

7.1 INTERIM HERITAGE ORDER - 4 DARLING STREET TAMWORTH

DIRECTORATE: LIVEABLE COMMUNITIES
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RECOMMENDATION

That in relation to the report “Interim Heritage Order - 4 Darling Street Tamworth”, Council:

- (i) resolve that the item “House” at Lot 420 DP 47649, 4 Darling Street, Tamworth is of local heritage significance;*
- (ii) resolve to place the item “House” at Lot 420 DP 47649 within Schedule 5 - Environmental heritage of the Tamworth Regional Local Environmental Plan 2010;*
- (iii) forward the Planning Proposal to the Department of Planning and Environment (DPE) requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- (iv) request that the Minister for Planning and Environment exercise his plan making powers to delegate to Council the authority to make the plan pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979; and*
- (v) upon receipt of a Gateway Determination, publicly exhibit the planning proposal in accordance with the terms of the Gateway Determination.*

SUMMARY

Earlier this year in accordance with Part 3(25)(2) of the NSW Heritage Act 1977, Tamworth Regional Council utilised its authority as delegated by the Minister on 21 August 2001 to make an *Interim Heritage Order* over the cottage at No. 4 Darling Street Tamworth. The basis for the *Interim Heritage Order* was that it was considered, on further inquiry or investigation, that the cottage could be found to be of local heritage significance.

The purpose of this report is to present the Assessment of Significance Report that was subsequently prepared for the site which recommends that that No. 4 Darling Street, Tamworth be listed as an item of local significance on the Heritage Schedule (Schedule 5) of the Tamworth Regional Local Environmental Plan 2010.

COMMENTARY

SUBJECT SITE AND LOCALITY

The subject site (Lot 420 DP 47649) is located on the western side of Darling Street, Tamworth, between Peel and Marius Streets. The site which contains the former Court House Caretaker’s Cottage is approximately 817m² in area with a 17-metre frontage to Darling Street. The existing cottage presents to this day as a balanced, single-storey, gable fronted cottage with forward-facing veranda and original fenestration.



Figure 1: Aerial Map – Subject Site, No.4 Darling Street, Tamworth (bordered yellow)

HISTORY

The cottage was constructed in 1898-99, primarily in red brick and painted timbers with silver, corrugated iron roof. It retains an exceptionally high degree of original fabric, not least the pebble-dash chimneys with flared, brick cornices. Alterations and additions have taken place at the rear of the cottage within comparatively recent times. This work has been intelligently and sympathetically designed to appear as subservient to the primacy of the original cottage. These additions are considered to be in accordance with best heritage practice and Council requirements under the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010), in particular, Clause 5.10 - *Heritage Conservation*.

Further to the site's historical connections, in 1939 the cottage became the residence of the Police Boys Club supervisor. It should be noted that the Tamworth Police Boys Club is considered to be the first such club to be established in NSW.

The Women's and Children's Refuge occupied the cottage from 1980 until 1992.

The cottage is considered to be a positive contributor to the Darling St streetscape. It is significant in its domestic simplicity, its fine, original condition and its association with the old Tamworth Courthouse and No. 6 Darling Street which, together with No. 4 Darling Street, constitute the original Tamworth 'Justice Precinct'.

This particular section of Darling Street is largely uniform and highly intact, currently containing four Locally listed heritage items and one State listed item; namely Peel Barracks, which lies directly opposite the subject site at No. 214 Peel Street, Tamworth.



Figures 2 and 3: The subject item. No. 4 Darling Street. Street view and side view towards the State listed Peel Barracks.



Figure 4: Council's Heritage map overlay of listed sites in proximity to 4 Darling Street

Interim Heritage Order (IHO)

The objectives (and by extension the obligations) of the NSW Heritage Act 1977 are:

- *To promote an understanding of the State's Heritage; and*
- *To encourage the conservation of the State's Heritage.*

In accordance with these objectives, on 11 April 2022 Council utilised its authority under Part 3(25)(2) of the Act, as delegated by the Minister on 21 August 2001, to:

"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."

Following Council's consideration of the potential for harm to the subject site, and the placement of the Interim Heritage Order (IHO), the required '*further inquiry or investigation*' was undertaken in the form of the aforementioned Assessment of Significance. The Assessment of Significance Report prepared by High Ground Consulting is **ATTACHED to ANNEXURE 1**.

The assessment is qualified and comprehensive, in that it details the methodology involved in its preparation and is prepared in accordance with NSW Heritage Office guidelines. It continues addressing those guidelines with an historical outline of the site, including the individual and collective significance of the cottage as part of the original Tamworth Justice District. This comprised the old Tamworth Courthouse (locally listed and encased within the current PCYC building), No. 4 Darling Street, and No. 6 Darling Street. The report continues with an examination of the site's physical evidence and concludes with a Statement of Cultural Significance. In conclusion, the assessment states:

'It is recommended that the property be listed as an item of local significance on the Heritage Schedule (Schedule 5) of the Tamworth Regional LEP with appropriate provisions for protecting and managing the item.' (Page 3).

The Interim Heritage Order is **ATTACHED** to **ANNEXURE 2**.

Interim Heritage Order – Next Steps

In accordance with the Interim Heritage Order, Council must determine by resolution before the initial six (6) month period has lapsed whether the item has been found to be of State or Local significance and whether it is recommended for listing.

The recommendation (if approved), to resolve to place the item "House" at Lot 420 DP 47649 within Schedule 5 - Environmental heritage of the TRLEP 2010 will trigger the Statutory planning proposal process for listing the item as advised by the NSW Heritage Office.

Planning Proposal

Following confirmation of the site's heritage value by the Assessment of Significance Report, the planning proposal seeks to protect and formally acknowledge the subject site via appropriate local planning controls, being a local heritage listing within Schedule 5 of the TRLEP 2010.

The planning proposal aims to:

- acknowledge the item's local heritage significance; and
- provide protection for the item's local historical association, social significance and representativeness within the city of Tamworth.

An amendment to planning provisions is required in order to meet the objectives of the planning proposal, and this is summarised as follows:

Development Standard	Description of Amendment
Schedule 5 Environmental heritage	The planning proposal seeks to conserve the heritage significance of the subject site by including the following additional item within the Environmental Heritage register: <ul style="list-style-type: none">• Lot 420 DP 47649, 4 Darling Street, Tamworth

The planning proposal has strategic alignment with Tamworth Regional Council's principal planning strategies and the *New England North West Regional Plan 2036*.

The New England North West Regional Plan 2036

- Direction 24: Protect the region's historic heritage assets;

- Action 24.1 Prepare, review and update heritage studies in consultation with the wider community to identify and protect heritage items, and include appropriate local planning controls.

Tamworth Regional Blueprint 100

- Priority 7.5 Protect the Region's heritage assets;
- Action 7.5.1 Prepare, review and update heritage studies and Schedule 5 of the TRLEP 2010 in consultation with the wider community to identify any items incorrectly included and heritage buildings or sites that should be added to the schedule.

In order to amend the TRLEP 2010, Council is required to submit the planning proposal to the Department of Planning and Environment (DPE) for a Gateway Determination. Upon the issue of a Gateway Determination, the planning proposal will be placed on public exhibition and any agency referrals required by the Department will be undertaken.

(a) Policy Implications

The proposed listing of No. 4 Darling Street, Tamworth as an item of local significance on the Heritage Schedule (Schedule 5) of the TRLEP 2010 is consistent with state and Council policy as well as the vision outlined in Blueprint 100.

(b) Financial Implications

The cost of processing the planning proposal will be accommodated by the existing strategic planning budget.

(c) Legal Implications

Amendments to the *Tamworth Regional Local Environmental Plan 2010* will alter the planning provisions for the subject lands.

(d) Community Consultation

The need to formally and legally recognise and protect No. 4 Darling Street, Tamworth was initially raised by concerned members of the community. Council's Heritage Working Group, which includes community representatives also recommended to Council that it proceed to list the property as a local item of environmental heritage.

Should Council adopt the recommendation, community and state agency consultation requirements applying to the planning proposal will be specified by the Department of Planning and Environment's Gateway Determination.

The owner of the subject property has been advised of this report and the recommendation to list the property as a local item of environmental heritage.

(e) Delivery Program Objective/Strategy

Focus Area 7 – Celebrate our Cultures and Heritage

H.03 Our region's heritage assets are protected and celebrated

H.0302 Ensure development controls and zoning protect the heritage significance of items and conservation areas
