

## ATTACHMENT 1

### 26 April 2017 Council report and relevant attachments



**Item No:** C0417 Item 4

**Subject:** SUPPLEMENTARY REPORT: MARRICKVILLE HERITAGE REVIEW

**File Ref:** 15/5816/22511.17

**Prepared By:** Maxine Bayley - Strategic Planner

**Authorised By:** Simon Manoski - Group Manager Strategic Planning

### **SUMMARY**

Council considered a report on this matter at its 28 February 2017 meeting (included at **ATTACHMENT 1**) and resolved that the matter be deferred for further consultation to be undertaken. In accordance with the resolution, meetings were offered to all objectors who attended the Council Meeting.

Meetings were held with three of the owners who accepted that offer.

All objectors were given until 31 March 2017 to submit additional information for consideration by Council's Heritage Advisor. Additional information received is assessed within this report.

This report addresses the following properties:

- 30 Carrington Road, Marrickville
- 149 Unwins Bridge Road, Tempe
- 294 Livingstone Road, Marrickville
- 51 Frederick Street, St Peters
- 389 Illawarra Road, Marrickville (Church of Christ)
- 545 Princes Highway and 2 Samuel Street Tempe (St Peter's and St Paul's Catholic Church and Presbytery)

This report recommends the following changes to the planning proposal:

- Remove 30 Carrington Road, Marrickville, from the planning proposal
- Defer 149 Unwins Bridge Road, Tempe, from the planning proposal for a detailed heritage assessment (while retaining its draft heritage status)

It is therefore recommended that the following properties be retained within the planning proposal for heritage listing:

- 294 Livingstone Road, Marrickville
- 51 Frederick Street, St Peters
- 389 Illawarra Road, Marrickville (Church of Christ)
- 545 Princes Highway and 2 Samuel Street Tempe (St Peter's and St Paul's Catholic Church and Presbytery)

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### **RECOMMENDATION**

#### **THAT:**

1. Council adopt the recommendations contained within the 28 February 2017 report with the following amendments:
    - Delete 30 Carrington Road, Marrickville, from the planning proposal
    - Defer 149 Unwins Bridge Road, Tempe, from the planning proposal for further assessment (while retaining its draft heritage status)
  2. Council allocate \$5,000 to fund a heritage assessment for 149 Unwins Bridge Road, Tempe
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**BACKGROUND**

At its Ordinary Meeting of 28 February 2017, Council considered a post exhibition report on the Marrickville Heritage Review and resolved to defer the matter for 'further consideration of issues raised and report back to March 2017 Council Meeting'. In response to the resolution, Council officers undertook a further round of consultation with owners objecting to the proposed heritage listing of their properties. Due to the reporting timeframes, a return report was not able to be prepared for the March Council meeting.

The Marrickville Heritage Review planning proposal process was commenced in July 2015 when the former Marrickville Council resolved to prepare and submit a planning proposal to amend Marrickville Local Environmental Plan (MLEP) 2011 Schedule 5 (Environmental Heritage) Part 1 and Part 2 and the Heritage Map to:

- Add 75 new heritage items;
- Add 2 new heritage conservation areas;
- Amend an existing heritage item listing and description;
- Expand 3 existing heritage conservation areas; and
- Correct various anomalies identified within the heritage schedule of Marrickville Local Environmental Plan 2011.

Following Gateway determination of the planning proposal, community consultation was undertaken. At the conclusion of the formal public exhibition process, individual on-site meetings were offered to all objectors. As part of this process 13 meetings were held with property owners to discuss their property in detail and to enable Council's Heritage Advisor to undertake internal inspections of these properties. A detailed report was then prepared by Council's Heritage Advisor containing recommendations for each disputed heritage listing.

Following Councils' resolution of 28 February 2017 additional consultation has been undertaken with the following property owners or representatives who accepted Council's offer for further consultation:

- 294 Livingstone Road, Marrickville
- 389 Illawarra Road, Marrickville
- 51 Frederick Street, St Peters

Following consideration of the 28 February 2017 meeting, Council's Administrator received representations from St Peter's and St Paul's Catholic Church and Presbytery at 545 Princes Highway and 2 Samuel Street, Tempe. These properties are part of the planning proposal but did not respond to Council's offer of an onsite meeting following the formal consultation period. They also did not attend the Council meeting on 28 February 2017. This property has been included within this report.

All properties submitted additional documentation for Council's consideration.

The concerns of these properties are responded to as follows:

### 30 Carrington Road, Marrickville



**Image 1: 30 Carrington Road, Marrickville**

30 Carrington Road forms part of the Carrington Road precinct within the Sydenham to Bankstown urban renewal corridor. Council has met with the site owners and representatives on numerous occasions to discuss a planning proposal for the redevelopment of the area as a mixed-use precinct.

The planning proposal proposes an amendment to an existing heritage listing applying to select property facades and trees along Carrington Road, Marrickville. The MLEP 2011 currently contains the following heritage listing for the Carrington Road precinct:

Property Address	Item Name	Item No.
10 and 47 Carrington Road (facade only)	Carrington Road—Select industrial facades and Canary Island Palms	I68

An independent heritage assessment report prepared Paul Davies included the following recommendations:

- Change the title of the Item Name to *Carrington Road industrial precinct – select industrial facades and street tree plantings of Phoenix Canariensis and Ficus* (or similar title depending on the outcome of the public exhibition process);
- Add the buildings at Nos. 6, 16 & 30 Carrington Road to the precinct heritage listing to be publicly exhibited (the proposed heritage listing for No. 16 is recommended to include the central brick building on the site only); and
- Add to the precinct heritage listing the Ficus street trees on the west side of Carrington Road, the Carrington Road end (northern side only) of Renwick Street and the Carrington Road end of Warren Road (south side only) adjacent to No. 49 Carrington Road.



At the time of public exhibition, Council received submissions on Nos. 6 and 16 Carrington Road, but not in relation to 30 Carrington Road. Council Officers met representatives for Carrington Road in late 2016 who stated they had acquired 30 Carrington Road in the intervening period and were now objecting to its proposed heritage listing.

Council received a heritage assessment report for 30 Carrington Road on 28 February 2017 (see **ATTACHMENT 2**). Council's Heritage Advisor has reviewed the report (which detailed modifications to the building) and concluded '*having regard to the Heritage Council's guidelines (refer "Assessing Heritage Significance," 2001), it has lost its design integrity. For that reason I now consider that 30 Carrington Road should not be listed, or included in the proposed listing.*' A full copy of Council's Heritage Advisor's assessment is included at **ATTACHMENT 3**. Image 2 shows the original building façade, as opposed to the current rendered façade shown in Image 1.



**Image 2: Original building facade**

The Paul Davies report looked at the history of the Carrington Road precinct in detail. However, it did not provide much detail regarding 30 Carrington Road. For example, the report did not prepare a draft Heritage Inventory Sheet for the property. Rather, it recommended that this property (and others) be added to the existing heritage listing within the MLEP 2011 applying to the facades of 10 and 47 Carrington Road. The heritage assessment submitted by the owners has provided additional information on the property not available within the Paul Davies report. This new information has been considered by Council's Heritage Advisor who has agreed with the conclusion that this building has lost its heritage values. Consequently, it is recommended that 30 Carrington Road, Marrickville, be removed from the planning proposal and not be pursued as a heritage item.

**149 Unwins Bridge Road, Tempe**


**Image 3: 149 Unwins Bridge Road, December 2016**

During the public exhibition process, two submissions were received from the property owner. The owner raised issues with the following:

- Lack of information provided about historical information and value of the property.
- The property is no different to others within the area and that the property has been renovated over time but still needs repairs both internally and externally.
- The house has no historical importance nor it is any different to those in the area and, therefore, should not be heritage listed.
- The research undertaken does not provide sufficient information regarding the impact of heritage listing on property owners, for example loss of redevelopment potential.

Council officers met with the property owners in late 2016 to discuss the abovementioned matters. Following the meeting, additional information on the property was sought from the heritage consultants who undertook the original assessment in response to matters raised by Council's Heritage Advisor. A copy of this correspondence is included at **ATTACHMENT 4**.

Following consideration of this and the property owner's comments, a reassessment was undertaken by Council's Heritage Advisor as attached to the 28 February 2017 Council Meeting. This assessment concluded that the property *'has historical significance as, like a handful of others nearby, it was built with stone from a local quarry. The unusual and skillful historic integration of a late Federation façade with a vernacular 19<sup>th</sup> century sandstone cottages gives it aesthetic significance and it retains research potential'*.

Council's Heritage Advisor assessed the building as meeting four heritage criteria established by the NSW Heritage Office, being historical, aesthetic, technical/research and rarity. It is important to note that only one of the criteria needs to be met in order for a building to meet the threshold for local heritage significance.

Following the 28 February 2017 Council Meeting, the property owner engaged a heritage consultant to undertake an assessment of the property and requested that the submission period be extended to 17 April 2017. Council officers agreed to this request. On Monday 13 March, Council received notification from the Marrickville Heritage Society that the front façade and side wall to Unwins Bridge Road had been rendered without Development Consent. Council's Heritage Advisor and Team Leader attended the site and took photographs of the changes which are included at **ATTACHMENT 5**. Council's Monitoring Services section and General Counsel have been informed of the modifications and requested to take action as they deem appropriate.



**Image 4: 149 Unwins Bridge Road, Tempe, following rendering, March 2017**

In light of the changes, Council's acceptance of the proposed 17 April 2017 timeline for submission of their heritage report was rescinded. The property owners were given until 31 March 2017 to submit their information as per the other property owners to enable this report to be considered at the April 2017 Council Meeting.

Council subsequently received a detailed heritage assessment for the property prepared by Heritage Solutions (**ATTACHMENT 6**). The heritage assessment submits that the site is not of heritage significance and raises a number of questions about the level of assessment undertaken by the Paul Davies report and the subsequent conclusions reached within their assessment.

The various heritage reports and information regarding this property highlight the uncertainty regarding certain aspects of this building, for example when it was built and by whom. Both the Paul Davies report and Heritage Solutions report contain certain levels of conjecture regarding these aspects of the site. For example, Paul Davies considers the building likely to have been constructed in 1891 due to information contained within the Sands' Directory. The Heritage Solution report confirms that the actual date of construction is unknown but 'believed to be built after circa 1915'. Overall, there is an overall lack of certainty regarding many aspects of this property, which relate to its overall heritage significance. The Heritage Solutions report is silent on the recent rendering of the property. However, the recent *unauthorised* modifications to the property and the heritage values of the property are interrelated matters. Removing this property from the planning proposal is not recommended for this site as it would allow further modifications to this potential heritage item as exempt development.



Accordingly, given the circumstances applying to the site in respect to its disputed heritage status, coupled with the unauthorised development that has been undertaken, it is recommended that this property be deferred from the planning proposal to enable Council to commission a detailed heritage assessment to consider all of the information obtained on the property to date. Concurrently, Council will be investigating the unauthorised modifications to the property and considering enforcement options. It is recommended that this site retain its status as a draft heritage item to ensure there are no further modifications pending the outcome of the detailed heritage assessment. Deferring 149 Unwins Bridge Road, Tempe, site will allow for the remainder of the planning proposal to proceed to the Department of Planning and Environment (DP&E) for final making and gazettal.

### **294 Livingstone Road, Marrickville**



**Image 5: 249 Livingstone Road, Marrickville**

Objections from the property owner and representatives predominantly raised concerns with the financial implications of the proposed heritage listing to the resale potential of the property and the additional costs of undertaking maintenance work to the property. The owner is a pensioner and claims he is unable to afford these costs. Representatives for the property owner also claim that the property is already protected under controls within the Marrickville Development Control Plan 2011.

It has been argued that the property is protected via Council's Development Control Plan controls for period buildings and streetscape controls. However, it remains at threat of demolition as a consequence of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which permits demolition as complying development in certain circumstances. As complying development certificates can be issued by private certifiers, Council would not necessarily be a part of the assessment process. Therefore, the building cannot be considered to be protected under Council's controls unless it is heritage listed within the MLEP 2011.

It is acknowledged that heritage listing can result in additional costs for owners seeking to make changes to their properties. As a pensioner, the owner would automatically be entitled to a 50 percent discount on all applicable fees. As per recommendation 7 of the 28 February 2017 report, it is recommended that a further report be prepared identifying options for financial assistance for heritage property owners.

Further representation from this property was received following its consideration at the 28 February 2017 report as shown at **ATTACHMENT 7**. The advice questioned the proposed heritage listing and the processes undertaken by Council. This advice has been forwarded to Council's Heritage Advisor for comment and a response is included at **ATTACHMENT 8**. Council's Heritage Advisor remains of the opinion that the property should be heritage listed.

Regarding Council's processes for heritage listing, heritage identification and assessment is an ongoing process. Council has undertaken only one comprehensive heritage study which occurred in 1986. A further comprehensive heritage study commenced in the late 1990s but did not proceed to gazettal. Therefore, it should be anticipated that Council will undertake more studies as funding permits to identify other properties requiring heritage protection. It is recommended that 249 Livingstone Road, Marrickville, be retained within the planning proposal for listing as a heritage item.

### **389 Illawarra Road, Marrickville (Church of Christ)**



**Image 6: 389 Illawarra Road, Marrickville**

The proposed listing relates to the Church of Christ located at 389 Illawarra Road, Marrickville. Council received an objection as part of the initial public exhibition process requesting that Council limit any heritage listing to the front façade of the property only, to allow the church to redevelop the building to accommodate other community uses. Council officers offered an onsite meeting for this property in late 2016 but did not receive a response. Council's Heritage Advisor has reassessed the property and concluded that it meets four of the Heritage Office's criteria for heritage listing, and that the proposed listing for the entire building should proceed.

Additional documentation was tabled at Council's meeting of 28 February 2017. Council's Heritage Advisor met with a Church representative to discuss the matter. At this meeting redevelopment options for the site were discussed. The Church representative also expressed a concern that properties can be heritage listed without owners consent. Council received a heritage assessment report on the site prepared by Archnex Designs.

The assessment report is included at **ATTACHMENT 9**. Council's Heritage Advisor has considered this report and responded to the issues raised in detail as shown in **ATTACHMENT 10**. Council's Heritage Advisor maintains that the property should be heritage listed in the MLEP 2011.

It is important to note that heritage listing within the MLEP 2011 triggers Clause 5.10 (10) Heritage Incentives clause which allows Council to permit heritage items to be used for purposes other than those permissible within the LEP subject to certain conditions. This provision provides additional flexibility for the site in terms of suitable future uses for the site. It is recommended that 389 Illawarra Road, Marrickville, be retained within the planning proposal for listing as a heritage item.

### **51 Frederick Street, St Peters**



**Image 7: 51 Frederick Street, St Peters**

No. 51 Frederick Street is a purpose built shop premises and dwelling constructed in 1881. The property owner expressed concerns with the proposed heritage listing as they plan to redevelop the site in the longer term. Council's Heritage Advisor and officer met a representative of the property owner on site in late 2016 but were unable to gain access to the property.

Council's Heritage Advisor reassessed the site and concluded that *'the corner shop retains much of its original form and detail, including the shopfront which has had only minor modification'*. It was concluded that the site meets the threshold for three of the Heritage Office's criteria for heritage listing, and that the proposed listing should proceed.

Council officers again met with the property owner following Council's consideration of the post exhibition heritage report on 8 March 2017 and discussed his concerns. The property owner reiterated his objection to the proposed listing and its implications for their plans for redevelop the property.



He also expressed significant concern with the structural condition of the property and provided officers with documentation showing damage caused by a leaking roof. Cracks in the building façade around the parapet were also shown to the officers. The owner explained that there are significant costs associated with maintaining the premises. Additional information submitted by the owner is shown at **ATTACHMENT 11** and **ATTACHMENT 12**.

Council's Heritage Advisor has reviewed the additional information and provided the following comment:

*I think that what the owner thinks is a structural crack across the front is the uneven lower edge of the render where it meets the flashing to the veranda roof. The claimed one inch wide crack at the corner, if it is there, looks like the result of a lintel or arch bar over the front window/door opening rusting and expanding at the bearing point. This is not difficult to remedy. The cost of repairs is of course not relevant to an assessment of significance (though of obvious concern to an owner) but I note there is no actual quote or detail provided.*

The owners submission contends that a builder has inspected the site and indicated rectification of the building would cost in the vicinity of \$100,000. Whilst it is acknowledged this is a significant amount of money, it indicates that the building is not beyond repair. Regardless, the condition of the building is not a factor in determining heritage values. Therefore, the conclusion that the site is of heritage value has not been amended by the additional information provided by the property owner.

Consequently, it is recommended that 51 Frederick Street, St Peters, be retained within the planning proposal for listing as a heritage item.

**545 Princes Highway and 2 Samuel Street, Tempe (St Peter's and St Paul's Catholic Church and Presbytery)**
**Item 4**

**Image 8: 545 Princes Highway, Tempe**

**Image 9: 2 Samuel Street, Tempe**

Council received an objection to the proposed heritage listing of these properties in response to the public exhibition of the planning proposal in 2016. The objection stated that the Paul Davies report overvalues the heritage significance of the property and is incomplete due to the declining social significance of the property as the church is only used once a week and the presbytery is unused. Further, that the integrity of the building has been diminished as elements have been removed or modified, including the Princes Highway boundary wall, and that the interior of the buildings have not been investigated.

Following the public exhibition period, Council offered on site meetings with all objectors to enable internal inspections, however did not receive a response regarding this property.

Council received further representations regarding this property objecting to its proposed listing following its consideration of the 28 February 2017 report.

As an objection was received as part of the public exhibition process, this site was reassessed by Council's Heritage Advisor and included in the peer review report considered by Council on 28 February 2017. Council's Heritage Advisor concluded that 'despite the modifications referred to by the objector, the buildings are historically and aesthetically significant, as identified by the Study'. The properties were re-evaluated against the NSW Heritage Office's criteria and found to meet the threshold for historical significance, aesthetic significance and rarity.

The site (comprising both 545 Princes Highway and 2 Samuel Street) are zoned RE2 Private Recreation within the MLEP 2011. This is a relatively limited zoning as only a small range of activities are permissible with consent on the land. Should the properties be heritage listed, Clause 5.10 (10) Heritage Incentives of the MLEP would apply to the site and would allow for the site to be used for purpose other than those permissible within the LEP subject to certain conditions. This additional flexibility may assist the property owners in establishing new uses for the site into the future.

Additional information has been received on the properties which was forwarded to Council's Heritage Advisor for comment as shown at **ATTACHMENT 13**. Council's Heritage Advisor has considered this information and concluded that the church is of historical significance, and that the church and presbytery have aesthetic significance and are rare when considered together. Therefore, it is recommended that the church and presbytery be retained within the planning proposal for listing as a heritage item within the MLEP 2011.

#### **FINANCIAL IMPLICATIONS**

The funds required for the heritage review can be funded within existing budgets.

#### **OTHER STAFF COMMENTS**

Nil

#### **PUBLIC CONSULTATION**

Extensive consultation has occurred regarding the Marrickville heritage planning proposal. Consultation undertake includes a formal exhibition period, offer of onsite meeting for all objectors and a further consultation period following Council's consideration of a report on the matter on 28 February 2017.

#### **CONCLUSION**

This report details additional consultation undertaken in relation to the Marrickville heritage planning proposal in accordance with Council's resolution of 28 February 2017.

It recommends some changes to the planning proposal being the deletion of 30 Carrington Road, Marrickville, and the deferral of 149 Unwins Bridge Road, Tempe, for further heritage assessment.

It is recommended that Council adopt the recommendations in this report and forward the planning proposal to the DP&E for final making and gazettal.

**ATTACHMENTS**

1. [↓](#) Post Exhibition Report: Marrickville Heritage Review 28 February 2017
2. [↓](#) Submission : 30 Carrington Road, Marrickville
3. [↓](#) Heritage Advisor's Assessment: 30 Carrington Road, Marrickville
4. [↓](#) Additional advice from Paul Davie's Historian: 149 Unwins Bridge Road, Tempe
5. [↓](#) Photos: 149 Unwins Bridge Road, Tempe March 2017
6. [↓](#) Heritage Solutions Heritage Assessment 149 Unwins Bridge Road, Tempe
7. [↓](#) Submission: 294 Livingstone Road, Marrickville
8. [↓](#) Heritage Advisor's Assessment: 294 Livingstone Road, Marrickville
9. [↓](#) Submission: 389 Illawarra Road, Marrickville
10. [↓](#) Heritage Advisor's Assessment: 389 Illawarra Road, Marrickville
11. [↓](#) Submission: 51 Frederick Street, St Peters
12. [↓](#) Additional submission: 51 Frederick Street, St Peters
13. [↓](#) Heritage Advisor's Assessment: 545 Princes Highway and 2 Samuel Street, Tempe



**Item No:****Subject:** POST EXHIBITION REPORT: MARRICKVILLE HERITAGE REVIEW**File Ref:** 17/4718/13041.17

Council at its meeting on 28 February 2017 resolved that the matter be deferred to the meeting to be held on 28 March 2017.

**Prepared By:** Maxine Bayley - Strategic Planner**Authorised By:** Simon Manoski - Group Manager Strategic Planning**SUMMARY**

Council has concluded community consultation for a planning proposal aimed at strengthening heritage protection within the former Marrickville local government area via the inclusion of 75 new heritage items and 2 new heritage conservation areas; expanding 3 current heritage conservation areas; amending 1 current heritage item; and correcting various anomalies identified within the heritage schedule of Marrickville Local Environmental Plan 2011. Associated amendments were also made to the Marrickville Development Control Plan (MDCP) 2011 to retain consistency between planning documents.

A public exhibition period commenced on 4 July 2016 and concluded on 25 August 2016. Submissions were received objecting to 23 of the proposed heritage listings contained within the planning proposal. The objections included pro-forma letters signed by multiple signatories and multiple submissions relating to the same property. A number of submissions were also received either supporting the planning proposal or raising concerns with a perceived loss of heritage within the local government area. All submissions raising heritage concerns were referred to Council's Heritage Consultant for review. As a result of the submissions received, additional consultation was offered to property owners objecting to their proposed heritage listing via onsite meetings. 13 meetings were held with property owners to discuss their property in detail and to enable Council's Heritage Consultant to undertake internal inspections of these properties. A detailed report has been prepared by Council's Heritage Consultant containing recommendations for each disputed heritage listing. The report is included at **ATTACHMENT 1**.

This report predominantly addresses properties which were the subject of objections to the proposed heritage listing. Unless otherwise discussed, all other properties included within the original planning proposal which were not the subject of an objection have been retained and are recommended for heritage listing. It is recommended that Council forward the planning proposal request to the Department of Planning & Environment for gazettal, subject to the amendments identified in Table 2 of this report. It is further recommended that Council adopt the exhibited amendments to the MDCP 2011 as amended by the recommendations within this report.

**RECOMMENDATION****THAT Council:**

1. Receive and note this report;
2. Proceed with the heritage listing of properties contained within Table 1 of this report;
3. Not proceed with the heritage listing of properties contained within Table 2 of this report;
4. Adopt the exhibited amendments to Marrickville Development Control Plan (MDCP) 2011 including the additional amendment identified in this report;
5. Forward the proposed revised amendments to MLEP 2011 to the Department of

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- Planning & Environment with a request that the Minister make the plan;
6. Place a notice in local newspapers when the amendments to MLEP 2011 are gazetted advising that it has come into force, and that the MDCP 2011 amendments will come into force at a date specified in the notice;
  7. Consider options to provide financial support to the owners of heritage properties as part of a future report;
  8. Consider a further report outlining options for the development of a Significant Tree Register for the Inner West Council area;
  9. Consider options for the identification, heritage assessment and management of public domain assets, including sandstone and brick kerb and guttering for the Inner West Council area as part of a future report; and
  10. Delay the assessment of identified potential heritage items, heritage conservation areas and additional heritage studies until the structure and resources for heritage management in the new organisation are established.
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#### **BACKGROUND**

At its meeting of 21 July 2015 the former Marrickville Council resolved, inter alia, to prepare and submit a planning proposal to amend Marrickville LEP 2011 Schedule 5 (Environmental Heritage) Part 1 and Part 2 and the Heritage Map to:

- Add 75 new heritage items;
- Add 2 new heritage conservation areas;
- Amend an existing heritage item listing and description;
- Expand 3 existing heritage conservation areas; and
- Correct various anomalies identified within the heritage schedule of Marrickville Local Environmental Plan 2011.

The contents of the planning proposal and MDCP 2011 amendment were derived from various heritage projects as follows:

- A heritage review of southern sections of the Marrickville local government area (defined as areas south of the Illawarra/Bankstown railway line) for potential Heritage Items (including proposed items list provided by Council) and Heritage Conservation Areas, for inclusion within Marrickville Local Environmental Plan 2011;
- A contributory building assessment & mapping exercise for 6 select Commercial Centres, for inclusion within Marrickville Development Control Plan 2011;
- A heritage assessment of 3 potential Heritage Items (1 individual building and 2 groups of buildings) for potential listing as Heritage Items or Heritage Conservation Areas (either as new Heritage Conservation Areas or expansion of existing Heritage Conservation Areas) within MLEP 2011;
- Heritage assessment of 6 Livingstone Road, Petersham, known as the 'Beynon and Hayward' building;
- Heritage assessment of the "I Have a Dream" mural located on the eastern wall of No. 305 King Street, Newtown;
- Listing of early and rare example of an internal mural depicting historical events and believed to be sourced directly from cartoons appearing in newspapers and the Bulletin Magazine at 36 Terminus Street, Petersham; and
- Identified errors and anomalies within MLEP 2011 Schedule 5 Parts 1 and 2 and the Heritage Map.

A conditional Gateway Determination for the planning proposal was issued by the Department of Planning & Environment (DP&E) in November 2015. The Gateway Determination specified the planning proposal was required to be publicly exhibited for a minimum of 28 days in accordance with the requirements of its document *A Guide to Preparing LEPs (Planning &*



*Infrastructure 2013*), and that the LEP be completed within 12 months of the Gateway Determination. Council was not issued delegation in relation to the planning proposal. Upon request, to allow for additional public consultation, the completion date for the planning proposal set by the Gateway determination was extended to 1 June 2017.

The Gateway Determination also specified amendments required to the planning proposal prior to its public exhibition, including consultation with the Office of Environment and Heritage which subsequently raised no objections with the contents of the planning proposal. Subsequently, the amended planning proposal document and all supporting studies and maps were publicly exhibited between 4 July and 4 August 2016. Additional time was requested by several property owners and the exhibition closing date was extended to 25 August 2016. Upon request, a group of landowners from 2-12 Warburton Street, Marrickville, were given until 8 September 2016 to submit their response in order for them to engage a professional consultant.

#### Public Exhibition

All landowners were notified by letter of the planning proposal public exhibition. The notification included:

- Individually tailored information sheets on each proposed heritage listing.
- A 'Question and Answers' document developed in conjunction with Council's Corporate Strategy and Communications section.
- A dedicated 'Your Say Inner West Council' page was developed for the public exhibition which explained the contents of the planning proposal.
- Links to all relevant heritage studies, individual heritage inventory sheets, previous Council reports, copies of proposed DCP amendments, current and proposed LEP heritage maps and an information document prepared by the Heritage Council of NSW explaining heritage listings.

In response to the public exhibition, objections were received to 23 of the proposed heritage listings. These included internal objections from Council's Investigation and Design Team. Council also received feedback from property owners who submitted that heritage listing is punitive, particularly financially. For example, fees are applicable for minor works applications for works that would be exempt development if the property were not heritage listed. Conversely, there is little support for owners of heritage properties, despite the retention of these properties benefitting the wider community. As a consequence, a number of property owners expressed significant opposition to the proposed heritage listings.

The nature of heritage listing is it creates a community benefit which disproportionality burdens individual property owners. Heritage identification and protection is one of the roles of Council and the perceived loss of local heritage has for many years been identified as a key concern to the wider community.

The development of a new, larger organisation in the form of the Inner West Council provides an opportunity to explore options for Council to provide greater support to heritage property owners. Accordingly, this report recommends that a further report be prepared at an appropriate time examining these opportunities.

#### On-site Consultation

Council's Heritage Consultant was engaged to undertake a review of the submissions received raising objections to the proposed heritage listings. Council's Heritage Consultant was not involved in the initial stages of the project and was engaged to undertake an independent heritage review of all disputed listings.

Following consideration of the submissions, additional consultation in the form of onsite meetings was considered appropriate to address concerns raised and to allow Council's Heritage Consultant internal access to properties. All property owners who objected to the proposed heritage listing of their property were invited to take part in this process. Meetings with 13 property owners or representatives concluded on 22 December 2016. On site meetings were held at the following properties:

- 6 Lymerston Street, Tempe
- 48 & 50 Frederick Street, Sydenham
- 149 Unwins Bridge Road, Tempe
- 50 & 52 Warren Road, Marrickville
- 51 Frederick Street, St Peters
- 8 Warren Road, Marrickville
- 20 Canal Road, St Peters (Cooks River Container Terminal)
- 294 Livingstone Road, Marrickville
- 6 Tramway Street, Tempe
- 40 Excelsior Parade, Marrickville
- 17 Railway Terrace, Lewisham
- 231A Wardell Road, Dulwich Hill

Additionally, a meeting at Council's Petersham Administration Centre was held with representatives from the Carrington Road precinct, Marrickville.

A detailed report responding to all submissions raising heritage objections has been prepared by Council's Heritage Consultant and is included at **ATTACHMENT 1** to this report. Although it mainly deals with heritage matters, it also addresses non-heritage objections such as cost burdens and loss of development potential.

#### Recommendations

Table 1 below includes all properties recommended to remain with the planning proposal and proceed as heritage items. A full assessment of each property is included in **ATTACHMENT 1** to this report.

**TABLE 1: Disputed properties recommended to be retained within the planning proposal and to be listed as heritage items and/or heritage conservation areas**

Property Address	Item Name	Ref. No.
545 Princes Highway & 2 Samuel Street, Tempe	St Peter's and St Paul's Catholic Church and Presbytery	22
149 Unwins Bridge Road, Tempe	Skelton - Quarryman's cottage	14
40 Excelsior Parade, Marrickville	Calthorpe – Victorian filigree style villa	31
91 Camden Street, Enmore	HCA 18 - Camden Street & James Street Heritage Conservation Area (Enmore)	8
36 Terminus Street, Petersham	Cartoon mural	34
51 Frederick Street, St Peters	Shop	43
294 Livingstone Road, Marrickville	Roseen-Dhu - detached house	29
31-33 Cook Street, Tempe	Pair of sandstone semi-detached houses	3
47 Hart Street, Tempe	Former Methodist Chapel	44
47 Lackey Street, St Peters	HCA 37 – Lackey Street/Simpson Park (St Peters)	6
6, 8 & 10 Warren Road, Marrickville	Group of three Victorian Italianate style villas	23
231A Wardell Road, Dulwich Hill	HCA 29 – Expansion to South Dulwich Hill Heritage Conservation Area	41
75 Beauchamp Street, Marrickville	Heatherbrae – Victorian Filigree style house	18
6 Tramway Street, Tempe	WWI War Widows' houses - No. 4 (Pozieres), No. 6 (Coramie), No. 8 (Messines)	20
6 Lymerton Street	Glenora – Victorian Italianate style villa	24
389 Illawarra Road, Marrickville	Church of Christ	15
17 Railway Terrace, Lewisham	Two-storey Federation Queen Anne style residence (Heritage Item and inclusion within HCA 26)	30
16 Carrington Road, Marrickville	Inter-war factory building	42
30 Carrington Road, Marrickville	Inter-war factory building	42
Cooks River Container Terminal	Electric Overhead Travelling Crane, Lay Down Points Lever, McS Hr T Administration Building, Pre Cast Concrete Hut 1, Pre Cast Concrete Hut 2	29 & 37

**TABLE 2: Disputed properties recommended to be removed from the planning proposal and not be listed as heritage items and/or heritage conservation areas**

Property Address	Item Name	Ref. No.
50 & 52 Warren Road, Marrickville	Pair of Inter war Art Deco style residential flat buildings	33
48 & 50 Frederick Street, St Peters	Corner Shop & Residence	35
2-12 Warburton Street, Marrickville	Group of three pairs of Federation Queen Anne style semi-detached houses	46
6 Carrington Road, Marrickville	Name	42
Carrington Road (western side of Carrington Road, northern side of Renwick Street and southern side of Warren Road adjacent to no. 49 Carrington Road), Marrickville	Ficus street trees	42
Various	Street trees	26
Various	Sandstone and brick kerb and guttering	32

#### **OTHER RECOMMENDATIONS**

##### 50 & 52 Warren Road, Marrickville

Council's Heritage Consultant has identified issues with the level of evidence provided to support the assessment of these properties as being historically significant. The physical evidence these buildings demonstrate may indicate a historic trend of converting Victorian villas into residential flat buildings during the Inter-War period. Other examples of this type of modification are evident within the former Marrickville local government area. However, as research into this process has not been undertaken it is recommended these properties be removed from the planning proposal at this time.

It is recommended that Council consider undertaking a review of historic conversions of dwelling houses into residential flat buildings to determine the historical significance of these buildings as part of future heritage work.

##### 6, 16, 30 & Ficus Street trees Carrington Road, Marrickville

The planning proposal included an amendment to an existing heritage listing applying to select property facades and trees along Carrington Road, Marrickville. The MLEP 2011 currently contains the following heritage listing for the Carrington Road precinct:

Property Address	Item Name	Item No.
10 and 47 Carrington Road (facade only)	Carrington Road—Select industrial facades and Canary Island Palms	I68

The Paul Davies Southern Areas Report undertook further research of the Carrington Road area and made the following recommendations:



- Change the title of the Item Name to *Carrington Road industrial precinct – select industrial facades and street tree plantings of Phoenix Canariensis and Ficus* (or similar title depending on the outcome of the public exhibition process);
- Add the buildings at Nos. 6, 16 & 30 Carrington Road to the precinct heritage listing to be publicly exhibited (the proposed heritage listing for No. 16 is recommended to include the central brick building on the site only); and
- Add to the precinct heritage listing to be publicly exhibited the Ficus street trees on the west side of Carrington Road, the Carrington Road end (northern side only) of Renwick Street and the Carrington Road end of Warren Road (south side only) adjacent to No. 49 Carrington Road.

Council received an objection from Mecone Pty Ltd on behalf of the landowners (Mirvac) specifically objecting to the inclusion of Nos. 6 and 16 as part of the existing heritage listing. Significant supporting documentation was included regarding the relationship between Nos. 6 and 16 to the historical automotive use of the area. Council staff met with representatives from Mecone and Mirvac regarding the proposed listing and its relationship with a forthcoming planning proposal for the Carrington Road area.

Council's Heritage Consultant has agreed that No. 6 Carrington Road should not be included within the heritage listing as the objection has adequately established that it was never part of the General Motors plant at No. 10 Carrington Road. However, Council's Heritage Consultant does not concur that No. 16 should not be listed and has concluded that the building is important in the area's history, is aesthetically distinctive and reasonably intact, and hence satisfies the criteria for heritage listing.

No specific objection was received in relation to No. 30 Carrington Road, though at the recent meeting it was stated that the site had recently been acquired to form part of a planning proposal. In relation to this site, Council's Heritage Consultant has reviewed the property and concluded it meets the threshold for heritage listing.

The identified street trees have not been assessed for heritage significance within the Paul Davies report. Consequently, they have been removed as potential heritage items and added to Council's list of potential heritage items for assessment at a later stage.

The Paul Davies report recommended that the additional items be added to the existing heritage listing. However, Council's Heritage Consultant has raised concerns with the nature of the current listing being for building facades only. Council's Heritage Consultant has recommended that the existing listing be expanded to include the entire buildings. However, as proposed change is outside the scope of the current process, it is recommended this be considered as part of a future heritage study.

Council's Heritage Consultant has also raised issue with the current listing containing several buildings and trees on separate, unconnected lots and considers they should be listed separately. Consequently, the recommendation is to list Nos. 16 and 30 as separate items, rather than as an amendment to the current listing. Separate Heritage Inventory Sheets will need to be developed for both Nos. 16 & 30 Carrington Road, containing Statements of Significance for each item which can be completed in-house.

#### Cooks River Container Terminal

Council received an objection from NSW Ports which manages the Cooks River Container Terminal site under a 99-year lease granted by the NSW Government. The site is occupied and operated by Maritime Container Services (MCS) under the oversight of NSW Ports. The objection raised concerns with the potential for the proposed heritage listing to significantly and unreasonably impact upon operations at the site, which are of State wide importance. The

entire site, as well as select individual components, are listed on the s.170 Register under the Heritage Act 1977.

Council officers met with representatives from MCS on 1 December 2016. It was agreed that the intent of the listing is not to compromise the operation of the site, but rather to ensure that Council is advised of works to significant heritage elements. An agreed position was reached where the significant elements on the site are to be mapped on the Heritage Map, with a reasonable curtilage applied to each element. The listing would therefore be limited to significant elements of the site, rather than applying to the site in its entirety. Following the meeting, MCS engaged heritage consultants to define suitable curtilage to individual elements which has been submitted to Council and approved by Council's Heritage Consultant. The description in the LEP will specify which parts of the site are included within the listing to differentiate them from the site as a whole.

#### 28-44 & 82 Campbell Street, St Peters

These 10 residential properties have been included for acquisition and demolition as part of the WestConnex roadway project, despite the proposed listing of these buildings as heritage items within the MLEP 2011 and their inclusion within the s.170 Register maintained by the RMS. These building have been assessed as having heritage significance; however their demolition for the project is imminent.

Consequently, it is recommended that these building be removed from the planning proposal. Retaining demolished buildings within the heritage schedule is considered unnecessary and impractical from a management perspective and in the event that the buildings are not demolished their listing could be revisited.

#### 204 Unwins Bridge Road, Sydenham

During the course of the public exhibition it was noted that the proposed heritage items at 204 Unwin Bridge Road, Sydenham, is already a listed heritage item within the MLEP 2011. As this building is already a listed heritage item, it has been removed from the planning proposal.

#### Brick and Sandstone Kerb and Guttering

These public domain elements were identified within the Paul Davies Southern Areas assessment. Currently, select areas of sandstone and brick kerb and guttering (and footpaths) are heritage listed, but the listings are not comprehensive across either the former Marrickville LGA or the wider Inner West LGA.

Concerns were raised by Council's Infrastructure Planning & Property Services section regarding the implications of the heritage listing to the ongoing maintenance and management of these assets. Should the listing proceed, individual development applications (or minor works applications) would be required which would impede the works program and create additional costs which is considered not to be in the public interest.

The submission claims Council requires a more holistic and pragmatic review considering other factors such as street context and the surrounding built form in assessing the heritage value of kerbs and guttering. This review should consider all public assets that are potential heritage items in a holistic manner and document how best to manage these in a sustainable way.

The Paul Davies report recommended the following in relation to sandstone and brick kerb and guttering:



- Council review the extent and integrity of the sandstone and brick kerbing in the identified streets, mapping the extent and location of the sandstone and brick kerbing in these streets;
- Council develop a management strategy for historic sandstone and brick kerbing within the Marrickville LGA. For example, one management approach is that in streets where such historic kerbing is fragmentary (which will be apparent from the mapping), the kerbing could be allowed to be removed from these streets in order to repair the historic kerbing in streets with more extensive and intact historic kerbing; and
- Based on the mapping information for historic sandstone and brick kerbing, Council consider heritage listing, and reviewing existing heritage listings, to cover all extensive intact runs of sandstone and brick kerbing in particular streets (not remnants).

The Paul Davies study was limited to the southern section of the former Marrickville local government area. However, it is acknowledged that sandstone and brick are prominent building materials and their use is widespread throughout the Sydney area, in both the public and private domain. Whilst the study identifies a small range of the existing sandstone and brick kerb and guttering in the public domain, it is not a comprehensive assessment.

It is agreed that a holistic approach to the management of these public domain assets is required. It is recommended that Council review existing heritage listings in the public domain and develop a draft management strategy to be reported back to Council. The strategy should consider options such as targeting extensive runs of intact sandstone and brick kerbing for heritage listing.

#### Street Trees

A number of street trees were identified within the Paul Davies Southern Areas report and recommended for further assessment and potential heritage listing. Council received an objection from its Tree Management Services section on the basis that the trees are protected at present under the MLEP 2011 under Clause 5.9 and are managed in accordance with Council's tree management policies.

The submission suggested that if there is a need to record the heritage value of these trees, it should be done as part of a Register of Significant Trees that would form part of Council's Tree Management suite of strategic documents and sit alongside Council's Street Tree Master Plan and Urban Forest Strategy. Locations where inroad tree planting treatments currently exist and are considered worthy of further assessment for inclusion on a Register of Significant Trees or the LEP was included as follows:

Address	Street Tree Master Plan Precinct
Canonbury Grove, Dulwich Hill	1. Dulwich Hill East
Durham Street, Dulwich Hill	1. Dulwich Hill East
Ness Avenue, Dulwich Hill	1. Dulwich Hill East
Williams Parade, Dulwich Hill	2. Dulwich Hill West
David Street, Marrickville	4. Marrickville Central
Harney Street, Marrickville	4. Marrickville Central
Marrickville Avenue, Marrickville	4. Marrickville Central
Northcote Street, Marrickville	4. Marrickville Central
Robert Street, Marrickville	4. Marrickville Central
Woodcourt Street, Marrickville	4. Marrickville Central
Graham Avenue, Marrickville	5. Marrickville Central

Frampton Ave, Marrickville	5. Marrickville Industrial
Juliatt Street, Marrickville	5. Marrickville Industrial
Victoria Rd (east of Juliatt St)	5. Marrickville Industrial
Ewart Street, Marrickville	6. Marrickville South
Excelsior Parade, Marrickville	6. Marrickville South
Harnett Avenue, Marrickville	6. Marrickville South
Kays Avenue East, Marrickville	6. Marrickville South
Osgood Avenue, Marrickville	6. Marrickville South
Warburton Street, Marrickville	6. Marrickville South
Marmion Street, Camperdown	7. Newtown North & Camperdown
Charles Street, Enmore	8. Newtown South & Enmore
Juliatt Street, Marrickville	8. Newtown South & Enmore
Liberty Street, Newtown	8. Newtown South & Enmore
Metropolitan Road, Newtown	8. Newtown South & Enmore
Pemell Street, Newtown	8. Newtown South & Enmore
Goodsell Street, St Peters	11. Sydenham & St Peters
Griffiths Street, Tempe	12. Tempe
John Street, Tempe	12. Tempe
William Street, Tempe	12. Tempe

The Paul Davies report recommends the following actions in relation to the identified trees:

- *The potential heritage items...be added as heritage items to Schedule 5: Environmental Heritage of the Marrickville LEP 2001, following preparation of State Heritage Inventory (SHI) forms for each item for public exhibition of the LEP amendment; and*

The street trees identified in the Paul Davies report have not undergone a heritage assessment process which satisfies the requirement of the NSW Office of Environment & Heritage. Consequently, Heritage Inventory sheets have not been prepared as part of this planning proposal process. Therefore, it is recommended that they be removed from this planning proposal.

As noted above, Council's Tree Management Services have raised concerns that their management and maintenance of heritage listed trees would necessitate the lodgement of development applications, which would add an unsustainable burden to their workload. This concern is noted and, although works could be applied for via a minor works application, it is acknowledged heritage listing these trees would necessitate the lodgement of numerous applications. They have also noted that the list of trees identified is not exhaustive and misses other potentially significant trees. This is due to the relatively constrained parameters of the study area and budget.

The submission from Council's Tree Management Services suggested the establishment of a Register of Significant Trees, which would form part of Council's Tree Management suite of strategic documents and sit alongside Council's current Street Tree Master Plan and Urban Forest Strategy. Several other Councils, including the City of Sydney, Strathfield and Randwick operate Registers of Significant Trees. These generally operate using an

assessment methodology for determining the significant trees is based on criteria developed by the NSW Heritage Office, in accordance with the Burra Charter. The assessment criteria used in these registers is based on the following five basic categories in the assessment criteria:

1. *Outstanding Visual or Aesthetic Significance*
2. *Botanic or Scientific Significance*
3. *Significant Ecological Value*
4. *Historical and Commemorative Significance*
5. *Social Significance*

This approach to significant tree identification, assessment and management should be investigated by Council for the Inner West local government area. Works proposed to trees which are included on the register would be discussed with Council's Heritage Advisor prior to their undertaking. Management policies can be developed in conjunction with the Register of Significant Trees.

It is recommended that the street trees identified within the planning proposal be removed and that Council investigates options for the development of a Register of Significant Trees to identify, assess and manage important landscape elements within the Inner West local government area. This document can be added to the existing suite of Tree Management documents and strategies.

#### Additional Matters

##### *Heritage item name and description amendments*

Council received advice that the Inventory Sheet for 94 Renwick Street, Marrickville, included the incorrect property name. It is recommended the sheet be amended to read 'Sarnia House' and that the date of construction be amended to read 1881.

##### *Building interiors*

As part of Amendment 1 to MLEP 2011, Council amended all existing heritage item descriptions to include the words 'including interiors'. This was based on legal advice which claimed there was '*potential for internal alterations to heritage items to be allowed without the need for consent...*' due to the wording of Clause 5.10 *Heritage Conservation* in MLEP 2011. Accordingly, it is recommended that all heritage items progressed as a part of the planning proposal have the words 'including interiors' included within the Item Name within Schedule 5 of the MLEP 2011 for buildings. This does not include the proposed listing for 36 Terminus Street, Petersham, which already lists only the interior of the building.

##### *Additional heritage assessments*

The heritage studies completed by Paul Davies both identified a number of additional potential heritage items and heritage conservation areas within the former Marrickville local government area. Additionally, internal processes continue to identify buildings considered worthy of further review and assessment.

Currently, the structure of the new Inner West Council is being established. As stated earlier, heritage management will form part of the considerations in establishing the structure for the composite Inner West Council. Until the organisational structure is established, allocating funds to additional heritage projects is premature. However, the need for additional heritage studies, funding and overall management structure needs to form part of discussions regarding the future operations of the Inner West Council entity.



Once the structure has been established, further work can be undertaken on matters identified within this report including management of sandstone and brick kerb and guttering, investigating the establishment of a Significant Tree Register, reviewing heritage listing applying to facades only, and providing greater assistance to heritage property owners.

#### *MDCP 2011 amendments*

No submissions were received in relation to the proposed DCP amendments. Two minor changes to Part 5 (Commercial and Mixed Use Development) and Part 8 (Heritage) are recommended as follows:

- One minor change is recommended to Part 8 (Heritage) of the MDCP 2011. The document currently states:

*Part 8 applies to heritage items, heritage conservation areas (HCAs), archaeological sites and Aboriginal heritage. (p. 1).*

It is recommended that 'period building' be added to this sentence to ensure that it accurately reflects the full scope of this chapter.

- The draft amendments to MDCP 2011 Part 5 (Commercial and Mixed Use Development) contain the same heading twice. To rectify this duplication it is recommended that Section 5.1.2 be amended to:

#### *5.1.1 Contributory and Period Buildings in Commercial Centres*

##### *Requirements for buildings over 50 years old*

Council resolved at its meeting of 21 July 2015 to '*Consider options for the assessment of proposed heritage items contained in Attachment 6 and a policy to request Statement of Heritage Impact and/or archaeological assessment report before granting consent for substantial demolition of a period building within a commercial centre which is over 50 years old as part of a forthcoming report to Council on heritage management options*'.

The abovementioned recommendation was contained within the Paul Davies report 'Contributory and Period Building Assessment and Mapping Project for 6 Select Commercial Centres' which was undertaken by Paul Davies in 2014. The report identified a number of commercial buildings which had newer facades, potentially visually obscuring the age of the original building. The report attempted to address this situation through recommending the development of a policy for Council to request a Statement of Heritage Impact and/or archaeological assessment report before granting consent for substantial demolition of a period building within a commercial centre which is over 50 years old.

Contributory and Period buildings are defined within the MDCP 2011 as follows:

**Contributory buildings** are buildings, not listed as heritage items, that are located within a heritage conservation area that make an important and significant contribution to the character and significance of that heritage conservation area. They are buildings that have a reasonable to high degree of integrity and date from a key development period of significance of the heritage conservation area. Contributory buildings are buildings from a key period of development that are either:

- highly or substantially intact; or
- altered, yet recognisable.

*Period buildings are buildings, not listed as heritage items, which are not located within a heritage conservation area, which are generally intact that make a positive and valuable contribution to the character of the streetscape and broader townscape.*

Contributory and period buildings are mapped and planning controls are contained within MDCP 2011 Part 8 (Heritage) and referenced within Part 5 (Commercial and Mixed Use Development). One of the publicly exhibited amendments to the MDCP 2011 inserted the following words within Part 8 of MDCP 2011:

*Council may request an assessment by a suitably qualified heritage consultant of the heritage and/or architectural significance of identified period buildings within commercial centres as part of development proposals for total or substantial demolition.*

It is considered that the development controls contained within Part 5 and Part 8 of the MDCP 2011 already afford considerable protection for proposed changes to both contributory and period buildings. This new inclusion seeks to strengthen these protections by allowing Council discretion to request these studies based on a merit assessment. It is considered that this inclusion responds to the recommendation within the Paul Davies report.

#### Supplementary Information

At the Local Representation Advisory Committees (LRAC) Meeting on 14 February 2017 there was discussion as part of [Item 3 - Post Exhibition Report: Marrickville Heritage Review](#) concerning No's 28-44 & 82 Campbell Street, St Peters. The report recommended that the heritage listing of these properties not proceed on the basis of their imminent demolition for Stage 2 of WestConnex (New M5). As part of the discussion it was submitted that these properties had been demolished that day. Notwithstanding, the LRAC resolved to include these items as part of the draft MLEP 2011 amendment.

Council officers have sought subsequent advice from the project team responsible for the New M5 concerning the status of these properties and have been advised that the buildings were 'in the process of being demolished' as of 15 February 2017.

#### **FINANCIAL IMPLICATIONS**

Nil at this stage. Further heritage projects identified through this process are recommended to proceed at a later stage once the structure and related budgets for the Inner West Council are finalised.

#### **OTHER STAFF COMMENTS**

Comments from Council's Investigation and Design Team were sought and have been addressed in this report.

#### **PUBLIC CONSULTATION**

The planning proposal was publicly exhibited between 4 July and 25 August 2016. All landowners were notified by letter of the planning proposal public exhibition. The notification included:

- Individually tailored information sheets on each proposed heritage listing.
- A 'Question and Answers' document developed in conjunction with Council's Corporate Strategy and Communications section.
- A dedicated 'Your Say Inner West Council' page was developed for the public exhibition which explained the contents of the planning proposal.
- Links to all relevant heritage studies, individual heritage inventory sheets, previous Council reports, copies of proposed DCP amendments, current and proposed LEP

heritage maps and an information document prepared by the Heritage Council of NSW explaining heritage listings.

Following consideration of submissions received, on-site meetings were offered to property owners expressing objection proposed heritage listing for their properties. 13 meetings were held between November and December 2016. A detailed report has been developed in response to objections received and each property reassessed by Council's Heritage Consultant.

#### **CONCLUSION**

Council has concluded a consultation process for a planning proposal aimed at protecting heritage within the former Marrickville local government area. Consultation included a formal exhibition period and on-site meetings upon request. To respond to the objections received, Council engaged its Heritage Consultant to undertake an independent heritage review. A detailed report was developed including a heritage reassessment and recommendation for each disputed property.

It is recommended that the amended planning proposal be forwarded to the Department of Planning & Environment with a request that it be finalised. It is also recommended that Council resolve to adopt the proposed amendments to the MDCP 2011 to come in force once the planning proposal is gazette.

#### **ATTACHMENTS**

1. Heritage Assessment Report: Graham Hall





The Churches of Christ Property Trust ABN 73 068 989 953  
Incorporated by the Churches of Christ in New South Wales Incorporation Act 1947

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28 February 2017

Mr Richard Pearson  
Administrator  
Inner West Council  
260 Liverpool Road  
ASHFIELD NSW 2131

**By hand**

Dear Mr Pearson,

**Marrickville Church of Christ – 389 Illawarra Road, Marrickville**

Thank you for the opportunity to speak to the Council proposal that recommended the heritage listing of 389 Illawarra Road, Marrickville (the "Property"). I am James Cartwright, the Secretary of the Churches of Christ Property Trust (the "Trust"), the owner of the Property.

Standing on the Property is a simple Protestant church building constructed of brick circa 1900 together with an attached flat-roofed modern structure. That modern structure has no heritage or other significance of any kind. Any heritage listing contemplated by Council should not include that flat roofed structure.

*Heritage listing of church building opposed*

The listing of the whole of the brick Church building as a heritage item is opposed for good reasons.

While that church building has served previous generations well, a contemporary building on the Property is needed to serve and respond to the current needs of the local community. That is the only way of ensuring the Church of Christ can serve future generations of the community.

*Heritage Act Criteria for Local Heritage Significance*

The *Heritage Act 1977* ("Heritage Act") sets out eight criteria for local heritage significance. The statement of significance prepared by Council in support of the proposed listing suggests only three of those criteria could possibly be satisfied: the historical; the aesthetic; and the social.

Those criteria require consideration.

The historical significance suggested is not related to the building itself but rather to the presence of the congregation that previously met there.

The aesthetic significance is described as one of a simple Protestant Church which is as an example of Federation Gothic style. The brick church building is a very poor example of that genre and contains only minor elements of that genre.

The social significance is identified as socially significant for its current congregation. That is in fact no longer the case.

The historical evidence for the local presence of a Church of Christ is dependent upon that presence continuing - and that presence will only continue and flourish if an aesthetically appealing building meeting contemporary needs is constructed on the Property.

Therefore, the only criterion under the Heritage Act calling for any consideration is the aesthetic significance.

*Church building – front façade*

The Trust considers that limited aesthetic significance can be maintained by restricting any heritage listing to the front façade of the church building only. The only means of ensuring some significance to attach to this property is to allow a sympathetic, contemporary redevelopment of the Property which incorporates the front façade in the redevelopment. A good and well-known example of a redevelopment of that kind is Scots Church in Margaret Street, Sydney.

In the circumstances, the Trust urges Council <sup>as per our original submission</sup> to limit any heritage listing to the front façade of the church building in order to facilitate the redevelopment of the Property in a manner which will benefit the local community and the new congregation to be established in the Property.

I thank you for your consideration of these matters.

Yours sincerely,



James Cartwright  
**Secretary**  
**The Churches of Christ Property Trust**

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[james.cartwright@freshhope.org.au](mailto:james.cartwright@freshhope.org.au)

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## MEMORANDUM

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**TO:** Maxine Bayley

**FROM:** Graham Hall, Heritage Consultant Architect

**DATE:** 30 March 2017

**SUBJECT:** 389 Illawarra Road, Marrickville

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### Background

The Churches of Christ Property Trust has made a late submission challenging the recommendation to heritage-list the church at the above address, including an assessment by Greg Patch of Archnex Designs. The Trust's original submission sought listing of the façade only, essentially on the basis of financial hardship. My review of the proposed listing was of course based on the criteria gazetted by the Heritage Council. These are

- (a) Historical significance
- (b) Historical association significance
- (c) Aesthetic significance
- (d) Social significance
- (e) Technical/Research significance
- (f) Rarity
- (g) Representativeness

### Original assessment: Paul Davies report

The Statement of Significance in the report by Paul Davies, on which the proposal to list the church was based, refers to the criteria it is considered to satisfy, as follows:

*The Church of Christ, Marrickville, built circa 1900, is of historical significance as evidence of the early and continuing local presence of the Church of Christ, a protestant non-conformist group with an American religious reformation background and a Wesleyan temperance philosophy, located in a then working-class area. The historical evidence of the temperance movement campaigning of the Church of Christ in the early 20th century is an important part of early 20th century social activism. The church is of local aesthetic significance as a representative, simple protestant church built in the Federation Gothic style, featuring brickwork with rendered bands, gabled terracotta tiled roof, buttresses of brick and rendered brick, and to the facade gothic arched windows within rectangular window frames, and a brick front porch with a castellated parapet. The church has social significance for its current congregation.*

### Independent review

The claim of social significance may have been based on a reasonable assumption at the time: church congregations tend to be older than the general population, and to value the fabric of their church and its associations. Others in the community may also value it – that is, they would miss it if it were no longer there. It is often difficult to gauge the extent of such community sentiment, and in the absence of more definite supporting evidence, and given the church's initial objection - including advice that the building is no longer used for services - my assessment was that social significance had not been established. Otherwise, I concurred with the Statement of Significance, and the assessment that the church has historical and aesthetic significance, and was representative. I also considered it to be rare (an item can be both rare in the area and a good representative example of its type).

### Late submission

This memo now considers these matters in detail, in response to the report that has been submitted. The report is appropriately based on the Heritage Council's guidelines (NSW Heritage Office, NSW Heritage Manual, *Assessing Heritage Significance*, 2001), but the analysis is very brief. It consists only of an identification of those guidelines considered applicable and an assertion against each criterion that the item does not satisfy it.

#### **Note on Heritage Council criteria, guidelines and amplifying comments**

It should be noted that the Heritage Council requires only one of the seven criteria to be satisfied, but counsels against a simplistic box-ticking approach to the guidelines. The criteria and supporting guidelines are reproduced at the end of this memo. It is not necessary, indeed it is unusual, that an item satisfies each of the guidelines for inclusion and none of those for exclusion under any criterion. This is clear from various qualifying comments which accompany the criteria and guidelines, which can be found in the document. Relevant extracts are quoted here.

#### **Historical significance**

The submitted report concludes that the church lacks historical significance with the simple assertion that one guideline for exclusion applies: *Provides evidence of activities or processes that are of dubious historical importance.*

The guidelines for historical significance are augmented by these comments on p. 12:

*The inclusion guidelines are pointers to assist in making an assessment against this criterion, but should not constrict the consideration. Similarly, the attributes described in the exclusion guidelines can be used to check if the fabric of the item or place meets the criterion, or to check a judgment that an item does not meet this criterion.*

Note also the following amplification of the guidelines for historical significance, also on p.12::

*Types of items which meet criterion (a) include:*

- *items which demonstrate strong associations to past customs, cultural practices, philosophies or systems of government, regardless of the intactness of the item or any structure on the place;*
- *items associated with significant historical events, regardless of the intactness of the item or any structure on the place;*
- *significant cultural landscapes and other items demonstrating overlays of the continual pattern of human use and occupation; and/or*
- *items where the physical fabric (above or below ground) demonstrates any of the points described above.*

The church is one of a number of similarly substantial churches built around the same time throughout the suburb and former LGA of Marrickville. Some are still used as churches; others are empty or have been adaptively re-used. They demonstrate *strong associations to past customs, cultural practices and philosophies*. In a future where religious observance and buildings may become increasingly different, they will demonstrate to future generations that when the suburbs emerged from the villages and small farms in the area, religion played a notable part in the life of the community; that groups were prepared into devote considerable resources to the construction of church buildings; that there were different denominations, whose beliefs and practices were subtly echoed in the form of their buildings; even the fact that there was freedom of religion.

The church is therefore historically significant.

#### **Aesthetic significance**

The submitted report concludes that the church lacks aesthetic significance with the simple assertion that two guidelines for exclusion apply: *Is not a major work by an important designer or artist. Has only a loose association with a creative or technical achievement.*

It is true that the church is not (or is not known to be) a major work by an important designer. But it does not have "only a loose association with a creative or technical achievement." It is, as the submitted report acknowledges, a restrained example of the Federation Gothic style; and it is largely intact. Hence it does demonstrate creative or technical excellence. It is also something of a landmark, and will remain so despite any redevelopment in its vicinity. And it exemplifies a particular taste, style or technology.

The church is therefore aesthetically significant.

#### **Rarity and representativeness**

Criteria (a) to (e) refer to the nature of a item's significance. Rarity and representativeness ((f) and (g) respectively) refer to the degree of significance. They must be considered in relation to criteria (a) to (e) and by comparison with any similar items in the area.



The submission asserts that the church, in the words of one guideline for exclusion, *is not rare*. With regard to representativeness, it asserts, *Does not represent well the characteristics that make up a significant variation of a type*.

The guidelines are not expressed in quantitative terms. There are several Federation Gothic churches in the former Marrickville LGA, which is a large area, but they are far fewer in number than various types of houses, villas, shops and other building types. It is therefore rare.

Similarly, there is not a specific list of "types" of item, or of "variations" of types. For buildings, it is usual to refer to their style when discussing whether an item is a rare or representative example of a type. The church is an example of the Federation Gothic style. It is in cavity brick, not stone, and has rendered details also found in other Federation styles, and overall it is a restrained rendition.

Contrary to the assertion above, it

- *is a fine example of its type*
- *has the principal characteristics of an important class or group of items*
- *has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity*

It is therefore representative.

#### **Conclusion**

Having reviewed the submission, I remain of the view that the church satisfies the criteria for listing.

As previously, I recommend that Council provides as much assistance as possible to the owners in exploring the options for adaptive re-use of the church, including options available under the heritage incentive clause 5.10 (10) of the LEP.

## **HERITAGE COUNCIL GUIDELINES FOR ASSESSING SIGNIFICANCE**

### **(a) Historical significance**

Under the NSW Heritage Assessment Criteria, an item has historical significance if it is *important in the course, or pattern, of the area's cultural or natural history*.

The Heritage Manual provides the following guidelines for inclusion or exclusion on the basis of historical significance:

#### **Guidelines for INCLUSION**

- *shows evidence of a significant human activity*
- *is associated with a significant activity or historical phase*
- *maintains or shows the continuity of a historical process or activity*

#### **Guidelines for EXCLUSION**

- *has incidental or unsubstantiated connections with historically important activities or processes*
- *provides evidence of activities or processes that are of dubious historical importance*
- *has been so altered that it can no longer provide evidence of a particular association*

### **(b) Historical association significance**

Under the NSW Heritage Assessment Criteria, an item has historical association significance if it has *strong or special association with the life or works of a person, or group of persons, of importance in NSW's or the area's cultural or natural history*. The Heritage Manual provides the following guidelines for inclusion or exclusion on the basis of historical association significance:

#### **Guidelines for INCLUSION**

- *shows evidence of a significant human occupation*
- *is associated with a significant event, person, or group of persons*

#### **Guidelines for EXCLUSION**

- *has incidental or unsubstantiated connections with historically important people or events*
- *provides evidence of people or events that are of dubious historical importance*
- *has been so altered that it can no longer provide evidence of a particular association*

### **(c) Aesthetic significance**

Under the NSW Heritage Assessment Criteria, an item has aesthetic significance if it is *important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the area*.

The Heritage Manual provides the following guidelines for inclusion or exclusion on the basis of aesthetic significance:

#### **Guidelines for INCLUSION**

- *shows or is associated with creative or technical innovation or achievement*
- *is the inspiration for a creative or technical innovation or achievement*
- *is aesthetically distinctive*
- *has landmark qualities*
- *exemplifies a particular taste, style or technology*

**Guidelines for EXCLUSION**

- *is not a major work by an important designer or artist*
- *has lost its design or technical integrity*
- *its positive or sensory appeal or landmark and scenic qualities have been more than temporarily degraded*
- *has only a loose association with a creative or technical achievement*
- *has been so altered that it can no longer provide evidence of a particular association*

**(d) Technical/Research significance**

Under the NSW Heritage Assessment Criteria, an item has technical/research significance if it has potential to yield information that will contribute to an understanding of NSW's or the area's cultural or natural history. The Heritage Manual provides the following guidelines for inclusion or exclusion on the basis of technical/research significance:

**Guidelines for INCLUSION**

- *has the potential to yield new or further substantial scientific and/or archaeological information*
- *is an important benchmark or reference site or type*
- *provides evidence of past human cultures that is unavailable elsewhere*

**Guidelines for EXCLUSION**

- *the knowledge gained would be irrelevant to research on science, history or culture*
- *has little archaeological or research potential*
- *only contains information that is readily available from other resources or archaeological sites*

**(e) Social significance**

Under the NSW Heritage Assessment Criteria, an item has social significance if it has strong or special association with a particular community or cultural group in NSW or the area for social, cultural or spiritual reasons. The Heritage Manual provides the following guidelines for inclusion or exclusion on the basis of social significance:

**Guidelines for INCLUSION**

- *is important for its associations with an identifiable group*
- *is important to a community's sense of place*

**Guidelines for EXCLUSION**

- *is only important to the community for amenity reasons*
- *is retained only in preference to a proposed alternative*

**(f) Rarity**

Under the NSW Heritage Assessment Criteria, an item is rare if it possesses uncommon, rare or endangered aspects of NSW's or the area's cultural or natural history. The Heritage Manual provides the following guidelines for inclusion or exclusion on the basis of rarity:

**Guidelines for INCLUSION**

- *provides evidence of a defunct custom, way of life or process*
- *demonstrates a process, custom or other human activity in danger of being lost*
- *shows unusually accurate evidence of a significant human activity*
- *is the only example of its type*
- *demonstrates designs or techniques of exceptional interest*
- *shows rare evidence of a significant human activity important to a community*

**Guidelines for EXCLUSION**

- *is not rare*
- *is numerous but under threat*

**(g) Representativeness**

Under the NSW Heritage Assessment Criteria, an item is representative if it is important in demonstrating the principal characteristics of a class of NSW's or the area's cultural or natural places or cultural or natural environments.

**Guidelines for INCLUSION**

- *is a fine example of its type*
- *has the principal characteristics of an important class or group of items*
- *has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity*
- *is a significant variation to a class of items*
- *is part of a group which collectively illustrates a representative type*
- *is outstanding because of its setting, condition or size*
- *is outstanding because of its integrity or the esteem in which it is held*

**Guidelines for EXCLUSION**

- *is a poor example of its type*
- *does not include or has lost the range of characteristics of a type*
- *does not represent well the characteristics that make up a significant variation of a type*