

ITEM NO: 14

SUBJECT: INTERIM HERITAGE ORDER - THE CLARENDON, LURLINE STREET  
KATOOMBA

FILE NO: F15404 - 24/140834

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**Delivery Program Link**

*Principal Activity:* Live

*Service:* City Wide Strategic Planning Service

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**Recommendations:**

1. *That the Council issues an interim Heritage Order in accordance with s.25 of the Heritage Act 1977, over The Clarendon Guesthouse and Theatre (The Clarendon) at 68 Lurline Street Katoomba such that appropriately detailed heritage assessments can be completed to determine whether or not the site should be listed as a heritage item in the Blue Mountains Local Environmental Plan;*
  2. *That the Council forwards a copy of this report and notice to the State Government for inclusion in the next Government Gazette;*
  3. *That once, the Interim Heritage Order is notified in the Government Gazette, Council in accordance with section 28 of the Heritage Act 1977:*
    - a) *places a notice in the Blue Mountains Gazette and on Council's website within 7 days of the Gazette notifying of the issue of the Interim Heritage Order*
    - b) *notifies the property owner and issues a copy of the Interim Heritage Order to the property owner;*
  4. *That following the making of the Interim Heritage Order, the Council commissions an independent peer review of the Council's heritage assessment, to confirm the heritage significance of the site and building, against the NSW Heritage criteria; and*
  5. *That the Council receives a future report, on the results of the heritage assessments and with a recommendation on whether or not the site should be listed as a heritage item in the Blue Mountains Local Environmental Plan via a Planning Proposal.*
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**Report by A/Director Environment & Planning Services:****Reason for report**

To seek that the Council makes an Interim Heritage Order (IHO) over The Clarendon Guesthouse and Theatre in Lurline Street, Katoomba to enable a detailed heritage assessment to be made of the site and building. The timing of this report is driven by the imminent threat to the building.

**Background**

On 12 July 2013, a Ministerial Order was gazetted which granted authorisation to all local Councils in NSW to make Interim Heritage Orders (IHOs) in accordance with s.25 of the Heritage Act 1977 and subject to meeting the conditions listed in Schedule 2 of the Order.

An Interim Heritage Order is a temporary measure that prohibits demolition of a building or structure, to enable a detailed heritage assessment to be made as to whether or not the building or place should be listed under a local environmental plan.

The Clarendon Guesthouse and Theatre is a significant building on the edge of the Katoomba Town Centre. In recent months, it has been the subject of unauthorised works of which the Council has been notified and have been reported in local media (namely the Blue Mountains Gazette).

Council, exercising its compliance functions, is separately addressing the issue of unauthorised works through appropriate legislative mechanisms, and SafeWork NSW has attended the site to address asbestos management over the site, which was identified by Council.

However, The Clarendon is not currently included as a local heritage item under the Blue Mountains Local Environmental Plan or listed within the Heritage Conservation Area. It is noted that the site is located within the vicinity of other listed heritage items and within close proximity of the two adjacent heritage conservation areas, K159 Central Katoomba Urban Conservation Area, and K168 Katoomba South Heritage Conservation Area.

The lack of current heritage protection over The Clarendon site presents substantial risk for the building and its potential heritage significance, particularly given that the site has been the subject of recent unauthorised works.

#### **The Clarendon Guesthouse and Theatre**

The heritage significance of the Clarendon, as detailed in an extract from the draft Statement of Significance, taken from the draft heritage inventory sheet prepared by Council's heritage team, and included as Attachment 1 is as follows:

The Clarendon Guesthouse opened in 1923 and is one of the few Blue Mountains period guesthouses offering accommodation, bar, dining and entertainment to local and overseas visitors. The continuity of use, as a venue for live music, drama and theatre, is particularly rare in the Blue Mountains. In 1923 the building offered a ballroom which was supplemented in the 1940s with a jazz nightclub in the basement; by the 1970s the Blue Mountains Theatre Company were presenting regular musical comedy and drama performances in the theatre; in the 1980s the Australian entertainer Reg Livermore an 'actor, singer, theatrical performer, designer, director, lyricist, writer and television performer' for more than 60 years, often premiered his shows at the Clarendon before larger venues; and in the 1990s the Clarendon provided the venue for the first Blue Mountains Music Festival which has annually attracted many popular Australian and international performers, musicians and groups to the Clarendon and now other local venues. The property is of local significance with strong historic, historical association, aesthetic, social and rarity values important to Lurline Street, Katoomba and the Blue Mountains.

The continuity of historical use as a guesthouse and, importantly as a venue for live music, comedy theatre, drama and by the 1990s international music performers is rare in the Blue Mountains.

#### **Interim Heritage Order: Process and Way Forward**

The making of an Interim Heritage Order does not list the property as a heritage item in the Blue Mountains Local Environmental Plan (LEP).

Rather, it provides the subject site (in this case 68 Lurline Street Katoomba) with interim heritage protection, for a period up to 12 months, such that the heritage significance of the site

can be assessed and understood, and further recommendations made as to whether or not the site should be listed as a heritage item under the relevant LEP.

Section 25 of the Heritage Act specifically references the making of an Interim Heritage Order where the Council considers that a building or place is (or may be found to be following investigation) of local significance and is being or is likely to be harmed. Both of these circumstances are true for The Clarendon at 68 Lurline Street, Katoomba.

As per the recommendations of this report, should the Council make the Interim Heritage Order, the process outlined in section 28 of the Heritage Act 1977 will be undertaken, including notification of the IHO in the Government Gazette, and local notifications on both Council's website and the Blue Mountains Gazette. Notification will be provided to the property owner, including the IHO and supporting information.

### Sustainability assessment

Effects	Positive	Negative
Environmental	The proposal to progress an Interim Heritage Order over The Clarendon in Lurline Street Katoomba serves to protect the heritage values of Katoomba and in this case, particularly highlighting the social value and significance associated with buildings of this nature.	Nil
Social		Nil
Economic		Nil
Governance	The process for the making of an Interim Heritage Order is outlined in the NSW Heritage Act. The recommendations of this report confirm that the proposal is in accordance with the required legislation and resultant actions to be followed.	Nil

### Financial implications

The recommendations in this report are budgeted within the current financial year.

### Legal and risk-management issues for the Council

There are no legal or risk management implications for Council in adopting the recommendations of this report. The usual legal processes are available to the owner of the subject property, similar to those available for development proposals.

### External consultation

No external consultation has been undertaken to date. Advice has been sought from Heritage NSW.

### Alignment with the Delivery Program 2022–2026 and Programmed within the Operational Plan 2023–2024 and 2024–2025

The recommendations in this business paper are aligned with the Delivery Program 2022–2026's key direction *Live*, as follows:

- Objective 4.1 *City Planning guides sustainable urban renewal while maintaining the distinctive equality of our towns and villages;*
- Strategy 4.1.b *Preserve, maintain and enhance the City's unique character, local history and it's built, natural and cultural heritage, and*
- Principal Activity D40111.01 *Support conservation of local heritage.*

### Conclusion

The Clarendon Guesthouse and Theatre is a significant building on the edge of the Katoomba town centre. The site currently does not have heritage protection. The Interim Heritage Order provisions of the NSW Heritage Act, allow for interim protections to be put in place where a

site is considered at risk of harm and is considered by the Council to have (or is likely to have) local heritage significance. As outlined in this report, The Clarendon is such a case. The recommendations of this report are that the Council make issue an Interim Heritage Order over the site at 68 Lurline Street, such that the building is protected for a period of up to 12 months, to enable appropriately detailed heritage assessments to be undertaken, to determine whether or not the site should be listed as a local heritage item on the Blue Mountains Local Environmental Plan. The timing of this report is as a result of the imminent threat to the building, as described in the report.

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**Does this paper need to go to a briefing session OR have Ward Councillors been briefed?:** No

#### ATTACHMENTS/ENCLOSURES

1	The Clarendon_draft inventory sheet_16 July 2024	24/144095	Attachment
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