

**Item No:** IP0316 Item 2

**Subject:** INTERIM HERITAGE ORDER 34 BELMORE STREET, ENMORE - FURTHER REPORT

**File Ref:** 15/5389/7081.16

**Prepared By:** Kate Napier - Heritage and Urban Design Advisor

**Authorised By:** Tim Moore - Director, Planning and Environmental Services

### SUMMARY

At its meeting on 20 October 2015, Council resolved to place an Interim Heritage Order (IHO) on 34 Belmore Street, Enmore.

An expert assessment of the heritage significance of 34 Belmore Street, Enmore (Lot 4 DP 136) has established that the house meets the NSW Office of Environment and Heritage's criteria for local heritage significance. The expert's report recommends that the property be listed as a local heritage item in Schedule 5 of Marrickville Local Environmental Plan (MLEP) 2011.

Accordingly, this report recommends that Council resolve to prepare a planning proposal to include 34 Belmore Street, Enmore, as a heritage item in Schedule 5 of the MLEP 2011. It is further recommended that Council amend Part 9.8 of the MDCP 2011 to include future management options for the site.

### RECOMMENDATION

#### THAT Council:

1. resolves to list 34 Belmore Street, Enmore, as a local heritage item in Schedule 5 of MLEP 2011;
2. resolves to prepare a planning proposal for submission to the NSW Department of Planning & Environment to include 34 Belmore Street, Enmore, as a heritage item in Schedule 5 of the MLEP 2011; and
3. resolves to amend Part 9.8 Strategic Context Enmore North and MDCP 2011 to include future management options for the site.

| Our Place, Our Vision – Marrickville Community Strategic Plan 2023 |                                                                                                                                                      |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.9                                                                | Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability |

### BACKGROUND

An initial request for the IHO was made by the Marrickville Heritage Society in response to DA201500369, which proposed demolition of the dwelling house on the land. Council received over 60 submissions objecting to the proposed development. Council undertook a *preliminary heritage assessment* of the site, as required under the Heritage Act 1977, which concluded that the property was likely to be found, on further investigation, to be of local heritage significance.

Following Council's resolution on 20 October 2015, an IHO was placed over 34 Belmore Street, Enmore. The IHO remains in place until Council has assessed the significance of the property and either:

1. resolved to list the property in MLEP 2011 within six months of the Order dated 23 October 2015, or
2. resolved to revoke the Interim Heritage Order, or
3. let the Order lapse on April 23 2016.

## DISCUSSION

In accordance with the terms of the IHO, Paul Davies Pty. Ltd. was commissioned to undertake an assessment of the heritage significance of 34 Belmore Street, Enmore. A heritage assessment report was prepared and is included at **ATTACHMENT 1** to this report.

The report concludes that the property *'is a representative example of a weatherboard Victorian Filigree style freestanding house, which is remarkably intact externally (reflecting the long history of the house in one family ownership 1880-1860)'* (p. 30) and further that *'the house is rare as an 1880 Victorian Filigree style weatherboard dwelling within the Marrickville Council area'* (p.30)

Accordingly, the report establishes that the house and its setting meet the NSW Office of Environment and Heritage's criteria for local heritage listing based on its rarity, intactness and representativeness of an extant freestanding Victorian Filigree timber house on its original lots within the 1876 Ashley Estate subdivision.

The report also includes recommendations for any future proposals affecting the site. It is recommended that these be included in Part 9.8 (Enmore North and Newtown Central) of the Marrickville Development Controls Plan (MDCP) 2011.

It is recommended that Council resolves to commence the preparation of a planning proposal to list 34 Belmore Street, Enmore, as a heritage item in the MLEP 2011, and make amendments to Part 9 of the MDCP 2011 to include management options for the site.

## FINANCIAL IMPLICATIONS

Nil.

## PUBLIC PARTICIPATION

Public participation in the form of community consultation will occur should Council resolve to prepare a planning proposal for 34 Belmore Street, Enmore, as a heritage item within Schedule 5 of the MLEP 2011, following a Gateway determination.

## CONCLUSION

At its meeting on 20 October 2015 Council resolved to place an Interim Heritage Order (IHO) on 34 Belmore Street, Enmore. The IHO was issued for the property on 23 October 2015.

Council subsequently engaged Paul Davies Pty. Ltd. to undertake a heritage assessment of the property, which concluded that the site should be listed as a heritage items within Schedule 5 of MLEP 2011.

To enable this to occur, it is recommended that Council resolve to list 34 Belmore Street, Enmore, as a local heritage item and to prepare a planning proposal to be forwarded to the Department of Planning & Environment for Gateway determination. It is also recommended that Council resolve to amend Part 9 of MDCP 2011 to include future management options for the site.

#### **ATTACHMENTS**

1. Heritage Assessment Report "Ashley Villa" 34 Belmore Street, Enmore - Paul Davies Pty. Ltd.

**FOR ACTION**

**Meeting:** INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES COMMITTEE

**Meeting Date:** 1/03/2016

**TO:** Heritage and Urban Design Advisor (Kate Napier)

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**Subject:** Interim Heritage Order 34 Belmore Street, Enmore - Further Report

**Target Date:** 15/03/2016

**Notes:**

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**Motion:** (Gardiner/Hanna)

THAT Council:

1. resolves to list 34 Belmore Street, Enmore, as a local heritage item in Schedule 5 of MLEP 2011;
2. resolves to prepare a planning proposal for submission to the NSW Department of Planning & Environment to include 34 Belmore Street, Enmore, as a heritage item in Schedule 5 of the MLEP 2011; and
3. resolves to amend Part 9.8 Strategic Context Enmore North and MDCP 2011 to include future management options for the site.

**Motion Carried**

**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Phillips, Tyler and Woods

**Against Motion:** Nil

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**Item No:** C1015 Item 17  
**Subject:** INTERIM HERITAGE ORDER - 34 BELMORE STREET ENMORE  
**File Ref:** 15/4717/117897.15

**Prepared By:** Kate Napier - Heritage and Urban Design Advisor and Marcus Rowan - Manager, Planning Services

**Authorised By:** Tim Moore - Director, Planning and Environmental Services

## SUMMARY

The Marrickville Heritage Society has requested that Council issue an Interim Heritage Order (IHO) under Part 3 of the NSW Heritage Act 1977, over 34 Belmore Street, Enmore, to protect it from potential demolition.

The 1882 Victorian house is proposed to be demolished as part of DA201500369. Council has received over 60 submissions against the proposal. Council must not make an IHO unless it has first considered a *preliminary heritage assessment* which concludes that the property is likely to be found, on further investigation, to be of local heritage significance. A preliminary heritage assessment has been undertaken which satisfies that requirement.

## RECOMMENDATION

**THAT Council resolves to place an Interim Heritage Order over 34 Belmore Street, Enmore.**

| Our Place, Our Vision – Marrickville Community Strategic Plan 2023 |                                                                                                                                                      |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.9                                                                | Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability |

## BACKGROUND

The purpose of an IHO is to protect an identified potential heritage item from demolition whilst the research and statutory planning work is done to determine its heritage significance. The Ministerial delegations (**ATTACHMENT 1**) provide the statutory and administrative framework for the issuance of IHOs. The Preliminary Heritage Assessment (**ATTACHMENT 2**) establishes the heritage significance of the site, which is the subject of the recommended IHO.

There are only two timber houses listed in Schedule 5 of the Marrickville LEP 2011 – 11 & 13 Old Canterbury Road, Lewisham. These are believed to date from the 1860's. Timber houses are strikingly underrepresented in inner city Council heritage listings. 34 Belmore Street, Enmore is a rare, intact mid Victorian "Villa". It appears to have been overlooked by previous heritage studies due to vegetation concealing it from the street.

## DISCUSSION

Following preliminary assessment of the development application for the subject property Council officers planned to recommend refusal of the application on heritage grounds (MDCP 4.1.10 Residential Period Buildings) and proposed to put the request for an IHO to Council alongside the officer's DA report to the November 10, 2015 DAC meeting. A DA proposing demolition is the only formal test of a "threat", under the ministerial delegation, which enables

the issuing of an IHO. If the application is withdrawn, an IHO cannot be issued, because there is no formal threat and the building could be demolished via a Complying Development Certificate (CDC) without Council's knowledge. A CDC must be approved within 10 working days and will ordinarily take anywhere between 1-10 working days to be approved.

In response to the large number of submissions to the DA for the subject site, a meeting was convened at the request of the applicant, during which Council officers and the applicant's architect focused on how to retain the building and simultaneously achieve the owner's needs. At this time an IHO for the property appeared to be unnecessary because the architect seemed amenable to addressing the community and officer concerns.

However an email from the applicant received on October 12, 2015 inferred that in their view Council's reason for retaining the building was not clear and that a CDC was an option for approval of the demolition. In the time since then and completing this report, the preliminary heritage assessment has been researched and completed, concluding that the subject property is likely to be of local heritage significance. They requested two weeks to consider their options before Council determined the application. Two weeks is the maximum time it takes to procure a CDC. As a consequence, officers consider an IHO is required to ensure protection of the potential heritage item.

## **FINANCIAL IMPLICATIONS**

Nil.

## **PUBLIC PARTICIPATION**

Request for IHO from Marrickville Heritage Society.

## **CONCLUSION**

Without an IHO, Council has no control over the retention of 34 Belmore Street, Enmore. An IHO is recommended to ensure protection of the house at the subject property.

## **ATTACHMENTS**

1. Ministerial Orders
2. Preliminary Heritage Assessment

## FOR ACTION

**Meeting:** COUNCIL

**Meeting Date:** 20/10/2015

**TO:** Manager, Planning Services (Marcus Rowan)

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**Subject:** Interim Heritage Order - 34 Belmore Street Enmore

**Target Date:** 3/11/2015

**Notes:**

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**C1015 Item 17** **INTERIM HERITAGE ORDER - 34 BELMORE STREET ENMORE**

**Motion:** (Gardiner/Ellsmore)

THAT Council resolves to place an Interim Heritage Order over 34 Belmore Street, Enmore.

**Motion Carried**

**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Macri,  
Phillips, Tyler and Woods

**Against Motion:** Nil

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