

Item: CP - Interim Heritage Order - 3 New Street, Windsor - (124414, 95498)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council of the Interim Heritage Order issued for 3 New Street, Windsor, and the recommendations of an independent heritage assessment commissioned for the property. The report contains a recommendation in relation to the potential heritage listing of the subject site.

EXECUTIVE SUMMARY:

In response to expressed community concerns regarding the imminent sale and likely demolition of the Inter-War dwelling at 3 New Street, Windsor to facilitate a medium density development on the subject site, a preliminary assessment was undertaken by Council staff.

The preliminary assessment established a prima facie case for the issuing of an Interim Heritage Order for the property. The terms of the Order requires that Council undertake an independent heritage assessment of the property, and then, based upon the results of that assessment, consider whether to heritage list the property, or not, within six months of the date of issuing the order.

The independent heritage assessment attached as Attachment 1 to the report, has been made available to the current property owners supports the local heritage listing of the subject site.

RECOMMENDATION:

That Council:

1. Prepare a Local Environmental Plan to include 3 New Street, Windsor as an item of Environmental Heritage under Schedule 5 of Hawkesbury Local Environmental Plan 2012.
2. Commence the process associated with the Local Environmental Plan identified in point 1, including seeking advice from the Hawkesbury Local Planning Panel, and pre lodgement advice from the Department of Planning and Environment.

BACKGROUND

In late November 2021, Council staff received several letters from concerned residents regarding the recent purchase of the Inter-War dwelling at 3 New Street, Windsor. The dwelling is situated on land zoned for medium density residential development and is not currently heritage listed.

In recent years, the adjoining dwelling at 5 New Street, Windsor which had previously been identified as a potential local heritage item had been demolished via a privately issued Complying Development Certificate. In their submitted letters, various community members sought urgent heritage protection for 3 New Street, Windsor fearing it was at risk of being demolished. Community members who had written to Council considered the property worthy of listing as a locally listed heritage item. They also feared if no action was taken by Council, the dwelling would suffer a similar fate to the dwelling on the adjoin site at 5 New Street, Windsor which was demolished in 2014, given the same zoning of the two properties.

In response to these concerns, Council staff undertook a preliminary heritage assessment of 3 New Street, Windsor which identified a prima facie case for heritage listing of the subject site. Other related research by Council staff established that a Complying Development Certificate for the demolition of 3

New Street, Windsor had been issued by a private certifier, for the vendor, but which had recently lapsed in late September 2021. In response to this information, and probable imminent threat of demolition, an Interim Heritage Order was placed on the potential heritage item at 3 New Street, Windsor on 23 December 2021 by Council, via a NSW Government Gazette notice.

Interim Heritage Orders

In July 2013, the then NSW Minister for Heritage provided authorisation for all councils in NSW to make Interim Heritage Orders under the NSW Heritage Act 1977. An Interim Heritage Order is a temporary heritage order (made up to one year) which provides time to assess the heritage significance, or values, of a potential heritage item. The definition of a potential heritage item is one not currently listed on a statutory Local Environmental Plan heritage schedule or the State Heritage Register. Interim Heritage Orders provide time for studies or inspections to take place, so that a decision can be made on whether a place should be formally considered for local or State heritage listing.

Importantly, an Interim Heritage Order does not stop development from proceeding. Council is the approval body under the Heritage Act for changes to the potential item during the period of an Interim Heritage Order. Council can approve all or parts of a development on the subject site but cannot authorise demolition of the potential heritage item. The terms of the Interim Heritage Order requires that Council undertake an independent heritage assessment of the property, and then, based upon the results of that assessment, resolve to either heritage list the property, or not, within six months of the date of issue of the Interim Heritage Order. If no resolution is made during that period, the Interim Heritage Order will lapse. However, if Council resolves to heritage list the property, the Interim Heritage Order remains in place for a further six months to allow the process associated with listing the subject site to occur.

DISCUSSION

After issuing the Interim Heritage Order in December 2021, Council staff sought expressions of interest from suitably qualified heritage consultants to undertake a detailed independent assessment of the heritage significance of 3 New Street, Windsor to assist in determining whether the subject site would warrant listing as an item of environmental heritage in Hawkesbury Local Environmental Plan 2012. Following assessment of consultant responses, NBRS and Partners Pty Ltd were commissioned to undertake the work based on their comprehensive response, and costs to Council.

A copy of the completed independent assessment undertaken by NBRS is attached as Attachment 1 to this report. This assessment includes documentary and physical evidence, and assessment of cultural significance against the relevant NSW Office of Environment and Heritage criteria.

The independent assessment notes that the dwelling on the subject site – ‘Dalori’ “is a refined and highly intact example of the California Bungalow style”. It is “culturally significant for its historical importance, aesthetic and representative values”. The independent assessment considered that the subject site met the relevant criteria for listing based on its:

- Historical importance
- Aesthetic values
- Representativeness.

The independent assessment therefore recommended that the subject site be included within Hawkesbury Local Environmental Plan 2012, as a local heritage item.

The report also identified that the subject site does not meet the threshold for potential State heritage listing. Should the recommendation to heritage list 3 New Street, Windsor be supported by Council, the listing will be implemented via the standard planning proposal process.

It is also important to recognise that Interim Heritage Orders, whilst useful in certain instances are resource intensive and relatively costly to complete on a per item basis. Therefore, the preferred heritage management approach is to ensure potential heritage items are satisfactorily investigated on

a wider basis through the Hawkesbury Community Heritage Study project, which is an ongoing project.

COMMUNITY ENGAGEMENT

Upon issuing the Order, and in accordance with the provisions of the Heritage Act 1977, the purchasers of the subject site (now owners), the vendor, and occupier of the property were notified of the Interim Heritage Order. A Media Release was also issued by Council to advise the public of the issuing of the Interim Heritage Order, and the NSW Heritage Council was also notified. All community members who raised concerns with the pending sale and potential demolition of the dwelling were also notified of the Interim Heritage Order.

Considerable heritage advice has subsequently been provided to the new property owners from Council's consultant heritage advisor through Council's free heritage advisory service, additional informal on-site meetings with Council's Senior Heritage Officer, and through input into a recent pre-development application meeting. At this stage, the proposal seeks the retention of the Inter-War dwelling, along with the planned addition of two dwellings at the rear of the subject site. During these discussions the owners of the subject site have indicated a commitment to retain and restore the Inter-War dwelling at 3 New Street, Windsor.

A copy of the Heritage Assessment for 3 New Street, Windsor was recently provided to the property owners for their information. They have also been notified of this Council agenda item, as have community members who had originally raised concerns with respect to the subject site about the recent sale.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Community

2.5 Cultural development and heritage

- 2.5.3 Recognise, conserve and promote the areas of history and heritage for current and future generations.

FINANCIAL IMPACT

The cost of the independent heritage assessment has been absorbed into the current Strategic Planning Consultancy allocation.

ATTACHMENTS:

- AT - 1** Heritage Assessment 'Dalori' - 3 New Street, Windsor - NBRS & Partners Pty Ltd - *(distributed under separate cover)*.

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