



PICTURE THEATRE
COLLARROY BEACH

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Owning a Heritage Property
in Warringah

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What is heritage and why is it valuable?

Heritage is what we inherit from previous generations; it forms the basis for the identities of people, communities and nations. History can represent the past and identify how a place has developed into what it is today. Heritage does not have to be 'old', because it is what we value and identify as worthy of protecting and keeping for future generations to benefit from.

According to the Warringah Local Environmental Plan 2000 (WLEP) "heritage significance" means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Heritage in Warringah

Warringah is home to a rich history and many reminders of its past are seen in the built and natural environment. Council seeks to preserve its heritage and encourage sensitive management of heritage items both within public and private ownership.

Where can I find a list of heritage items?

Over 143 items and areas are listed as being of historic significance, each property is identified within Warringah's Local Environmental Plan 2000 (WLEP) within the Locality Statement section, under the heading of "Heritage Items".

For Example: in Locality H1 – Freshwater Beach, 12 items are listed as being of ‘local heritage significance’. The property at 17A Crown Road, Queenscliff is an example of one of the 12 items listed.

Recognition of the heritage listing of an item/area is made on the properties Section 149 certificate. When purchasing a property the section 149 certificate should always be provided by the vendor along with the contract for the sale of the property as required by law. The Section 149 Certificate provides legally binding advice on the heritage status of a property. All heritage listed items/areas within Warringah can also be viewed on the NSW Heritage Office’s website: www.heritage.nsw.gov.au

What are some examples of heritage items?

In Warringah, items of built and natural heritage listed within WLEP 2000 range from private dwellings, public buildings, gardens, reserves, commercial and industrial buildings, rock pools, landscape features, bus shelters and memorials.

NOTE: Many of Warringah’s heritage listed items are owned privately and owners are often unsure of what the implications of heritage listing are.

The following Frequently Asked Questions attempt to answer some of the more common questions.

Frequently Asked Questions

Q: What is the difference between heritage listing in WLEP 2000 and National Trust listings?

A: The National Trust:

Listing by the National trust is the oldest form of heritage listing in Australia. The National Trust is an independent community organisation and its listings are non-statutory. While National Trust listing has no legal implications, it is an important indicator of heritage significance.

Warringah Local Environment Plan 2000:

The most common form of statutory listing of heritage items in NSW is provided in local environmental plans (LEP) under the Environmental Planning and Assessment Act, 1979.

Not all heritage items are of local significance; some items are of significance to the State and are listed by the NSW Heritage Office on the State Heritage Register under the Heritage Act, 1977.

Warringah contains two items that are listed within the State Heritage Register, with the majority of items being listed within WLEP 2000 as items of local or regional significance.





Q: What are the implications if my property is listed by WLEP 2000 as a heritage item?

A: A heritage listing in WLEP 2000 is not a preservation order; rather it is recognition of a built or natural item/areas local or regional significance, identification of its importance to the Warringham local government area. Owning a heritage item does not devalue the property or prevent future modifications/changes or development to the property, rather it identifies the need to develop and change in a way that is sympathetic to the heritage significance of the item.

Q: What are my obligations as an owner of a heritage item?

A: Your obligations as an owner of a heritage item are no greater than an owner of any other property. The main difference occurs when proposing changes to the item of heritage significance.

Q: Can I make changes to my property if it is heritage listed?

A: In most cases, changes can be made, as long as they are sympathetic to the heritage values of the item and its setting. For preliminary advice regarding possible changes please contact Council.

Q: When is a development application required?

A: If the work proposed is listed in Schedule 1 – Exempt Development of WLEP 2000 a development application is not required. However, all other works require a development application to be submitted to Council. Council encourages applicants to speak to a Council officer before lodging an application, it is also advisable to receive Council's advice on exemptions.

NOTE: When submitting an application for the demolition of a heritage item, a statement of heritage impact must accompany the submission; this will address the reasons for demolition. Demolition will only be supported if it can be demonstrated that there is no reasonable alternative.

Q: What if my property is not listed as a heritage item but is located next to a heritage item?

A: Under WLEP 2000, there are controls which apply to development on sites within the vicinity of heritage items. In this case development is required to complement the heritage item in terms of architectural style, scale, setback, siting, external materials, finishes, colours and setting. Views to and from heritage items should not be adversely affected.

Q: Are there any concessions available for owners of heritage items?

A: Owners of heritage listed items can request a "heritage-restricted valuation" through Land and Property Information (formerly Valuer-Generals Department). If this results in a lower property valuation, the valuation will be forwarded to Council who will then levy rates based on the lower valuation. For further information contact Land and Property Information.

A lower valuation may also have implications for State land tax. Enquiries on this matter should be directed to the Office of State Revenue. Owners of heritage items that produce income may be able to claim tax deductions for maintenance and repair work or depreciation against the assessed income – discuss this with your tax advisor.

Council offers concessions on the type of development that is permitted on the site of a heritage item. Under WLEP 2000, a broader range of uses can be considered on the site of a heritage item, so long as the item is retained and an appropriate use is proposed. For Example: the conversion of a heritage listed dwelling house into offices or a bed & breakfast establishment.

Q: How did Council identify the items which are included in the schedule of heritage items within WLEP 2000?

A: In 1994, Council commissioned a heritage consultant, Hughes, Trueman and Ludlow to prepare a study of Warringah's heritage and identify potential items of heritage significance. This study was reviewed by Terra Nova Planning in 1995, resulting in the Warringah Heritage Inventory. The items identified in the inventory were then listed in Council's draft LEP and came into effect when the WLEP 2000 was gazetted on 5 December 2000.

Q: What is meant by "sympathetic development"?

A: For works to be "sympathetic" to existing heritage values, they should not try to replicate the heritage item. Rather, care should be taken to incorporate similar themes such as proportions, roof pitching, window placement, setbacks, materials and colours etc...

Q: Does the heritage listing apply to the whole building or just the facade?

A: Any element which contributes to the heritage values of an item is considered to be significant. This may include, in many cases, floor plan layouts, internal detailing and often the external setting of an item including gardens, fencing and landscaping.

Q: Can I demolish my building if it is a heritage item?

A: No building can be demolished without the consent of Council whether or not the building is a heritage item.

Q: Can I have my property taken off the Schedule of Heritage Items?

A: Yes.

This is possible however, extremely uncommon. Should Council receive new information that an item is not as significant as first thought, Council can delete an item from the heritage schedule. This requires an amendment to WLEP 2000 including public exhibition.

NOTE: It is more common for items to be added to the schedule rather than removed.

Q: Can I ask Council to list a new item as a heritage item in the WLEP 2000?

A: Yes.

Warringah Council's schedule of heritage items is not finite and Council is open to the suggestion of new items/areas which may have heritage significance and are not currently listed within WLEP 2000. The process to list an item requires an amendment to WLEP 2000 including public exhibition of the proposal in draft form.

If Council identifies an item of heritage significance that is NOT listed under WLEP 2000 as under immediate threat, it has delegated authority from the Minister to impose an Interim Heritage Order (IHO).

When Council makes an IHO it is an offence to:

- Alter a building, work, relic or moveable object
- Display any notice or advertisement on a place or precinct
- Damage or destroy any tree or other vegetation on the land

The IHO is valid for 12 months giving Council adequate time to prepare an amendment to WLEP 2000 to list the item so that it is legally recognised as a heritage item.

NOTE: There are certain criteria to be met before Council is able to exercise this delegated authority.





Q: What about items of Aboriginal heritage significance?

A: The National Parks and Wildlife Service is responsible for the conservation of Aboriginal heritage sites and natural heritage items under the National Parks and Wildlife Act, 1974 and maintains a Register of Aboriginal Places and Archaeological Sites. To contact National Parks and Wildlife Service visit their website: www.npws.nsw.gov.au

NOTE: there are restrictions over access to the Register of Aboriginal Places and Archaeological Sites.

Enquiries regarding Aboriginal Heritage should be referred to Council's Aboriginal Heritage Manager.

Q: I think my property may contain an Aboriginal relic – what should I do?

A: Follow the steps outlined below:

- Do not disturb the site, cease all works
- Contact National Parks and Wildlife Service as soon as possible to advise them of the potential site
- Council can provide further advice about the most appropriate course of action

Q: Where can I find further information on heritage issues?

A: There are several avenues where further information can be obtained.

- Council's Planning Policy Unit can assist with enquiries related to heritage items under WLEP 2000 and refer you on (if necessary) to one of Council's heritage consultants.
- The Local Studies Unit at Dee Why Library contains a collection of material regarding Warringah's early history. This service is particularly helpful for those researching the history of Warringah or a particular suburb or locality within Warringah.

- The NSW Heritage Office web site, www.heritage.nsw.gov.au is a useful source of information on heritage management in NSW. This web site also contains what is referred to as the "State Heritage Inventory" which includes a list of the heritage items for most Councils in NSW including a brief description of the heritage items listed in WLEP 2000 as items of local significance. However, there are also several items listed as items of regional significance. These items have heritage significance which applies beyond the local area to the region and include properties such as the Brookvale Brickworks and Warringah's rock pools.
- The NSW Heritage Manual produced by the NSW Heritage Office provides information and advice needed to identify, assess and manage heritage items. The Manual is a detailed reference used largely by professional heritage consultants. However, it is also helpful to laypersons interested in learning about the criteria used to determine whether an item has heritage significance and what is required to be addressed in a statement of heritage impact.

Copies can be purchased from the NSW Heritage Office.

Acknowledgements

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