

Macarthur Parade Dulwich Hill
Heritage Listings
Draft Planning Proposal

9 May 2023

Prepared by Inner West Council

Table of Contents

	Page
1. Introduction	1
2. Background	2
3. Part 1 – Objectives and Intended Outcomes	3
4. Part 2 – Explanation of provisions	4
5. Part 3 – Justification of strategic and site-specific merit	5
Section A – Need for the planning proposal	5
Section B – Relationship to the strategic planning framework	7
Section C – Environment, social and economic impact	8
Section D – Infrastructure (local, State and Commonwealth)	9
Section E – State and Commonwealth Interests	10
6. Part 4 Maps	10
7. Part 5 – Community consultation	11
8. Part 6 – Project Timeline	11

Attachments

1. Extract of GML's Heritage Study (February 2022)
2. Macarthur Parade Heritage Study (May 2023)
3. IHO Gazette Notice – 7, 9, 11, 13 Macarthur Parade (19 May 2022)
4. Council Resolutions and Inner West Local Planning Panel Minute
5. Consistency with State Environmental Planning Policies and Section 9.1 Ministerial Directions (Local Planning Directions)
6. Inner West Local Environmental Plan 2022 existing and proposed Heritage Map (Sheet HER_005).

1. Introduction

Inner West Council has prepared a Planning Proposal (PP) to amend the *Inner West Local Environment Plan 2022* (Inner West LEP).

The primary intent of the PP is to identify five properties at Macarthur Parade, Dulwich Hill as heritage items under Inner West LEP 2022. In particular, the proposed amendment seeks to include the subject sites at 7-13 Macarthur Parade as a new group local heritage item, and the subject site at 3 Macarthur Parade as an individual heritage item under Schedule 5 Environmental Heritage, and to identify both as 'general' heritage items on the Heritage Map to Inner West LEP 2022 (Sheet HER_005).

The PP is made in relation to the following properties in the Inner West local government area (LGA):

	Property name	Address	Lot/DP
1	Dulwich Hill Baptist Church	3 Macarthur Parade	Lot 6 DP 7767
2	House	7 Macarthur Parade	Lot 4 DP 7767
3	House	9 Macarthur Parade	Lot 3 DP 7767
4	House	11 Macarthur Parade	Lot 2 DP 7767
5	House	13 Macarthur Parade	Lot 1 DP 526818

The five Macarthur Parade properties were identified as having potential heritage significance in the *Potential Heritage Conservation Area Study* (February 2022) completed by GML Heritage. A subsequent detailed heritage assessment confirmed the significance of the properties and recommended a group listing of 7-13 Macarthur Parade and the individual listing of 3 Macarthur Parade, Dulwich Hill.

See **Attachment 1** for an excerpt of the Potential Heritage Conservation Area Study – containing a preliminary heritage assessment of the subject sites and **Attachment 2** for the Macarthur Parade Heritage Study (May 2023) that provides the detailed heritage assessment and Inventory Sheets.

This PP has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the Department of Planning and Environment's *Local Environmental Plan Making Guideline* (September 2022).

2. Background

In 2021, Council engaged specialist consultants GML Heritage to undertake an LGA-wide heritage review. 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* 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)

Attachment 1 contains an excerpt from the February 2022 Study.

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.

Further to this, at the 9 May 2023 Council Meeting, the Council resolved to place Interim Heritage Orders on 7, 9 and 13 Macarthur Parade, and extend the IHO on 11 Macarthur Parade.

The extension of the original IHO and implementation of IHOs to the other three residential sites will ensure the entire group listing (7, 9, 11 and 13 Macarthur Parade Dulwich Hill) remains intact while the PP process to provide statutory protection progresses.

See **Attachment 3** for a copy of the IHO gazettal notices.

Having carried out the preliminary heritage assessment, and further to the IHO, a detailed assessment of heritage significance was carried out by Council's Heritage Specialists for the five properties, informed by a site inspection in March 2023. The Macarthur Parade

Heritage Study for the subject sites was received on 2 March 2023, with the recommendation that 7-13 Macarthur Parade, Dulwich Hill should 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 Inner West LEP 2022 (Sheet HER_005). It also noted that 5 Macarthur Parade Dulwich Hill has not been considered in this Planning Proposal as the original building has been demolished.

The preliminary heritage advice received from GML Heritage, and the 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 they are a group of houses built at a similar time with joint historical significance. This demonstrates the need for interim heritage protections on all four sites, as the loss or damage to one building would diminish the heritage significance of the group of houses.

The draft Planning Proposal was endorsed by the Inner West Local Planning Panel on 9 May 2023.

See **Attachment 4** for a copy of the Council Resolution and IWLPP minutes.

3. Part 1 – Objectives and intended outcomes

The objective of this PP is to amend Schedule 5 Environmental Heritage, Part 1 Heritage Items of the Inner West LEP 2022 to identify five properties on Macarthur Parade, Dulwich Hill as heritage items of local significance.

The intended outcome of this PP is to:

- provide statutory heritage protection to five properties on Macarthur Parade, Dulwich Hill, including a group listing for 7-13 Macarthur Parade and a single listing for 3 Macarthur Parade.
- preserve local heritage in the Inner West LGA by providing statutory protection and recognition to sites of historical significance.
- ensure future generations can observe items of historical significance.

4. Part 2 – Explanation of provisions

The PP seeks the following amendments to Inner West LEP 2022:

Written instrument:

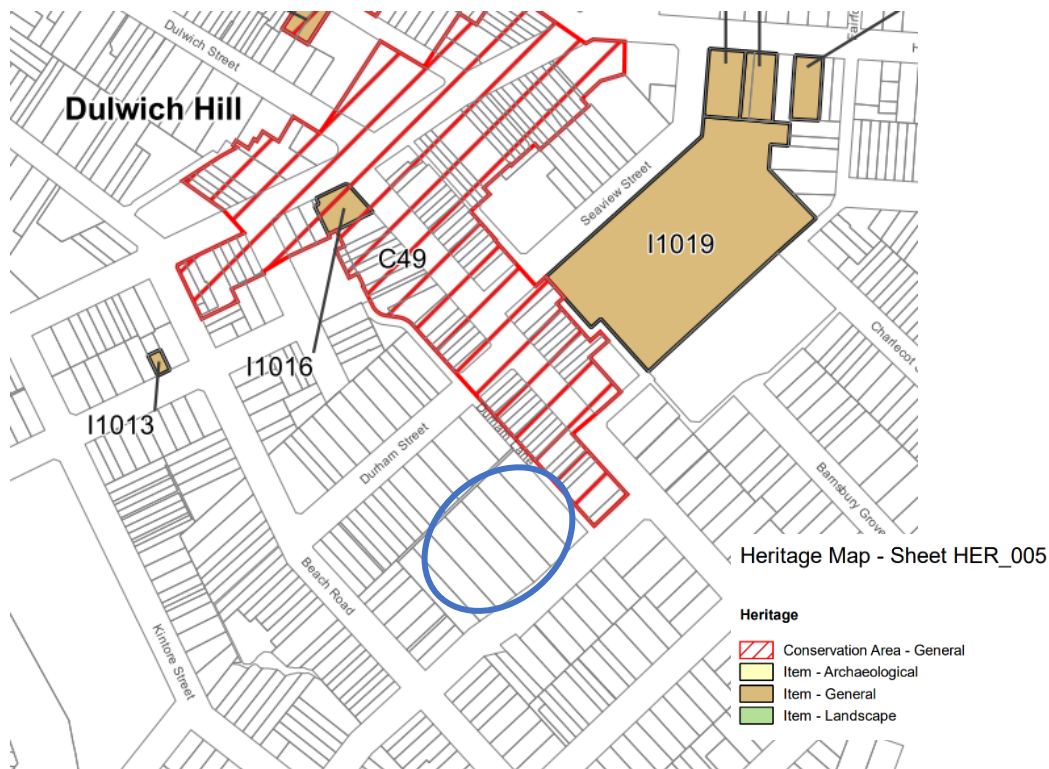
Amend Schedule 5 Environmental Heritage, Part 1 Heritage Items to include the following two listings:

Suburb	Item name	Address	Property description	Significance	Item no.
Dulwich Hill	Houses, group of 4, including interiors	7-13 Macarthur Parade	Lot 1 DP 526818 and Lots 2, 3 and 4 DP 7767	Local	IXXXX (to be confirmed at time of Plan making)
Dulwich Hill	Church, including interiors	3 Macarthur Parade	Lot 6 DP 7767	Local	IXXXX (as above)

Mapping:

Amend the Heritage Map (Sheet HER_005) to identify:

- 3 Macarthur Parade, Dulwich Hill as an Item – General
- 7-13 Macarthur Parade, Dulwich Hill as an Item – General



Excerpt from existing HER_005 map



Excerpt from proposed HER_005 map

5. Part 3 – Justification of strategic and site-specific merit

Section A – Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes.

The Inner West Local Strategic Planning Statement – *Our Place Inner West* (IWLSPS) identifies several actions aligned to planning priorities and includes:

- *Action 6.1 Continue to protect the heritage and character values of the Inner West by:*
 - *Ensuring significant existing or desired future character is identified and protected through LEP and DCP provisions*
 - *Undertaking targeted heritage studies to identify new heritage items and conservation areas across the LGA and use these studies to inform future LEP and DCP provisions for their protection.*

This PP is the result of a targeted, LGA-wide residential heritage review by independent expert heritage consultants, GML Heritage. Further detailed assessment was undertaken by Council's heritage specialist team. The assessment confirmed the local heritage significance of the properties.

Assessment of heritage significance

The assessment of heritage significance reviewed the subject sites in accordance with *Assessing heritage significance* (NSW Heritage Office, 2001) and *Investigating heritage significance* (Heritage NSW, 2021). There are seven criteria used in the process of assessing heritage significance:

Criterion (a) – Historical significance

An item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (b) – Associative significance

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (c) – Aesthetic/technical significance

An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (or the local area).

Criterion (d) – Social significance

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Criterion (e) – Research potential

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (f) – Rarity

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural (or the cultural or natural history of the local area).

Criterion (g) – Representative

An item is important in demonstrating the principal characteristics of NSW's:

- *cultural or natural places; or*
- *cultural or natural environments. (or a class of the local area's cultural or natural places; or cultural or natural environments.)*

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. The draft detailed heritage assessment concluded that the subject sites meet the criteria for historical, associative, aesthetic, social and representative significance, thus confirming their local heritage significance. The heritage assessment study is included at **Attachment 2**.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

The objective of this PP is to locally list five properties on Macarthur Parade, Dulwich Hill in Schedule 5 of the Inner West LEP 2022 and associated Heritage Map. The best, and only, means of achieving this objective is through the PP process.

Heritage listing will provide ongoing protection and recognition of the heritage significance of the item. Other options, such as adding site-specific objectives and controls to the Marrickville Development Control Plan 2011, or including heritage conservation conditions to a development consent, will not provide the same level of heritage protection and recognition.

Section B – Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes.

The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below:

Greater Sydney Region Plan: A Metropolis of Three Cities

The PP is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly *Objective 13 'Environmental heritage is identified, conserved and enhanced'*.

Eastern City District Plan

The PP is consistent with the directions, priorities and objectives of the *Eastern City District Plan*, particularly Planning Priority E6 and Action 20:

- *Planning Priority E6 'Creating and renewing great places and local centres, and 'respecting the Districts heritage'*
- *Action 20 'Identifying, conserving and enhancing the environmental heritage of the local area' through:*
 - engaging with the community early to understand heritage values
 - applying adaptive re-use and interpreting heritage to foster distinctive local places managing and *monitoring the cumulative impact of development on the heritage values and character of places*.

4. Is the planning proposal consistent with a council Local Strategic Planning Statement or another endorsed local strategy or strategic plan?

Yes.

The PP is consistent with the IWLSPS and Council's Community Strategic Plan – *Our Inner West 2036*. As described in Question 1, the PP is a direct result of Action 6.2 of the IWLSPS.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes

The PP is consistent with the Greater Sydney Region Plan: A Metropolis of Three Cities and the Eastern City District Plan as described in Question 3.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes.

The PP is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Attachment 5**).

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes.

The PP is largely consistent with applicable section 9.1 directions. It is arguably inconsistent with Direction 6.1 Residential Zones, as the proposed new heritage listings would have the effect of reducing the permissible residential density on the subject residential properties. This inconsistency is justifiable as it is of minor significance (refer to **Attachment 5**).

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

There are no likely environmental effects that would arise as a result of the PP. Protection of the items will be required when development is proposed, or if there is development proposed in its vicinity. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes.

The heritage assessments measured the subject sites against the criteria for 'cultural significance' as defined in the Australia ICOMOS Burra Charter, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

The draft detailed heritage assessment found that the subject sites meet the criteria for historical, associative, aesthetic, social and representative significance, thus confirming their local heritage significance

While the PP does not have any direct economic effect, it has some social impact for the local community that appreciates and enjoys local heritage in the Inner West.

Section D – Infrastructure (local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

Yes.

The PP involves the local heritage listing five properties on Macarthur Parade in Dulwich Hill and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, both properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site's closest access to transport services is on Marrickville Road.

There is no significant infrastructure demand that will result from the PP. The existing services that are available to the site are suitable for the proposal of a local heritage listing in a residential zone.

Section E – State and Commonwealth interests

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Should the PP proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

- Heritage NSW, Department of Premier and Cabinet
- NSW Heritage Council
- The National Trust of NSW

Further consultation will take place with any other authorities identified by the Gateway Determination.

6. Part 4 – Maps

The PP seeks to amend the Inner West LEP 2022 Heritage Maps (Sheets HER_005) by applying an “Item – General” classification to the following sites:

Individual Item

3 Macarthur Parade, Dulwich Hill

Group Item:

7 Macarthur Parade, Dulwich Hill

9 Macarthur Parade, Dulwich Hill

11 Macarthur Parade, Dulwich Hill

13 Macarthur Parade, Dulwich Hill

The existing and proposed Heritage Map (Sheet HER_005) is provided in **Attachment 6** The heritage item numbers are indicative and will be confirmed on finalisation of the PP.

7. Part 5 – Community consultation

The public exhibition will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*, with reference to *Local Environmental Plan Making Guideline (2022)* and any conditions of the Gateway Determination.

It is expected that the PP will be exhibited for a minimum of 28 days and that public notification of the exhibition will comprise:

- a notice on Council's website.
- a letter to the landowners of the subject sites, and landowners in the vicinity of each site.
- A letter or email sent to relevant community groups such as the Marrickville Heritage Group and/or any Dulwich Hill resident groups
- any other requirements as listed in Council's *Inner West Engagement Strategy 2022-2024* (which incorporates Council's Community Participation Plan).

8. Part 6 – Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the EP&A Act 1979, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Inner West Local Planning Panel provides advice	9 May 2023
Council resolution to proceed	20 June 2023
Gateway determination – See Note	September 2023
Public exhibition period	October 2023
11 Macarthur Parade Interim Heritage Order Lapses	25 November 2023
Submissions assessment	December 2024
Council assessment of PP post exhibition	January 2024
Council decision to make the LEP amendment	February 2024
Council to liaise with Parliamentary Counsel to prepare LEP amendment	February 2024–March 2024
Forwarding of LEP amendment to Department of Planning and Environment for notification	February 2024–March 2024
Notification of the approved LEP	April 2024

Note: 7-13 Macarthur Parade are subject to an Interim Heritage Order set to expire on 25 November 2023. Council will work proactively with the Department of Planning and Environment to ensure the properties receives draft heritage status prior to the expiry of the IHO.