nsw.gov.au/Council/Media-Centre/News-and-Public-Notices/City-of-Ryde-Council-meeting-summary-February-meeting>

4.2. COMPARATIVE ANALYSIS



In order to assess the potential rarity value of the subject property within the Ryde LGA and the broader Sydney area, we have included the following comparative analysis which seeks to identify and assess other similar dwellings of the Californian Bungalow typology within the Ryde LGA and the immediate area.

We have identified a small number of interwar / Californian Bungalows which are currently heritage listed either on the Ryde Local Environmental Plan 2014 or on State Government Section 170 Heritage and Conservation Registers. In addition to this collection of highly intact and well-preserved examples of the typology, the immediate surrounds to Denistone Road contains a vast number of similarly intact examples of Californian Bungalow dwellings. We have included an additional 12 examples of this typology from immediately surrounding streets, including Third Avenue, Fourth Avenue, Ryedale Road, Blaxland Road and Rutledge Street (*inter alia*).



This analysis has confirmed that the subject property is one of many examples of the Californian Bungalow typology located in the immediate area and within the Ryde LGA, and cannot be considered rare or endangered in this context. With consideration for the current condition of the subject dwelling, and the structural report findings outlined in Section 2.2 of this report, the subject property is certainly not the most intact or well-preserved example of its typology when compared with those included in the comparative analysis hereunder. There are larger examples of this typology with higher integrity within the immediate locality.

Further, the subject property is not considered to be a rare or endangered typology in the context of the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development. In other areas of Sydney there are also groups of this typology located within heritage conservation areas and which already have a degree of heritage protection.

Table 2 – Inter-War Bungalows





Property	Detail	Image
<p>64 Tarrants Road, Eastwood NSW</p> <p>Heritage listed on RTA s170 Heritage and Conservation Register.</p>	<p>Form: Gabled Californian bungalow. Style/Period: Inter-war (c.1923). Stores: 1. Roof: Marseilles tiles unglazed. Walls: Two-tone brickwork. Boarded and battened gables. Shingles at apex. Fenestration: Timber casements. Alterations: Small rear extension c1960.</p> <p>Statement of Significance:</p> <p><i>Located on a large corner allotment, the house is of local significance as a very good example of an interwar period Californian bungalow retaining many original features and making a positive and substantial contribution to the local streetscape.¹⁵</i></p>	 <p>Source: NSW State Heritage Inventory</p>  <p>Source: onthehouse.com.au</p>






¹⁵ NSW State Heritage Inventory, accessed online at <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=4305615>





Property	Detail	Image
<p>8 Rutledge Street, Eastwood NSW</p> <p>Heritage listed on RTA s170 Heritage and Conservation Register.</p>	<p>Form: Large corner bungalow with gables on 2 sides.</p> <p>Style/Period: Inter-War Arts & Crafts.</p> <p>Stores: 1</p> <p>Roof: Marseilles tiles. The rough cast render gables with decorative timber vents.</p> <p>Walls: Two-tone brick.</p> <p>Fenestration: Timber double hung sash.</p> <p>Alterations: Sympathetic extension at rear.</p> <p>Landscaping: Fine maple tree specimen.</p> <p>Statement of Significance:</p> <p><i>The house is of local significance as a very good example of an Arts & Crafts bungalow. Prominently situated on a corner lot, the house is a key building in the streetscape.</i>¹⁶</p>	 <p>Source: NSW State Heritage Inventory</p>
<p>16 Miriam Road, West Ryde, NSW</p> <p>Heritage Item 218 (Ryde LEP 2014)</p>	<p>Wallington - Inter-war California Bungalow dwelling</p> <p>Date: c1922.</p> <p>Statement of Significance:</p> <p><i>The house "Wallington" at 16 Miriam Road, West Ryde, constructed circa 1921-1922 is of historical significance as part of the first subdivision of the Darvall Estate of 1911 and as evidence of the early 20th century suburban development of West Ryde. The covenant imposed on the original land title for the site illustrates early 20th century town planning to prevent the construction of non-residential development or inferior types of housing in the area. The house is of aesthetic significance as a fine representative example of an Inter-war California Bungalow style dwelling in a garden setting, contemporary with, and with a visual relationship to, other nearby heritage-listing dwellings in Miriam Road. The site has additional aesthetic significance for its leafy streetscape and park outlook.</i>¹⁷</p>	 <p>Source: NSW State Heritage Inventory</p>




¹⁶ NSW State Heritage Inventory, accessed online at <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=4305616>



¹⁷ NSW State Heritage Inventory, accessed online at <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2340424>

Property	Detail	Image
<p>514 Blaxland Road, Denistone, NSW</p>	<p>Californian Bungalow</p> <p>Date: unknown, c. early 1920s</p> <p>Listed: Not listed</p> <p>The dwelling at 514 Blaxland Road comprises an Inter-War bungalow of face brick with terracotta tiled roof. The dwelling occupies a corner block and has gables ends to both street frontages. Original exterior features include bay windows and brick chimney.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google Maps, 2019</p>
<p>54 Fourth Avenue, Denistone</p> <p>Not heritage listed</p>	<p>Single storey face-brick Californian Bungalow, constructed in c.1920s. The property is on a prominent corner location and contains landscaping contemporary to the dwelling, including large palm trees.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>
<p>22 Third Avenue, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey face-brick Californian Bungalow, constructed in c.1920s. The dwelling has a large gabled front over a deep-set verandah with sandstone foundations and verandah pillars.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google maps 2019</p>

Property	Detail	Image
<p>24 Third Avenue, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-fronted face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>
<p>37 Clanwilliam Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google maps 2019</p>
<p>6 Stewart Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens. The dwelling features a substantial sandstone foundation and verandah columns.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing, original sash timber windows and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>

Property	Detail	Image
<p>14 Stewart Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-fronted face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set verandah with decorative plaster verandah colonettes.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>(current photo obscured by vegetation)</p>  <p>(2004 image before tree growth) Source: Google maps 2019 & onthehouse.com.au</p>
<p>84 Ryedale Road, Denistone NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens and timber shingle detailing. The dwelling features decorative brick and plastered verandah colonettes.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing, original sash timber windows and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>

Property	Detail	Image
<p>54 Denistone Road, Denistone NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-fronted face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens. The dwelling features decorative brick and verandah columns with twin timber verandah posts.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing, original sash timber windows and decorative ceilings. Original timber fireplace surrounds are extant. The building has a high degree of integrity.</p>	 <p>Source: realestate.com.au</p>
<p>34 Denistone Road, Denistone NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set enclosed verandah with casement windows.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: onthehouse.com.au</p>
<p>20 Third Avenue, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled rendered Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set stucco-rendered verandah.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google maps 2019</p>

Property	Detail	Image
<p>19 Clanalpine Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, single-fronted face-brick and rendered interwar Bungalow, constructed in c.1910s-1920s. The dwelling has one prominent gable to the principal elevation with decorative timber battens, and decorative Arts and Crafts detailing including decorative timber brackets and lead light windows.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: realestate.com.au</p>
<p>91 Rutledge Street, Eastwood NSW</p>	<p>Single storey, double-gabled face-brick interwar Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set face brick verandah.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: realestate.com.au</p>

4.3. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 3 – Assessment of heritage significance

Criteria	Significance Assessment
<p>A – Historical Significance</p> <p><i>An item is important in the course or pattern of the local area's cultural or natural history.</i></p>	<p>The subject property is a good example of a Californian Bungalow of the period and has representative value for its external streetscape contribution. It contains a number of details of the typology, however these are common throughout other buildings of the period and considered typical of the style.</p> <p>The subject property does not represent an original or significant subdivision pattern and is instead a consolidation of multiple lots acquired after the principal lot was purchased.</p> <p>The subject property does not demonstrate strong associations to any significant past philosophies, customs or practices. The property comprises a dwelling typical of the period in common style and detailing.</p> <p>The subject property is not associated with any significant historical events.</p> <p>The existing landscaping contains both contemporary and mature vegetation, however this landscaping is not in itself significant and does not in itself demonstrate significant uses, other than residential occupation from the period of construction of the dwelling.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows evidence of a significant human activity <input type="checkbox"/> • is associated with a significant activity or historical phase <input type="checkbox"/> • maintains or shows the continuity of a historical process or activity <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> • provides evidence of activities or processes that are of dubious historical importance <input checked="" type="checkbox"/> • has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/>

Criteria	Significance Assessment
<p>B – Associative Significance</p> <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i></p>	<p>The subject property has no known significant associations. The dwelling is not designed by a well-known architect. The occupants of the dwelling from its construction have no particular significance in the local community. The property is not associated with any significant events or people, nor does the fabric of the dwelling demonstrate any significant associations.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows evidence of a significant human occupation <input type="checkbox"/> • is associated with a significant event, person, or group of persons <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/> • provides evidence of people or events that are of dubious historical importance <input type="checkbox"/> • has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/>

Criteria	Significance Assessment
<p>C – Aesthetic Significance</p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The subject property is a good example of an interwar Californian Bungalow, and contains representative values commensurate with its period and style.</p> <p>The building is not associated with any well-known or important architects or builders.</p> <p>The dwelling is of typical construction, form and layout, and contains features common for the period and style. The building does not demonstrate any distinctive aesthetic attributes.</p> <p>The building demonstrates no technical or innovative achievements in its design or construction. The building has a typical face-brick and rendered exterior and has no external features which are rare or unusual, and which are not already represented in other examples of its typology.</p> <p>The property occupies a prominent corner position which enhances its aesthetic quality, however this presentation is typical of many corner dwellings of the area (refer to the Comparative Analysis at Section 4.2), and the building is otherwise typical of its period.</p> <p>The dwelling is in a dilapidated state of repair and is structurally unsound (refer to the Structural Engineer's findings outlined at Section 2.2). As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> • is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> • is aesthetically distinctive <input type="checkbox"/> • has landmark qualities <input type="checkbox"/> • exemplifies a particular taste, style or technology <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is not a major work by an important designer or artist <input checked="" type="checkbox"/> • has lost its design or technical integrity <input checked="" type="checkbox"/> • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> • has only a loose association with a creative or technical achievement <input type="checkbox"/>

Criteria	Significance Assessment
<p>D – Social Significance</p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>The subject property is a residential dwelling and has been occupied for its residential amenity since its initial construction. There are no known significant social associations with the subject property, and the property does not have any demonstrated cultural value for the community. The property does not contribute to the community's sense of place, and is instead a typical residential dwelling of the locality within a residential neighbourhood.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • is important for its associations with an identifiable group <input type="checkbox"/> • is important to a community's sense of place <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is only important to the community for amenity reasons <input checked="" type="checkbox"/> • is retained only in preference to a proposed alternative <input type="checkbox"/>
<p>E – Research Potential</p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p>	<p>The subject property is a typical interwar Californian Bungalow of its period, and does not contain any rare, endangered or technically innovative features for the typology.</p> <p>The dwelling is of a common construction type with face-brick and render exterior, and common internal features for the period. The building contains only representative features of the period which are also demonstrated in other more intact examples of the typology in the immediate locality.</p> <p>The subject property once formed part of the broader Denistone Estate land holding, however it is unknown whether any earlier structures may have been present on the current property location prior to the existing dwelling. Notwithstanding the above, it is beyond the scope of this report to assess the archaeological potential of the place.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> • is an important benchmark or reference site or type <input type="checkbox"/> • provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/> • has little archaeological or research potential <input type="checkbox"/> • only contains information that is readily available from other resources or archaeological sites <input checked="" type="checkbox"/>

Criteria	Significance Assessment
<p>F – Rarity</p> <p><i>An item possesses uncommon, rare or endangered aspects of the local area’s cultural or natural history.</i></p>	<p>We have identified a small number of interwar / Californian Bungalows which are currently heritage listed either on the Ryde Local Environmental Plan 2014 or on State Government Section 170 Heritage and Conservation Registers. In addition to this collection of highly intact and well-preserved examples of the typology, the immediate surrounds to Denistone Road contains a vast number of similarly intact examples of Californian Bungalow dwellings.</p> <p>This analysis has confirmed that the subject property is one of many examples of the Californian Bungalow typology located in the immediate area and within the Ryde LGA, and cannot be considered rare or endangered in this context. With consideration for the current condition of the subject dwelling, and the structural report findings outlined in Section 2.2 of this report, the subject property is certainly not the most intact or well-preserved example of its typology when compared with those included in the comparative analysis hereunder. There are larger examples of this typology with higher integrity within the immediate locality.</p> <p>Further, the subject property is not considered to be a rare or endangered typology in the context of the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development. In other areas of Sydney there are also groups of this typology located within heritage conservation areas and which already have a degree of heritage protection.</p> <p>The subject dwelling is not the only example of its type, does demonstrate techniques of exceptional interest and does not provide evidence of a defunct custom.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>

Criteria	Significance Assessment
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • provides evidence of a defunct custom, way of life or process <input type="checkbox"/> • demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/> • shows unusually accurate evidence of a significant human activity <input type="checkbox"/> • is the only example of its type <input type="checkbox"/> • demonstrates designs or techniques of exceptional interest <input type="checkbox"/> • shows rare evidence of a significant human activity important to a community <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is not rare <input checked="" type="checkbox"/> • is numerous but under threat <input type="checkbox"/>
<p>G – Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> • <i>cultural or natural places; or</i> • <i>cultural or natural environments.</i> 	<p>The subject property is a good example of an interwar Californian Bungalow and contains representative values commensurate with its period and style. However, the property is in a poor state of repair and a number of internal features have been lost, are damaged or are beyond repair. The property is not a fine or exemplar example of its type. The building has a low level of integrity.</p> <p>The building is not associated with any well-known or important architects or builders.</p> <p>The dwelling is of typical construction, form and layout, and contains features common for the period and style. The building does not demonstrate any distinctive aesthetic attributes and has only the principal characteristics of the typology.</p> <p>The building demonstrates no technical or innovative achievements in its design or construction. The building has a typical face-brick and rendered exterior and has no external features which are rare or unusual, and which are not already represented in other examples of its typology.</p> <p>The property occupies a prominent corner position which enhances its aesthetic quality, however this presentation is typical of many corner dwellings of the area (refer to the Comparative Analysis at Section 4.2), and the building is otherwise typical of its period.</p> <p>Overall, the building has some representative value, however it does not meet the threshold for heritage listing under this criterion.</p>

Criteria	Significance Assessment
<u>Guidelines for Inclusion</u>	<u>Guidelines for Exclusion</u>
<ul style="list-style-type: none"> • is a fine example of its type <input type="checkbox"/> • has the principal characteristics of an important class or group of items <input checked="" type="checkbox"/> • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> • is a significant variation to a class of items <input type="checkbox"/> • is part of a group which collectively illustrates a representative type <input type="checkbox"/> • is outstanding because of its setting, condition or size <input type="checkbox"/> • is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/> 	<ul style="list-style-type: none"> • is a poor example of its type <input type="checkbox"/> • does not include or has lost the range of characteristics of a type <input checked="" type="checkbox"/> • does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/>

4.4. STATEMENT OF SIGNIFICANCE

The subject property at 68 Denistone Road, Denistone is a good externally representative example of the interwar Californian Bungalow typology.

The building demonstrates the principal characteristics of its typology however these are common throughout the Ryde LGA and Sydney more broadly, in more intact examples. It does not contain any rare, endangered or technically innovative features for the typology. The building was not designed by an important or well-known architect, and the property has no known significant historical associations.

The dwelling is in a dilapidated state of repair and is structurally unsound. As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.

The subject property is not considered to be a rare or endangered typology in the context of Ryde LGA or the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development.

The property has been occupied for residential purposes since its construction, and holds no particular significance to the community, and has no known significant social values.

Overall the subject property is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for assessing heritage significance provided for by the NSW Heritage Division.

4.5. COUNCIL'S HERITAGE ASSESSMENT

Irrespective of the history and accuracy or otherwise of the council reasons for listing, the IHO raises a very fundamental and important issue that we would suggest threatens the basis of heritage planning in Ryde.

If Council intends to randomly list properties (that is outside undertaking a comprehensive heritage study), through the IHO process, as a response to a DA that may be submitted for a site with an older building, what is the purpose of heritage listing at all? If there is not a reasonable level of certainty about whether a place is heritage listed or not, the LEP heritage schedule must be considered of little value to owners and at unreliable to the point where it should not have status.

Ryde has undertaken numerous and comprehensive heritage studies. The IHO process as it is being implemented, we suggest, undermines the sound heritage base of Ryde and places at risk the properly assessed and listed places.

Even if a place of some heritage value has been overlooked in a study process, if the LEP listings cannot be relied on at the point of lodging an application, the Council has failed to act in accordance with the provisions of its LEP and it must be assumed that any property is capable of heritage listing outside the usual LEP review process.

68 Denistone Road is not a heritage item, is not within or near a heritage precinct, does not reach the threshold for heritage listing as an item when compared with heritage listed buildings the same period in the suburb, is in a noticeable location where it cannot be argued that it has been overlooked in earlier studies and does not have the significance or history that council attribute to it. Council has gazetted heritage sites in the vicinity, so there has been a professional review of the area in the past.

If this building were to be heritage listed as a result of this process, I would suggest there would be hundreds of similar unlisted buildings that then must be immediately heritage listed simply on the basis of fairness and the listing threshold that has been established. The random listing of a typical and non-distinctive building undermines the credibility and process of listing in the Council area.

Perhaps the difficulty of this site is that it is an attractive interwar period house that was not significant enough to heritage list but when threatened with removal upsets the local community as they do not wish to see change or a new development. Council should, if they wish to lower the threshold for heritage listing, review the former studies and add a wide range of buildings to the heritage lists. I would suggest this could extend into many hundreds of buildings. However, if the intent of heritage listing is to retain significant buildings and precincts based on the established thresholds and criteria, the IHO fails. This is particularly so when it has been documented that Council's external heritage consultant did not view the interior of the property and there has been no formal assessment or repudiation of the condition of the property.

The heritage study in support of the IHO therefore does not stand up to scrutiny and if this is the basis of the listing it should not proceed. The conclusion from the study appears to be that every typical bungalow in Sydney should be individually listed. This requires a more comprehensive philosophical debate before these dwellings are listed. For a study of this kind it should be assumed that the study would be wider and provide a more comparative analysis of the Municipality and even further. There has been a review of interwar houses over Sydney and the dwelling at 68 Denistone Street certainly does not reach the threshold for individual significance and is not in a cohesive area that warrants a contributory status.

5. CONCLUSION AND RECOMMENDATIONS

The potential heritage significance of the subject property has been assessed in Section 4.3 of this report, supported by this historical analysis included at Section 3.2 and the comparative analysis included at Section 4.2.

Overall the subject property is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for assessing heritage significance provided for by the NSW Heritage Division. The assessed significance of the place can be summarised as follows:

The subject property at 68 Denistone Road, Denistone is a good externally representative example of the interwar Californian Bungalow typology.

The building demonstrates the principal characteristics of its typology, however these are common throughout the Ryde LGA and Sydney more broadly, in more intact examples. It does not contain any rare, endangered or technically innovative features for the typology. The building was not designed by an important or well-known architect, and the property has no known significant historical associations.

The dwelling is in a dilapidated state of repair and is structurally unsound. As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.

The subject property is not considered to be a rare or endangered typology in the context of Ryde LGA or the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development.

It is understood that no internal inspection was made of the property by Council's consultants in its investigation and this is unacceptable in terms of determining significance.

The property has been occupied for residential purposes since its construction, and holds no particular significance to the community, and has no known significant social values.

6. BIBLIOGRAPHY AND REFERENCES

6.1. INTERNET SOURCES

Department of Lands 2019, Spatial Information Exchange, Department of Lands, Sydney, available at: <<http://imagery.maps.nsw.gov.au/>>.

Google Maps 2019, Aerial view of subject site, available at: <<http://maps.google.com.au/maps?hl=en&tab=wl>>.

6.2. MONOGRAPHS AND REPORTS

Apperly, R., Irving, R. and Reynolds, P. (eds) 2002, *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present*, Angus and Robertson, Pymble.

Australia ICOMOS 1999, *The Burra Charter: 2013* The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, Burwood.

Heritage Office and Department of Urban Affairs & Planning 1996, *NSW Heritage Manual*, Heritage Office and Department of Urban Affairs & Planning (NSW), Sydney.

Heritage Office 2001, *Assessing Heritage Significance*, Heritage Office, Parramatta.

6.3. PRIMARY SOURCES

6.3.1. NSW Land Registry Services (NSW LRS)

Certificates of Title: Vol 1115 Fol 59, Vol 2807 Fols 89 & 109, Vol 2996 Fol 136, Vol 3255 Fol 9, Vol 3345 Fol 189, Vol 6112 Fol 217

1943 aerial survey of Sydney (SIXMaps)

6.3.2. State Library of New South Wales (SLNSW)

Subdivision Plans: Z/SP/D6/, Z/SP/E3/69, Z/SP/E3/3

6.3.3. City of Ryde Library

Photograph of Denistone House, ref no 5075424

6.4. NEWSPAPERS

The Methodist, 3 November 1934, p15

Daily Telegraph, 5 December 1914, p20

Construction and Local Government Journal, 19 May 1926, p1

[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



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Dear Victor,

Thank you for showing us over 68 Denistone Road on Saturday. Roy and I have discussed the situation and came away with the following thoughts:

- The house was potentially a heritage item at one time, being a superior example of an Interwar California Bungalow style dwelling. Its significance would have been demonstrated largely in the physical fabric, detailing, form and garden setting of the place, rather than other standard criteria formulated by the Heritage Council of NSW, such as historical, associational, social or scientific values.
- However, the condition of the property has deteriorated under the prior owner. The building fabric confirms that deterioration has been underway for some time, well before your purchase and occupancy. It has included water ingress, which has undermined the once beautiful ceilings and led to collapses in various places. The leaking sewage pipes also tell a story of a long process of decline.

We note that the works you commenced inside the house were for maintenance, intended to make the house presentable for renting. Repairs around the worst of the plaster cracking were not part of an attempt to undermine the building, but to make it livable in the short term while you progressed the DA for subdivision, demolition and rebuilding.

We are of the view that the building has so far deteriorated that it is beyond repair other than at enormous cost, a situation that seems very unfair and would cause hardship. This is particularly relevant given that prior to purchase, you consulted Council regarding your intention to purchase, to demolish and subdivide, and that you were informed by Council that there was no impediment to that course of action. On that basis you went ahead with the purchase.

We feel that the building should be condemned and that for your own safety you should vacate the property. It would be worthwhile confirming who has responsibility for such an order. The heritage attributes of the property have been thoroughly compromised and any efforts to make the house good will result in a grave loss of integrity. We believe that it should not be heritage listed. Instead, there should be an archival recording made and all original material salvaged for re-use.

Yours sincerely,



Per Sue Rosen B.A. Dip.Ed., M.A., Ph.D., M.ICOMOS, M.PHA

And

Roy Lumby B Arch, M Arch, PhD, M. ICOMOS

1 April 2019

Our Reference : 20183727S
Your Reference : PP_2019_RYDEC_001_00



28 March 2019

Department of Planning and Environment

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Dear Minister,

RE: Planning Proposal – 68 Denistone Road, Denistone NSW 2114

We are instructed to act for the owner of 68 Denistone Road, Denistone NSW 2114 (“the Property”). This letter sets out our client’s submissions objecting to the Planning Proposal submitted to the Department of Planning and Environment (“the DPE”) by the City of Ryde (“the Council”).

We include with these submissions:

1. **Annexure A.** Greater Sydney Commission Stage 1 Report dated 25 February 2019.
2. **Annexure B.** Heritage Assessment for the Property prepared by Urbis Pty Ltd dated 18 March 2019 (“the Urbis Report”).
3. **Annexure C.** Structural Engineering Report by Northrop Consulting Engineers for the Property dated 18 February 2019 (“the Structural Engineering Report”).
4. **Annexure D.** Tender Submission by PQN Constructions Pty Ltd for the Property dated 18 February 2019 providing a builder’s quote for remedial works for the Property (“the Tender Submission”).
5. **Annexure E.** Owner’s submission to the planning panel meeting held on 14 February 2019.
6. **Annexure F.** Owner’s submissions tabled at the Council meeting on 26 February 2019.

On Wednesday 16 May 2018 the NSW Planning Minister said that planning proposals would be suspended in the City of Ryde.¹ That suspension remains in effect and it applies to the Planning Proposal for 68 Denistone Road, Denistone.

Subsequent to the Planning Minister’s announcement the Greater Sydney Commission (“the GSC”) conducted an Assurance Review of planning in the Ryde Local Government Area (“the LGA”). On 25 February 2019 the GSC published its findings from Stage 1 of the Assurance Review of planning in the LGA (see Annexure A). In the Stage 1 findings the GSC said:

“4. Review Local Planning Controls

The NSW Government should maintain its existing position on the current pause on new residential planning proposals in the Ryde LGA and the delayed commencement of the *Low Rise Medium Density Housing Code*.

¹ <https://www.news.com.au/finance/economy/australian-economy/government-suspends-all-new-planning-proposals-in-city-of-ryde/news-story/c291a83cea04755fc61d79dc62faea58>

The NSW Government should also pause the finalisation of any existing residential planning proposals in the Ryde LGA for a 12-month period. This would allow sufficient time for the NSW Government to respond to the findings of the Stage 2 Assurance Review report and for improvements to be made to the RCG (Action 1). It would also allow for existing proposals to be considered in the context of the Macquarie Park Investigation Area Master Plan (Action 2).

The Commission's assurance program will continue to monitor the progress of the City of Ryde's update to its LEP, in collaboration with the DPE, to ensure delivery timeframes are met and that future development and infrastructure is aligned to the priorities and strategies of the GSRP and North District Plan."

The Council in its meeting on 26 February 2019 voted to forward the planning proposal for 68 Denistone Road to the DPE to request a Gateway Determination. That review was commenced by the DPE on 7 March 2019. It is submitted that given the timing of the planning proposal it falls under the definition of a new planning proposal to which the current pause applies.

The next issue is whether the planning proposal, which seeks to heritage list the Property, is a "residential planning proposal" to which the pause applies. The Property is a residential property to which the planning proposal pertains and as such by definition it is a residential planning proposal.

Just because the planning proposal seeks to heritage list the Property should not exclude it from the pause. If the DPE was to provide an exclusion to the pause for this planning proposal then it would be engaging in the very type of ad hoc decision making that the Assurance Review was set up to review.

In fact, the GSC Stage 1 report identified through stakeholder engagement that one of the matters that is adversely affecting the liveability, productivity, and sustainability of the Ryde LGA includes, "The lack of co-ordinated and contemporary planning controls, infrastructure plans and funding mechanisms resulting in an ad-hoc approach to development, the failure to fund adequate local and regional infrastructure, together with uncertainty for industry investment". The Assurance Review is more than just about overdevelopment in the Ryde LGA or the Macquarie Park Investigation Area. The Assurance Review's Terms of Reference² are broadly worded and set out that the GSC will also consider:

1. The alignment of planning and with the GSRP and the North District Plan, including relevant policies on housing, commercial and industrial lands;
2. The provision of associated infrastructure, including education, transport and roads; and
3. Any other relevant matters.

Paragraph 4 of the terms of reference also set out that it's an opportunity for community and stakeholder views to be heard. Those stakeholders were cited by the GSC Stage 1 Report as raising ad hoc decision making without a cohesive plan as a problem. If the DPE was to give this planning proposal an exemption to the current pause in planning proposals then it would be seen to be improperly interfering with an issue that is clearly within the Assurance Review's Terms of Reference. A review that is currently on foot with the Stage 2 report due in May 2019, where the community and stakeholder views are still being considered.

The Council's approach to heritage listing is very much the type of ad-hoc approach to development which has been identified to be a problem that is encompassed by the GSC Assurance Review, as

² https://gsc-public-1.s3.amazonaws.com/s3fs-public/assurance_review_terms_of_reference.pdf

stated in the GSC Stage 1 report. The policy position of pausing all new residential planning proposals must be applied consistently which must include the planning proposal for 68 Denistone Road.

In 2016 the Council abandoned its policy of asking owners for their consent before seeking to heritage list a property³. Since then, the Council has behaved in a reactionary way by putting an Interim Heritage Order (“IHO”) onto properties in response to Development Applications (“DAs”) submitted by owners. Examples, are 87 Bowden Street, Ryde, and 330 Rowe Street, Eastwood. In both those instances those properties were previously identified in comprehensive municipal wide heritage studies. That meant that the owners of those properties had an opportunity to have known of the potential heritage listing of the property.

What is novel for 68 Denistone Road is, as far as the owner is aware, that it is the first property where the Council has sought heritage listing where the property was not first identified in any of the previous municipal wide heritage studies. Those were the 1988, 2001, and 2010 Ryde Council heritage studies and were comprehensive. 68 Denistone Road is in a prominent location on a corner position at the top of a hill with a large block of land. The Property could not have been missed in the three prior heritage studies. Page 35 of the Urbis Report says,

“68 Denistone Road is not a heritage item, is not within or near a heritage precinct, does not reach the threshold for heritage listing as an item when compared with heritage listed buildings the same period in the suburb, is in a noticeable location where it cannot be argued that it has been overlooked in earlier studies and does not have the significance or history that council attribute to it. Council has gazetted heritage sites in the vicinity, so there has been a professional review of the area in the past”.

Stephen Davies is the author of the Urbis Report and he is also the former chair of the Heritage Council of NSW. We ask that the DPE read the Urbis Report and the other Annexures in conjunction with these submissions. Stephen Davies says in the Urbis Report that, “The IHO process as it is being implemented, we suggest, undermines the sound heritage base of Ryde and places at risk the property assessed and listed places.” On the ad hoc heritage approach by the Council he further says,

“If this building were to be heritage listed as a result of this process. I would suggest there would be hundreds of similar unlisted buildings that then must be immediately heritage listed simply on the basis of fairness and the listing threshold that has been established. The random listing of a typical and non-distinctive building undermines the credibility of the process of listing in the Council area.

Perhaps the difficulty of this site is that it is an attractive interwar period house that was not significant enough to heritage list but when threatened with removal upsets the local community as they do not wish to see change or a new development. Council should, if they wish to lower the threshold for heritage listing, review the former studies and add a wide range of buildings to the heritage lists. I would suggest this could extend into many hundreds of buildings. However, if the intent of heritage listing is to retain significant buildings and precincts based on the established thresholds and criteria, the IHO fails. This is particularly so when it has been documented that Council’s external heritage consultant did not view the interior of the property and there has been no formal assessment or repudiation of the condition of the property”.

³ Refer to Council Meeting Minutes of Meeting No. 2/16 on 23 Feb 2016, Mayoral Minute 2/16.

What we submit to be taken from the Urbis Report is that the Council is on a slippery slope to a more uncoordinated, ad hoc, and random approach that uses heritage as a form of de facto development control. At first the Council targeted properties which were identified in the 2010 heritage study. Now with 68 Denistone Road the Council has slipped further by targeting properties which are not even identified in heritage studies or draft LEPs. The Council is seeking with this Property to lower the threshold for heritage listing to such a low point that hundreds of buildings in Ryde would have to be heritage listed if this planning proposal proceeds. Then if such properties aren't listed then it results in a discriminatory application of policy. It is a disaster waiting to happen and as there is no strategic planning involved and when the Council is being reactionary.

It is submitted that the Council's ad hoc approach to heritage listing ultimately undermines the voracity of the heritage listing system. Contrary to the Council's assertions, its ad hoc approach does not help heritage but instead hurts it.

Not only must this planning proposal not proceed simply due to lack of merit, but it must also not proceed given that it raises an issues of policy and co-ordination which are currently part of the GSC Assurance Review. The LEP Roadmap published by the GSC on 2018 states that, "Local planning is also informed by the council's community strategic plans. These community focussed plans provide the strategic framework for the planning and delivery of services over a 10-year period for each local government area and are part of the broader Integrated Planning and Reporting Framework under the Local Government Act 1993". The Council's ad hoc approach to heritage listing is not part of the Ryde 2028 Community Strategic Plan. The ad hoc approach provides no strategic framework for planning. In fact, the Council is currently preparing a 2019 heritage study which is not due to be completed by approximately the middle of 2019. It is submitted that the Council has jumped the gun by putting an IHO on this Property and proceeding with the planning proposal before the 2019 heritage study is complete. A strategic plan can only be informed by that yet to be produced report. It is submitted that the 'heritage panic' of the Council is to achieve a political purpose and that panic is not supported by the fact that this Property was not identified as being worthy of heritage listing in the 1988, 2001, and 2010 heritage studies.

At the minimum this new planning proposal is premature. It should be subject to the pause on all new residential planning proposals in the Ryde LGA as recommended by the GSC Stage 1 report. That is a policy issue that the GSC should be free to consider and it would be undermined if the DPE was to allow this planning proposal to be exempted from the pause.

Deficiencies in the Planning Proposal for 68 Denistone Road

We attach our client's submissions to the planning panel meeting held on 14 February 2019, as well as our client's submissions tabled at the Council meeting on 26 February 2019. We ask that the DPE read those submissions upon which we will elaborate on below.

Trespass

As pointed out to the Council by our client on 26 February 2019 the Council has a written Code of Conduct to which it is required to adhere. Importantly, the representatives of the Council are not to take action that is likely to bring the Council into disrepute. They must also exercise a reasonable degree of care and diligence in carrying out their functions. The most egregious violation of the Code of Conduct was when the Council permitted trespass onto the Property in order to obtain the photos used in the Paul Davies Pty Ltd report ("the Paul Davies Report").

At 6:42PM on 10 October 2018 we wrote to the solicitors for the Council to say:

To avoid any doubt, our client gives notice that unless by compulsion of law your client and its agents are not permitted to enter the land at 68 Denistone Road, Denistone, without our client's prior express consent, and any implied right to enter is expressly withdrawn.

As that notice was served on the Council's solicitors then the Council is deemed have known of the owner prohibiting entry. That prohibition arose because the owner took the view that the Council was heavy handed in its approach to the IHO. The Council commenced proceedings in the Land and Environment Court ("the LEC") against the owner alleging that the owner breached the IHO. The Council ultimately dropped those claims of breach by filing an amended Summons. The Council also sought an injunction⁴ against our client restraining it from breaching the IHO, to which our client consented to those orders, but our client maintains that, a) at the time of the injunction there was already a stop work order that carried severe penalties for breach, an IHO that carries criminal penalties for breach, and an undertaking from our client not to breach the IHO, b) at the time of the injunction there was no evidence of any ongoing or intended breach by our client, so the requisite urgency for an injunction was not there to warrant an urgent application to the LEC, and c) that the true purpose behind the Council seeking the injunction was consistent with the Mayor's (Jeremy Laxale) published statement on his Facebook page that he wanted to "throw the book" at our client. The Council then posted security guards in front of the property which cost about \$24,000 in rate payers' money. The LEC action would have likely been expensive for the Council. Defending it drained our client's resources. The security guards were in our client's view a waste of rate payers' money to put on a show of force which was excessive and unnecessary. It was in that context that our client considered that the Council was heavy handed and in response our client exercised an owner's property rights and prohibited all entry by the Council or its agents unless compelled by law. Our client also withdrew all implied right to enter as well. An implied right to enter would be opening the front gate and walking to the front door to knock. An implied right to enter does not extend to walking around to the backyard and the surrounds of the property, or to look inside the windows to take photos like what happened in the Paul Davies Report. In light of the prohibition to enter the Council or its agents could have entered if:

1. It wrote to the owner to seek prior consent (this did not happen), or
2. Exercised a power of entry under Part 2 of Chapter 8 of the Local Government Act 1993 (NSW) (this did not happen).

The Council failed to do either of those things. Instead, in the Paul Davies Report it said at paragraph 1.3 that "The site was visited by Wendy Crane, Graduate Architect, of Paul Davies Pty Ltd on 14 November 2018. The subject site was inspected, and the exterior of the house photographed. All photographs in this report were taken on 14 November 2018 by Wendy Crane, Graduate Architect of Paul Davies Pty Ltd unless otherwise captioned".

Paul Davies Pty Ltd was engaged, and paid, by the Council to prepare the report in the planning proposal. As such, Wendy Crane, was an agent of the Council when she entered the property on 14 November 2018. Ms. Crane entered after the date of the prohibition on entry came into effect. It is no excuse that she or Paul Davies Pty Ltd may or may not have known of the prohibition on entry as they were agents of the Council. The prohibition was communicated to the Council, the Council was aware of the prohibition, and as such entry by Ms. Crane on 14 November 2018 was the very definition trespass and is unlawful.

Even if an implied right of entry existed, which it did not, Ms. Crane didn't just open the gate and walk to the front door. Instead, Ms. Crane went throughout the curtilage of the property, out to the back,

⁴ The injunction orders expired at 11:59PM on 26 March 2019.

behind the workshop, onto the surrounding verandas, and even took photos through the windows like a peeping tom. Our client described the trespass as an intimate violation. The photos in the planning proposal could not have been taken as they were unless the photographer was trespassing. The photos are the smoking gun that prove that trespass took place by the Council's agent.

The Mayor in the Council meeting on 26 February 2019 said that the Council acted lawfully, that is demonstrably untrue given the photos. A video recording of that meeting can be viewed on the Council's website.

Ms. Liz Coad, Ryde Council Director City Planning and Environment, in her memorandum attached to the planning proposal said, "It is the view of staff that should the applicant seek to take the action with respect to trespass this would have no bearing on the veracity of the Heritage Assessment Report, nor is it a relevant consideration with respect to the Strategic Merit of the Planning Proposal".

It is submitted that the words of the Mayor and Ms. Coad demonstrate gross violations of the Council's Code of Conduct. Part 2 of the Code states that Council officials must, act in a way that enhances public confidence in the integrity of local government". Turning a blind eye to illegal activity, or worse asserting that it is lawful when that is an indefensible position, achieves the opposite of Part 2 in that it diminishes public confidence in the integrity of local government. The DPE cannot condone such a situation and for that reason must reject the planning proposal.

It goes beyond the Code of Conduct, the trespass was a violation of rights and is illegal full stop. The Council didn't even bother to attempt to get the owner's consent. The Council is a government authority and is required to act at all times within the law. There is simply no excuse for the trespass. With respect to Ms. Coad, the owner doesn't need to take action with respect to the trespass, to somehow validate it, the photos are the proof of trespass.

The Council has either turned a blind eye or has given its blessings to the trespass. Ms. Coad's statements that it is not a relevant consideration with respect to the veracity of the Heritage Assessment Report or Strategic Merit of the Planning Proposal is just another way of saying "the ends justify the means". No amount of zeal or heritage panic gives the Council or its officers the right to break the law. Illegal conduct is not permissible, especially by a government authority such as the Council. The photos were illegally obtained through trespass and it is no small violation which appears to be the Council's attitude. The DPE stands as the gatekeeper to the integrity of the planning system. The planning proposal must be rejected on the trespass alone simply to ensure that public confidence in the integrity of government is not affected.

The trespass cannot be fixed by setting a condition in the Gateway Determination for the Council to provide a further report. To allow this planning proposal to proceed in light of the trespass is to taint the process. Not only must the process be fair it must also be seen to be fair.

No inspection inside the house on the Property

The author of the Paul Davies Report is Ms. Cherry Kemp. The Paul Davies Report shows that Ms. Kemp did not once set foot inside the house on the Property. The Urbis Report picked up on that problem and criticised it. The danger of Ms. Kemp's approach was amply demonstrated when Ms. Kemp came to the conclusion at paragraph 5.2 of the Paul Davies Report that,

"The house is remarkably intact..." and "The house and property exhibit a substantial degree of integrity ..."

The conclusion of Ms. Kemp that the house is remarkably intact, and the house and property exhibit a substantial degree of integrity is a breathtaking error. Her conclusions have no connection with reality. The Urbis Report and Structural Engineering Report that accompany these submissions show that the property is not remarkably intact and is actually structurally unsound. The authors of those reports, unlike Ms. Kemp, did in fact inspect inside the house before preparing their reports and their conclusions are as set out in their reports. Photos are not a substitute for an internal inspection of the Property, particularly for something as important as heritage listing. Photos are not reliable for a structural assessment of the property. For Ms. Kemp to have made such a huge error discredits the entirety of her report. It is submitted that the Paul Davies Report is unreliable and cannot be relied upon in any assessment of the planning proposal. Without the Paul Davies Report the planning proposal collapses and cannot proceed. It'll be as if the Council submitted a planning proposal without a heritage report so there is no possibility that it can proceed.

Potential Conflict of Interest

The owner's solicitor contacted Cherry Kemp, the author of the Paul Davies Report, on 10 October 2018. Confidential information of the owner was disclosed with the view of engaging Paul Davies Pty Ltd to produce a report. The owner was shocked to see that Ms. Kemp authored the Heritage Study in the planning proposal. The solicitor emailed the owner on 10 October 2018 to report the details of the contact with Ms. Kemp so there is point in time evidence (a copy of that email was tabled at the planning panel meeting on 14 February 2019).

Ms. Kemp has a duty to disclose the contact in the Heritage Study and give reasons. The conflict arises where Ms. Kemp has, or potentially has, confidential information of one side which she can, or potentially can, use against the other. In the Paul Davies Report Ms. Kemp said, "Note that damage to the interior shown on the site visit photos is a result of illegal building work to the house which occurred prior to the imposition of the IHO on the property." The owner's position is that Ms. Kemp placed the "illegality" before the IHO knowing that the owner was arguing that it did not do illegal works after the IHO. Ms. Kemp as the heritage expert should not have been making assessments as to the legal status of works. The fact that she has done so is potential bias as well. It is highly suspect the date of the final revision of the Paul Davies Report was on 22 November 2018 which was the same day that the Council consented to final orders in the LEC dropping its claim that the owner breached the IHO. The possibility of lack of impartiality is enough. The LEP Roadmap published by the GSC in May 2018 sets out a system to ensure transparency, impartiality, and integrity. Not only must the process be fair and impartial, it must also be seen to be fair and impartial. It is submitted that Ms. Kemp failure in her ethical duty to disclose or explain the contact means that if her report is to be given any weight it'll fundamentally taint the process. It is not appropriate for the Council to be asked to prepare a supplemental report when in actuality a whole new report is required. As such, the planning proposal should be rejected and if the Council wishes to proceed then it is required to do a fresh planning proposal free of the fundamental faults of the current one.

Paragraph No. 3 and 4 of Ms. Coad's memorandum in the planning proposal was in response to the issue of conflict of interest. Ms. Coad completely missed the point being made. Ms. Coad wasn't the appropriate person to comment on any confidential information as she wasn't a party to the communication. What is telling is that since the issue of conflict of interest was raised the Council has not seen fit to produce any correspondence from Ms. Kemp on the issue even though that is the first thing that the public would expect to happen. Instead, the Council simply ploughed on and forwarded the planning proposal to the DPE.

If Ms. Kemp thought there was no conflict then she should have disclosed at the first opportunity that she was contacted, what the content of that contact was, and then say whether she was in conflict of interest or not. It's her failure to disclose that contact at first opportunity which taints the process

and the continued silence despite multiple opportunities to explain further undermines public confidence. The process must be seen to be fair and impartial, so the potential conflict is enough to taint the process because a) no disclosure was made at first opportunity, b) no explanation has been given by the author, and c) it's suspicious that the author would place "illegality" before the IHO knowing what the owner's position was, the author shouldn't even be commenting on legalities and in doing so exhibits potential bias against the owner. Not only must the process be fair and impartial, it must also be seen to be fair and impartial.

Strategic Merit

Paragraph No. 1 of Ms. Coad's memorandum says that the report by Paul Davis Pty Ltd is considered satisfactory for proceeding to Gateway Determination and that the owner is afforded an opportunity to provide a fulsome and detailed submission at the subsequent public exhibition process. That is sloppy and unfair reasoning. It is not good enough for Ms. Coad to say that any problems can be cured at the public exhibition stage, Council has an obligation to ensure that every step of the process is conducted properly and ethically.

It appears that the Council's position is that it is using "Strategic Merit" as the highest priority. However, the DPE should reject that position because it is the public confidence in the integrity of the decision making process that must be of the highest priority. "Strategic Merit" as a euphemism for "the ends justifies the means" must not be accepted at any level of government. A planning proposal is a serious matter that has far reaching consequences on both the owner and the community. As such, the Council must approach it with equal seriousness and fully discharge its duty at all stages. The Paul Davies Report is fundamentally flawed, the planning proposal is generic without any connection with reality. It cannot be said that the Council has provided an adequate planning proposal so the DPE should stop it at this point. Then if the Council wants to press the issue then it can complete the 2019 heritage study and then prepare a planning proposal to the requisite standard and re-submit it to the DPE if it so chooses. However, at this stage it is submitted that it is not in the public interest for the DPE to allow the planning proposal to proceed.

Consistency of Application of Policy

The Council needs to be consistent in its application of policy unless it first publicly announces or publishes a change to that policy. The Council in 2016 abandoned the policy of asking owners for their consent before heritage listing but at the same time limited its activities to the properties identified in the 2010 heritage study. The Council never announced or published any change in policy where it would target properties not identified in a heritage study. The DPE should not permit the planning proposal to proceed as no such policy shift was announced or published by the Council beforehand. That is consistent with a rules based decision making process. Members of the public are entitled to a reasonable expectation as to how the Council will behave as the public are entitled to make important decisions based upon those policies.

The DPE should also be guided by the Council's approach to the Ryde Civic Centre's heritage listing. In the Council Meeting Agenda No. 16/13 for its meeting on Tuesday 13 August 2013 the Ryde Heritage Advisory Committee (HAC) wrote,

"Heritage listing must be based on whether or not a place has Cultural Significance. The definition of Cultural Significance is established by the Burra Charter which guides Australian conservation practice. According to the Burra Charter "cultural significance means aesthetic, historic, social or spiritual value for past, present or future generations"."

"Heritage listing is not based on whether or not a building is to be demolished. It must be based on whether or not a building or place has cultural significance. If any other approach

is taken then Ryde's current heritage listings are devalued. The Burra Charter advocates that research be undertaken to understand and assess cultural significance and this is the usual process of Council. This report will therefore consider the option of undertaking a study to assess the cultural significance of the Ryde Civic Centre."

What the Council is doing with the planning proposal for 68 Denistone Road is contrary to the HAC's advice and to the position it took to the Ryde Civic Centre. This planning proposal is ad hoc and is reactionary as it came about only when our client put in an application for a DA to subdivide the land. Great emphasis was put by the Mayor and some Councillors at the meetings linking the heritage listing with fighting overdevelopment in the Ryde LGA. Heritage listing should not be used as an instrument for de facto development control and the HAC's own advice is that to do that would devalue Ryde's current heritage listings. The DPE must not permit the Council to use heritage as a de facto means of development control, especially during an Assurance Review. It is inappropriate to use heritage for a collateral purpose.

The emphasis must be on the heritage value of the Property through comprehensive study and that first starts with a comprehensive heritage study of the Ryde LGA. That is the same position taken in the Urbis Report.

The inconsistency of policy approach from the Council's position on the Ryde Civic Centre versus this Property demonstrates the random ad hoc nature of the Council's approach to heritage and the Council must be required to adhere to its current policy unless it first publicly announces or publishes a change in policy. For that reason this planning policy should not proceed.

The DPE also needs to be consistent in its approach to policy. When the DPE makes decisions with planning proposals it sets a precedent that needs to be applied equally to other planning proposals. We cover those examples below.

Comparison with 96-98 Newcastle Street, Rose Bay

The documents pertaining to that property are publicly available in the DPE's LEPs Online System ("the LEP Online System"). The DPE's reference is PP_2010_WOOLL_002_00 (10/16674). In the letter from the DPE dated 25 October 2010 it stated that "As delegate of the Minister for Planning, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination". In that Gateway Determination, dated 25 August 2010, the reasons not to proceed were stated as follows:

1. There is not sufficient justification provided for the need for the Planning Proposal, given the conflicting heritage advice.
2. The Planning Proposal is not consistent with Council's strategic planning framework, given Council's earlier investigations of the site. Woollahra LEP 1995 Amendment No 44, which rezoned the land, did not identify these properties as having any heritage significance and draft Woollahra LED 1995 Amendment No. 66, which seeks to list additional heritage items in Woollahra, does not propose to list these properties.

As to paragraph 1, the scenario is identical with this Property. The Paul Davies Report and Urbis Report are conflicting. Any assessment by any reasonable standard must conclude that the Urbis Report is the authoritative report.

The Urbis Report:

1. Is thoroughly researched.

2. Properly applies the Burra Charter.
3. Involves the author actually visiting the Property to inspect. Including the author going into the house on the Property to inspect.
4. Takes into account the Structural Engineering Report for the Property prepared by Northrop Consulting Engineers dated 18 February 2019. This is appropriate as Urbis are not structural engineers and must rely upon qualified experts.

The Paul Davies Report:

1. Is not thoroughly researched as it states that the Property contributes to the character of the area but it identifies no character. That is a statement with no exhibited research.
2. Does not properly apply the Burra Charter.
3. Is grossly deficient in that the author did not do an internal inspection of the house on the Property.
4. Is grossly deficient as the Council has not prepared a structural engineering report to be provided to the author of the report.
5. Has a fatal mistake in that it concludes that "The house is remarkably intact..." and "The house and property exhibit a substantial degree of integrity ..." Which is a conclusion that has no connection with reality. The mistake could have been easily avoided if the author had done an internal inspection and had read a structural engineering report.
6. Has not disclosed potential conflict of interest at first opportunity and the Council has failed to provide any explanation from the author subsequently despite the issue being raised by the owner.
7. The Council did not even bother to ask the owner for access for the author to inspect inside the house on the Property.
8. The Council did not even bother to ask the owner for access for a structural engineer to inspect the Property to prepare an engineering report for the author.

The Paul Davies Report and the Urbis Report cannot be any further apart, both in their conclusions, as well as the quality of the reports. The DPE has before it conflicting heritage advice where the Paul Davies Report can only be described as appalling. In light of the said conflicting heritage advice we submit that the DPE determine that the planning proposal not proceed.

As to paragraph 2, 3 comprehensive heritage studies in 1988, 2001, and 2010 did not identify the Property as being worthy of heritage listing. The draft Ryde LEP does not propose to list this Property as a heritage item. In fact, the Council is currently undertaking a 2019 heritage review which would guide its draft LEP so this planning proposal is premature. Additionally, the GSC's assurance program will continue to monitor the progress of the City of Ryde's update to its LEP, in collaboration with the DPE. Therefore, the draft LEP is not complete similarly to paragraph 2 so this planning proposal cannot proceed. As 3 prior studies have not identified this Property as worthy of heritage the urgency put on this proposal by the Council is a consequence of it rushing the process instead of there being a real urgency. If the Council takes the view that there is only 'one chance' to save a heritage property then it is incumbent on the Council to discharge that duty by preparing a comprehensive planning proposal, and it is our client's submission that the planning proposal doesn't even meet the threshold of adequacy. The Council in this planning proposal is seeking to lower the threshold for heritage listing so that hundreds of quite ordinary properties would have to be heritage listed. The Ryde 2028 Community Strategic Plan does address this Property. There is also a current Assurance Review where a Ryde LGA Co-ordination Group to be chaired by the North District Commissioner is to improve collaboration and co-ordination across the LGA. In other words, this planning proposal is a result of the ad hoc decision making and lack of co-ordination that the Assurance Review has been created to address. Therefore, for those reasons this planning proposal must not proceed.

Comparison with 2A Cooper Street Double Bay (also known as 24-26 Bay Street, Double Bay)

The documents pertaining to that property are publicly available in the LEP Online System. The DPE's reference is PP_2018_WOOLL_003_00. In the letter from the DPE dated 11 February 2019 it stated that,

"I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given the differences between the land owner and Council in relation to the extent of the heritage listing on the site."

With the planning proposal for 68 Denistone Road the differences between the owner and the Council cannot be more stark. The Council says that the Property should be heritage listed and the owner says that it should not. The expert reports of both sides are conflicting and the opinion of both sides as to the condition of the property are at polar opposites. The owner has also raised serious allegations relating to the Council's conduct being principally trespass by Council's agent, the Council's attitude towards that trespass, and the lack of due process.

Given the differences between the land owner and the Council, if it is the case that the DPE chooses to proceed with the planning proposal then it is submitted that the local plan-making authority is not delegated to the Council for the reasons cited and to be consistent with the decision in 2A Cooper Street Double Bay.

Failure to take into account the financial impact on the owner

When the Council abandoned its 2010 policy approach to ask the owner if they consented to the Property being heritage listed it was incumbent on the Council to also take into account what financial impact a heritage listing would have on an owner. LEC decisions have set a binding precedent where the Court will take into account whether heritage listing will put an unreasonable financial burden on the owner. In this situation the owner purchased the property in good faith after doing the owner's due diligence. At the time of purchase there was no indication that the property would be subject to heritage listing. The property was not in a heritage conservation area, there was no indication in the Section 10.7(2) planning certificate, the owner met with the Council town planner before purchase for a pre-DA lodgement meeting and there was no indication at that stage, and there was no published or announced change in policy by the Council that it would target properties not identified in prior heritage studies. The Property also did not appear in any draft Ryde LEPs. The owner put in their life savings and took on massive debt to purchase this Property with the hope that they could build their dream home partly funded by subdividing the property. They would live on one subdivision and sell the other after developing a duplex/triplex. It is unconscionable that the Council would not take into account the financial impact on the owner when the owner, through no fault of their own, has been put into this position by an ad hoc decision of the Council. The owner accuses the Council of perpetrating a Great Bungalow Con for political purposes because the Californian Bungalow typology is neither rare or endangered in the Ryde LGA or Sydney (as set out in the Urbis Report).

Attached is a Tender Submission obtained by the owner that provides an estimate on how much it's expected to cost to do remedial works on the Property given its current dilapidated state. The quote is \$1,086,000.00 which is higher than a knock down and rebuild. The Mayor and various Councillors have regularly called the owner a developer. Whilst the owner is a holding company underneath it is Mr. Cheng Yang and his wife. They are not developers and they want to build their dream home. It's easy to call someone a developer to dehumanise them. It makes it easier to attack them if they are rendered faceless by a label. It is a popular sentiment politically to fight "developers" but as stated using heritage to fight overdevelopment is improper. The voracity of the heritage listing system is

undermined by the political tug of war regarding overdevelopment. Everyone wants to protect heritage but the property must genuinely be heritage after a comprehensive process of study and assessment. That objective approach is imperative for the integrity of the heritage system and this planning proposal which our client claims is politically charged, whilst being claimed to protect heritage, is in fact aimed at fighting overdevelopment. As cautioned by the Council's own HAC such an approach will devalue Ryde's current heritage listings.

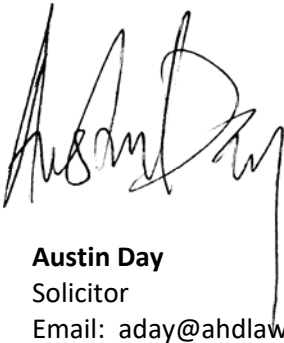
Summary

For the reasons given above the owner requests that the DPE:

1. Not proceed with the planning proposal, and
2. If the DPE chooses to proceed with the planning proposal that the Council not be delegated to be the local plan-making authority.

Yours faithfully,

AUYEUNG HENCENT & DAY LAWYERS

A handwritten signature in black ink, appearing to read 'Austin Day', with a long vertical line extending downwards from the end of the signature.

Austin Day

Solicitor

Email: aday@ahdlawyers.com.au



Ref: 19/128401

The Hon Gladys Berejiklian MP
Premier
GPO Box 534 1
SYDNEY NSW 2001

Dear Premier

On behalf of the Greater Sydney Commission (the Commission), we write to provide you with the findings from Stage 1 of the Assurance Review of planning in the Ryde Local Government Area (LGA).

In accordance with the Assurance Review's Terms of Reference, this letter outlines the matters identified through our research and stakeholder engagement undertaken to date¹. It also proposes four preliminary actions for the NSW Government and City of Ryde to consider implementing immediately to help address the issues identified, without prejudice to the findings of our Stage 2 report which will be provided in May 2019.

As advised in our letter to you of 29 November 2018, the Review Panel comprises the Chief Commissioner and Deputy Chief Commissioner².

Our Assurance Review identifies good quality planning and infrastructure within Ryde LGA as essential to improving Greater Sydney's liveability, productivity and sustainability. The LGA is a highly desirable location to live, contains regionally important education facilities, generates significant commercial activity and has highly valued environmental qualities that must be preserved and enhanced.

The Greater Sydney Region Plan (GSRP) categorises Macquarie Park as a Strategic Centre in recognition of its contribution to the health and education sector and its strategic location within the Eastern Economic Corridor. As detailed in the North District Plan, Macquarie Park is a key centre for job creation and economic activity, providing the largest non-CBD office market in Australia.

¹ This Assurance Review has a strategic focus and does not relate to, or comment on, any individual development application or planning proposal.

² Dr Deborah Dearing stepped down from the Ryde Assurance Review Panel so that she could contribute to submissions and to avoid any perceived conflicts of interest in her capacity as North District Commissioner.



Nevertheless, our initial assessment finds that Ryde LGA is facing significant challenges owing to the current scale, rate and volume of residential development that is occurring. This has largely been the consequence of unprecedented housing market activity and an unanticipated level of take-up in recent years. By way of example, there have been over 4,500 dwelling completions in the Ryde LGA over the past three years (2015/16 to 2017/18). This compares with around 2,500 completions in the three years prior (2012/13 to 2014/15). As context, the twenty-year average for Ryde LGA has been approximately 600 dwelling completions per year¹.

This significant scale and rapid rate of housing supply has led to a misalignment between the timing of development and the delivery of the infrastructure necessary to support it. Furthermore, stakeholders have identified the lack of effective collaboration between local and State Government, together with the development sector, as a contributing factor.

The preliminary findings of our Assurance Review reaffirm the Commission's advice of May 2018 to pause new residential planning proposals and defer the commencement of the *Low Rise Medium Density Housing Code*⁴. The intention of this advice remains relevant, that is to allow sufficient time for the Ryde Local Environmental Plan (LEP) to be reviewed to address the issues identified. I also note that the NSW Government has allocated \$2.5 million to the City of Ryde to ensure good quality evidence informs the work and to accelerate the LEP review process.

We would also like reiterate that good planning is a shared responsibility between local and State Government, the development industry and the community, with the best outcomes achieved through collaboration, co-ordination and partnership.

We, therefore, propose that the NSW Government, in partnership with the City of Ryde, immediately implement four preliminary actions to address the land use and infrastructure planning issues presently being experienced in the Ryde LGA and to restore community confidence in local planning. These preliminary actions are detailed on pages 5, 6 and 7.

We are also of the view that many of the observations of this Assurance Review, and our subsequent recommendations to be provided in our Stage 2 Report, will have application across Greater Sydney.

Panel process

The Panel has undertaken four key activities to date to inform the Assurance Review:

1. A review of relevant planning documents, available data, recent decisions and public announcements regarding Ryde LGA and Macquarie Park;
2. A site visit across the Ryde LGA, including the Macquarie Park Investigation Area, to understand the local environment;

¹ Department of Planning and Environment, housing completions based on Sydney Water connections, 1998/99 to 2017/18.

⁴ Currently to 1 July 2020



3. Consultation with eight relevant State Government agencies (see Attachment A), the City of Ryde and neighbouring City of Parramatta. The North District Commissioner also presented to the Panel on behalf of the North District; and
4. Two community listening sessions (on Tuesday 5 and Thursday 7 February 2019) at which community and industry stakeholders, and elected representatives, were able to address the Panel. Thirty-three people addressed the Panel, 49 attended the sessions as observers and 56 written comments were received for the Panel's consideration.

We are grateful for the positive engagement with stakeholders, and the constructive and collaborative approach by all to the Assurance Review. A full stakeholder engagement report summarising each submission will be provided with our Stage 2 report.

What we heard

The Panel understands that the Ryde LGA is cherished by local community members and that care and attention, especially with planning and infrastructure decisions, are essential to protect and enhance what is unique about the area. Such decisions must, therefore, consider the existing and desired local character of the area, the provision of local services and employment opportunities, the value of the natural environment together with the quality of its road and transport connections to Greater Sydney.

These characteristics have made Ryde LGA a highly desirable location to live, work and invest as evidenced by the strong market conditions in recent years. These conditions have led to over 4,500 dwelling completions between 2015/16 and 2017/18⁵ representing an unprecedented and unanticipated level of growth across the LGA within this comparatively short period⁶.

In this context, it is understood that Ryde is on track to not only achieve - but exceed - its 5-year housing target (2016-2021) of a minimum of 7,600 dwellings. The Department of Planning and Environment's (DPE) 5-year housing supply forecast estimates that 9,500 dwellings will be built between 2017/18 and 2021/22⁷.

In light of this significant supply, it will be critical for the City of Ryde to expedite its work on its LEP to ensure that it is appropriate for its local circumstances and protects and enhances the local character of the Ryde LGA.

⁵ Department of Planning and Environment, housing completions based on Sydney Water connections, 1998/99 to 2017/18

⁶ The twenty-year average is approximately 600 dwelling completions per year

⁷ The GSRP and District Plans did not set LGA-specific 6 to 10-year housing targets, with the Commission prioritising the importance of working with local councils to agree targets which could be supported by necessary local and state infrastructure. Targets will be agreed with councils with regard to their local housing strategies.



Ryde LGA also provides essential economic opportunities for its residents and businesses (and, more broadly, for people in Greater Sydney), due to the presence of key employment hubs, including Macquarie Park. As detailed in the North District Plan, Macquarie Park alone is estimated to generate approximately 58,500 jobs (2016) with a target to generate an additional 14,500 jobs by 2036.

The importance accorded to Ryde LGA is further reflected in the NSW Government's ongoing attention and investment decisions, including:

- Investment in major transport projects, such as the Sydney Metro, which, in addition to improving connectivity to the Ryde LGA and Macquarie Park, are of significance to mobility across Greater Sydney as a whole;
- The identification of precincts within Ryde LGA for growth, including the Macquarie University Station (Herring Road) Planned Precinct and the North Ryde Station Planned Precinct to provide housing diversity;
- The recent identification of the Sydney Water Pumping Station site at West Ryde as land that could be protected and preserved for community uses; and
- Other significant projects and announcements, including the redevelopment of the Ivanhoe Estate, the development of the Meadowbank Education Precinct and the agreement to buy back the former Peter Board High School site to deliver a new high school.

Our stakeholder engagement to date has identified a range of matters that are adversely affecting the liveability, productivity and sustainability of Ryde LGA, including:

- The often limited co-ordination and collaboration between local and State Government agencies, and the development sector, resulting in a disconnect between planning and infrastructure delivery;
- The lack of co-ordinated and contemporary planning controls, infrastructure plans and funding mechanisms resulting in an ad-hoc approach to development, the failure to fund adequate local and regional infrastructure, together with uncertainty for industry investment;
- Missed opportunities to plan and incentivise investment in the LGA's employment areas, such as Macquarie Park, to create vibrant, attractive places and grow the night-time economy;
- Concerns regarding the loss of, and lack of new, open space and recreational opportunities for residents and workers, including in Macquarie Park;
- The impact of development on the environment, and resultant risks to natural habitats and flora and fauna, including that of the Sydney Turpentine Ironbark Forest; and



- Perceived lack of attention to, and inconsistency in, design quality, particularly in relation to larger developments, which is exacerbating community concern regarding the appropriateness of development.

A number of discrete issues concerning liveability in the Ryde LGA, unrelated to the strategic context of this Review or to current or prospective planning processes or decisions, have been raised by stakeholders. These will be outlined in our Stage 2 report and we will share these matters with the relevant State or local agency for action, where appropriate.

Preliminary actions

We are of the view that, given the rapid increase in development and the observed disconnect with the phasing of infrastructure delivery in the Ryde LGA, the NSW Government could immediately implement several actions to help restore community confidence in local planning, as outlined below.

1. Establish a Ryde LGA Co-ordination Group

Establish a Ryde LGA Co-ordination Group (RCG), to be chaired by the North District Commissioner. The objective of the RCG will be to create the best opportunities for 'place-based planning' where urban form and design and open space is planned along with systems (such as transport, including active transport) and services (including health, education and community services).

The RCG will bring together the City of Ryde and State Government agencies to improve collaboration and co-ordination across the LGA. This will seek to enhance the alignment of development with the provision of infrastructure and services to improve planning outcomes for the local resident and business communities. The RCG could be modelled on the Greater Parramatta and Olympic Peninsula (GPOP) Co-ordination Group and the Collaboration Areas initiative led by the Commission.

The RCG should commence immediately and operate for a specified period, for example, for 12 to 24 months, or until such time as the infrastructure co-ordination matters in the Ryde LGA have been appropriately addressed.

2. Complete a Macquarie Park Investigation Area Master Plan

Instruct the NSW Department of Planning and Environment (DPE) to complete work on the Macquarie Park Investigation Area and deliver a Master Plan within 12 months.



The DPE's activities should be overseen by the RCG and the final Master Plan approved by the Commission's Infrastructure Delivery Committee (IDC). The IDC includes the Greater Sydney Commissioners and the Secretaries of Health, Education, Premier and Cabinet, Treasury, Transport, and DPE. The CEOs of Infrastructure NSW and Roads and Maritime Services act as observers. Oversight and approval by the RCG and IDC respectively will provide a consistent and co-ordinated approach to development and infrastructure provision.

The Master Plan should provide a shared vision for the Macquarie Park Investigation Area that implements the GSRP and the North District Plan, including a plan for funding, securing and delivering the necessary local and regional infrastructure. It should also be consistent with the City of Ryde's Local Strategic Planning Statement.

The Master Plan must also be prepared having due regard to the scale and nature of existing and proposed surrounding development⁶, the natural environment, the needs of business, design quality, walkability and street level activity, amongst other matters that will be presented in our Stage 2 report.

3. Master Plan Additional Sites to Complement Existing Residential Development

Immediately identify additional locations within the Ryde LGA to be master planned to complement existing residential development. Preliminary discussions between State Government agencies regarding the Meadowbank Education Precinct and surrounding areas (including the Sydney Water Pumping Station and the West Ryde Industrial Area) have occurred and have identified the value of working collectively to optimise the planning of this area to contribute to local communities.

Identified sites should optimise local employment generation and the provision of community facilities and open space, improve connectivity and cycle connections, and protect and enhance the natural qualities of Ryde LGA.

The master planning should be overseen by the RCG and approved by the Commission's IDC.

4. Review Local Planning Controls

The NSW Government should maintain its existing position on the current pause on new residential planning proposals in the Ryde LGA and the delayed commencement of the *Low Rise Medium Density Housing Code*.

The NSW Government should also pause the finalisation of any existing residential planning proposals in the Ryde LGA for a 12-month period. This would allow sufficient time for the NSW Government to respond to the findings of the Stage 2 Assurance Review report and for improvements to be made by the RCG (Action 1). It would also allow for existing proposals to be considered in the context of the Macquarie Park Investigation Area Master Plan (Action 2).

⁶ Including Macquarie University, the Macquarie University Station (Herring Road) Planned Product and the North Ryde Station Planned Precinct



The Commission's assurance program will continue to monitor the progress of the City of Ryde's update to its LEP, in collaboration with the DPE, to ensure delivery timeframes are met and that future development and infrastructure is aligned with the priorities and strategies of the GSRP and North District Plan.

Among a range of issues that must be considered through the preparation of its local housing strategy, including diversity of housing choice in appropriate locations, the City of Ryde should identify those locations within the LGA which are and, importantly, are not appropriate for medium density housing so as to protect and enhance the local character of the Ryde LGA. The findings of this analysis should be reflected in the City of Ryde's updated LEP.

The City of Ryde should expedite the review and update of its LEP to bring the earliest possible certainty to the local and investment communities of the Ryde LGA.

During this period, the City of Ryde should also prioritise the review and update of its Local Development Contributions Plan⁹ to ensure adequate funding is secured for the timely provision of local infrastructure.

Next steps

We trust that our Stage 1 findings, together with our four proposed preliminary actions to address the identified challenges in Ryde LGA, are of assistance.

With the benefit of additional time and engagement, we will be exploring some of the key issues raised in this letter further. We look forward to providing more detailed analysis and advice in our Stage 2 report in May 2019.

We are also confident that our Stage 2 report will be able to highlight learnings from this Assurance Review that can inform broader improvements to planning practices and the successful alignment of development with infrastructure across Greater Sydney more generally, to the benefit of all Sydneysiders.

Yours sincerely

Handwritten signature of Lucy Turnbull in black ink.

Lucy Turnbull AO
Chief Commissioner

25 FEB 2019

Handwritten signature of Geoff Roberts in black ink.

Geoff Roberts
Deputy Chief Commissioner
Economic Commissioner
Chief Coordinator for Western Sydney

⁹ In accordance with Section 7.11 of the NSW *Environmental Planning and Assessment Act 1979*

HERITAGE ASSESSMENT

68 DENISTONE ROAD,
DENISTONE NSW 2114

18 MARCH 2019
P0003498
PREPARED FOR CHENG YANG

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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	02	18.03.2019	Final

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EXECUTIVE SUMMARY

Urbis has been engaged by Cheng Yang to prepare the following Heritage Assessment for the property at 68 Denistone Road, Denistone (hereafter referred to as 'the subject property').

The subject site is not a listed heritage item under any statutory planning instrument, nor is it located within a heritage conservation area. The site is located within close proximity to two heritage items, as follows:

- Item 47, "Denistone House" and "Trigg House" (Ryde Hospital), locally-significant heritage item.
- Item 125, Open space, Denistone Park, locally-significant heritage item.

A Development Application was lodged to Ryde Council on 28 August 2018 for the consolidation of all three lots within the subject property, and subdivision into two lots (LDA2018/0340). Following this Development Application lodgement, Council resolved on 25 September 2018 to apply an Interim Heritage Order (IHO) to the subject property. The Development Application (LDA2018/0340) was subsequently refused by Ryde Council on 31 October 2018.

The IHO will lapse on 26 March 2019. Ryde Council has until this date to pass a resolution to list the property as an item of local heritage significance on the local environmental plan. We understand that at its Ordinary meeting of 26 February 2019, Ryde Council resolved to lodge a Planning Proposal with the NSW Planning Minister, to include 68 Denistone Road, Denistone on the heritage schedule of the Ryde Local Environmental Plan (LEP) 2014.¹

This Heritage Assessment has been prepared to assess the potential heritage significance of the subject property in view of the recent IHO and proposed heritage listing on Ryde LEP 2014.

The potential heritage significance of the subject property has been assessed in Section 4.3 of this report, supported by this historical analysis included at Section 3.2 and the comparative analysis included at Section 4.2.

Overall the subject property is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for assessing heritage significance provided for by the NSW Heritage Division. The assessed significance of the place can be summarised as follows:

The subject property at 68 Denistone Road, Denistone is a good externally representative example of the interwar Californian Bungalow typology.

The building demonstrates the principal characteristics of its typology, however these are common throughout the Ryde LGA and Sydney more broadly, in more intact examples. It does not contain any rare, endangered or technically innovative features for the typology. The building was not designed by an important or well-known architect, and the property has no known significant historical associations.

The dwelling is in a dilapidated state of repair and is structurally unsound. As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.

The subject property is not considered to be a rare or endangered typology in the context of Ryde LGA or the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development.

It is understood that no internal inspection was made of the property by Council's consultants in its investigation and this is unacceptable in terms of determining significance.

The property has been occupied for residential purposes since its construction, and holds no particular significance to the community, and has no known significant social values.

¹ City of Ryde, City of Ryde Council Meeting Summary – February Meeting, accessed online at <https://www.ryde.nsw.gov.au/Council/Media-Centre/News-and-Public-Notices/City-of-Ryde-Council-meeting-summary-February-meeting>

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1. INTRODUCTION

1.1. BACKGROUND AND PROPOSAL

Urbis has been engaged by Cheng Yang to prepare the following Heritage Assessment for the property at 68 Denistone Road, Denistone (hereafter referred to as 'the subject property').

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This Heritage Assessment has been prepared to assess the potential heritage significance of the subject property in view of the recent IHO and proposed heritage listing on Ryde LEP 2014.

1.2. SITE LOCATION

The subject site is located at 68 Denistone Road, Denistone.

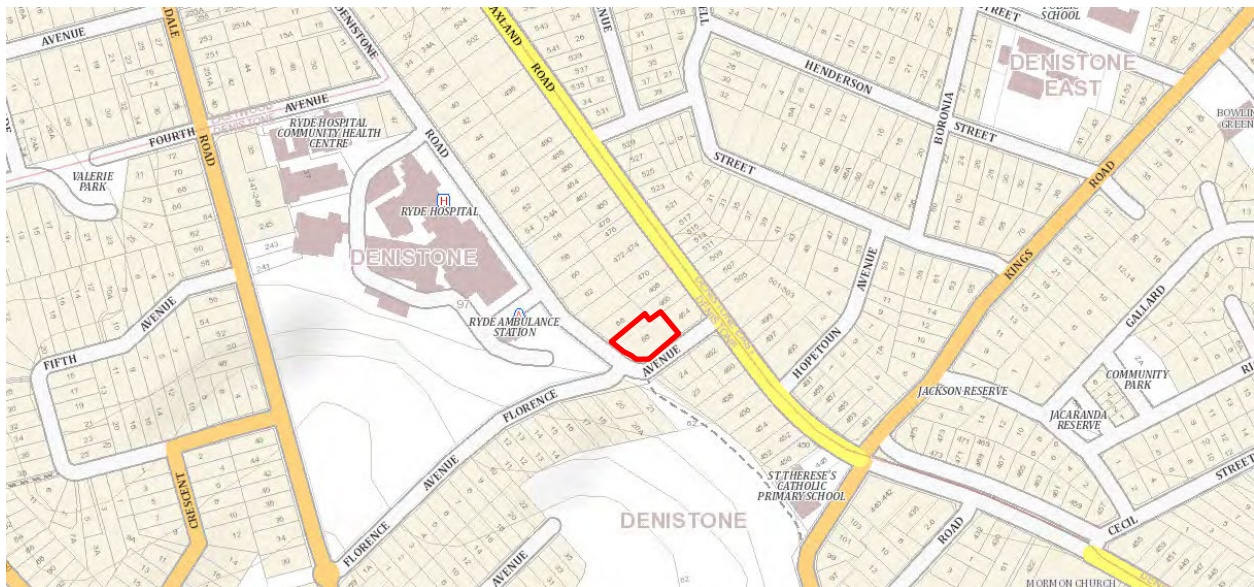


Figure 1 – Locality diagram, subject site shown in red

Source: SIX Maps 2019

² City of Ryde, City of Ryde Council Meeting Summary – February Meeting, accessed online at <https://www.ryde.nsw.gov.au/Council/Media-Centre/News-and-Public-Notices/City-of-Ryde-Council-meeting-summary-February-meeting>

1.3. METHODOLOGY

This Heritage Assessment report has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance'. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999 (revised 2013).

1.4. AUTHOR IDENTIFICATION AND ACKNOWLEDGMENTS

The following report has been prepared by Ashleigh Persian (Senior Heritage Consultant). Stephen Davies (Director Heritage) has reviewed and endorsed its content. Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

2. SITE DESCRIPTION

2.1. DESCRIPTION OF THE PLACE

The subject property is located at a corner location at the intersection of Denistone Road and Florence Avenue, approximately 13.2 kilometres (by direct line) north-west of the Sydney Central Business District (CBD). Immediately adjoining development includes low-scale residential development comprising of one and two storey dwellings along Denistone Road. The Ryde Hospital site is located directly opposite to the subject property, on the western side of Denistone Road, while Denistone Park is located on the southern side of Florence Avenue. More general surrounding development comprises low density residential development throughout Denistone.



Figure 2 – Aerial image

Source: SIX Maps 2019

The subject site is a consolidation of three adjoining land parcels, being Lot 2 in DP 1096437 (the main lot containing the dwelling), together with smaller lots 1 and 3 in the same Deposited Plan, located to the north and east respectively. The subject property is located on the high side of the road, with the natural topography of the site sloping down from the north-east to the south-west Denistone Road frontage.

Improved on the site is a single residential dwelling constructed in 1920 and a garage added in 1926. The dwelling is a typical example of an interwar bungalow, with face brick walls on an ashlar rendered brick foundation and a later tiled roof. The dwelling has features typical of its period and typology, including wide gables and heavy eaves, a deep-set timber posted verandah, and splayed casement bay window. The roof has a row of solar panels installed to the northern face.

Internally, the dwelling provides a large entrance hall with two main reception rooms to the right being the formal lounge room and dining room. A family living room and kitchen are located to the rear of the dwelling with an externally accessed laundry behind. The dwelling provides four bedrooms, a sunroom and a family bathroom. The detached garage is oriented towards Florence Avenue and provides a single car space, WC and adjoining workshop space.

The site contains a number of mature trees including palms and a Jacaranda tree. The remainder of the site is landscaped with hedging and shrubbery.

2.2. CURRENT CONDITION

The dwelling is in an extremely poor condition, showing signs of substantial subsidence and cracking. The roof is in a poor condition which has resulted in internal ceilings collapsing. The overall condition of the building is unstable and unsafe.

Northrop Consulting Engineers undertook a Structural Engineering Report on the subject property in February 2019, and have concluded the following:

In general, the main structure was in a very poor condition at the time of our inspection and the following structural defects were noted:

Brick walls

Extensive cracking to the brick walls throughout the dwelling was noted due to possible movement of the reactive clay type of foundation material. Some cracks were measure as large as 5 to 10mm wide at some locations. Loosed brickwork was also evident due to extensive cracking at several door opening locations and possible absence of lintels. Sections of the walls showed significant cracking and movements which further contributed to the ongoing water ingress from the gaps between roof framing and load bearing walls.

Timber floor framing

Due to the movement of the load bearing walls, sections of the timber flooring were noted to be un-levelled. Extensive timber decay was also noted to the existing timber floor at the front veranda.

Timber roof framing

A large section of the ceiling within one of the rooms had previously fallen due to ongoing water ingress caused by the relative movement between roof framing and wall. The roof ridge appeared to be sagging due to the movement of the load bearing brick wall below supporting the under-purlin and strut. Sections of the ceiling within the living room are now showing risks of collapsing.

It is our opinion that the structure in its current condition is unfit for the residents to live in. For the safety of the residents, we believe the house should be condemned.

Significant structural remedial works including underpinning, walls & roof rebuilding would be required to bring the dwelling to a structurally sound condition.

A quote for repair and restoration works for the property has been sought and has confirmed that the costs of repair to make the dwelling safely habitable would be prohibitive, over \$1,000,000 (February 2019 quote).

The following photographs were taken by Urbis during our site inspection in October 2018.

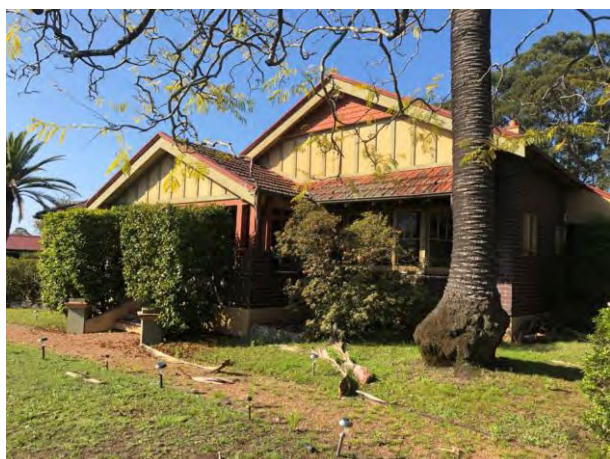


Figure 3 – Primary elevation

Source: Urbis



Figure 4 – Primary elevation

Source: Urbis



Figure 5 – Primary elevation

Source: Urbis



Figure 6 – View of the side elevation

Source: Urbis



Figure 7 – View of the rear garage

Source: Urbis



Figure 8 – View of the rear elevation

Source: Urbis



Figure 9 – View of the living and dining rooms

Source: Urbis



Figure 10 – View of the living room ceiling

Source: Urbis



Figure 11 – View of bay window in rear bedroom
Source: Urbis



Figure 12 – View of fireplace in family living room
Source: Urbis



Figure 13 – View of hallway ceiling
Source: Urbis



Figure 14 – View of wall in living room
Source: Urbis



Figure 15 – View of typical crack in masonry wall
Source: Urbis



Figure 16 – View of fireplace in front bedroom with evidence of major cracks to the left
Source: Urbis



Figure 17 – View of cracks above door and drummy render
Source: Urbis



Figure 18 – View of major cracks previously patched
Source: Cheng Yang 2019

3. HISTORICAL OVERVIEW

3.1. AREA HISTORY

The following history is reproduced from Phippen, Angela, Denistone, Dictionary of Sydney, 2010, <http://dictionaryofsydney.org/entry/denistone>, viewed 07 Mar 2019.

Denistone

Denistone is one of 16 suburbs that form the City of Ryde. The city is approximately 12 kilometres from the centre of Sydney and occupies most of the divide between the Parramatta and Lane Cove rivers. Ryde is bisected from west to east by one of Sydney's busiest roads, Victoria Road. It is crossed north-south by another main road, Lane Cove Road and is skirted on the north-west by the M2 Motorway and Epping Road.

At the time of the arrival of Europeans at Sydney Cove in January 1788, the Wallumedegal or Wallumede were the traditional owners of the area which they called Wallumetta. This clan formed part of a large Dharug language group.

Modern day Denistone consists of a number of original land grants: those to Varnice, Evans and Ternan in 1795 (in the area of Denistone House); grants to William Kent in 1797 and George Patfield in 1798 (the area around The Hermitage) and those to William Broughton and Privates John Stone, Richard Taylor and Lewis Williams in 1795 (modern-day Outlook Estate). Subsequent to these grants, throughout much of the nineteenth century, Denistone was consolidated in the hands of a few families of the colonial elite.

On 22 July 1795, 120 acres (48.5 hectares), called Porteous Mount, were granted to John Varnice, Humphrey Evans and William Ternan. Varnice was granted 45 acres (18.2 hectares), Evans 45 acres and Ternan 30 acres (12.1 hectares), but the grants were not subdivided. On August 24, 1795 the Reverend Richard Johnson acquired the property. On 7 March 1800, Johnson sold it to Michael Connor, who transferred to Roger Connor on 12 June 1816.

Farms and big houses

Gregory Blaxland, a free settler, purchased the 450-acre (182-hectare) Brush Farm Estate in 1806 shortly after his arrival in the colony. This estate covered most of the area south from Terry Road to Victoria Road and Tramway Street and east from Brush Road to Shaftsbury Road. In 1829 he transferred Brush Farm Estate to his eldest daughter Elizabeth and her husband Dr Thomas Forster. Forster expanded the estate by purchasing the Porteous Mount grants of 120 acres, east of his Brush Farm Estate. Forster built an eight-room house which he called Deniston after his birthplace in England. He sold a portion of this land to his brother-in-law John Blaxland, eldest son of Gregory. Around 1842 John commissioned colonial architect John Bibb to build a brick and stone house which he called The Hermitage.

On May 23 1840, Dr Forster leased 'the dwelling houses known by the name of Deniston' and 100 acres (40.4 hectares) of land to Major Edward Darvall for a period of 12 years. Darvall was a retired English army officer with strong family connections to the British East India Company. He and his family had arrived in January 1840.

Darvall did not remain at Deniston for the 12 years mentioned in the lease, as the property was again advertised to let in the Sydney Morning Herald on 8 March 1849. Major Darvall purchased other property in the Ryde district eventually settling on a large estate of nearly 400 acres (161.8 hectares) stretching from today's Rowe Street, Eastwood to Victoria Road, West Ryde and from Shaftsbury Road to Ryedale Road. The subdivision of the Darvall estate in the twentieth century also released land that forms part of modern-day Denistone.

After the Darvalls' departure, Deniston House was occupied by D Mackellar and his family. The house was burned down by bushfires in 1855. Deniston Estate passed into the hands of Richard Rouse Terry on 9 December 1872. Terry built the stone house known today as Denistone House and resided there for many years. This was a well designed two-storey sandstone building which was completed in 1874. After Terry's death in 1898, a number of tenants occupied the home and the property was gradually subdivided.



Figure 19 – Denistone House Eastwood, around 1914.

Source: City of Ryde Library, ref no. 5075424

Subdivision and development

The Denistone Estate was opened up for sale in 1913. In that year the house itself and 17 acres (6.8 hectares) of land were acquired for a convalescent hospital for men. This subsequently became Ryde Hospital. Richard Rouse Terry's Denistone House is extant.

John Blaxland died at The Hermitage on 26 January 1884 and Richard Rouse Terry is said to have been the next owner of The Hermitage and its land, which he purchased from the Blaxland estate. The first subdivision of the land took place in 1888 when the Miriam Hill Estate near what was then Ryde railway station (now West Ryde) was subdivided.

There were spurts of subdivision in the area. The first impetus came with the opening up of the railway to Hornsby in 1886 and the increased need for both industrial and residential lots in the area. Eastwood Station (originally called Dundas) opened in October 1886, quickly becoming a busy freight depot for local fruit produce. The arrival of the railway coincided with the deaths of a number of pioneering heads of the 'old families', opening the way for their descendants to subdivide their estates.

In the early decades of the twentieth century, estates such as the Highlands and Deniston Estate were advertised. Highlands Estate (1905), was an area bounded by Blaxland, Meriam, Commissioners and Inkerman roads, and it 'unlocked at last, the homestead of the Blaxland family'. Deniston Estate, no 2, (1914) was the slice of land between Blaxland and Denistone roads, immediately to the east and north of Denistone House.

Interestingly none of these subdivision plans refer to the suburb as Denistone. Variouslly it is Eastwood, Eastwood Ryde, Ryde Eastwood and, for good measure, West Ryde. No doubt the establishment of a railway platform halfway between West Ryde and Eastwood in September 1937, and the naming of it as Denistone, helped with the adoption of the name. It was described as

a pretty little station ... besides giving a needed facility to the locality, this Station has helped towards a considerable increase in local land values some rising, we are told, from 30/- to £5 or £10 per foot. The business of this station is mainly coaching, the district strictly residential.

No. 1 Subdivision
DENISTONE Estate
EASTWOOD
 For Auction Sale on the **GROUND** on
Saturday 19th April 1913.
 BY **J.E. GREEN & CO.** at 3 p.m.
 28 Moore St. Sydney. **TORRENS TITLE**

Terms
 One tenth Deposit. Balance in quarterly payments commencing over 5 years. Interest at 5%. Right to pay off with interest to date of payment.

Building Covenant & \$300.

DEWING and HAMILTON
 Solicitors & Conveyancers
 111 Pitt Street Sydney

Richard House Terry
28 Moore St. Sydney

5/10/13

Figure 20 – No. 1 Subdivision Denistone Estate Eastwood, 19 April 1913.

Source: SLNSW, Z/SP/E3/69

Ryedale estate to Outlook estate

After the coming of the railway, the next impetus to subdivision in the area began in the mid-1920s and was spurred by the promise of a railway link between Eastwood and St Leonards. Because of this promise, a subdivision in Denistone called the Outlook Estate was developed, bounded by Bellevue, Trelawney, Chatham and Burmah roads as far north as Outlook Park, in the westernmost part of the suburb. It had been part of the Ryedale estate, 400 acres (161.8 hectares) which became part of western Denistone and surrounding suburbs.

The land on which the Outlook Estate is now located was first granted jointly to a storekeeper, William Broughton, and to Privates John Stone, Richard Taylor and Lewis Williams on 22 July 1795. This was called Chatham Farm and was bounded (approximately) by the intersections of modern-day Rowe Street and Shaftsbury Road, the intersection of Bigland Avenue and Shaftsbury Road, the intersection of Simla and Chatham Roads, and the Eastwood Centre. The southern part of this grant is now part of Denistone, while the northern part is now part of Eastwood. One month after the grant was made, William Broughton purchased the shares of his partners. Before leaving for Norfolk Island to take up a position of storekeeper in 1802, Broughton appointed Captain John Macarthur (of the New South Wales Corps) as his Sydney attorney. Macarthur sold Chatham Farm to Lieutenant John Brabyn (c1759-1835). He had arrived in Sydney as an ensign of the New South Wales Corps aboard the Marquis Cornwallis in 1796.

Three months after purchasing Chatham Farm, Brabyn was granted a further 200 acres (81 hectares) within modern-day Denistone, a grant he subsequently named York Farm. John Bennett, who had also arrived on the Marquis Cornwallis, with a seven-year sentence, leased 10 acres (4 hectares) of Chatham Farm from at least 1802, at which time his sentence had expired. John Brabyn sold Chatham Farm in June 1806 to John Bennett. In 1818 Bennett expanded the farm by purchasing a large section of the estate of William Balmain. With this acquisition, Bennett's land extended from modern-day Rowe Street to the Parramatta River, and from Ryedale Road to Shaftsbury Road north of Victoria Road, and Station Street to the Ryde-Parramatta golf course south of Victoria Road.

John Bennett never married. Upon his death in July 1829 Chatham Farm was inherited by his nephew William Bennett (died 1865) who had arrived in Sydney in 1820 as a midshipman in the Royal Navy. William and his wife Susan (or Susannah) Brown lived in Chatham Cottage. The cottage was located near the modern-day intersection of Bellevue and Bigland avenues. Later, they built a five-room stone cottage on what was later the site of the Meadowbank tennis courts.

On 20 July 1855 William and Susan Bennett sold 373 acres (151 hectares) of their estate to Major Edward Darvall. This land sale involved land from four original grants: James Thompson's original grant, Chatham Farm, Balmain Farm and most of Henderson Hill. Soon after purchasing their estate, the Darvalls built a two-storey mansion on the site of St Columb's Church (Ryedale House) and planted a 50-acre (20-hectare) orchard around it. Upon the Major's death in 1869, the ownership of the Ryedale land passed to his widow, his second wife, Jane Darvall (nee McCullough).

While other estates were subdivided in the last decades of the nineteenth century, Jane Darvall kept the majority of the Ryedale estate intact until the beginning of the twentieth century. When Jane Darvall died in 1899 the estate was inherited by her only son Anthony William Darvall. The subdivision of the Ryedale estate was begun by him. Anthony William's sons, Edward Roger and George Harrison Darvall, and his son-in-law William Herbert Bean continued the subdivision of the former Darvall Estate following Anthony's death in 1915. Darvall Estates 2 and 3, (1915) northern Anthony Road and Miriam Road in Denistone were part of this.

The Outlook Estate was the sixth and last subdivision of the Ryedale estate. The 124 home sites were advertised for private sale in 1929. The building of these houses took place during the 1930s and 1940s. The Eastwood-St Leonards railway line was never built.

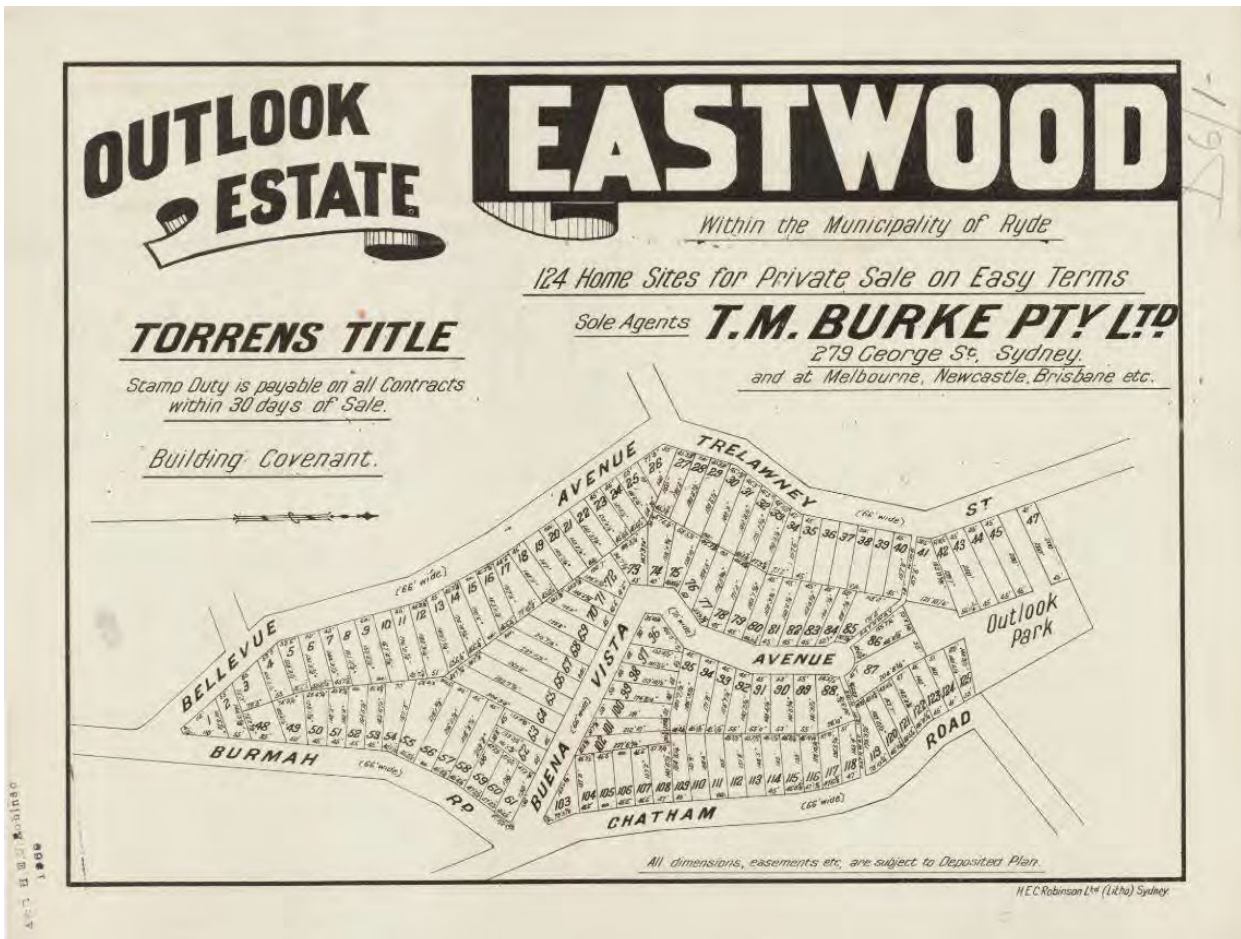


Figure 21 – Outlook Estate Eastwood Within the Municipality of Ryde, undated.

Source: SLNSW, Z/SP/D6/1

3.2. SITE HISTORY

The subject site is located on part of Lots 23, 24 and 25 in Section 4 of DP7997 (Denistone Estate), being originally part of 180 acres (48.56ha) granted to John Varnice, Humphry Evans and William Ternan on 22 July 1795. Following a succession of owners “Deniston” house was built on this land. The original house burnt down in 1855 and was rebuilt as a large sandstone house (Figure 19) in 1872 by Richard Rouse Terry.

In January 1894, 128 acres 3r 4¼ perches of land was registered in the ownership of Richard Rouse Terry.³ Following his death in 1898, the property remained substantially intact until 1913 when the first subdivision of the Denistone Estate took place (Figure 20). It comprised 169 allotments at Eastwood,⁴ a rapidly growing and progressive suburb. The auction sale was held on 19 April the same year.

The large parcel of land passed by transmission in May 1914 to Frank David Muller and John Edgar Terry. They promptly subdivided a further portion of the property as Denistone Estate Subdivision No. 2 (Figure 22). It comprised “110 choice elevated building sites fronting Blaxland road and other roads...three minutes walk from the Eastwood Railway Station, on the right-hand side of line from Sydney”.⁵ The allotments each had a frontage of 66ft by depths up to 250ft and were offered with a building covenant of £300. The auction was held on 5 December 1914. The residue of unsold allotments was offered for sale the following year.

³ CT Vol 1115 Fol 59, NSW LRS

⁴ At this date, the present suburb of Denistone was known as Eastwood.

⁵ “This Day Eastwood-Ryde”, *Daily Telegraph*, 5 December 1914, p20

**EASTWOOD
- RYDE**

**DENISTONE ESTATE
SUB^{DN} NO. 2.**

Estate of the Late Richard Rouse Terry.

**AUCTION SALE
ON THE GROUND
SATURDAY
DEC. 5TH
1914.
AT 3 O'CLOCK.**

Torrens Title.

Rawlinson & Hamilton,
Solicitors to the Estate,
28 Castlereagh St. Sydney.

Building Covenant
£300.

J.E. GREEN & CO.
Auctioneers
28 MOORE ST. SYDNEY.

*TERMS: One Tenth Deposit,
Balance in quarterly payments
extending over 5 years, Interest 5%.
Right to pay off with Interest to Date
of payment.*

Chapman & Fawell,
Licensed Surveyors under R.P.A.
107 Pitt St. Sydney.

This Lithograph is subject to Deposited Plans.

SMITH & LANE, PRINTERS.

E3/3

Figure 22 – Denistone Estate Subdivision No. 2, 5 December 1914. Subject site outlined in red thereon.

Source: SLNSW, Z/SP/E3/3

In November 1917, Lot 23 in Section 4 of the Denistone Estate Subdivision No. 2 was sold to Samuel Watson of Petersham, clerk.⁶ Simultaneously, the adjoining parcel, Lot 24, was conveyed to Christina Ann Jones.⁷ Watson conveyed part of Lot 23 to Jones in October 1919. Two months later, the respective parcels of land were consolidated on a single certificate of title in the name of Christina Ann Jones of Ryde, widow. She erected a house on this land called “Lanark Brae”, after her previous house in Wisdom Road, Greenwich, where she had lived with her late husband, Rev Henry Jones. She is listed for the first time in the *Sands Directory* in Denistone Avenue in 1921. The architect and builder of the subject residence are not known.

The following year, Jones enlarged her property further by the acquisition of part of Lot 25.⁸ This was registered on a new consolidated title in September 1924, totalling 1 rood and 23¾ perches of land as shown in Figure 25. Two months later, she conveyed the subject site to her son, Henry Spencer Jones⁹ and he and his wife moved in with her. According to the 1924 Assessment Card, Lanark Brae was described as a “d. (detached) F. Bk.(brick) Ctge, (cottage) Tile Roof, 5 rooms, K & O (kitchen & offices)”. Henry Spencer Jones was named owner and occupant in this record.

“H Jones” lodged an application to Eastwood Council in 1926 to erect a garage at Denistone Avenue and Florence Avenue with an estimated cost of 40 pounds.¹⁰ This structure is visible in the 1943 aerial survey on what appears to be that portion of the site comprising part of Lot 25 (Figure 25).

According to the 1930 electoral roll, the subject property is in the occupation of Christina Ann Jones and her son and daughter-in-law, Henry Spencer Jones and Margaret Zara Jones.¹¹

Figure 24 comprises the detail survey of the subject site in September 1937 with the footprint of the buildings thereon. By 1939, Lanark Brae is described as a cottage owned and occupied by Henry Spencer Jones with an unimproved/improved/assessed annual value (UCV/ICV/AAV) of 488/1900/129 pounds.

⁶ CT Vol 2807 Fol 108, NSW LRS

⁷ CT Vol 2807 Fol 89, NSW LRS

⁸ CT Vol 3345 Fol 189, NSW LRS

⁹ *ibid.*

¹⁰ “Tenders accepted – stables and garages”, *Construction and Local Government Journal*, 19 May 1926, p1

¹¹ *Commonwealth Electoral Rolls New South Wales Parramatta Ryde West 1930*, ancestry.com.au

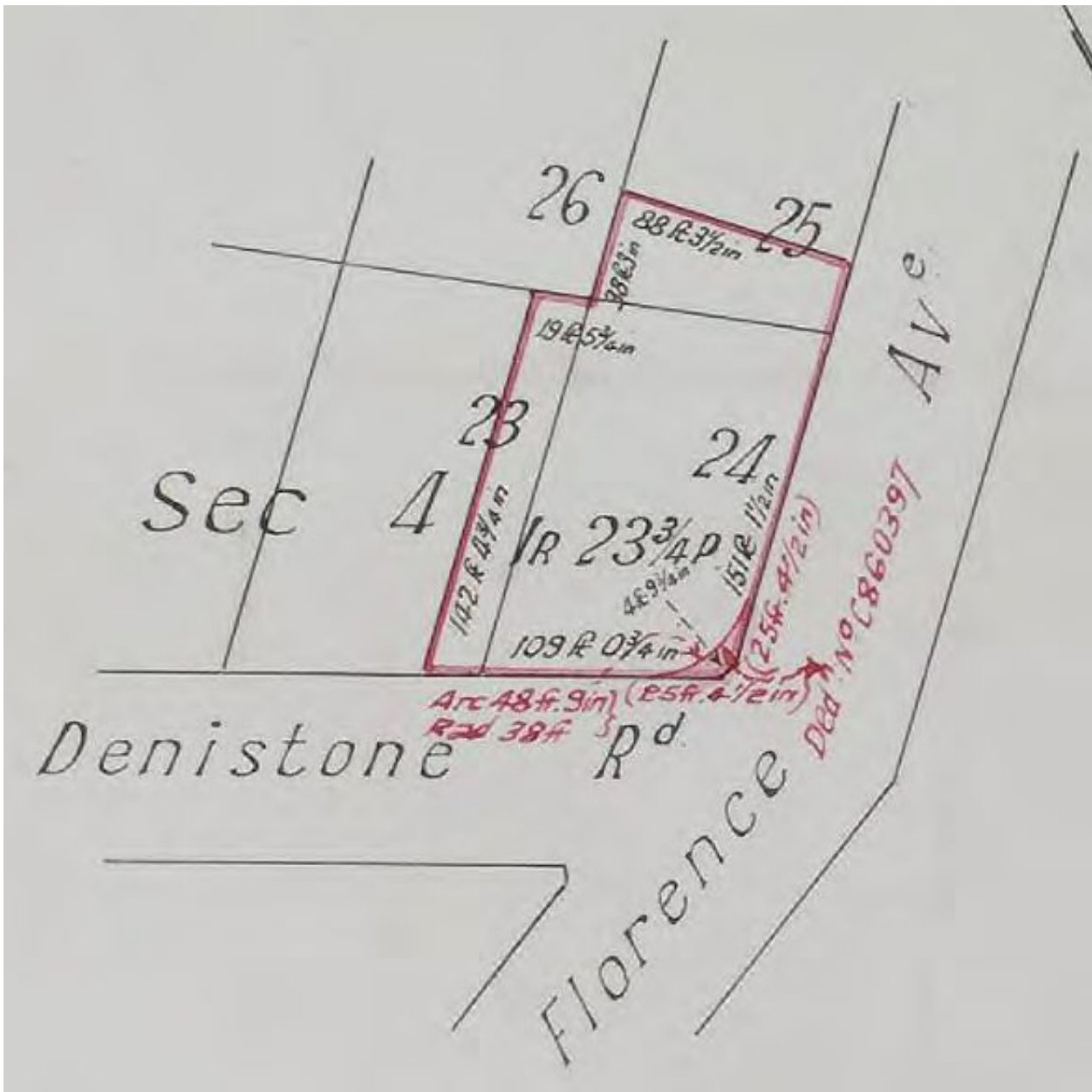


Figure 23 – Block plan of land owned by Christina Ann Jones accompanying CT Vol 3643 Fol 41, September 1924.

Source: NSW LRS



Figure 24 – Extract from Detail Survey Ryde Sheet 159, Date of Survey September 1937. Subject site outlined in red.
 Source: Ryde Library Local Studies Collection, 15484

Christina Jones passed away in September 1939. Her passing was marked by an obituary in *The Methodist* as follows:

Eastwood Circuit is all the poorer for the passing of one who gave of her very best to God's cause. Mrs. Jones was a native of Ryde, and the home where she was made so happy by her son and daughter-in-law, and from which the funeral moved, was but a short distance from the home of her girlhood.

That home of the Short family was a synonym for hospitality and deep loyalty to Christ and Christ's ministers. Nearly fifty years ago her marriage with Rev. Henry Jones took place, and, like many another of our ministers' wives, she worked with her husband in circuits that were difficult, and where climatic conditions were terribly severe. She was a true mother, and through many dark days, when death invaded the parsonage, taking her babies one by one, her faith never faltered.

When her only child felt that it was a man's job that had to be done at the Great War, no restraining hand was placed on him, and she was left a desolate but proud mother. He returned to be a never-ending comfort, a strong tower to her in her declining days. At the funeral service held in the home, Rev. W. H. Jones, her nephew, very tenderly spoke of her loving solicitude and unfailing brightness of disposition. Her happiness had a contagious quality, and those who went to cheer were more often themselves cheered. She was the captain of her own soul, and did her own thinking.

She hated humbug, and had a very sure touch in the appraisalment of her fellows. Notwithstanding this, she was full of kindness, and hers was a large love. Her brave and independent life was founded on a faith that carried her triumphantly over "the last long mile". She loved life and all the sweetness and opportunity it brought to her, yet when she knew that all hope had to be surrendered there was no complaining, but a quiet acceptance of the burden. She died as she had lived — with the peace of God in her heart. How could we do ought but thank God upon every remembrance of her?¹²



Figure 25 – Detail from 1943 aerial survey of Sydney showing subject site shaded yellow.

Source: NSW LRS, SixMaps

Henry and Margaret Jones continued to own and occupy 68 Denistone Road until 1961 when it was sold to Olga Blanche Scott of Eastwood.¹³ She and her family moved into the house soon after. According to the 1963 electoral roll, 68 Denistone Road was occupied by Olga Blanche Scott, Stanley Norman Scott and Janice Elaine Scott. Norman is described therein as ‘company director’, and Olga and Janice as “home

¹² “Mrs Christina Jones”, *The Methodist*, 3 November 1934, p15

¹³ CT Vol 5112 Fol 217, NSW LRS

duties". They occupied the home until 1987 when it was conveyed to Robert John Hickman and Suzanne Zoe Hickman. Three years later, the property changed hands to Graeme Lloyd Willis and Doreen Myfanwy Willis.

3.3. PROPERTY OWNERS

Table 1 – Property Owners

Date	Owner	Title reference
Jul 1795	John Varnice, Humphry Evans and William Ternan	Crown Grant of 120 acres
Aug 1795	Rev Richard Johnson	
Mar 1800	Michael Connor	
Jul 1816	Roger Connor	
Dec 1837	Thomas Forster	
Dec 1872	Richard Rouse Terry	
Mar 1884	Richard Rouse Terry	CT Vol 686 Fol 191
Jun 1885	Richard Rouse Terry	CT Vol 744 Fol 24
Nov 1888	Richard Rouse Terry	CT Vol 901 Fol 153
Jan 1894	Richard Rouse Terry	CT Vol 1115 Fol 59
May 1914	Frank David Muller and John Edgar Terry	
Nov 1917	Christina Ann Jones (Lot 24 Sec 4 DP7997)	CT Vol 2807 Fol 89
Nov 1917	Samuel John Watson (Lot 23 Sec 4 DP 7997)	CT Vol 2807 Fol 109
Oct 1919	Christina Ann Jones (part Lot 25 Sec 4 DP7997)	
Nov 1921	Frank David Muller and John Edgar Terry (residue of unsold allotments inc Lot 25 Sec 4 DP7997)	CT Vol 3255 Fol 9
Dec 1919	Christina Ann Jones (Lot 24 & part Lot 23 sec 4 DP7997)	CT Vol 2996 Fol 136
Aug 1922	Christina Ann Jones (Lot 25 Sec 4 DP 7997)	CT Vol 3345 Fol 189
Sep 1924	Christina Ann Jones (Lot 24 & part lots 23 and 25 Sec 4 DP7997)	CT Vol 3643 Fol 41
Oct 1924	Henry Spencer Jones	
Jan 1940	Henry Spencer Jones	CT Vol 5112 Fol 217
Oct 1961	Olga Blanche Scott	
Jul 1987	Robert John Hickman	
Feb 1990	Graeme Lloyd Willis and Doreen Myfanwy Willis	

3.4. DATE OF CONSTRUCTION

The existing dwelling at 68 Denistone Avenue was built in 1920. The architect/builder is not known. Henry Spencer Jones built the garage in 1926.

3.5. ALTERATIONS AND ADDITIONS

Due to time constraints, no information is provided here for alterations and additions to the property as GIPA applications to Council can take up to one month to process files for access. However, we note that the dwelling has been extended to the rear to provide for a further bedroom, during the mid to late twentieth century.

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.1. HERITAGE LISTING

The subject site is not a listed heritage item under any statutory planning instrument, nor is it located within a heritage conservation area. The site is located within close proximity to two heritage items, as follows:

- Item 47, “Denistone House” and “Trigg House” (Ryde Hospital), locally-significant heritage item.
- Item 125, Open space, Denistone Park, locally-significant heritage item.



Figure 26 – Extract of heritage map, subject site outlined in blue

Source: Ryde Local Environmental Plan 2014, Heritage Map HER_002

A Development Application was lodged to Ryde Council on 28 August 2018 for the consolidation of all three lots within the subject property, and subdivision into two lots (LDA2018/0340). Following this Development Application lodgement, Council resolved on 25 September 2018 to apply an Interim Heritage Order (IHO) to the subject property. The Development Application (LDA2018/0340) was subsequently refused by Ryde Council on 31 October 2018.

The IHO will lapse on 26 March 2019. Ryde Council has until this date to pass a resolution to list the property as an item of local heritage significance on the local environmental plan. We understand that at its Ordinary meeting of 26 February 2019, Ryde Council resolved to lodge a Planning Proposal with the NSW Planning Minister, to include 68 Denistone Road, Denistone on the heritage schedule of the Ryde Local Environmental Plan 2014.¹⁴

¹⁴ City of Ryde, City of Ryde Council Meeting Summary – February Meeting, accessed online at <https://www.ryde.nsw.gov.au/Council/Media-Centre/News-and-Public-Notices/City-of-Ryde-Council-meeting-summary-February-meeting>

4.2. COMPARATIVE ANALYSIS



In order to assess the potential rarity value of the subject property within the Ryde LGA and the broader Sydney area, we have included the following comparative analysis which seeks to identify and assess other similar dwellings of the Californian Bungalow typology within the Ryde LGA and the immediate area.

We have identified a small number of interwar / Californian Bungalows which are currently heritage listed either on the Ryde Local Environmental Plan 2014 or on State Government Section 170 Heritage and Conservation Registers. In addition to this collection of highly intact and well-preserved examples of the typology, the immediate surrounds to Denistone Road contains a vast number of similarly intact examples of Californian Bungalow dwellings. We have included an additional 12 examples of this typology from immediately surrounding streets, including Third Avenue, Fourth Avenue, Ryedale Road, Blaxland Road and Rutledge Street (*inter alia*).



This analysis has confirmed that the subject property is one of many examples of the Californian Bungalow typology located in the immediate area and within the Ryde LGA, and cannot be considered rare or endangered in this context. With consideration for the current condition of the subject dwelling, and the structural report findings outlined in Section 2.2 of this report, the subject property is certainly not the most intact or well-preserved example of its typology when compared with those included in the comparative analysis hereunder. There are larger examples of this typology with higher integrity within the immediate locality.

Further, the subject property is not considered to be a rare or endangered typology in the context of the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development. In other areas of Sydney there are also groups of this typology located within heritage conservation areas and which already have a degree of heritage protection.

Table 2 – Inter-War Bungalows





Property	Detail	Image
<p>64 Tarrants Road, Eastwood NSW</p> <p>Heritage listed on RTA s170 Heritage and Conservation Register.</p>	<p>Form: Gabled Californian bungalow. Style/Period: Inter-war (c.1923). Stores: 1. Roof: Marseilles tiles unglazed. Walls: Two-tone brickwork. Boarded and battened gables. Shingles at apex. Fenestration: Timber casements. Alterations: Small rear extension c1960.</p> <p>Statement of Significance:</p> <p><i>Located on a large corner allotment, the house is of local significance as a very good example of an interwar period Californian bungalow retaining many original features and making a positive and substantial contribution to the local streetscape.¹⁵</i></p>	 <p>Source: NSW State Heritage Inventory</p>  <p>Source: onthehouse.com.au</p>






¹⁵ NSW State Heritage Inventory, accessed online at <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=4305615>





Property	Detail	Image
<p>8 Rutledge Street, Eastwood NSW</p> <p>Heritage listed on RTA s170 Heritage and Conservation Register.</p>	<p>Form: Large corner bungalow with gables on 2 sides.</p> <p>Style/Period: Inter-War Arts & Crafts.</p> <p>Stores: 1</p> <p>Roof: Marseilles tiles. The rough cast render gables with decorative timber vents.</p> <p>Walls: Two-tone brick.</p> <p>Fenestration: Timber double hung sash.</p> <p>Alterations: Sympathetic extension at rear.</p> <p>Landscaping: Fine maple tree specimen.</p> <p>Statement of Significance:</p> <p><i>The house is of local significance as a very good example of an Arts & Crafts bungalow. Prominently situated on a corner lot, the house is a key building in the streetscape.</i>¹⁶</p>	 <p>Source: NSW State Heritage Inventory</p>
<p>16 Miriam Road, West Ryde, NSW</p> <p>Heritage Item 218 (Ryde LEP 2014)</p>	<p>Wallington - Inter-war California Bungalow dwelling</p> <p>Date: c1922.</p> <p>Statement of Significance:</p> <p><i>The house "Wallington" at 16 Miriam Road, West Ryde, constructed circa 1921-1922 is of historical significance as part of the first subdivision of the Darvall Estate of 1911 and as evidence of the early 20th century suburban development of West Ryde. The covenant imposed on the original land title for the site illustrates early 20th century town planning to prevent the construction of non-residential development or inferior types of housing in the area. The house is of aesthetic significance as a fine representative example of an Inter-war California Bungalow style dwelling in a garden setting, contemporary with, and with a visual relationship to, other nearby heritage-listing dwellings in Miriam Road. The site has additional aesthetic significance for its leafy streetscape and park outlook.</i>¹⁷</p>	 <p>Source: NSW State Heritage Inventory</p>




¹⁶ NSW State Heritage Inventory, accessed online at <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=4305616>



¹⁷ NSW State Heritage Inventory, accessed online at <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2340424>

Property	Detail	Image
<p>514 Blaxland Road, Denistone, NSW</p>	<p>Californian Bungalow</p> <p>Date: unknown, c. early 1920s</p> <p>Listed: Not listed</p> <p>The dwelling at 514 Blaxland Road comprises an Inter-War bungalow of face brick with terracotta tiled roof. The dwelling occupies a corner block and has gables ends to both street frontages. Original exterior features include bay windows and brick chimney.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google Maps, 2019</p>
<p>54 Fourth Avenue, Denistone</p> <p>Not heritage listed</p>	<p>Single storey face-brick Californian Bungalow, constructed in c.1920s. The property is on a prominent corner location and contains landscaping contemporary to the dwelling, including large palm trees.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>
<p>22 Third Avenue, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey face-brick Californian Bungalow, constructed in c.1920s. The dwelling has a large gabled front over a deep-set verandah with sandstone foundations and verandah pillars.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google maps 2019</p>

Property	Detail	Image
<p>24 Third Avenue, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-fronted face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>
<p>37 Clanwilliam Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google maps 2019</p>
<p>6 Stewart Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens. The dwelling features a substantial sandstone foundation and verandah columns.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing, original sash timber windows and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>

Property	Detail	Image
<p>14 Stewart Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-fronted face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set verandah with decorative plaster verandah colonettes.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>(current photo obscured by vegetation)</p>  <p>(2004 image before tree growth) Source: Google maps 2019 & onthehouse.com.au</p>
<p>84 Ryedale Road, Denistone NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens and timber shingle detailing. The dwelling features decorative brick and plastered verandah colonettes.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing, original sash timber windows and decorative ceilings. The building has a high degree of integrity.</p>	  <p>Source: realestate.com.au</p>

Property	Detail	Image
<p>54 Denistone Road, Denistone NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-fronted face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens. The dwelling features decorative brick and verandah columns with twin timber verandah posts.</p> <p>The dwelling is generally intact in its original form and is in good condition. Internally, there is original joinery throughout, picture rails, door furniture, leadlight glazing, original sash timber windows and decorative ceilings. Original timber fireplace surrounds are extant. The building has a high degree of integrity.</p>	 <p>Source: realestate.com.au</p>
<p>34 Denistone Road, Denistone NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled face-brick Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set enclosed verandah with casement windows.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: onthehouse.com.au</p>
<p>20 Third Avenue, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, double-gabled rendered Californian Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set stucco-rendered verandah.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: Google maps 2019</p>

Property	Detail	Image
<p>19 Clanalpine Street, Eastwood NSW</p> <p>Not heritage listed</p>	<p>Single storey, single-fronted face-brick and rendered interwar Bungalow, constructed in c.1910s-1920s. The dwelling has one prominent gable to the principal elevation with decorative timber battens, and decorative Arts and Crafts detailing including decorative timber brackets and lead light windows.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: realestate.com.au</p>
<p>91 Rutledge Street, Eastwood NSW</p>	<p>Single storey, double-gabled face-brick interwar Bungalow, constructed in c.1920s. The dwelling has two prominent gables to the principal elevation with decorative timber battens, and a heavy brick deep-set face brick verandah.</p> <p>Internal photographs were not available however the dwelling appears in sound condition externally.</p>	 <p>Source: realestate.com.au</p>

4.3. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 3 – Assessment of heritage significance

Criteria	Significance Assessment
<p>A – Historical Significance</p> <p><i>An item is important in the course or pattern of the local area's cultural or natural history.</i></p>	<p>The subject property is a good example of a Californian Bungalow of the period and has representative value for its external streetscape contribution. It contains a number of details of the typology, however these are common throughout other buildings of the period and considered typical of the style.</p> <p>The subject property does not represent an original or significant subdivision pattern and is instead a consolidation of multiple lots acquired after the principal lot was purchased.</p> <p>The subject property does not demonstrate strong associations to any significant past philosophies, customs or practices. The property comprises a dwelling typical of the period in common style and detailing.</p> <p>The subject property is not associated with any significant historical events.</p> <p>The existing landscaping contains both contemporary and mature vegetation, however this landscaping is not in itself significant and does not in itself demonstrate significant uses, other than residential occupation from the period of construction of the dwelling.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows evidence of a significant human activity <input type="checkbox"/> • is associated with a significant activity or historical phase <input type="checkbox"/> • maintains or shows the continuity of a historical process or activity <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> • provides evidence of activities or processes that are of dubious historical importance <input checked="" type="checkbox"/> • has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/>

Criteria	Significance Assessment
<p>B – Associative Significance</p> <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i></p>	<p>The subject property has no known significant associations. The dwelling is not designed by a well-known architect. The occupants of the dwelling from its construction have no particular significance in the local community. The property is not associated with any significant events or people, nor does the fabric of the dwelling demonstrate any significant associations.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows evidence of a significant human occupation <input type="checkbox"/> • is associated with a significant event, person, or group of persons <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/> • provides evidence of people or events that are of dubious historical importance <input type="checkbox"/> • has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/>

Criteria	Significance Assessment
<p>C – Aesthetic Significance</p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The subject property is a good example of an interwar Californian Bungalow, and contains representative values commensurate with its period and style.</p> <p>The building is not associated with any well-known or important architects or builders.</p> <p>The dwelling is of typical construction, form and layout, and contains features common for the period and style. The building does not demonstrate any distinctive aesthetic attributes.</p> <p>The building demonstrates no technical or innovative achievements in its design or construction. The building has a typical face-brick and rendered exterior and has no external features which are rare or unusual, and which are not already represented in other examples of its typology.</p> <p>The property occupies a prominent corner position which enhances its aesthetic quality, however this presentation is typical of many corner dwellings of the area (refer to the Comparative Analysis at Section 4.2), and the building is otherwise typical of its period.</p> <p>The dwelling is in a dilapidated state of repair and is structurally unsound (refer to the Structural Engineer's findings outlined at Section 2.2). As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> • is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> • is aesthetically distinctive <input type="checkbox"/> • has landmark qualities <input type="checkbox"/> • exemplifies a particular taste, style or technology <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is not a major work by an important designer or artist <input checked="" type="checkbox"/> • has lost its design or technical integrity <input checked="" type="checkbox"/> • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> • has only a loose association with a creative or technical achievement <input type="checkbox"/>

Criteria	Significance Assessment
<p>D – Social Significance</p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>The subject property is a residential dwelling and has been occupied for its residential amenity since its initial construction. There are no known significant social associations with the subject property, and the property does not have any demonstrated cultural value for the community. The property does not contribute to the community's sense of place, and is instead a typical residential dwelling of the locality within a residential neighbourhood.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • is important for its associations with an identifiable group <input type="checkbox"/> • is important to a community's sense of place <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is only important to the community for amenity reasons <input checked="" type="checkbox"/> • is retained only in preference to a proposed alternative <input type="checkbox"/>
<p>E – Research Potential</p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p>	<p>The subject property is a typical interwar Californian Bungalow of its period, and does not contain any rare, endangered or technically innovative features for the typology.</p> <p>The dwelling is of a common construction type with face-brick and render exterior, and common internal features for the period. The building contains only representative features of the period which are also demonstrated in other more intact examples of the typology in the immediate locality.</p> <p>The subject property once formed part of the broader Denistone Estate land holding, however it is unknown whether any earlier structures may have been present on the current property location prior to the existing dwelling. Notwithstanding the above, it is beyond the scope of this report to assess the archaeological potential of the place.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> • is an important benchmark or reference site or type <input type="checkbox"/> • provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/> • has little archaeological or research potential <input type="checkbox"/> • only contains information that is readily available from other resources or archaeological sites <input checked="" type="checkbox"/>

Criteria	Significance Assessment
<p>F – Rarity</p> <p><i>An item possesses uncommon, rare or endangered aspects of the local area’s cultural or natural history.</i></p>	<p>We have identified a small number of interwar / Californian Bungalows which are currently heritage listed either on the Ryde Local Environmental Plan 2014 or on State Government Section 170 Heritage and Conservation Registers. In addition to this collection of highly intact and well-preserved examples of the typology, the immediate surrounds to Denistone Road contains a vast number of similarly intact examples of Californian Bungalow dwellings.</p> <p>This analysis has confirmed that the subject property is one of many examples of the Californian Bungalow typology located in the immediate area and within the Ryde LGA, and cannot be considered rare or endangered in this context. With consideration for the current condition of the subject dwelling, and the structural report findings outlined in Section 2.2 of this report, the subject property is certainly not the most intact or well-preserved example of its typology when compared with those included in the comparative analysis hereunder. There are larger examples of this typology with higher integrity within the immediate locality.</p> <p>Further, the subject property is not considered to be a rare or endangered typology in the context of the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development. In other areas of Sydney there are also groups of this typology located within heritage conservation areas and which already have a degree of heritage protection.</p> <p>The subject dwelling is not the only example of its type, does demonstrate techniques of exceptional interest and does not provide evidence of a defunct custom.</p> <p>The subject property does not meet the threshold for heritage listing under this criterion.</p>

Criteria	Significance Assessment
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • provides evidence of a defunct custom, way of life or process <input type="checkbox"/> • demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/> • shows unusually accurate evidence of a significant human activity <input type="checkbox"/> • is the only example of its type <input type="checkbox"/> • demonstrates designs or techniques of exceptional interest <input type="checkbox"/> • shows rare evidence of a significant human activity important to a community <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is not rare <input checked="" type="checkbox"/> • is numerous but under threat <input type="checkbox"/>
<p>G – Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> • <i>cultural or natural places; or</i> • <i>cultural or natural environments.</i> 	<p>The subject property is a good example of an interwar Californian Bungalow and contains representative values commensurate with its period and style. However, the property is in a poor state of repair and a number of internal features have been lost, are damaged or are beyond repair. The property is not a fine or exemplar example of its type. The building has a low level of integrity.</p> <p>The building is not associated with any well-known or important architects or builders.</p> <p>The dwelling is of typical construction, form and layout, and contains features common for the period and style. The building does not demonstrate any distinctive aesthetic attributes and has only the principal characteristics of the typology.</p> <p>The building demonstrates no technical or innovative achievements in its design or construction. The building has a typical face-brick and rendered exterior and has no external features which are rare or unusual, and which are not already represented in other examples of its typology.</p> <p>The property occupies a prominent corner position which enhances its aesthetic quality, however this presentation is typical of many corner dwellings of the area (refer to the Comparative Analysis at Section 4.2), and the building is otherwise typical of its period.</p> <p>Overall, the building has some representative value, however it does not meet the threshold for heritage listing under this criterion.</p>

Criteria	Significance Assessment
<u>Guidelines for Inclusion</u>	<u>Guidelines for Exclusion</u>
<ul style="list-style-type: none"> • is a fine example of its type <input type="checkbox"/> • has the principal characteristics of an important class or group of items <input checked="" type="checkbox"/> • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> • is a significant variation to a class of items <input type="checkbox"/> • is part of a group which collectively illustrates a representative type <input type="checkbox"/> • is outstanding because of its setting, condition or size <input type="checkbox"/> • is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/> 	<ul style="list-style-type: none"> • is a poor example of its type <input type="checkbox"/> • does not include or has lost the range of characteristics of a type <input checked="" type="checkbox"/> • does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/>

4.4. STATEMENT OF SIGNIFICANCE

The subject property at 68 Denistone Road, Denistone is a good externally representative example of the interwar Californian Bungalow typology.

The building demonstrates the principal characteristics of its typology however these are common throughout the Ryde LGA and Sydney more broadly, in more intact examples. It does not contain any rare, endangered or technically innovative features for the typology. The building was not designed by an important or well-known architect, and the property has no known significant historical associations.

The dwelling is in a dilapidated state of repair and is structurally unsound. As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.

The subject property is not considered to be a rare or endangered typology in the context of Ryde LGA or the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development.

The property has been occupied for residential purposes since its construction, and holds no particular significance to the community, and has no known significant social values.

Overall the subject property is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for assessing heritage significance provided for by the NSW Heritage Division.

4.5. COUNCIL'S HERITAGE ASSESSMENT

Irrespective of the history and accuracy or otherwise of the council reasons for listing, the IHO raises a very fundamental and important issue that we would suggest threatens the basis of heritage planning in Ryde.

If Council intends to randomly list properties (that is outside undertaking a comprehensive heritage study), through the IHO process, as a response to a DA that may be submitted for a site with an older building, what is the purpose of heritage listing at all? If there is not a reasonable level of certainty about whether a place is heritage listed or not, the LEP heritage schedule must be considered of little value to owners and at unreliable to the point where it should not have status.

Ryde has undertaken numerous and comprehensive heritage studies. The IHO process as it is being implemented, we suggest, undermines the sound heritage base of Ryde and places at risk the properly assessed and listed places.

Even if a place of some heritage value has been overlooked in a study process, if the LEP listings cannot be relied on at the point of lodging an application, the Council has failed to act in accordance with the provisions of its LEP and it must be assumed that any property is capable of heritage listing outside the usual LEP review process.

68 Denistone Road is not a heritage item, is not within or near a heritage precinct, does not reach the threshold for heritage listing as an item when compared with heritage listed buildings the same period in the suburb, is in a noticeable location where it cannot be argued that it has been overlooked in earlier studies and does not have the significance or history that council attribute to it. Council has gazetted heritage sites in the vicinity, so there has been a professional review of the area in the past.

If this building were to be heritage listed as a result of this process, I would suggest there would be hundreds of similar unlisted buildings that then must be immediately heritage listed simply on the basis of fairness and the listing threshold that has been established. The random listing of a typical and non-distinctive building undermines the credibility and process of listing in the Council area.

Perhaps the difficulty of this site is that it is an attractive interwar period house that was not significant enough to heritage list but when threatened with removal upsets the local community as they do not wish to see change or a new development. Council should, if they wish to lower the threshold for heritage listing, review the former studies and add a wide range of buildings to the heritage lists. I would suggest this could extend into many hundreds of buildings. However, if the intent of heritage listing is to retain significant buildings and precincts based on the established thresholds and criteria, the IHO fails. This is particularly so when it has been documented that Council's external heritage consultant did not view the interior of the property and there has been no formal assessment or repudiation of the condition of the property.

The heritage study in support of the IHO therefore does not stand up to scrutiny and if this is the basis of the listing it should not proceed. The conclusion from the study appears to be that every typical bungalow in Sydney should be individually listed. This requires a more comprehensive philosophical debate before these dwellings are listed. For a study of this kind it should be assumed that the study would be wider and provide a more comparative analysis of the Municipality and even further. There has been a review of interwar houses over Sydney and the dwelling at 68 Denistone Street certainly does not reach the threshold for individual significance and is not in a cohesive area that warrants a contributory status.

5. CONCLUSION AND RECOMMENDATIONS

The potential heritage significance of the subject property has been assessed in Section 4.3 of this report, supported by this historical analysis included at Section 3.2 and the comparative analysis included at Section 4.2.

Overall the subject property is not considered to meet the threshold for individual heritage listing as assessed under the seven (7) criteria for assessing heritage significance provided for by the NSW Heritage Division. The assessed significance of the place can be summarised as follows:

The subject property at 68 Denistone Road, Denistone is a good externally representative example of the interwar Californian Bungalow typology.

The building demonstrates the principal characteristics of its typology, however these are common throughout the Ryde LGA and Sydney more broadly, in more intact examples. It does not contain any rare, endangered or technically innovative features for the typology. The building was not designed by an important or well-known architect, and the property has no known significant historical associations.

The dwelling is in a dilapidated state of repair and is structurally unsound. As a result, many internal architectural features have been lost, are damaged or are beyond repair. This has culminated in the degradation of the positive visual and aesthetic qualities of the place.

The subject property is not considered to be a rare or endangered typology in the context of Ryde LGA or the broader Sydney region. The Californian Bungalow is a common building typology throughout Sydney, and there are more intact examples located throughout Sydney which are capable of demonstrating this typology and period of development.

It is understood that no internal inspection was made of the property by Council's consultants in its investigation and this is unacceptable in terms of determining significance.

The property has been occupied for residential purposes since its construction, and holds no particular significance to the community, and has no known significant social values.

6. BIBLIOGRAPHY AND REFERENCES

6.1. INTERNET SOURCES

Department of Lands 2019, Spatial Information Exchange, Department of Lands, Sydney, available at: <<http://imagery.maps.nsw.gov.au/>>.

Google Maps 2019, Aerial view of subject site, available at: <<http://maps.google.com.au/maps?hl=en&tab=wl>>.

6.2. MONOGRAPHS AND REPORTS

Apperly, R., Irving, R. and Reynolds, P. (eds) 2002, *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present*, Angus and Robertson, Pymble.

Australia ICOMOS 1999, *The Burra Charter: 2013* The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, Burwood.

Heritage Office and Department of Urban Affairs & Planning 1996, *NSW Heritage Manual*, Heritage Office and Department of Urban Affairs & Planning (NSW), Sydney.

Heritage Office 2001, *Assessing Heritage Significance*, Heritage Office, Parramatta.

6.3. PRIMARY SOURCES

6.3.1. NSW Land Registry Services (NSW LRS)

Certificates of Title: Vol 1115 Fol 59, Vol 2807 Fols 89 & 109, Vol 2996 Fol 136, Vol 3255 Fol 9, Vol 3345 Fol 189, Vol 6112 Fol 217

1943 aerial survey of Sydney (SIXMaps)

6.3.2. State Library of New South Wales (SLNSW)

Subdivision Plans: Z/SP/D6/, Z/SP/E3/69, Z/SP/E3/3

6.3.3. City of Ryde Library

Photograph of Denistone House, ref no 5075424

6.4. NEWSPAPERS

The Methodist, 3 November 1934, p15

Daily Telegraph, 5 December 1914, p20

Construction and Local Government Journal, 19 May 1926, p1

[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

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Structural Engineering Report

68 Denistone Road Denistone

PREPARED FOR

The Owners of the Property

PREPARED BY

Northrop Consulting Engineers
Level 11, 345 George Street
Sydney NSW 2000

Tel: 02 9241 4188

Ref: 182950

Rev: Final

Date: 18.02.2019

STRUCTURAL ENGINEERING REPORT

Activity Schedule

Date	Revision	Prepared By
18/02/2019	Final	Leo Meng

Northrop Consulting Engineers Pty Ltd

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EXECUTIVE SUMMARY

As requested, a suitably qualified structural engineer has carried out the inspection of the dwelling at 68 Denistone Road Denistone on 13th February 2019. The purpose of our inspection is to assess the structural condition of the existing dwelling and make recommendations on any remedial works that may be required. In general, the main structure was in a very poor condition at the time of our inspection and the following structural defects were noted:

Brick walls

Extensive cracking to the brick walls throughout the dwelling was noted due to possible movement of the reactive clay type of foundation material. Some cracks were measure as large as 5 to 10mm wide at some locations. Loosed brickwork was also evident due to extensive cracking at several door opening locations and possible absence of lintels. Sections of the walls showed significant cracking and movements which further contributed to the ongoing water ingress from the gaps between roof framing and load bearing walls.

Timber floor framing

Due to the movement of the load bearing walls, sections of the timber flooring were noted to be un-levelled. Extensive timber decay was also noted to the existing timber floor at the front veranda.

Timber roof framing

A large section of the ceiling within one of the rooms had previously fallen due to ongoing water ingress caused by the relative movement between roof framing and wall. The roof ridge appeared to be sagging due to the movement of the load bearing brick wall below supporting the under-purlin and strut. Sections of the ceiling within the living room are now showing risks of collapsing.

It is our opinion that the structure in its current condition is unfit for the residents to live in. For the safety of the residents, we believe the house should be condemned.

Significant structural remedial works including underpinning, walls & roof rebuilding would be required to bring the dwelling to a structurally sound condition.

1. INTRODUCTION

A suitably qualified structural engineer from Northrop has carried out the inspection at 68 Denistone Road Denistone on 13th February 2019. The purpose of our inspection is to inspect the structural condition of main dwelling and recommend any remedial works may be required.

For the purpose of our inspection, it is assumed that Denistone Road runs in an north/south direction and the main entrance to the property faces west. An aerial view of the site is shown in Figure 1 below.



Figure 1: Aerial view of the property (Image from Google Map)

The residential building is built on a slope site with natural ground falling from Baxland Road towards Denistone Road.

2. OBSERVATION

2.1 Brick Walls

Extensive cracking and loosed brickwork above the rear entry door into the property was noted as shown in Photo 1 below. It was reported that the render started to fall down from late 2018 at this location. The cracking was dominantly visible throughout the mortar joints.



Photo 1

Loosed bricks with cracking were noted above the kitchen window opening as shown in Photo 2 below.



Photo 2

Extensive diagonal cracking with loosed bricks to the door opening from kitchen into pantry was noted as shown in Photo 3 below.



Photo 3

Extensive cracking to the door opening into one of the bedrooms was noted. The cracking was measured to approximately 10mm wide. The gap between the cornice and wall indicates that the wall and the roof has a relative movement of more than 10mm.



Photo 4

At the corridor outside the main bedroom, a gap of approximately 20mm was measured between the skirting and wall as shown in Photo 5 below. This indicates extensive wall movement at this location.



Photo 5

The vertical gap in the mortar joint between the bricks as shown in Photo 6 indicates that the movement in the brickwork has exceeded 10mm.



Photo 6

Significant diagonal cracking was noted to the wall to the western room adjoining the living area as shown in Photo 6. The cracking was measured approximately 3 to 5mm wide.



Photo 6

Significant diagonal cracking to the external skin of the brick wall was also noted typically at the location around window or door opening as shown in Photo 7 below. Loosed bricks with evidence of previous repair can be seen.



Photo 7

Significant cracking and movement to some sections of the external walls was evident as shown in Photo 8 below.



Photo 8

Other typical extensive cracking can be seen as shown in Photo 9 and Photo 10 below.



Photo 9



Photo 10

2.2 Timber floor framing

There are sections of timber flooring noted to be un-levelled throughout the dwelling due to the relative movement between the load bearing walls and isolated brick piers below the timber flooring.

The external timber flooring at the front veranda shows evidence of sagging towards the corner of the dwelling and extreme decay. The timber posts supporting the front veranda roof are also not plumb due to the movement of the brick walls below.



Photo 11

2.3 Timber roof framing

The roof ridge at northwest corner was noted to be sagging as shown in Photo 12 below.



Photo 12

The ceiling within the room at this corner had previously fallen completely as shown in Photo 13 below.



Photo 13

Sagging ceiling was noted to the living area as shown in Photo 14 below.



Photo 14

The entire ceiling within the living area was noted to be sagging and loosed as shown in Photo 15 below.



Photo 15

3. ASSESSMENT AND RECOMMENDATION

The dwelling is generally in a very poor condition structurally. Based on our experience with buildings of similar age and type of structure, it is likely that the structure is founded over reactive clay with brickwork footing. Any movement within the foundation material caused by extensive stormwater, drying, leaking drainage could cause the brick walls to move and crack.

There has also been significant relative movement between the load bearing walls and roof framing. Sections of walls are noted to have movement greater than 10mm. This is a significant contributing factor for the ongoing water ingress into the roof space, causing the ceiling to become loosed and eventually collapsed at some locations. Unfortunately, the movement and cracking to the load bearing walls would continue due to the weather and seasonal changes.

It is our opinion that sudden large-scale structural failure is unlikely to happen at this stage. However, the magnitude of cracking with loosed brick works would impose significant safety risks for the residents. Localised brick falling & ceiling collapse may be imminent.

If sections of the brick walls move excessively further, there could also be risk of structural roof beam or framing losing its bearing length, thus causing sudden falling or partial collapsing of the roof elements.

Therefore, for the safety of the residents, it is our opinion that the dwelling should be condemned at this stage.

It is our opinion that significant rebuilding and strengthening/underpinning works would be required in order to maintain the structural longevity of the property. Any damaged or blocked drainage system has to be repaired or replaced. Due to the overall condition of the dwelling, all the load bearing walls will have to be underpinned. There are multiple sections of the existing brick walls requiring rebuilding due to the magnitude of the cracking and movement. The roof framing above these walls also would require replacement. The remedial works will have to be carefully engineered in stages and this could be a very costly process.

Based on our experience in similar restoration projects, the cost of remedial works would be well over \$750,000 due to the expensive underpinning works and complexity of this type of remedial works. We recommend the owners get quotations from suitably qualified remedial builders to confirm the remedial cost.

Feel free to contact us directly if you have any queries regarding this report

Regards,

Leo Meng



Group Manager | Remedial Team Leader



PQN

Constructions

68 DENISTONE ROAD DENISTONE

TENDER SUBMISSION

PQN CONSTRUCTIONS PTY LTD

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18 February 2019

Attention: Victor Yang

Dear Victor,

Re: 68 Denistone Road, Denistone – Tender Submission

We thank you for the opportunity to submit a tender for the repair and renovation of the Denistone Road project in Denistone, New South Wales and confirm that our total target cost plan is \$878,000.00 + GST and exclusive of Provisional Sums.

PQN have vast capabilities in delivering these types of facilities and have been involved in the design and construction of buildings in this specialised field. With our professionalism, design and construction expertise along with our property and development experience, we can assist you and all stakeholders in the successful delivery of this significant project.

We would like the opportunity to meet and workshop some key elements as we believe there are cost saving opportunities that we could incorporate without compromising the design intent (naturally would be subject to your clients and consultancy team's approval).

We would welcome the opportunity to meet with you to discuss our proposal in detail, and please feel free to contact the undersigned for any further enquiries.

Yours sincerely,

PQN Constructions Pty Ltd

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COMPANY OVERVIEW

PQN Constructions constructs both residential and commercial projects throughout the Sydney Metropolitan area. We adhere to the risk management strategy as set by Home Building Compensation Fund (HBCF) for all our residential projects. We are required to undertake in a comprehensive annual review and quarterly submissions on both our management effectiveness and financial strength.

We have full range of commercial projects experience. Starting from residential high-rise, mix use development, to commercial fit-out, industrial factory and warehouse developments. No matter what size the development is, we can approach and deliver the project on time and within budget, without compromising on quality.

WHY CHOOSE US?

We understand that each construction project has unique conditions and variables. At PQN Constructions our experienced team, work on your project, and make the necessary daily adaptations to their processes and materials to fit the conditions with which they are faced. Providing solutions that tick all the boxes is our promise to you.

PQN Constructions values outstanding workmanship and extraordinary service, with ensuring all projects are skillfully planned, innovatively designed and always have exemplary level of craftsmanship involved through all stages of the construction process.

Our standardised management practices and processes allow us to manage innovative ideas by assessing and developing solutions to meet the needs that arise at each stage of the process especially on the construction site.

We focus on customer service and delivering value for money, we meet the market and make sure the needs of the client are always uppermost in our business plan.

WORK, HEALTH AND SAFETY

PQN Constructions management is committed to safety and it is core value in everyday business. We provide a safe and healthy workplace for all workers, and member of the publics as its highest priority. We aim to develop a culture that promotes the highest standard of safety to prevent and eliminate injury, loss or damage.

PQN Constructions manages all health and safety risks in the workplace as reasonably practical by:

- Providing processes and systems for the identification, classification, assessment and review of all issues in relation to the management of health and safety risks in the workplace;
- Establishing a safety culture that encourages all incidents and hazards are promptly reported, investigated where appropriate and control measures are put in place to eliminate or minimize the chance of a repeat event;
- Maintaining and promoting a safety culture that encourages workers to pro-actively manage health and safety risks through consultation, education, instruction, information, cooperation, coordination and supervision;
- Ensuring that Work Health & Safety Management Systems would satisfy the strictest of standards;
- Provide systems and work practices that meet or exceed relevant statutory legislation, industry guidelines, and applicable codes of practice;
- Keep up-to-date with relevant health and safety legislative obligations to achieve and maintain compliance;
- Continuously improve our systems by setting measurable goals and constant monitoring to maintain the effectiveness of the management system.

EXECUTIVE SUMMARY

We have carefully examined the drawings and documentations provided and have prepared a tender for your consideration.

This preliminary tender is based on the provided information to PQN Constructions Pty Ltd. Further information is required for final quotation.

PROGRAMME

Construction period: 40 weeks (estimated)

TENDER ESTIMATE

TENDER ESTIMATE (PRELIMINARY)	EXCLUDING GST
Repair and renovate to existing single storey house	\$988,000.00
Refer to detailed scope of work	

TRADE BREAKDOWN

Item No	Element	Cost (\$) excl. GST
00	Design	\$18,000.00
01	Foundation Investigation	\$17,000.00
02	Demolition	\$78,000.00
03	Preliminaries	\$20,000.00
04	Internal and External Walls	\$231,000.00
05	Roof Frames and Tiles	\$131,000.00
06	Foundation Reinforcement	\$244,000.00
07	Ceiling Finishes	\$68,000.00
08	Doors and Windows	\$36,000.00
09	Flooring	\$37,000.00
10	Electrical Works	\$32,000.00
11	Plumbing Works	\$41,000.00
12	Joinery	\$35,000.00
	Sub-Total (exc. GST)	\$988,000.00
	Add GST	\$98,800.00
	TOTAL LUMP SUM (inc. GST)	\$1,086,800.00

CONFIRMATION OF ALLOWANCE

- Assumed all Tender documents are correct, the client's intent and required scope of works and are in accordance with the provisions of all Australian Standards and the BCA.
- Assumed all Services are at a complete design from its current status and that the current status accurately reflects and includes the client's requirements.
- This tender submission is based on the engineering reports provided and site inspection on 14th February 2019
- Allowance for all statutory requirements in relation to employment standards.
- Allowance for standard manufacturer and subcontractor warranties.
- Allowance for handover package – these include operation, maintenance and warranties.
- Allowance for the following items:
 - a. Remove all existing roof tiles, roof trusses, ceilings and rebuilt to reinstate current design style
 - b. Repair and reinstate the existing brick walls in most of the walls
 - c. Remove existing flooring
 - d. Inspect, analysis and provide engineering solution to reinforce existing building foundation and floor frames
 - e. Supply and install new flooring to match existing style
 - f. Supply and install plasterboard walls
 - g. Supply and install door frames, doors and hardware to match existing style
 - h. Supply and install window frames and reinstate windows
 - i. All electrical and plumbing works
 - j. Painting to all walls and ceilings
- No allowance for painting or rendering for existing external walls.
- No allowance for any landscaping works.

- No allowance for any concrete footpaths, driveways, retaining walls etc. on outside of the house.
- No allowance for air conditioning.
- No allowance has been made for excavation.
- No allowance has been made for the removal of any material other than VENM (Virgin excavated natural material).
- No allowance made for the removal of asbestos or hazardous materials.
- No allowance for Waste Management Plan.
- No allowance for geotechnical/civil engineering reports.
- No allowance for OSD tank.
- No allowance for dilapidation report.
- No allowance has been made for contamination.
- No allowance made for public domain work including but not limited to external footpaths, crossovers, road repair and restoration works.
- No allowance has been made for engineered fire solutions.
- No allowance has been made for the client's exclusions, washing machines, refrigerators, loose furniture and fittings, curtains and curtain tracks, & fly screens, etc.
- We have made no allowance for payment of the following fees/ costs:
 - Section 73 Certificate costs including service upgrade costs and bonds.
 - Section 94 Contribution fees.
 - Section 96 fees required through design developments.
 - Road Opening Permits/Fees
 - Work Zone Permits/Fees
 - Road Occupancy Permits/Fees
 - Airspace Cost
 - Geotech Costs
 - Environmental Report Costs
 - All Council and Authority Fees
 - Gas (Jemena) fees associated with new connect services and upgrades.
 - Water and drainage (Sydney Water) fees including Sydney Water Coordinator costs.
 - Electrical Authority fees and charges for incoming service upgrade (kiosk) or alteration.
 - Incoming Communications and data fees and charges including applications, design and construction costs.

- Local council bonds and fees.
- Infrastructure and restoration administration fees.
- Council hoarding fees or DA requirements.
- Long service levy contributions.
- No allowance has been made for incoming services amplification, alterations or diversion charges and other authority fees and/ or contributions.
- No allowance has been made for any items that may be requested on the pending DA conditions from Council. Tender costs may vary due to pending DA Approval, these costs will be treated as a variation.
- No allowance has been made for delay or stoppages by the client, the superintendent, and / or any other authorities or third party not under the instruction of PQN Constructions.
- No allowance has been made for the negotiating of access agreements with adjacent properties. PQN Constructions can provide in-house agreement available upon request. No allowance has been made for potential legal, engineering peer review costs and any negotiated compensation.

SCHEDULE OF FINISHES

INTERNAL - GENERAL FINISHES

ITEM	COLOUR	DETAILS	SUPPLIER
Floors	-	Timber/Tile	
Walls	TBC	Plasterboard, painted finish	
Ceiling	TBC	Plasterboard, painted finish	
Internal doors	TBC	Flush panel, painted finish	
Windows	TBC	To match existing	
Hardware	-	TBC	
Architraves	TBC	Integrated with door frames, painted finish	
Skirting	TBC	MDF timber profiled (to match existing), painted finish	
Cornice	TBC	To match existing	
Lighting	-	Selected light fittings to match existing	
Power Point	-	Dual power point with individual switch	
Bathroom fixtures and fittings	-	To reuse the existing	



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Constructions

LICENCE





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THANK YOU FOR CONSIDERING US

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Written Submission of Owner of 68 Denistone Road, Denistone NSW 2114

- 1. The owner has engaged Stephen Davies of Urbis, former chair of the NSW Heritage Council, to prepare a rebuttal report:** In summary his key points are, a) whilst it is a prominent interwar dwelling on a corner location it does not reach the threshold for listing on historic or aesthetic grounds, b) it is in extremely poor physical condition, c) Ms. Kemp did not do an internal inspection and it deserves such before a recommendation can be made, d) the dwelling is a good example of an interwar bungalow and has representative elements of a building of the period, it is enhanced by large site, but is otherwise typical of the period, e) it is a quality of building that would be included as “contributory” if it were in a group of houses of comparable quality but it is not considered to reach the threshold for individual aesthetic significance, f) the building represents typical face brick and render exterior and has no external features that are rare or unusual and which are not represented in other dwellings of the period, g) it is not by a well-known designer nor is it exceptional architecturally, h) it has a standard form and layout, i) he read the history of the site and does not agree that it has historic significance for Ryde. There is no more significance than other lots in the vicinity, j) no historic event or person is associated with the site, k) there is nothing exceptional about the history or the type or form of subdivision, l) the building has been said to be rare in Ryde, but it is noted that the interwar bungalow is not a rare or endangered building in Ryde or the Sydney region and there are many areas which comprise groups of buildings of similar qualities that are protected as conservation areas, m) the City has been surveyed for heritage buildings and this building is prominent and was not considered to meet the threshold in those studies, n) buildings should not be listed because people seek to retain the status quo of their locality. It must be a rigorous process as the implications are significant, o) the dwelling is said to contribute to the character of the area but there is no character identified by Ms. Kemp so it’s a statement with no exhibited research, p) he has inspected the interior and notes the ceilings are collapsed due to poor condition of the roof and water penetration. The roof needs replacing due to structural failure and most decorative ceilings will have to be removed, q) building is subject to severe cracking and this starts at the entrance steps and moves through the entire building, r) an engineering report must be read in conjunction with an internal inspection by Council staff before a decision on listing is made, s) real estate photos are not an indication of the structural condition of the building, t) the imposition of IHO’s as a planning tool is not a satisfactory process to achieve other planning outcomes. The process diminishes the voracity of the planning system and the importance of heritage identification and listing through a proper Municipal wide assessment, u) he does not believe the building to be of such significance to meet the threshold as an individual item, requests the IHO be removed and the recommendation to add to heritage schedule be discontinued.
- 2. LEC:** Council had its chance to sue the owner over IHO breach but dropped the claim and served an amended Summons which only sought orders that the IHO not be breached and keeping roof tarp on. Final orders were made to that effect.
- 3. Author of the Heritage Study did not disclose potential conflict of interest:** The owner’s solicitor contacted Cherry Kemp (on 10/10/18). He disclosed to her confidential information of the owner with the view of engaging Paul Davies to produce a report. The owner was shocked to see that Cherry Kemp authored the Heritage Study. The solicitor emailed the owner on 10/10/18 to report the details of the contact with Ms. Kemp so there is point in time evidence.
- 4. Ms. Kemp has a duty to disclose the contact in the Heritage Study and give reasons.** The conflict arises where Ms. Kemp has, or potentially has, confidential information of one side which she can, or potentially can, use against the other. At pg310 Ms. Kemp said, “Note that damage to the interior shown on the site visit photos is a result of illegal building work to the house which occurred prior to the imposition of the IHO on the property.” Ms. Kemp placed the “illegality” before the IHO knowing that the owner was arguing that it did not do illegal works after the IHO. It is highly suspect the date of the final revision (pg 305) was on 22/11/18 which was the same day that the Council consented to final orders dropping its claim that the owner breached the IHO. The possibility of lack of impartiality is enough. The LPP system was introduced to ensure transparency, impartiality, and integrity. Not only must the process be fair and impartial, it must also be seen to be fair and impartial. Ms. Kemp’s failure of the ethical duty to disclose or explain the contact means that if her report is to be given any weight it’ll fundamentally taint the process.
- 5. Evidence in Heritage Study illegally obtained:** On 10/10/18 owner’s solicitor gave written notice to the Council’s solicitors that said, “To avoid any doubt, our client gives notice that unless by compulsion of law your client and its agents are not permitted to enter the land at 68 Denistone Road, Denistone, without our client’s prior express consent, and any implied right to enter is expressly withdrawn.” Wendy Crane of Paul Davies was an agent of the Council. Photos were in locations that go far beyond any implied right to entry (like a peeping tom). The photos taken on 14/11/18 arose out of illegal activity. If the panel gives the Heritage Study any weight then it’s condoning illegality. Permission to enter should have been sought by the Council and if it did then the structural problems could have been explored in detail.
- 6. The Heritage Study’s conclusion on the integrity of the property is a glaring mistake:** Pg 360 says, “The house and property exhibit a substantial degree of integrity...” That is a glaring mistake. Ms. Kemp by labelling the works as “illegal” presumes that the owner can be compelled at law to repair the works. That incorrect assumption artificially inflates the heritage value of the property. Ms. Kemp failed entirely to consider if heritage listing would put an unreasonable financial burden on the owner to maintain the property given the severe structural problems.
- 7. Should this go to the gateway process, under the patina of credibility from a fundamentally flawed report, then the panel is giving blessings which can mislead the public. Public confidence in the process must be the highest priority.** The panel needs reliable information in order to make an informed decision which the Council has failed to provide. The panel is the guardian of a fair and transparent process and given the serious problems identified it is respectfully submitted that it should reject the proposal.

Submissions of Owner of 68 Denistone Road - Council Meeting on 26/2/19

1. The decision before the Council is whether it will forward the planning proposal for 68 Denistone Road to the Minister of Planning for Gateway Determination. The planning panel only provides advice and the decision to forward is made by the Council. If the Council forwards the proposal, then it will be in breach of its own Code of Conduct dated May 2017 ("the Code") as will be explained in this submission.
2. Council engaged Paul Davis Pty Ltd to draft the report, so the person who took the photos on 14/11/18 at the property is at law an agent of the Council. Sections 191 to 201 of the Local Government Act 1993 (NSW) (LGA) sets out the unambiguous legislative requirements for the Council to lawfully access a property. No prior notice was given to the owner before the day of entry (Section 191(1) and (2)), no consent of the owner (S191(3)(a)), no likelihood of a serious risk to health or safety (S191(3)(b)), no genuine urgency (S191(3)(c)), and no search warrant (S200(c)). In fact, on 10/10/18 the email to the Council's solicitors said, "To avoid any doubt, our client gives notice that unless by compulsion of law your client and its agents are not permitted to enter the land at 68 Denistone Road, Denistone, without our client's prior express consent, and any implied right to enter is expressly withdrawn". It is below community expectations that the Council didn't even bother to attempt to obtain the owner's consent for the photos taken on 14/11/18.
3. At law there is an implied right to entry, such as walking to the front door. The photos taken by Council's agent on 14/11/18 were around the back, along the surrounding decking, around the workshop, and looking through the windows like a peeping tom. No implied right of entry exists at law for such an invasive intrusion. It's an intimate violation. Additionally, the owner had expressly withdrawn the implied right and Council and its agents are deemed to know that. Ms. Coad was wrong in her memorandum to say that should the applicant seek action on trespass that it has no bearing on the veracity of the Heritage Assessment Report. There's no need for legal action for trespass, the photos are damning and could not possibly have been taken other than illegally. She is wrong to focus on Strategic Merit and ignore that the report was based on illegal activity. Paragraph 3.1 of the Code says, "You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that a) contravenes the Act, ... c) is improper or unethical ..." and 3.2 says, "You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act". No matter what the Strategic Merit may be the Council cannot condone illegal activity as that would undermine public confidence, bring the Council into disrepute, and would not be an exercise of reasonable care and diligence in carrying out its functions. No amount of zeal or Strategic Merit can justify ignoring the Code so the report must be excluded. Ms. Coad's memorandum has the tone that the ends justifies the means, Strategic Merit is not a blanket authority to abandon fairness or forgive any breaking of the law.
4. Paragraph No. 1 of Ms. Coad's memorandum says that the report by Paul Davis Pty Ltd is considered satisfactory for proceeding to Gateway Determination and that the owner is afforded an opportunity to provide a fulsome and detailed submission at the subsequent public exhibition process. That is sloppy and unfair reasoning. It is not good enough for Ms. Coad to say that any problems can be cured at the public exhibition stage, Council has an obligation under the Code to ensure that every step of the process is conducted properly and ethically. The Paul Davis report had a glaring error which even a non-expert can see, which is that it says that, "the house and property exhibit a substantial degree of integrity". That conclusion has no connection with reality and the author of the report did not even do an internal inspection of the property. The entire report must be deemed unreliable given that it has such a glaring error and that the author did no internal inspection. If it's so wrong in such a major way then no other

part of it can be reliable. Such serious structural problems begs the question why no structural engineering report was sought by Council (a visit by the panel is no substitute, report peer review later tries to mask the current problem). The Code of Conduct requires the Council to take into account all relevant facts and act fairly. Ms. Coad dismisses the error off hand in favour of “Strategic Merit” which is improper. She is wilfully blind to anything other than Strategic Merit. The planning panel appears to have deferred to Ms. Coad’s position on “Strategic Merit” and Council must see that and instead adhere to the Code because maintaining public confidence takes precedence over all other factors. To be blunt the planning proposal does not pass the sniff test.

5. Paragraph No. 3 and 4 of Ms. Coad’s letter completely missed the point being made. Ms. Coad can’t comment on any confidential information as she wasn’t a party to the communication. Council has not provided any correspondence from the author regarding the possible conflict of interest. If Ms. Kemp thought there was no conflict then she should have disclosed that she was contacted, what the content of that contact was, and then say whether she was in conflict of interest or not. It’s her failure to disclose that contact at first opportunity which taints the process. The process must be seen to be fair and impartial, so the potential conflict is enough to taint the process because a) no disclosure was made at first opportunity, b) no explanation has been given by the author, and c) it’s suspicious that the author would place “illegality” before the IHO knowing what the owner’s position was, the author shouldn’t even be commenting on legalities and in doing so exhibits apprehended bias against the owner. Not only must the process be fair and impartial, it must also be seen to be fair and impartial. Public confidence must be of the highest priority, not “Strategic Merit”.
6. Part 2 of the Code sets out the minimum requirements of conduct for council officials in carrying out their functions. Importantly, it says that council officials must “act in a way that enhances public confidence in the integrity of local government”. Condoning illegal activity, ignoring reasonable submissions that there is possible conflict of interest and bias, ignoring a glaring error about the condition of the property in the report that undermines the rationality of the report, does not enhance public confidence in the integrity of local government. Strategic Merit is no excuse. The Council must comply with its Code of Conduct at this critical decision making time and if it does not do so then it will forever be on the public record.
7. What the Council has done with the planning proposal is to abandon the principle of a rules based planning system. This IHO hell can happen to anybody in the room when the Council wants to take shortcuts with planning controls. It’s an assault on anyone who buys a property and makes huge financial decisions in good faith. Heritage listing should only be started once a property has been identified in a thorough Municipal study. There have been 3 studies in the past decades and not a single one of those identified this house in a prominent location as passing the threshold for heritage listing. Then suddenly when the Council wants to maintain the status quo or stop development it hijacks the IHO process and tries to list the property without adhering to the rules based planning system. The owner followed the Council’s controls, and had two pre-lodgement meetings with Council staff, so the Controls should not be changed by an ad-hoc sabotage to the development of the land. The Council’s approach is tantamount to an application of planning controls by stealth which is an abuse of the Heritage listing system and ultimately undermines the credibility of the heritage process. It is reasonable for property purchasers to base financial decisions based on the information provided by the Council, the Council should abandon this morally bankrupt process and adhere to a rules based planning system otherwise it will undermine public confidence in the whole process.