

Item No: R4 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF SEVEN PUBS IN PADDINGTON (PADDINGTON PUBS STUDY)**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 20/14899
Reason for Report: To report on the advice made to Council by the Woollahra Local Planning Panel.

To obtain Council's approval to proceed with the planning proposal to list seven pubs in Paddington, including interiors, as local heritage items in Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 30 January 2020.
- B. THAT the planning proposal, as contained in *Annexure 3* of the report to the Environmental Planning Committee meeting on 17 February 2020 to list:
- Bellevue Hotel and interiors at 157-159 Hargrave Street, Paddington;*
 - Grand National Hotel and interiors at 33 Elizabeth Street (161 Underwood Street), Paddington;*
 - Imperial Hotel and interiors at 252 Oxford Street, Paddington;*
 - London Tavern Hotel and interiors at 85 Underwood Street, Paddington;*
 - The Paddington (former Paddington Arms Hotel) and interiors at 384 Oxford Street, Paddington;*
 - Paddington Inn Hotel and interiors at 338 Oxford Street, Paddington; and*
 - Unicorn Hotel and interiors at 102-106 Oxford Street, Paddington.*

be forwarded to the *Department of Planning, Industry and Environment* with a request for a gateway determination to allow public exhibition.

- C. THAT Council request the *Minister for Planning and Public Spaces* to authorise Council as the local plan making authority in relation to the planning proposal, to allow it to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background

On 21 May 2018, the Council adopted the following notice of motion (Item No.11.1):

THAT Council:

- Requests staff to undertake an assessment of heritage significance for the 'Four in Hand Hotel' (located at 105 Sutherland Street, Paddington) (the Property) and report to the Environmental Planning Committee on whether the Property has sufficient heritage significance to be listed as:*
 - a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP);*
 - and*
 - an item on the State Heritage under the Heritage Act 1977;*

2. *Notes the following priorities contained in its Delivery Program 2013 to 2018 and Operation Plan 2017/2018 (the DPOP):*
 - (a) 4.3.1 – ‘Develop policies, including a Heritage Item Register and a Significant Tree Register, to maintain cultural and natural heritage item’s; and
 - (b) 4.3.1.1 – ‘Carry out a study of hotels in Paddington to determine and establish more specific conservation controls’ (the Paddington Pub Project);
3. *Further notes its resolution on 27 November 2017, giving ‘next priority’ to the Paddington Pub Project;*
4. *Expedites the Paddington Pub Project and gives urgent priority to it (including the allocation of additional funding and staff resources);*
5. *In preparing the Paddington Pub Project, gives consideration to:*
 - a) *including a recommendation to Council on how to protect all pubs in the Paddington Heritage Conservation Area to the same standard; and*
 - b) *exploring what mechanisms (including but not limited to amending the Woollahra Development Control Plan 2015 (the DCP) are available to ensure that existing controls and protections that currently apply to pubs continue to apply regardless of any change in use;*
6. *Requests that the Mayor write to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to:*
 - a) *raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales; and*
 - b) *request the State Government to explore what legislative changes can be introduced to mirror the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs.*

In response to parts 1 and 4 of the Council’s decision, the consultant firm *Robert A. Moore Pty Ltd Architects and Conservation Consultants* was engaged to carry out an assessment of heritage significance of eleven hotels in Paddington, with a priority being given to completing the assessment of the *Four in Hand Hotel* at 105 Sutherland Street Paddington. Robert Moore, the director of the firm, is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of heritage assets. Dr Mark Dunn, professional historian, undertook the historic research on the pubs, researching primary evidence from the Noel Butlin Archive in Canberra, the State Library of NSW, the NSW State Archives and Council’s archives.

The heritage assessment and subsequent planning proposal for heritage listing of the *Four in Hand Hotel* has progressed separately from the remaining pubs in the Paddington Pub Project in accordance with NOM 11.1 (1). The Four in Hand heritage listing was gazetted on 17 January 2020.

On 18 November 2019 a report on the heritage listing of seven pubs in Paddington (see *Annexure I*) as heritage items in Schedule 5 of the *Woollahra Local Environmental Plan 2014* was presented to a meeting of the *Environmental Planning Committee* and on 25 November 2019, Council resolved the following:

- C. *THAT a Planning Proposal be prepared to amend the Woollahra Local Environmental Plan 2014 to include the following sites as heritage items in Schedule 5:*

- i. *Bellevue Hotel at 157-159 Hargrave Street, Paddington;*
 - ii. *Grand National Hotel at 33 Elizabeth Street (161 Underwood Street), Paddington;*
 - iii. *Imperial Hotel at 252 Oxford Street, Paddington;*
 - iv. *London Tavern Hotel at 85 Underwood Street, Paddington;*
 - v. *The Paddington (former Paddington Arms Hotel) at 384 Oxford Street, Paddington;*
 - vi. *Paddington Inn Hotel at 338 Oxford Street, Paddington; and*
 - vii. *Unicorn Hotel at 102-106 Oxford Street, Paddington.*
- D. *THAT the Planning Proposal be referred to the Woollahra Local Planning Panel for advice.*
- E. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- F. *THAT the draft development control plan to amend the Woollahra Development Control Plan 2015, as described in Annexure 4 of the report to the Environmental Planning Committee meeting on 18 November 2019 is endorsed for exhibition.*

2. Planning proposal

A planning proposal was prepared in accordance with the Council's decision of 25 November 2019. The objective of the planning proposal is to recognise the heritage significance of seven pubs in Paddington, including their interiors.

3. Woollahra Local Planning Panel advice

On 30 January 2020, the Woollahra Local Planning Panel (LPP) considered a report on the planning proposal (see *Annexure 2*)¹ and provided the following advice to Council:

- A. *Proceed with the planning proposal to list the following pubs, including their interiors, as heritage items in Schedule 5 of the Woollahra Local Environmental Plan 2014:*
- i. *The Bellevue Hotel at 157-159 Hargrave Street, Paddington;*
 - ii. *Grand National Hotel at 33 Elizabeth Street (161 Underwood Street), Paddington;*
 - iii. *Imperial Hotel at 252 Oxford Street, Paddington;*
 - iv. *The London Tavern Hotel at 85 Underwood Street, Paddington;*
 - v. *The Paddington Hotel (former Paddington Arms Hotel) at 384 Oxford Street, Paddington;*
 - vi. *The Paddington Inn Hotel at 338 Oxford Street, Paddington; and*
 - vii. *The Unicorn Hotel at 102-106 Oxford Street, Paddington.*
- B. *Forward the planning proposal to the Department of Planning, Industry and Environment to list the pubs in A, including their interiors, as heritage items in the Schedule 5 of the Woollahra Local Environmental Plan 2014, to allow public exhibition.*

¹ The annexures of the Woollahra LPP report have been removed.

- C. *Request delegation from Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the functions of the Minister for Planning and Public Spaces under Section 3.36 of the Environmental Planning and Assessment Act 1979.*

Subsequent to the meeting of the Woollahra LPP on 30 January 2020 and based on the advice provided, the planning proposal has been updated to refer to the Panel's advice. The planning proposal is provided in **Annexure 3**.

4. Next steps

Subject to the Council's decision, the planning proposal will be referred to the DPIE for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by DPIE as delegate for the Minister. The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.
- A letter to the land owner of each site.
- A letter to land owners adjoining and in the vicinity of each site.
- A letter to local community groups, such as The Paddington Society and the Woollahra History & Heritage Society.
- A letter to the National Trust of Australia (NSW).

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation for this report deals with this request.

5. Conclusion

The heritage significance of the following Paddington pubs has been assessed in accordance with the NSW heritage best practice guidelines:

1. *Bellevue Hotel including interiors*
2. *Grand National Hotel including interiors*
3. *Imperial Hotel including interiors*
4. *London Tavern Hotel including interiors*
5. *The Paddington (formerly Paddington Arms Hotel) including interiors*
6. *Paddington Inn Hotel including interiors, and*
7. *Unicorn Hotel including interiors*

The assessment of heritage significance prepared by Robert A. Moore Pty Ltd Architects and Conservation Consultants identifies that all seven hotels are of local heritage significance.

Accordingly, the heritage significance of the seven pubs should be recognised and conserved through listing as heritage items in Schedule 5 of the *Woollahra LEP 2014*.

On 30 January 2020, the LPP provided advice to Council that it supports the planning proposal and its submission to the Minister.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

Annexures

1. Report to Environmental Planning Committee - 18 November 2019 (annexures removed)
2. Report to Woollahra LPP - 30 January 2020 (annexures removed)
3. Planning Proposal - February 2020 (annexures removed)