

4.4. Interim Heritage Order - Northern Side of Parraween Street between Paling Street to Macpherson Street

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ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is to respond to Council's resolution to commence a review of the creation of a Heritage Conservation Area.

Further, it also addresses the ability to establish an Interim Heritage Order for buildings along Parraween Street, Cremorne and to seek advice in relation to the heritage significance of the Cremorne Orpheum Cinema and its curtilage.

EXECUTIVE SUMMARY:

At its meeting of 10 January 2022, Council resolved:

- 1. THAT Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.*
- 2. THAT Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.*

Following this, on 24 January 2022, Council resolved:

- 1. THAT Council seek urgent heritage advice in relation to the heritage significance of the Cremorne Orpheum Cinema and its curtilage, in particular, whether State heritage listing is appropriate to protect this important local heritage item.*
- 2. THAT such advice be sought as part of the heritage advice to be obtained in respect of the Parraween Street, Cremorne cottages and surrounds under the resolution of Council at the meeting held on 10 January 2022.*

In accordance with resolution 2 (10 January 2022), Council officers undertook a preliminary assessment of the matter to determine whether Council can establish an Interim Heritage Order (IHO) for the properties on the northern side of Parraween Street.

The preliminary assessment indicated that, notwithstanding the potential heritage significance of the properties, the sites did not meet the criteria under S25(2) of the Heritage Act 1977 NSW to establish an IHO as there is no immediate threat of harm. Were this to change in the future, Council may at such time seek to establish an IHO. This will be monitored in the coming weeks and months. This action could be taken without delay if immediate circumstances change.

In consideration of resolution 1 of 10 January 2022 and resolutions 1 and 2 of 24 January 2022, Council officers are in the process of preparing the appropriate procurement documentation to engage a suitably qualified and experienced heritage consultant to undertake a review of the properties along the northern side of Parraween Street and of the Cremorne Orpheum Cinema and its curtilage, to determine whether they merit the creation of a Heritage Conservation Area and/or state heritage listing in the case of the Cinema. The completed review will be reported to Council following its completion.

FINANCIAL IMPLICATIONS:

Council will engage the services of a suitably qualified and experienced heritage consultant to assess the heritage significance of the properties identified in Council's resolution. A funding allocation of \$35,000 was made at the 21 February 2022 Council meeting in the Quarterly Budget review report.

RECOMMENDATION:

1.THAT the Interim Heritage Order - Northern Side of Parraween Street between Paling Street to Macpherson Street report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality

4.4 North Sydney's history is preserved and recognised

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

Council considered a Notice of Motion at its meeting of 10 January 2022, wherein it resolved:

- 1. THAT Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.*
- 2. THAT Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.*

Following this, Council considered a Notice of Motion at its meeting on 24 January 2022, wherein it resolved:

- 1. THAT Council seek urgent heritage advice in relation to the heritage significance of the Cremorne Orpheum Cinema and its curtilage, in particular, whether State heritage listing is appropriate to protect this important local heritage item.*
- 2. THAT such advice be sought as part of the heritage advice to be obtained in respect of the Parraween Street, Cremorne cottages and surrounds under the resolution of Council at the meeting held on 10 January 2022.*

This report has been prepared in response to these Council resolutions.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

DETAIL

1. Interim Heritage Order

In response to Resolution No. 2 to the Notice of Motion considered on 10 January 2022, Council officers undertook preliminary assessment of the matter to determine whether Council can establish an Interim Heritage Order (IHO) for the properties along the northern side of Parraween Street.

Part 3 of the Heritage Act 1977 NSW relates to interim heritage orders for items of State or local heritage significance. Council was granted delegated authority from the Minister to exercise powers under Section 25 of the Heritage Act in 2013. Under S25(2) of the Act, in order for Council to make an IHO, there is a threshold test that must demonstrate that there is an imminent threat to the potential item(s) (emphasis added):

(2) A council authorised under this section may make an interim heritage order for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed.

It has been brought to Council's attention that a developer has acquired the majority of properties in the row and may seek to develop the sites in the future. However, there has been no lodgement of any formal application seeking development approval for these sites. Furthermore, no evidence has been presented to Council that would indicate the properties are under immediate threat.

As such, in accordance with S25(2) of the Act, Council is not considered to have the authority to implement an interim heritage order at the sites at this stage. Should an imminent threat arise to the properties, this matter will be revisited with haste.

A critical aspect of the IHO making process, is the understanding that a building or work, may have heritage significance. Council officers are in the process of preparing the appropriate procurement documentation to engage a suitably qualified and experienced heritage consultant to assess the heritage significance of the cottages on Parraween Street, that extends from Paling Street to Macpherson Street, as per Council's resolution.

2. Heritage Conservation Area

The outcomes of the comprehensive heritage assessment will be reported to Council once complete. It will serve two functions:

- To determine on heritage grounds, whether an IHO could be pursued assuming there is a likely threat of harm as discussed above. This can be triggered at any time once the heritage assessment is complete.
- To determine whether a Heritage Conservation Area (HCA) may be pursued as an amendment to the North Sydney Local Environmental Plan (LEP) 2013.

Once the heritage assessment is complete, a determination will be made regarding whether there are sufficient grounds to pursue the amendment of the North Sydney LEP 2013 to include a new HCA on the subject land in Parraween Street. If supported, the report will be accompanied by a planning proposal which will then be required to be referred to the Department of Planning, Industry and Environment to seek a Gateway Determination to enable its public exhibition.

Conversely, should the comprehensive heritage assessment recommend that the area does not meet the thresholds required for listing as a HCA, the matter will be reported back to Council.

Council should note that there exists an active development application currently under assessment at the building adjacent to the Cremorne Orpheum Cinema at 372 Military Road, Neutral Bay (DA 269/21). Section 13 – Heritage and Conservation, clause 13.4 of Council's Development Control Plan (DCP), contains provisions relating to the setting of heritage items. Council officers are having these 'heritage setting' conversations with the applicant regarding the setting of the Orpheum Cinema. Amended plans relating to the application were submitted to Council in January 2022 and were re-notified between 28 January 2022 and 11 February 2022.