

4 PLANNING PROPOSAL - 87 BOWDEN STREET RYDE - DELLINA PALMS COTTAGE

Report prepared by: Strategic Planner
File No.: LEP2016/2/3 - BP16/256

REPORT SUMMARY

Council on the 23 February 2016 considered a report on the property 87 Bowden Street Ryde that identified the site as containing an item of local heritage that was under threat from demolition. In response to that report Council resolved in part the following:-

- (a) That Council delegate authority to the General Manager to take all necessary action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank.
- (b) That Council resolve to list the property at 87 Bowden Street, Meadowbank as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014.

Interim Heritage Order No.2 was placed on the property 87 Bowden Street Ryde via Government Gazette No.19 dated 11 March 2016. The IHO covers all landscaping, works and buildings located upon the land.

A Planning Proposal (PP) has been prepared in response to the Council resolution to list the 87 Bowden Street Ryde (LOT 17 DP 663261) as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014 .

This requires:

- Amending LEP 2014 Schedule 5 Environmental heritage to include the site as an item environmental heritage and
- Amending LEP 2014 Heritage Map to identify the site.

The PP is **ATTACHED (ATTACHMENT 1)**.

This report recommends that Council support forwarding the PP to the Department of Planning and Environment for a Gateway Determination

RECOMMENDATION:

- (a) That Council endorse forwarding the planning proposal for 87 Bowden Street, Planning and Environment Committee, dated 13 April 2016, submitted on 12 April 2016.

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Ryde (LOT 17 DP 663261) to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested.

- (b) That Council endorse that, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition in accordance with the Community Engagement Consultation Program and a further report be presented to Council following the completion of the exhibition period.

ATTACHMENTS

- 1** Planning Proposal - 87 Bowden Street, Ryde
- 2** IHO - 87 Bowden Street, Ryde
- 3** LEP 2014 Schedule 5 - Environmental Heritage
- 4** Draft Heritage Inventory Sheet

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Background

Key elements relating to the heritage listing of the property 87 Bowden Street Ryde are outlined below:

- Ryde Heritage Study 2010 was commenced in 2003 and approximately 71 properties were identified and recommended for heritage listing, together with amendments to existing heritage listings. The site 87 Bowden Street, Ryde was identified in the Ryde Heritage Study 2010 as follows:-

An intact Federation style dwelling in excellent condition, representative of better class of dwelling in Meadowbank at the turn of the twentieth century. Dwelling is located on a prominent corner site with local landmark qualities and is one of a number of houses of similar age and scale in Bowden St. Recommendation: To be included as a heritage item in the Comprehensive LEP.

- Council on 17 August 2010 resolved when considering the Draft Ryde Heritage Study 2010, not to pursue the heritage listing of any property unless the land owner specifically applied for a heritage listing of that property. As a result the subject property was not listed in LEP 2014 Schedule 5 Heritage Items.
- A development application was submitted in June 2015 for 87 Bowden Street Ryde to demolish the existing structures on the site and to construct a new two storey building with basement level parking for nineteen (19) car parking spaces to be used as a childcare centre for 90 children.

The development application was refused on the 23 February 2016 on the grounds that:-

- Insufficient information had been submitted to enable Council to make a full and proper assessment of the application.
 - The development is unacceptable in terms of non-compliance with Ryde Development Control Plan 2014.
 - The proposal is unacceptable in terms of traffic issues, extent of excavation proposed and loss of amenity on neighbouring properties(in particular noise).
- Council on the 23 February 2016 resolved to:-
 - impose an Interim Heritage Order over the property and

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- to list the property 87 Bowden Street Ryde as an item of local heritage significant within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014. (Attachment 3)

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

Interim Heritage Order No.2 (IHO) which relates to the subject property was published in Government Gazette No.19 dated 11 March 2016. (Attachment 2)

Discussion

The following outlines the “gateway plan-making process”, and a summary of the subject planning proposal.

Gateway Plan-Making Process

1. **Planning proposal** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. **Gateway** – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. **Decision** – the making of the plan by the Minister (or delegate).

According to section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;

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- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal.

1.1 Site Description and Context

This planning proposal applies to land known as the 87 Bowden Street, Ryde being LOT 17 in DP 663261 (identified in Figure 1 and 2 below).



(Fig 1)



(Fig 2)

The site contains a dwelling house, landscaped areas and a single dwelling house. Photographs of the existing building on the site is shown in Fig 3 with photos

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87 Bowden St.

(Fig 3)

The site is in the vicinity of a number of local heritage items listed under RLEP 2014, the closest being:

Church (Item 2)) - 74A Bowden Street Ryde (Ryde Presbyterian Church)

House (Item 21) – 95 Bowden Street Ryde

Church (Item 64) – 7-9 McPherson Street West Ryde

Fountain (Item 115) – Corner See and Angas Streets Meadowbank

Attached dwellings (Item 116) – 1A Angus and 34 See Street Meadowbank

Location of local heritage items in the vicinity of the site are shown in **Fig 4**.



(Fig 4)

1.2 Current Planning Controls

Zoning

The site is currently zoned R2 Residential Low Density under RLEP 2014. The R2 zone provides for a broad range of residential uses(Figure 5 below) including child

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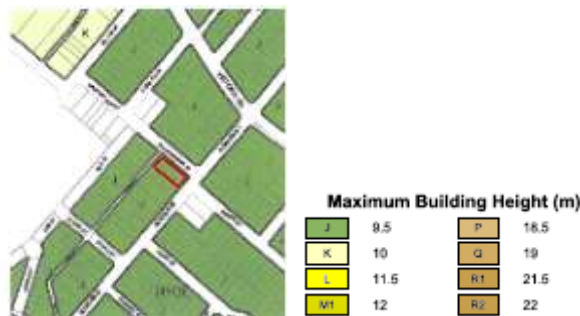
care centres , community facilities, health consulting rooms, dual occupancy and multi dwelling housing.



(Fig 5)

Building Height

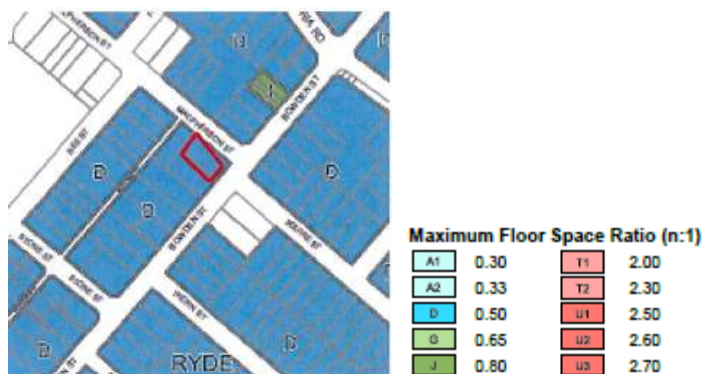
The maximum building height relating to the site, is 9.5m as per Ryde LEP 2014 Height of Buildings Map. (see **Figure 6 below**)



(Fig 6)

Floor Space Ratio

The maximum floor space ratio relating to the site, is 0.5:1 as per Ryde LEP 2014 Floor Space Ratio Map. (see **Figure 7 below**)



(Fig 7)

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3. Proposed amendment to LEP 2014

Proposal

The Planning Proposal seeks to amend RLEP 2014 by including the property 87 Bowden Street Ryde as a Heritage item *in Schedule 5 Environmental heritage* and including the property in *Ryde LEP 2014 Heritage Map*.

The intended outcome of the Planning Proposal is:-

- to ensure the protection of the dwelling and its curtilage at 87 Bowden Street Ryde from development that would adversely affect the heritage significance of the property
- to conserve the contribution the site makes to the environmental heritage of Ryde.
- to permit future use of the building (including adaptive re-use) that is consistent with the cultural significance of the item.

The planning proposal seeks to:

- amend *Ryde LEP 2014 Schedule 5 Environmental heritage* to include the property 87 Bowden Street Ryde (LOT 17 in DP 663261) (see Fig 8)
- amend *Ryde LEP 2014 Heritage Map* – to include 87 Bowden Street Ryde (LOT 17 in DP 663261) (see Fig 9)

Figure 8 – Amendment to Ryde LEP 2014 Schedule 5 Environmental heritage

(Amendment in **Red**)

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Ryde	Hattons Cottage	158 Blaxland Road	Lot P, DP 443304	Local	17
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP 8677	Local	20
Ryde	House and garden	87 Bowden Street Ryde	Lot 17 DP 663261	Local	222
Ryde	House	95 Bowden Street	Lot 101, DP 1055980	Local	21

(Fig 8)

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*Figure 9 - Amendment to Ryde LEP 2014 Heritage Map
(Item No 222)*

Justification

The property was originally recognised in City of Ryde Heritage Study 2010 and was identified as an intact Federation style dwelling in excellent condition, representative of better class of dwelling in Ryde at the turn of the twentieth century.

The recommendation of the study was that the property be included as a heritage item in LEP 2014.

An initial heritage assessment of the site was undertaken by Council's Heritage Officer on the 21 July 2015 as part of the assessment of the development application submitted for the site. The assessment advised the following:-

- 87 Bowden Street is located on a street corner and as such, has a high visual contribution to the established streetscape character. It is also located at the terminus of a road intersection, with long distance views directly towards the subject site (i.e. there are various vantage points within both Bowden Street and Squire Street from which to view the property).
- The dwelling is attributed to the diminishing housing stock of early 20th Century dwellings in the City of Ryde and displays an intact form and high degree of architectural integrity. 87 Bowden Street is considered a good example of the Federation Queen Anne architectural style of which there are few intact surviving examples within the locality (i.e. Ryde LGA) and is considered to have a degree of rarity it is in good condition.

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A draft Heritage Inventory Sheet was updated and revised to reflect the additional heritage assessment undertaken by Council's Heritage Advisor in March 2016. That updated Inventory states the following (Attachment 4):-

Physical Description

A large picturesque free standing single-storey dwelling, situated on a prominent street corner and set within an established landscaped garden, which comprises open lawn areas flanked by mature trees and understorey plantings.

The dwelling is typically constructed of red-brick with a slate clad hipped roof and gablets to the top and finished with terracotta tile ridge capping and finials.

A gable roofed wing projects off the front elevation and has vertical red-brick bands with roughcast render infill. A small timber framed awning is suspended from the gabled façade, above the tri-casement window set. A similar projecting wing is situated on the northern secondary front elevation and employs similar architectural detailing.

A verandah occupies the remainder of the front elevation, returning along the northern side elevation and includes corrugated sheet metal clad roof (replacement), supported by masonry piers with a pair of upper timber posts and decorative fretwork panels. The northern side elevation of the verandah has been partly enclosed.

Three masonry chimneys of matching detailing with roughcast render and terracotta pots, projects off the northern-facing roof plane and southern facing roof plane.

The dwelling displays the principal characteristics and elements which define the dwelling as belonging to the Federation Queen Anne architectural style.

Physical condition and Archaeological potential

Documentary and physical evidence shows that some changes have been undertaken previously to the dwelling, although the principal characteristics of the architectural style remain. The concentration of previous alterations and additions to the rear, combined with their respective height, bulk and scale, retains the overall silhouette of the dwelling when viewed from the streetscape and retains a relatively high degree of architectural integrity.

Statement of significance

Dellina Palms Cottage' is of historical, social, aesthetic, rarity and representative significance at a local level.

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The dwelling is of historical significance as it demonstrates the residential development of the Ryde and Meadowbank area from the early 20th Century and evidences the higher quality vernacular of the period.

The dwelling has social significance for its historical use and function as a series of private hospitals under the guise of different names and operation by differing Matrons during the mid 20th Century. Documentary evidence reveals that the dwelling played an important role in the community as a place of respite and convalescence.

Dellina Palms Cottage is a large picturesque free standing single-storey dwelling, situated on a prominent corner site and set within established landscaped gardens, which comprise open lawn areas flanked by mature trees and understorey plantings. These features culminate to give the property and dwelling landmark qualities and contribute highly to the sensory appeal of the streetscape.

The dwelling displays characteristics and elements which define it as belonging to the Federation Queen Anne architectural style and has a construction date of c1905-1910 and is of an architectural style that is increasingly rare and under threat within the locality.

Despite some notable alterations and additions, the dwelling retains a high degree of architectural integrity, with original fabric and detailing extant and the previous changes do not obscure the silhouette of the dwelling, form or detailing.

Overall, the dwelling is in good repair and has architectural interest and value as a good representative example of a substantially sized Federation Queen Anne styled dwelling in the Ryde locality.

Council has engaged a heritage consultant to prepare a detailed heritage assessment of the site which will be attached to the Planning Proposal.

1.4 Appraisal of the Planning Proposal

1. State Government Strategies

- *A Plan for Growing Sydney* - December 2014.
- the draft *Inner North Draft Subregional Strategy* (draft *Subregional Strategy*) exhibited between 18 July to 17 September 2007.

It is considered that the Planning Proposal is consistent with the objectives and strategies of *A Plan for Growing Sydney* and *draft Subregional Strategy* in that:

- it will assist in reflecting the city's heritage and history, its sense of place and identity.

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Community life is often centred around significant places such as heritage buildings. These buildings provide a connection to our past and collectively tell our city's story. Heritage buildings and sites contribute to our sense of place and identity and help us to understand and learn about our past,(Plan for Growing Sydney Pge 90)

- it will assist in protecting the cultural and heritage elements of the subregion. (draft Subregional Strategy pge 84) by being part of the conservation of places and streetscapes of heritage value. (draft Subregional Strategy page 89)

2. Local Council Strategies

- The City of Ryde 2025 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The seven outcomes for the City of Ryde are:

A City of Liveable Neighbourhoods

A City of Wellbeing

A City of Prosperity

A City of Environmental Sensitivity

A City of Connections

A City of Harmony and Culture

A City of Progressive Leadership

The Planning Proposal is in line with goals and strategies of the Community Strategic Plan in that it is responding to the community's sense of identity to their neighbourhood and a desire for liveable neighbourhoods by protecting local heritage.

To create a distinct local identity built on our city's character and cultural heritage.”
(Pge 23 City of Ryde 2025 Community Strategic Plan)”

- Local Planning Study (LPS)

Council adopted *Ryde Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years.

The Local Planning Study was the basis for the development of Ryde LEP 2014. One of the aims of Ryde LEP that was derived from the Local Planning Study is:-

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(d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,(RLEP 2014 Clause 1.2 (d))

The Planning Proposal is consistent with both the Study and Ryde LEP 2014.

3. Ministerial Directions (s.117 directions)

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the EP&A Act is contained in the Tables 1 and 2 of the PP and can be found on pages 19).

The Ministerial Directions apply to draft local environmental plans and relate to areas such as employment and resources, environment and heritage, housing infrastructure and urban development, hazard and risk and regional Planning.

The PP complies with the Directions which are relevant to the site and planning proposal.

Consultation

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. If the PP is approved and a gateway determination given, consultation will include the following:

- written notice given:
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - to adjoining landowners (where this involves strata's a letter will be sent to the body corporate)
 - to local state government representatives
 - consultations considered necessary by the Department of Planning and Infrastructure with relevant State and Commonwealth authorities
- the written notice will:
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and

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- confirm whether the Minister has chosen to delegate the making of the LEP.

A communications and consultation program will be prepared by Council's Communication and Media (C&M) Unit with respect to the exhibition of a draft LEP should Gateway approval be given by the Department.

Critical Dates

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determinations by the Minister. There is usually a 6 time period allowed. The timeline provided in the PP indicates that the notification of the changes on the government website should occur by mid 2016.

Financial Impact

To exhibit the Planning Proposal it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. These funds provided for in the current budget for the financial year 2015/16 from the Strategic City budget.

Policy Implications

The proposal is consistent with Ryde Heritage Study 2010 and Ryde Local Planning Study.

Options

Council has the option to:-

1. Proceed with the planning proposal to the next stage (gateway determination and community consultation). Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation or;
2. Not to proceed with the Planning Proposal and to resolve to revoke the Interim Heritage Order.