

**Item No:** C0623(1) Item 5

**Subject:** PLANNING PROPOSAL - MACARTHUR PARADE HERITAGE LISTING

**Prepared By:** Daniel East - Acting Senior Manager Planning

**Authorised By:** Simone Plummer - Director Planning

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## RECOMMENDATION

1. That Council supports the Planning Proposal to amend the Inner West Local Environmental Plan 2022 to identify 3,7,9,11 & 13 Macarthur Parade, Dulwich Hill as heritage items of local significance and submit it to the Minister for Planning seeking a Gateway Determination under section 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979.
  2. That if a favourable Gateway Determination is received, place the Planning Proposal on community consultation in accordance with Council's Community Engagement Framework to meet the requirements of the Gateway Determination, Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.
  3. That Council request delegation from the Minister for Planning to manage the plan making functions of the Planning Proposal.
  4. That Council authorise the General Manager to make minor/technical modifications to the Planning Proposal prior to consultation.
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## DISCUSSION

In 2021, Council engaged specialist consultants GML Heritage to undertake a heritage review of the Inner West. During the project's early phases, five properties on Macarthur Parade, Dulwich Hill, were identified as having potential heritage significance. The Potential Heritage Conservation Area Study (February 2022) identified:

*"That Nos. 7 to 13 Macarthur Parade are pursued for group listing. A group listing would provide additional statutory protections than would be achieved through a Heritage Conservation Area. It is also recommended to investigate the individual heritage listing of 3 Macarthur Parade, the Dulwich Hill Baptist Church. The church, while originating from the same estate, displays different values and would have inherent local historic and social significance."* (GML Heritage, 2022)

## Interim Heritage Orders

Council is authorised to make Interim Heritage Orders (IHOs) by Ministerial Order as published in the Government Gazette No. 90 of 12 July 2013. An IHO can be made if Council has considered if the following pre-conditions are in place:

- a) *it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:*

- (i) *the item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;*
- (ii) *the item is being or is likely to be harmed;*
- (iii) *the IHO is confined to the item determined to be under threat.*

Council invoked an IHO in response to a perceived threat to 11 Macarthur Parade in November 2022. The IHO (No. 6) was issued under Section 25 of the *Heritage Act 1977* and was published in the NSW Government Gazette 553 on 25 November 2022.

The Council also resolved to place Interim Heritage Orders on 7, 9 and 13 Macarthur Parade at the 9 May 2023 Council Meeting. This will ensure the group of houses are protected throughout the planning proposal process. Once at statutory consultation they will achieve draft heritage group item status.

### **Draft Planning Proposal**

Having carried out the preliminary heritage assessment, and further to the IHO, a detailed assessment of heritage significance was carried out for the five properties, informed by a site inspection in March 2023. The Macarthur Parade Heritage Assessment Study was finalised in May 2023, with the recommendation that 7-13 Macarthur Parade, Dulwich Hill be listed as a group heritage item of local significance, and that 3 Macarthur Parade, Dulwich Hill should be listed as an individual heritage item of local significance in Schedule 5 and on the Heritage Map of the IW LEP 2022.

The preliminary heritage advice received from GML Heritage, and the draft detailed heritage assessment received from Council's Heritage Specialists, both state that heritage significance is achieved for 7, 9, 11 and 13 Macarthur Parade as a group of houses built at a similar time with joint historical significance. This demonstrates the need for interim heritage orders on all four sites, as the loss or damage to one building would diminish the heritage significance of the group. The heritage assessment forms the evidence base for the draft Planning Proposal and demonstrates the strategic and site-specific merit of the listing. *Attachment 1* provides the draft Planning Proposal and supporting documents.

The draft Planning Proposal will preserve local heritage in the Inner West local government area by providing statutory protection and recognition to sites of historical significance.

### **Local Planning Panel**

The draft Planning Proposal was heard by the Inner West Local Planning Panel (IWLPP) on 9 May 2023 and resolved to support the Planning Proposal in its entirety:

1. *The draft Planning Proposal prepared by Council officers dated April 2023 to amend Schedule 5 of the IWLEP 2022 to heritage list five properties on Macarthur Parade, Dulwich Hill is supported as it has sufficient strategic and site-specific merit for submission to Minister for Planning and Public Spaces for a Gateway Determination in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979.*
2. *The Panel noted in the Council Officer's report that:*
  - a. *The map on page 4 requires modification to identify the relevant properties; and*
  - b. *In Section 7 Part 5 – the community consultation should also include local heritage groups, such as Marrickville Heritage Society.*

*The decision of the Panel was unanimous.*

### **Next Steps**

If supported, the draft Planning Proposal will be submitted to the State Government for Gateway Determination. Statutory community consultation will occur if a Gateway Determination is issued and must occur before the first IHO lapses on 25 November 2023.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the implementation of the proposed recommendations outlined in the report.

### **ATTACHMENTS**

1. Planning Proposal Macarthur Parade

June 20 Council Meeting Resolution:

**C0623(1) Item 5 Planning Proposal - Macarthur Parade Heritage Listing**

**Motion: (D'Arienzo/Da Cruz)**

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2. That if a favourable Gateway Determination is received, place the Planning Proposal on community consultation in accordance with Council's Community Engagement Framework to meet the requirements of the Gateway Determination, *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.
3. That Council request delegation from the Minister for Planning to manage the plan making functions of the Planning Proposal.
4. That Council authorise the General Manager to make minor/technical modifications to the Planning Proposal prior to consultation.

**Motion Carried**

**For Motion:** Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Shetty, Stamolis, Stephens and Tsardoulis

**Against Motion:** Crs Byrne, Scott and Smith