

## Planning Services

IRF18/6296

### Plan finalisation report

**Local government area:** Ryde

**PP Number:** PP\_2018\_RYDE\_003\_00

#### 1. NAME OF DRAFT LEP

Ryde Local Environmental Plan 2014 (Amendment No 22)

#### 2. SITE DESCRIPTION

The site is rectangular with an area of approximately 1,112m<sup>2</sup>. It is on the southern side of Rowe Street between Darvall Road and Wentworth Road (**Figure 1**).

A one-storey Federation Queen Anne Style house is contained within the site. Built in 1907, the house was designed with its main elevations to the north and east, with a veranda wrapping around most of the house. The house contains five bedrooms, a dining room, a kitchen/living area, three bathrooms and a laundry.

When viewed from Rowe Street, the house is well set back within the site, resulting in a larger front garden than neighbouring houses (**Figure 2**, next page). The site includes an in-ground pool in the rear yard in the site's south-eastern corner. There is also a modern double detached garage within the front setback of the site facing the street.



**Figure 1:** Subject site and surrounding development (source: SIX Maps).



**Figure 2:** Front view of subject house (source: Paul Davies Pty Ltd).

### 3. PURPOSE OF PLAN

The planning proposal (**Attachment B**) seeks to undertake amendments to the written provisions and maps under the Ryde Local Environmental Plan (LEP) 2014 to list 330 Rowe Street, Eastwood as a local heritage item.

The Planning Proposal seeks to amend the Ryde LEP 2014 as follows:

#### Written Amendment:

- Schedule 5 Environmental Heritage: Amend Part 1 Heritage Items to include the subject property as a local heritage item.

#### Map Amendment:

- Heritage (HER\_002): amend heritage map to identify the subject property as a local heritage item.

#### Background:

##### *Ryde Heritage Study 2010*

From 2003 to 2010, City of Ryde Council undertook a heritage assessment of the local government area (LGA). The site at 330 Rowe Street, Eastwood was identified for heritage listing as it reflected a substantially intact Federation-style dwelling in excellent condition and a representative example of the architectural style because of its high degree of integrity.

On 17 August 2010, Council considered the Draft Ryde Heritage Study 2010 and resolved not to pursue the heritage listing of any identified property unless the landowner applied for a heritage listing. Council advises that at the time, the landowner did not request heritage listing and as a result the site was not heritage listed under the provisions of Ryde LEP 2014.

### *Development Application*

On 11 October 2017, a development application was lodged with Council to demolish the existing dwelling and construct a two-storey child care centre for 74 children, with basement parking. During exhibition, Council received a petition containing 150 names and several individual submissions. These submissions raised concern regarding the proposed demolition of the building given its heritage significance. The development application has since been withdrawn by the applicant.

### *Interim heritage order*

In response to the community's concerns, on 28 November 2017 Council resolved to place an interim heritage order over the subject site, which is in place for up to 12 months. Council also resolved to prepare a planning proposal to list the property as a local heritage item.

### *Heritage assessment report*

The planning proposal is supported by a heritage assessment report (**Attachment F**) prepared by Paul Davies Pty Ltd. The report provides an assessment against the formal criteria contained in *Assessing Heritage Significance*, published by the NSW Heritage Office. An item is considered to be of heritage significance if, in the opinion of the Heritage Council of NSW, it meets specific criteria. At the time of Gateway determination, the item was deemed to meet the threshold for inclusion under the criteria.

## **4. STATE ELECTORATE AND LOCAL MEMBER**

The site falls within the Ryde State Electorate. Victor Michael Dominello MP is the State Member for Ryde.

The site falls within the Bennelong Federal Electorate. John Alexander OAM MP is the Federal Member for Bennelong.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

<b>NSW Government Lobbyist Code of Conduct:</b> There have been no meetings or communications with registered lobbyists with respect to this proposal.
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<b>NSW Government reportable political donation:</b> A political donation disclosure statement has been provided.
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## **5. GATEWAY DETERMINATION**

The Gateway determination issued on 14 March 2018 (**Attachment C**) determined that the proposal should proceed subject to conditions.

The Gateway determination specified that the LEP should be finalised by 21 September 2018. Ryde Council submitted the PP for finalisation on 14 September 2018, therefore the Gateway timeframe was not extended.

## **6. PUBLIC EXHIBITION**

In accordance with Condition No. 1 of the Gateway determination, Council exhibited the Planning Proposal for 28 days, from 4 April 2018 to 4 May 2018.

Council received 33 submissions from the community during exhibition which are summarised in the Council report. The Council report and resolution are provided at **Attachment G**.

Of the submissions, 32 were received in support of the proposal. One submission outlined support for the increased provision of childcare centres in the area. No submissions were received opposing the listing of the subject site as a heritage item.

Council reviewed the submissions and considered the submissions in support to be in accordance with the objectives of the proposal. Council also considered the provision of childcare centres in the area and found there to be sufficient childcare centre choice within the area.

It is considered that Council has adequately addressed the issues raised by the community during the exhibition period.

## **7. ADVICE FROM PUBLIC AUTHORITIES**

Council consulted with Office of Environment and Heritage (OEH) as required by Condition 2 of the Gateway.

In their submission the Heritage Division of OEH supported the heritage listing of the subject site.

## **8. ASSESSMENT**

The draft LEP is considered to have merit as it will ensure the continued and conservation of the heritage of subject site.

### Section 9.1 Directions

At the time of the Gateway determination in March 2018, the delegate of the Secretary agreed that the Planning Proposal was consistent with Section 9.1 Direction 2.3 Heritage Conservation. Furthermore, OEH have outlined support for the proposal. No further assessment of the proposal against this Direction is required.

The proposal is consistent with all other relevant section 9.1 Directions.

### State environmental planning policies

No SEPPs are considered relevant to the subject site or the proposal.

### State, regional and district plans

#### *Greater Sydney Region Plan: A Metropolis of Three Cities*

The plan provides a 40-year vision for Greater Sydney promoting collaboration across government to align land-use planning with future transport services. It is designed to inform district plans, local plans and the assessment of planning proposals.

The Proposal is consistent with Objectives 13 'Environmental heritage is identified conserved and enhanced' of the Regional Plan as it seeks to ensure that environmental heritage is conserved and enhanced. The objective states that heritage identification, management and interpretation are required so heritage places and stories can be experienced by current and future generations. The ongoing conservation of the subject house positively responds to this objective.

There are no directions under the Regional Plan which preclude finalisation of the Plan.

### *North District Plan*

The planning proposal is broadly consistent with Planning Priority N6 *Creating and renewing great places and local centres and respecting the District's heritage*.

The proposal seeks to ensure future generations can appreciate the unique aesthetic significance of the property. The draft LEP will ensure the property's protection respects the district's heritage and can retain the character of Eastwood and the local centres in the City of Ryde.



## The City of Ryde 2025 Community Strategic Plan

The planning proposal is in line with the goals and strategies of the plan as it responds to the community's sense of identity to their neighbourhood and a desire for liveable neighbourhoods by protecting local heritage.

The Ryde Heritage Study 2010 sought heritage recommendations from the community and the subject site was identified for heritage listing. The heritage listing was not acted on at the time as Council resolved to only list properties where the owners consented to the heritage listing.

The proposed listing of the site responds to this previous heritage consultation with the community and will assist with its ongoing conservation.

### **9. MAPPING**

There is one map tile associated with this planning proposal (**Attachment Map**) that has been submitted via the ePlanning Portal. This map has been examined by GIS staff and meets the technical requirements.

### **10. CONSULTATION WITH COUNCIL**

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment E**).

Council confirmed on 20 November 2018 that it was happy with the draft and that the plan should be made (**Attachment F**).

### **11. PARLIAMENTARY COUNSEL OPINION**

On 21 November 2018, 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

### **12. RECOMMENDATION**

Council has satisfied all conditions of the Gateway determination.

It is recommended that the Greater Sydney Commission's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The proposal will ensure heritage values of the site are protected;
- The relevant public authorities supported the proposal. There are no outstanding objections; and
- The Proposal is consistent with both the Greater Sydney Region Plan and the North District Plan.



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