

## **Heritage In Manly**

### **Manly's Heritage**

Manly has a unique and diverse cultural heritage, and is lucky to still have many important places reflecting its historical development since the 1800s. These significant heritage places, which include Aboriginal, natural, and the built items, are in both public and private ownership and are the fabric which represents a Manly's rich culture. Manly Council and the local community seek to encourage the sensitive management and conservation of these important places, in order to preserve them into the future.

### **Questions and Answers**

The following provides information to answer some of the more common questions regarding heritage items.

#### **1. What is heritage and why is it valuable?**

Heritage is what we inherit from previous generations and is part of our national, community and individual identities. Heritage reflects the past and identifies how a place has developed into what it is today. Heritage does not have to be old; it is anything that we value and identify as worth protecting to enjoy now and in the future. Heritage is not only for the current generations, but for future generations.

#### **2. What are some examples of Manly's Heritage items?**

Heritage items can be any item or place which has historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Examples of heritage items in Manly include dwellings, public buildings, gardens, reserves, trees, commercial buildings, landscape features, pools, shelters, statues, memorials, cemeteries, archaeological remains and Aboriginal places.

#### **3. Where can I find a list of heritage items?**

The Manly Local Environment Plan 2013 (MLEP) includes a Schedule of Environmental Heritage (Schedule 5). This schedule lists items which are protected within the Manly LGA.

A copy of the MLEP and maps can be found on the Council's *LEP, DCP and Policies* webpage, under the *Planning & Development* tab.

The NSW Department of Environment and Heritage *Heritage Division* also maintains various databases relating to heritage items. You can search these databases online by visiting <http://www.environment.nsw.gov.au/licences/index.htm>

#### **4. What are the different types of heritage listings?**

There are both statutory and non-statutory heritage listings in NSW.

Listing on a statutory register provides legal protection for a heritage item, whereby an owner is required to seek approval from either Manly Council or the NSW Heritage Council prior to making any changes to the place. Examples of a statutory listing are listing on Schedule 5 of the MLEP or listing on the *State Heritage Register*.

Listing on non-statutory registers, such as the lists maintained by the National Trust of Australia (NSW) and the Royal Australian Institute of Architects (RAIA), do not carry any

legal requirements, but are an indication that a place is considered to have heritage significance.

#### **5. What are my obligations as an owner of a heritage item?**

Your obligations as an owner of a heritage item are no greater than an owner of any other property, including normal maintenance and repair. The main difference occurs when you want to make changes to the heritage item.

#### **6. What are the implications if my property is included in the Schedule of Environmental Heritage on Manly LEP 2013 as a heritage item?**

Inclusion on MLEP Schedule of Environmental Heritage is recognition of the item's heritage significance and importance to the Manly local government area.

Owning a heritage item does not devalue the property or prevent future modifications; rather it identifies the need to manage changes to the place in a manner which retains its heritage significance.

If works are proposed to the heritage item or its setting, then a development application is required to be submitted to Council. When assessing a development application affecting a heritage item, Council considers the potential impact on the place and determines whether the development is appropriate. This enables Council and the community to manage and conserve the cultural heritage of the Manly LGA for current and future generations whilst allowing suitable change to occur.

#### **7. What is meant by "sympathetic development"?**

Sympathetic development means undertaking changes to a place whilst maintaining the heritage significance of that place. This may require retaining the form and architectural style of the item, such as retaining original roof pitch, materials, window placement, setbacks and colours, which all play a role in maintaining and conserving the character of an item.

#### **8. Are there specific clauses in the Manly LEP which apply to heritage items?**

The MLEP contains a number of clauses under which Council is required to consider in the process of determining an application which affects a heritage item. These are *Clause 5.10 'Heritage Conservation'* and *Clause 6.19 'Development in St Patrick's Estate'*. These clauses can be viewed in full in the MLEP.

Manly Development Control Plan 2013 (MDCP) also contains a number of clauses relating to the management of heritage items within the Manly local government area. These include *Clause 2.1.5 "Heritage management Documents (including Aboriginal Heritage)"* and *Clause 3.2 "Heritage Considerations"*.

Owners of heritage items, or of properties within a Conservation Area, should read the relevant sections of the MLEP and MDCP prior to planning any changes to their property.

#### **9. Can I make changes to my property if it is heritage listed?**

In most cases, you can make changes to your property if it is sympathetic to its heritage significance, including its setting. A development application is required to be submitted for changes.

If you wish to undertake repair or maintenance work to a heritage item, you do not need to lodge a development application; however you do need to notify Council of the works you want to undertake.

Examples of maintenance and repair include:

- maintaining the gutters,
- maintaining gardens,
- replacing “like for like”, such as a 1.2m high timber picket fence with a new matching 1.2m timber picket fence, or replacing a white painted timber framed double hung window with a new white painted timber framed double hung window
- replacing a slate roof tile with a matching slate tile

If you want to paint a heritage item, or introduce new materials or make other changes, then approval will be required.

It is always best to check with Council’s Heritage Advisor prior to commencing any works.

#### **10. *When is a development application required?***

A development application should be lodged with Manly Council whenever works are proposed to alter a heritage item.

#### **11. *What if my property is not listed as a heritage item but is located next to a heritage item?***

In this case, development is required to respect the nearby heritage item in terms of architectural style, scale (height & bulk), setback, sitting, external materials, finishes, colours and setting. Clause 5.10 (5) of the MLEP applies to development on sites near the vicinity of a heritage item.

#### **12. *What are Conservation Areas?***

Conservations Areas are areas in which the historical origins, aesthetic character and relationships between the various elements create a sense of place that is valued. A Conservation Area is identified by analysing the special characteristics which make up that heritage significance. These may include its subdivision pattern, the consistency of building materials or the common age of its building stock. The ‘look’ of the place is only one aspect of heritage significance.

#### **14. *Are there any concessions available for owners of heritage items?***

Owners of heritage items included on the MLEP Schedule of Environmental Heritage 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.

Manly Council also offers Local Heritage Assistance Grants for works that add to the heritage value of places listed on the MLEP Schedule of Environmental Heritage. Works

must be approved and completed before applying for a grant. Successful applications will receive a grant ranging in value from \$250 to a maximum of \$3,000, on a dollar for dollar basis.

Further information of the Local Heritage Assistance Grants Program can be found on Council's website <http://www.manly.nsw.gov.au/planning-and-development/heritage/heritage-grants/>

**16. Does the heritage listing apply to the whole building or just the façade?**

Heritage listing applies to the **whole property** and any element which contributes to the heritage significance of an item. This may include, floor plan layouts, internal detailing and/or the external setting of an item including gardens, fencing and landscaping.

**17. Can I demolish my building if it is a heritage item?**

You cannot demolish any building without the consent of Council whether or not the building is a heritage item. If you are submitting an application to demolish a heritage item you must include a heritage impact statement and justify the case for demolition. Demolition will only be supported if you can demonstrate that there is no reasonable alternative. Demolition is not usually supported.

**18. Can I have my property taken off the Schedule of Environmental Heritage?**

Yes it is possible, however, extremely uncommon. Council can delete an item from the heritage schedule if it receives new information that an item is not as significant as initially indicated. This requires amendment to the Manly LEP 2013 including public exhibition. An application is required to be submitted to Council to amend the LEP and will need to be accompanied by an heritage assessment and report justifying any request for removal from the Schedule of Environmental Heritage.

**19. Can I ask Council to list a new item as a heritage item in the Manly LEP 2013?**

Yes. Manly Council is open to suggestions for new items or areas which may have heritage significance. The process to list an item requires an amendment to Manly 2013 including public exhibition of the proposal in draft form.

**20. What happens if a property with potential heritage value is not listed and is under threat?**

If Council becomes aware of a property of potential heritage significance, which is **not** listed under the Manly LEP 2013 and is under immediate threat, it can make an Interim Heritage Order (IHO) over the property under the NSW Heritage Act, 1977 (as amended), under the authority delegated to Council by the Minister.

When an IHO is made 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 the vegetation on the land.

An IHO is valid for 12 months, giving Council time to investigate the heritage value of the place and, if necessary, prepare an amendment to the MLEP to list the item so that it is legally recognized as a heritage item. In this period the NSW Heritage Council is also the assessing authority for any applications received for an IHO property.

## **21. What about items of Aboriginal Heritage significance?**

The National Parks and Wildlife Service (NPWS) is part of the Department of Environment and Heritage and is responsible for the conservation of Aboriginal heritage sites and natural heritage under the National Parks and Wildlife Act, 1974. The NPWS maintains a register of Aboriginal Places and Archaeological Sites.

The majority of Aboriginal sites in Manly are on state or local government owned land, however, several are located on privately owned land and receive the same level of protection as all Aboriginal heritage.

The Aboriginal Heritage Office (AHO) is a joint initiative by Manly, Lane Cove, North Sydney, Warringah, Willoughby, Ku-ring-gai, Pittwater and City of Ryde Councils, in a progressive move to protect Aboriginal Heritage in these areas. The AHO provides assistance to partner Councils and residents in efforts to protect Aboriginal sites in the area. This includes strategic planning issues, Development Application referrals, and conservation management. For more information, you can visit the AHO website [www.aboriginalheritage.org/](http://www.aboriginalheritage.org/)

## **22. I think my property may contain an Aboriginal relic – what should I do?**

Follow the steps outlined below:

- Do not disturb the site and stop all works.
- Contact the Aboriginal Heritage Office.
- Contact National Parks and Wildlife Service to advise them of the potential relic.

## **23. What is required if I am likely to find or disturb an archaeological relic?**

The *NSW Heritage Act 1977* defines a relic as any item over 50 years old. Archaeological resources have enormous potential to contribute to our historical knowledge and provide information that is unavailable from other sources. It is important that archaeological resources are adequately investigated and recorded if they are to be disturbed. Some relics are excavated for the knowledge we can gain from them and others are kept in the ground and interpreted.

The *NSW Heritage Act* requires that an excavation permit is necessary if an owner is going to disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. This applies to evidence of both Aboriginal and non-Aboriginal habitation and underwater relics. If a non-Aboriginal relic is discovered the Heritage Council is to be notified. An archaeologist is usually required to assist in the excavation to ensure proper supervision and recording of our past.

## **24. What is a heritage report?**

There are a number of different types of heritage reports which assist Council and the community in managing places of heritage significance. Two documents which are commonly used by Council are Conservation Management Plan (CMP) and a Statement of Heritage Impact (SHI).

A CMP is a document which considers the history and current physical condition of a place, and uses that information to make an assessment of heritage significance. A CMP also makes recommendations as to the best ways in which the place's heritage significance can

be conserved and managed into the future, and it should also include conservation policies which guide any future works to the place. Council can require an owner to produce a CMP for their place prior to considering any development proposals for that place.

A SHI is a document which considers the potential impact of a proposed development, in light of an assessment of heritage significance of the place being affected by the proposal. The level of detail required in a report will depend on the extent of the change proposed.

### **25. When do I need a heritage report?**

Council usually requires a SHI to be prepared when considering changes to a heritage item or to a property in the vicinity of a heritage item or site within a conservation area.

There are some instances when an SHI may not be required. Please check with Council's Heritage Advisor prior to lodging a Development Application.

### **27. Where can I find further information on heritage?**

Further information can be obtained from:

- Council's Heritage Advisor can assist with enquiries related to heritage items in the Manly LEP 2013.
- The Local Studies section of Manly Library contains a collection of material regarding Manly's early history. This service is particularly helpful for those researching the history of Manly or a particular suburb or locality within Manly.

Some useful web sites include:

- NSW Department of Environment and Heritage - <http://www.environment.nsw.gov.au/nswcultureheritage/>
- National Trust of NSW - <http://www.nationaltrust.org.au/nsw/Home>
- Department of the Environment - <http://www.environment.gov.au/topics/heritage>
- Australia's Community Heritage - <http://www.communityheritage.net.au/v>