



IRF23/1746

Gateway determination report – PP-2023-1396

Local heritage listings: 3, 7, 9, 11 and 13 Macarthur
Parade, Dulwich Hill

August 23

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-1396

Subtitle: Local heritage listings: 3, 7, 9, 11 and 13 Macarthur Parade, Dulwich Hill

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning proposal (Inner West Council, 9 May 2023)
Extract of draft Inner West Heritage Review – Heritage Assessment Report (GML Heritage, February 2022)

Macarthur Parade Heritage Assessment (Inner West Council - Dr Noni Boyd, May 2023)

Interim Heritage Orders - Gazette Notice – 7, 9, 11 and 13 Macarthur Parade (19 May 2023)

Council Resolutions and Inner West Local Planning Panel Decision (May and June 2023)

Consistency with State Environmental Planning Policies and Section 9.1 Ministerial Directions (Inner West Council)

Existing and proposed heritage maps (Inner West Council)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Inner West
PPA	Inner West Council
NAME	Local heritage listings: 3, 7, 9, 11 and 13 Macarthur Parade, Dulwich Hill
NUMBER	PP-2023-1396
LEP TO BE AMENDED	Inner West Local Environmental Plan 2022
ADDRESS	3, 7, 9, 11 and 13 Macarthur Parade, Dulwich Hill
DESCRIPTION	Lots 6, 4, 3 and 2 DP 7767 and Lot 1 DP 526818
RECEIVED	29/06/2023
FILE NO.	IRF23/1746
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective is to identify the local heritage significance of the sites.

The stated objectives of the planning proposal are to:

- provide statutory heritage protection to the properties
- preserve local heritage in the Inner West LGA and recognise sites of historical significance
- ensure future generations can observe items of historical significance.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Inner West Local Environmental Plan (LEP) 2022 to:

- insert the following in Part 1 (Heritage items) of Schedule 5 (Environmental heritage):
 - a local heritage listing for the church, including interiors at 3 Macarthur Parade, Dulwich Hill; and

- a local heritage group listing for the houses, including interiors at 7, 9, 11 and 13 Macarthur Parade, Dulwich Hill.
- amend the relevant Heritage Map (HER_005) to identify the sites as heritage items at their respective addresses.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal relates to five properties at 3, 7, 9, 11 and 13 Macarthur Parade, Dulwich Hill (**Figure 1**) (each individual site is identified and described in **Table 3**). An overview of the site context is provided below.

The sites comprise four Interwar California Bungalow style detached dwellings (7-13 Macarthur Parade) constructed circa 1919 and 1922, and a church (3 Macarthur Parade) constructed in 1925. The dwellings have generous front and rear setbacks. The sites are all zoned R2 Low Density Residential with a floor space ratio of 0.6:1 and maximum height of buildings of 9.5m.

The sites are in an established residential area, with surrounding development largely comprising single storey dwellings, with some two storey dwellings and three storey residential flat buildings (including between the sites at 5 Macarthur Parade).

To the north-east of the sites is the Dulwich Hill Commercial Precinct heritage conservation area (HCA) (C49).



Figure 1 Aerial image of the sites (outlined in blue) (base source: Nearmap)

The sites are approximately 400m east of the Dulwich Hill Light Rail Station and 600m north-east of the Dulwich Hill Train Station (**Figure 2**). The sites are within 150m from the commercial strip along Marrickville Road, including bus stops.

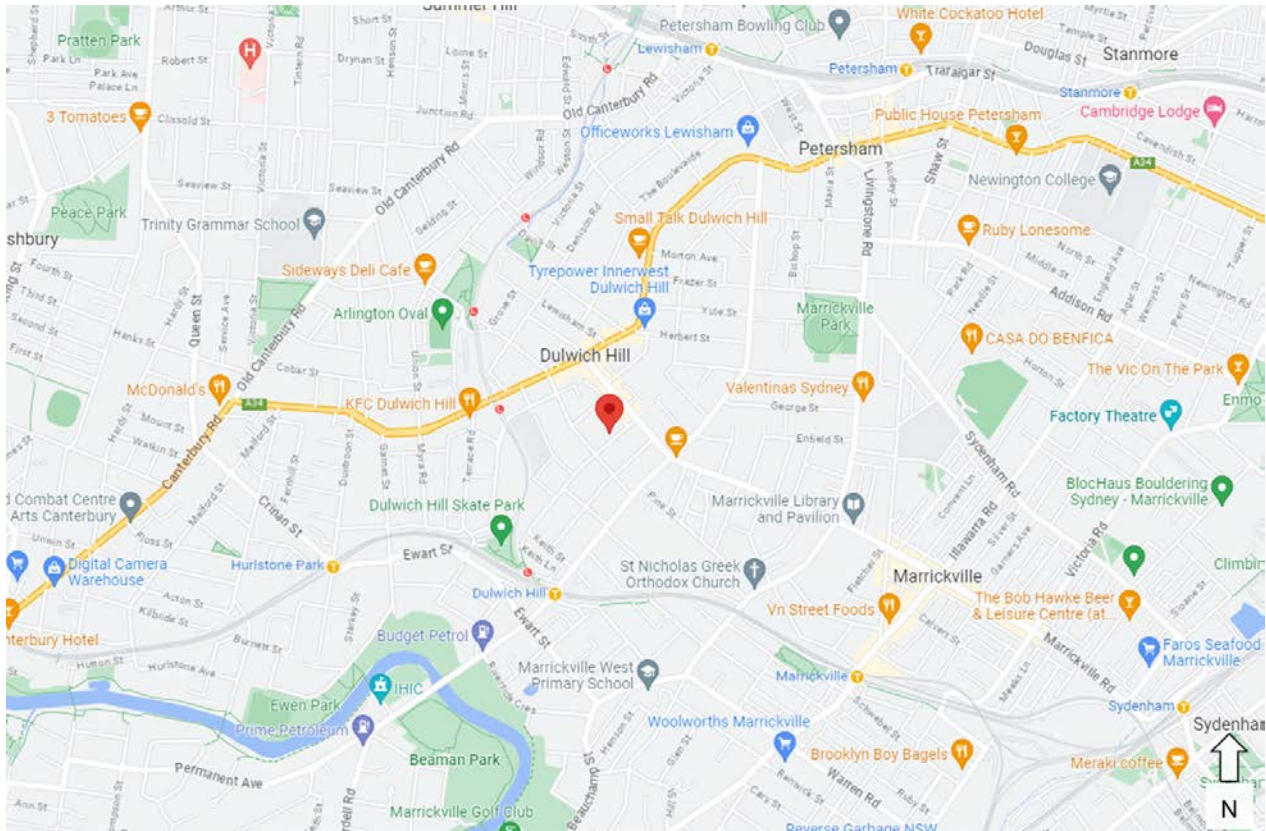




Figure 2 Site context (site identified by the red marker) (source: Google maps)

Table 3 Properties identified for local heritage listing in the planning proposal

<u>Address</u>	<u>Legal description</u>	<u>Site description</u>
3 Macarthur Parade	Lot 6 DP 7767	Dulwich Hill Baptist Church, built in 1925 in Gothic Revival style. The site area is approx. 1,253sqm.
 <p>Figure 3 3 Macarthur Parade (source: Macarthur Parade Heritage Assessment)</p>		
7 Macarthur Parade	Lot 4 DP 7767	Single-storey detached dwelling constructed in Californian Bungalow style, with a substantial front garden and a front brick fence. The site area is approx. 1,083sqm.
 <p>Figure 4 7 Macarthur Parade (source: Google maps)</p>		

9 Macarthur Parade	Lot 3 DP 7767	Single-storey detached dwelling constructed in Californian Bungalow style, with a front brick fence. The site area is approx. 1,080sqm.
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Figure 5 9 Macarthur Parade (source: Google maps)

11 Macarthur Parade	Lot 2 DP 7767	Single-storey detached dwelling constructed in Californian Bungalow style, with a front brick fence and a mature pine tree at the front. The site area is approx. 985sqm.
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Figure 6 11 Macarthur Parade (source: Google maps)

13 Macarthur Parade	Lot 1 DP 526818	Single-storey detached dwelling constructed in Californian Bungalow style. There are two mature palm trees in the front garden. The site area is approx. 914sqm.
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Figure 7 13 Macarthur Parade (source: Google maps)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage Map (HER_005) (**Figures 8 and 9**), which are suitable for community consultation.

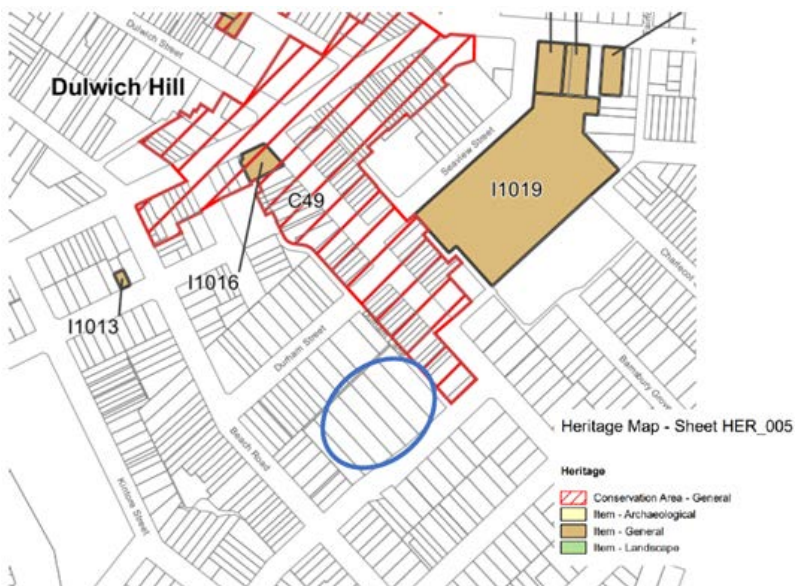


Figure 8 Current heritage map (source: Planning proposal)



Figure 9 Proposed heritage map (source: Planning proposal)

1.6 Background

2021: Council engaged GML Heritage to conduct an LGA-wide heritage review.

February 2022: The GML Heritage draft heritage assessment report '*Inner West Heritage Review – Heritage Assessment Report*' was provided to Council which identified the sites as having potential heritage significance and recommending the heritage listing is pursued.

25 November 2022: Council issued an interim heritage order (IHO) under section 25 of the *Heritage Act 1977* for 11 Macarthur Parade.

May 2023: The Macarthur Parade Heritage Assessment Study was finalised which recommended 7-13 Macarthur Parade be listed as a local group heritage item and 3 Macarthur Parade as an individual local heritage item.

9 May 2023: Council resolved to place IHOs on 7, 9 and 13 Macarthur Parade, and extend the IHO on 11 Macarthur Parade. The Inner West Local Planning Panel supported the planning proposal.

19 May 2023: the IHOs were published in the NSW Government Gazette. The IHO for no. 11 expires 19 November 2023 and IHOs for nos. 7, 9 and 13 expire 19 May 2024.

20 June 2023: Council resolved to support the planning proposal and forward it to the Department for Gateway determination.

29 June 2023: the planning proposal was submitted to the Department for Gateway determination.

2 Need for the planning proposal

The planning proposal is based on the recommendations of the draft Inner West Heritage Review – Heritage Assessment Report (February 2022) undertaken by GML Heritage Pty Ltd, and the Macarthur Parade Heritage Assessment (May 2023) undertaken by Council which concluded that these sites meet the threshold for listing as local heritage items.

In the Council heritage report, each site was assessed against the seven criteria included in the then NSW Heritage Office Guideline (now authored by the Department of Planning and Environment) *Assessing Heritage Significance*. If an item meets one of the seven listing criteria at a local level and retains the integrity of its key attributes, it can be considered to have local heritage significance. The key findings of the assessment is summarised below in **Table 4**.

Table 4 Summary of the heritage assessments

Address	a) historic	b) association	c) aesthetic	d) social	e) research potential	f) rarity	g) representative- ness
3 Macarthur Parade	✓	✓	✓	✓	✗	?	✓
7 Macarthur Parade	✓	✓	✓	✗	✗	✗	✓
9 Macarthur Parade	✓	✓	✓	✗	✗	✗	✓
11 Macarthur Parade	✓	✓	✓	✓	✗	✗	✓
13 Macarthur Parade	✓	✓	✓	✗	✗	✗	✓

The key findings of the heritage assessments are outlined below:

Criterion (a) Historical significance

Church at 3 Macarthur Parade

Council's heritage assessment considers the property has significance at a local level under this criterion as the site was part of the Sefton Hall Estate subdivision, which subdivided the grounds of a substantial residence built by a prominent retailer Henry Marcus Clark in 1890.

Dwellings at 7, 9, 11 and 13 Macarthur Parade

Same as above. In addition, Council's heritage assessment considers the properties have significance at a local level under this criterion as the development pattern demonstrates the suburban development of Dulwich Hill during the interwar period.

Criterion (b) Historical associative significance

Church at 3 Macarthur Parade

Council's heritage assessment considers the property has significance at a local level under this criterion as the subdivision of Sefton Hall Estate in 1914-1915 reveals the consolidation of the property holdings of the late Henry Marcus Clark following his early death.

Associated with the activities of the Baptist Church in Macarthur Parade, Dulwich Hill for over a century.

Dwellings at 7, 9, 11 and 13 Macarthur Parade

Same as above. In addition, Council's heritage assessment considers the properties have significance at a local level under this criterion due to associations with the work of the builder Albert Sydney Rothwell Andrews (for nos 9 and 11), and the real agent, politician and protestant activist John (Jack) Thomas Ness and his son William J Ness, who both served on Marrickville Council (for no 11).

Criterion (c) Aesthetic significance

Church at 3 Macarthur Parade

Council's heritage assessment considers the property has significance at a local level under this criterion as it is *'a fine example of a suburban church, with a prominent gable and a distinctive presence in the streetscape'*

Dwellings at 7, 9, 11 and 13 Macarthur Parade

Council's heritage assessment considers the properties have significance at a local level under this criterion as they have a homogenous architectural style, demonstrating the Californian Bungalow style residences in the Inner West LGA which NSW builders and architects started adopting from 1912 onwards. The style contributes to the streetscape.

Criterion (d) Social significanceChurch at 3 Macarthur Parade

Council's heritage assessment considers the property has significance at a local level under this criterion as the church has social significance to the congregation and also been identified as 'Dully Icon.'

Dwellings at 7, 9, 11 and 13 Macarthur Parade

Council's heritage assessment considers 11 Macarthur Parade has significance at a local level under this criterion as it has been identified as a 'Dully Icon.'

Criterion (e) Technical/Research potentialChurch at 3 Macarthur Parade

None identified.

Dwellings at 7, 9, 11 and 13 Macarthur Parade

None identified. Council's heritage assessment considers the archaeological potential of the site is low.

Criterion (f) RarityChurch at 3 Macarthur Parade

Council's heritage assessment considers the property that further investigation would be required to determine rarity significance. It states that *'The survival of the Roman Bath has not been confirmed however if the bath survives then it would be a very rare feature.'*

Dwellings at 7, 9, 11 and 13 Macarthur Parade

Council's heritage assessment considers the properties have significance at a local level under this criterion as they are *'a substantially intact group of Californian bungalow houses erected from 1919-1922.'*

Criterion (g) RepresentativenessChurch at 3 Macarthur Parade

Council's heritage assessment considers the property has significance at a local level under this it is *'A substantial example of an interwar suburban church erected in the Gothic Revival style, the last of a series of Baptist Churches in the Inner West including Newtown, Stanmore and Petersham.'*

Dwellings at 7, 9, 11 and 13 Macarthur Parade

Council's heritage assessment considers the properties have significance at a local level under this criterion as the architectural character of the dwellings demonstrate the character of speculative suburban housing built of the subdivision of the grounds of the substantial housing built in the 19th century.

Overall, the objective of the proposal is to recognise and provide the statutory mechanism to protect the heritage significance of the sites. The proposal states that the best means of achieving

this objective is through amending Inner West LEP 2022 to list the sites as local heritage items, which is achieved through the planning proposal process.

3 Strategic assessment

3.1 Region and District Plans

The site is within the Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan) which identifies a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The site is also within the Eastern City District and the Greater Cities Commission (formerly Greater Sydney Commission (GSC)) released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for liveability in the plans as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 Regional Plan assessment

Regional Plan Objectives	District Plan Priorities	Justification
Objective 13 – Environmental heritage is identified, conserved and enhanced	E6 – Creating and renewing great places and local centres and respecting the District's heritage	<p>The planning proposal is consistent with this Objective and Priority as it seeks to provide the statutory mechanism to protect and respect the District's heritage.</p> <p>The planning proposal states it is consistent with Action 20 in the District Plan, which is '<i>Identifying, conserving and enhancing the environmental heritage of the local area.</i>'</p> <p>The heritage assessment considered the various sites should be identified as local heritage items under the Inner West LEP 2022 as the thresholds have been met for listing at a local level.</p> <p>The proposal will recognise and provide ongoing protection of the heritage significance of the properties through listing them in the LEP.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The Inner West Local Strategic Planning Statement (LSPS) <i>Our Place Inner West – Local Strategic Planning Statement</i> was endorsed by the then GSC in 2020. The LSPS seeks to implement the priorities of the Region Plan and District Plan at the local level and guide development in the Inner West LGA to 2036.</p> <p>The proposal responds to Action 6.2, which is to ‘Continue to protect the heritage and character values of the Inner West by: ... 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.’</p> <p>The proposal was created following the LGA-wide heritage review and subsequent targeted heritage assessment.</p>
Community Strategic Plan	<p>Council’s Community Strategic Plan (CSP) <i>Our Inner West 2036</i> identifies the community’s vision for the future, long-term goals, strategies to get there and how to measure progress towards that vision. The CSP seeks to create a sustainable, progressive, networked, vibrant and creative future for the Inner West LGA.</p> <p>The proposal states it is consistent with this strategy but does not provide an assessment. Council is encouraged to elaborate on the consistency assessment prior to exhibition.</p>

3.3 Local planning panel (LPP) recommendation

On 9 May 2023, the Inner West Local Planning Panel (LPP) considered the planning proposal and advised the proposal has sufficient strategic and site-specific merit for submission to the Department for Gateway determination. The LPP noted that a map required updating and the community consultation section should also include local heritage groups, such as Marrickville Heritage Society.

3.4 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Consistent	<p>This Direction requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.</p> <p>The planning proposal is informed by heritage assessments undertaken in accordance with the NSW Heritage Office guideline.</p> <p>The assessments concluded that the subject sites satisfy the relevant criteria for local heritage listing and thereby the proposal is warranted. The proposal will facilitate the conservation and</p>

		protection of these sites. The proposal is consistent with this Direction.
6.1 Residential Zones	Consistent	<p>Direction 6.1 aims to encourage a variety of housing types, make efficient use of infrastructure and services and minimise the impact of residential development on the environment.</p> <p>This Direction applies to any planning proposal that would affect land within an existing residential zone. All of the sites are located within an existing residential zone (R2 Low Density Residential).</p> <p>The listing of the sites as local heritage items would require any future development application for the sites to be assessed against the provisions of Clause 5.10 <i>Heritage conservation</i> under the Inner West LEP 2022. The proposal is consistent with this Direction.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Housing (2021)	This SEPP aims to promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services and designing housing in a way that reflects and enhances its locality.	Yes	The proposal is consistent with the SEPP as it does not prevent the site being used for residential purposes. The proposal is not altering the existing zoning and/or development standards applicable to the site.
SEPP Exempt and Complying Development Codes (2008)	The policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application.	Yes	<p>The proposal seeks to amend Schedule 5 of the Inner West LEP to insert a new local heritage listing and group heritage listing.</p> <p>The Codes SEPP does not apply to heritage items.</p> <p>The application of the SEPP will be slightly reduced in the Inner West LGA if this proposal is finalised. The SEPP was designed to have limited impact on buildings with heritage values, and thus this impact is a result of the SEPP operating as intended.</p>

4 Site-specific assessment

4.1 Environmental

The planning proposal relates only to the listing of the sites as items of local heritage significance and does not propose any changes to the LEP controls that would facilitate intensification of land use.

The planning proposal states there are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject sites. Overall, there are no likely negative environmental impacts that would arise as a result of the planning proposal.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal is unlikely to result in any significant adverse social impacts. Listing the sites as heritage items will provide the community with greater certainty regarding the heritage significance of the sites and facilitate their ongoing protection.</p> <p>Through the community consultation process, the wider community will have an opportunity to voice their views regarding the values of the sites and whether the proposed listings are warranted.</p>
Economic	<p>There would be a minor economic impact for the landowner and/or asset owner/operator as the heritage listing of the properties may require specialist heritage studies to form part of any future development application submission.</p> <p>However, the proposal does not change the zoning or development standards applicable to the sites and will facilitate conservation of their heritage significance. As discussed above, the proposed listings means that the consent authority will need to consider the effect of any future development on the heritage significance of the sites pursuant to clause 5.10 of the LEP, it does not prohibit change or development as such.</p>

4.3 Infrastructure

There is no additional infrastructure demand that will result from the planning proposal as it does not involve any amendments to the planning controls that will facilitate intensified development.

The proposal states that all properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services.

5 Consultation

5.1 Community

Council proposes a community consultation period of a minimum of 28 days.

The Department recommends a community consultation period of a minimum of 10 working days. This timeframe is consistent with the Department's *Local Environmental Plan Making Guideline 2022* (LEP Making Guideline) timeframe for a basic planning proposal. A Gateway condition has been included to this effect.

The proposal states that public exhibition will include a letter to landowners of the sites and owners of properties in the vicinity of each site.

Landowner submission

While the Department was considering this request for Gateway, the Department received a letter on behalf of landowners of 7-13 Macarthur Parade raising concerns about the planning proposal process prior to Gateway. Their concerns included a lack of notification prior to the 20 June Council meeting and concerns with notification processes. Council is encouraged to notify landowners of public exhibition in writing.

5.2 Agencies

Council has nominated to consult with Heritage NSW, NSW Heritage Council and the National Trust of NSW.

The NSW Heritage Council advises the Minister administering the *Heritage Act 1977* on heritage matters in NSW and makes recommendations and decisions to the Minister for the listing of places and objects on the State Heritage Register. As the proposal is for local heritage listing under the Inner West LEP, consultation with the Heritage Council is not deemed necessary and will not form a Gateway condition.

It is recommended that Heritage NSW (Department of Planning and Environment) be consulted on the planning proposal and given at least 30 days to comment.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal are considered a local matter, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposed heritage listings are supported by heritage significance assessments and inventory sheets, undertaken in accordance with the NSW Heritage Office Guidelines, which finds that the sites are of local heritage significance as local and group items.
- The proposal will recognise and provide ongoing protection of the heritage significance of the sites; and
- The proposal is consistent with the Eastern City District Plan, Council's Local Strategic Planning Statement, and relevant SEPPs and Section 9.1 Directions

Council is encouraged to clarify the assessment of consistency the Council Community Strategy Plan in the planning proposal prior to exhibition.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authority:
 - Heritage NSW (Department of Planning and Environment)
2. The planning proposal should be made available for community consultation for a minimum of 10 working days.
3. The planning proposal must be placed on public exhibition not more than 2 months from the date of the Gateway determination.
4. The planning proposal must be reported to Council for a final recommendation not more than 4 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



01/08/2023

(Signature)

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03/08/2023

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