

10 September 2024

Mr. Frank Howarth
Chairman
NSW Heritage
HeritageCouncil.Secretariat@environment.nsw.gov.au

Dear Mr. Howarth

Re: Bidura, 357 Glebe Point Road, Glebe, State Heritage Item SHR 01994

The house was designed in the late 1850s by the colonial architect Edmund Blacket who lived there for ten years until the death of his wife.

In 2014 Bidura was acquired by its present owners Visionland Pty Ltd. During the last ten years little maintenance has been carried out. The fences are in a poor state of repair and the site is subject to trespass. The shutters are loose and in places the eaves soffit is rotten.

On 30 August 2023 the City of Sydney Local Planning Panel approved a DA for the conservation of the historic house and its curtilage as well as the erection of apartments at the rear of the site.

The Glebe Society raised its concerns at the hearing that the Council planning department's recommendation to the panel did not include an appropriate time frame for the conservation works. They might occur at the end of the approval which could be five years, or more. We felt that basic repairs and maintenance to the historic house and its fences needed to be expedited.

Members of the panel shared our concerns and there was discussion with the applicant's conservation architect, Mr Paul Davies, their project manager and Council's Senior Planner as to how this might be addressed.

Mr Davies suggested that the panel add a condition that conservation works commence within six months of the DA being approved and the Council's Senior Planner was asked for a form of words. Accordingly, the Notice of Determination, dated 8 September 2023, included a condition *requiring Conservation Works to the Bidura House Group to be carried out in accordance with the Schedule of Conservation Works, prepared by Paul Davies P/L. The conservation works are to commence within the issuing of six months of this consent* [Condition 77 of consent determined on 30 August 2023 and issued on 8 September 2023].

Mr Howarth, it is now over twelve months since the notice of determination was issued and even the most basic repairs such as fixing the front fence (re fig 1 below) have not taken place. Repeated efforts by the Society to ascertain when the conservation works would commence have been fruitless. In April we were advised that the applicant had indicated they would start in July, more recently we were told September.

The Society understands that Council are unable to enforce the condition that conservation works commence within six months because their notice of determination included the words *a deferred commencement consent has been issued, which means that you will have to first comply with the conditions specified before the consent will operate.*

The property is on the State Heritage Register, it has a conservation and management plan, a reputable conservation architect has prepared a detailed program of works which received consent over twelve months ago and yet it seems that the owner cannot be required to undertake even the most basic repairs and maintenance such as securing the front fence and fixing the shutters (fig 1), repairing the soffit of the eaves (fig 2), improving the security of the Ferry Lane perimeter wall (fig. 3) and removing the rubbish from the rear of the site (fig. 4)

The Bidura experience leads to serious doubts about the effectiveness of the State's heritage protection system which seems to invest more resources in studies and reports than actually maintaining heritage.

The solution to this ridiculous impasse must surely be for the Heritage Council to do what the City Council cannot do and to exercise its powers under Division 5 of the NSW Heritage Act to issue an order for the maintenance and repair of Bidura including:

- a) the protection of the building, work or relic from damage or deterioration due to weather (including such matters as the weatherproofing of roof, doors and windows),*
- (b) the prevention of and the protection of the building, work or relic from damage or destruction by fire,*
- (c) security (including fencing and surveillance measures to prevent vandalism),*
- (d) essential maintenance and repair (being maintenance and repair necessary to prevent serious or irreparable damage or deterioration).*

The issue is one of great concern to our 400 members. I would be grateful Mr Howarth if you could let me know what action the Heritage Council will be taking in this matter.

President Reagan famously said *Mr Gorbachev tear down that wall*. I know this is Glebe not Berlin and we want to maintain and not destroy but *Mr Howarth please issue an order under the NSW Heritage Act to get the owner to fix the fence, repair the eaves, straighten the drooping shutters and clean up the rubbish!*

Yours sincerely



Duncan Leys
President



Figure 1 The front fence and drooping shutters, Bidura August 2024



Figure 2 The soffit of the eaves is deteriorating



Figure 3 Some strands of barb wire need to be added to the Ferry Lane wall to deter illegal ingress



Figure 4 The area between Bidura and the former Metropolitan Remand Centre is littered with rubbish and is a haven for vermin