

Adaptive Reuse of Heritage Places Policy

October 2012

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Author:	
	Policy and Planning Section
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	Country, Culture and Heritage Division
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59-61 Goulburn Street

PO Box A290

Sydney South 1232

Ph: (02) 9995 5000 (switchboard)

Ph: 131 555 (environment information and publications requests)

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Introduction

Purpose of the document

The adaptive reuse of heritage places on lands managed by the Office of Environment and Heritage (OEH) is a common and effective management option.

This Adaptive Reuse of Heritage Places Policy outlines the policies and procedures to be applied in adaptive reuse of places on lands managed by the Parks and Wildlife Group (PWG) of OEH.

The Adaptive Reuse of Heritage Places Policy should be used by PWG staff to inform plans of management, conservation management plans and other relevant planning processes.

Background

The Parks and Wildlife Group manage many places of heritage significance that are no longer used for their original purpose. The adaptation of places to compatible new uses aims to provide for their conservation and their future.

The reuse of a heritage place that retains its cultural significance is commonly referred to as adaptive reuse. Adaptive reuse advocates use as an integral component of conservation, enabling the place to have not only continuing use but also continuing social relevance.

"The best way to conserve a heritage building, structure or site is to use it" (Heritage Council of NSW, p.5 2007). Places that lose relevance or purpose can become vulnerable to neglect, decay and possibly demolition. Inappropriate use can also jeopardise the conservation of heritage places, hence guidance is needed for planning and managing use.

The Adaptive Reuse of Heritage Places Policy draws on the following document:

New Uses for Heritage Places: Guidelines for the Adaptation of Historic Buildings and Sites the Heritage Council of NSW & Royal Australian Institute of Architects NSW Chapter, 2008.

The Adaptive Reuse Leases Policy has been repealed. For guidance on commercial leasing of adaptive reuse places please refer to the PWG Property and Leasing Manual.

Objectives

Adaptive reuse aims to retain and sympathetically reuse significant existing fabric, features and the inherent character of buildings, landscapes or places.

Adaptive reuse is also an essential component of sustainable development practice and has environmental, social and economic benefits. This is recognised in the Sustainability Assessment Criteria and Sustainability Guidelines, which apply to lease and licence proposals for various visitor and tourist use proposals under s.151A of the NPW Act, including adaptive reuse projects.

This policy aims to outline *when* and *how* adaptive reuse can be applied to achieve the conservation of places with heritage significance.

The policy also aims to ensure that planning and management is consistent with the objects of the *National Parks and Wildlife Act* 1974 (NP&W Act) for the adaptive re-use of an existing building or structure within a reserve.

Scope and application

This policy and the associated guidelines apply to lands managed by the Parks and Wildlife Group of OEH which includes all lands acquired or reserved under the *National Parks and Wildlife Act* 1974.

Lands reserved under the NPW Act

Section 151 of the *National Parks and Wildlife Act 1974* (NP&W Act) provides powers to grant a lease or licence of land within a reserve. The purposes for which a lease or licence may be granted are listed in s.151A, and include any purpose that enables the adaptive reuse of an existing building or structure.

In deciding whether to grant a lease or licence the Minister is required to consider certain matters specified in s.151B and Sustainability Assessment Criteria adopted by the Chief Executive. It is OEH policy that all proposals of the kind listed in s.151A (whether they involve external proponents or OEH projects) will be subject to **the Sustainability Assessment Criteria**. Further information is provided in the Sustainability Guidelines.

The Policy does not apply to:

- Aboriginal heritage sites pre-contact (but does apply to places with shared heritage values)
- The maintenance, reconstruction, recreation, deliberate ruination or moth-balling of places (however these may form part of an adaptive reuse project). Refer to the Heritage Reconstruction Policy (in preparation).
- Temporary use of a place, including a use that requires the temporary construction of infrastructure (such as filming and events).
- Interpretation comprising signage only. However interpretation at a ruin that includes visitor infrastructure such as boardwalks and lighting would be covered by this policy. (i.e. the adaptation of a ruin to allow for visitation is a form of adaptive reuse)

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Relevant legislation or other mandating instruments

Relevant legislation

A summary of relevant legislation, mandating and non-mandating instruments are included in Appendix 2.

National Parks and Wildlife Act, 1974

The Heritage Act, 1977

Environmental Planning and Assessment Act, 1979

Environment Protection and Biodiversity Conservation Act, 1999

Mandating Instruments

Building Code of Australia (BCA)

Non-mandating instruments

DECC Corporate Plan 2008-2012

DECC Cultural Heritage Strategic Policy

Regional Cultural Heritage Management Strategies

Reserve Plans of Management

The Australian ICOMOS Burra Charter

ICOMOS Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas

Policy

Guiding principles

- The Burra Charter principles of: preservation, restoration, reconstruction and adaptation will guide adaptive reuse of heritage places.
- **2.** The **cultural significance** of the place, its fabric and its use will guide adaptation.
- **3.** The continuation of a '**culturally significant use**' (historical use) is preferable to a new use.
- 4. A **setting** contributes to the heritage significance of a place

- **5.** Where adaptation is required it should involve the **minimal amount of change** to significant fabric necessary to achieve the requirements of the new use. This should be undertaken only after demonstrated consideration of alternatives.
- **6.** Heritage is dynamic and heritage places should continue to live and develop over time. The **associated stories** of a place should continue *after* the adaptation of the place.
- Adaptive reuse is an essential component of sustainable development practice and has environmental, social and economic benefits.
- **8.** Through adaptation, the **authenticity** of a place should be revealed and the **significance** of the place should be interpreted.
- **9. New additions** or new constructions in the vicinity of a place of heritage significance should be in harmony with the existing structure but also be clearly identifiable as new additions.
- **10.** Adaptive Reuse should be undertaken using **high quality** design and materials.

Permissibility

- **8.** Adaptive reuse of heritage places on PWG lands are required to be consistent with the objects of the NP&W.
- **9.** Adaptive reuse of heritage places includes the modification of a building or structure and its curtilage to suit an existing or proposed use, and that use of the building or structure, but should only be undertaken where:
 - a. the modification and use are compatible with the conservation of the natural and cultural values of the land,
 - b. in the case of a building or structure of cultural significance, the modification is compatible with the retention of the cultural significance of the building or structure,
 - the modification and use provides for the sustainable and efficient use of natural resources, energy and water (in accordance with the Sustainability Assessment Criteria and Sustainability Guidelines), and
 - d. the modification is appropriate in relation to the built form and scale of the building or structure, including its bulk, height, footprint, setbacks and density.
- **10.** Adaptive reuse of a heritage place that is inconsistent with the conservation of the place will not be permitted.

Planning

- 11. Adaptive reuse must only be considered following:
 - a. assessment of the heritage significance and values of a place and development of a statement of significance, and

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- b. specific conservation planning such as a conservation management plan.
- **12.** Strategic opportunities for adaptive reuse of heritage places should be identified through planning processes.
- 13. Adaptive reuse proposals will be subject to relevant environmental impact assessment requirements and statutory approvals. In the case of proposals related to the grant of a lease or licence under s.151 of the NPW Act (or similar activities being undertaken by OEH) that will include application of the Sustainability Assessment Criteria adopted by the Chief Executive.

Significance and compatible use

- **14.** Adaptive reuse must be sympathetic, appropriate and compatible with, the significance of a place.
- **15.** Adaptation should allow a place and its associated stories to live and develop over time.
- **16.** Community interest, concern and potential use of a place should be considered when determining reuse of places.
- **17.** Adaptive reuse should allow for interpretation of the heritage values of the place and promote public appreciation.
- **18.** Adaptive reuse options, including associated infrastructure, will consider the impacts to the setting, surrounding landscape and infrastructure.

Level of appropriate change

- **19.** Adaptive reuse should minimise impacts on significant fabric.
- **20.** The level of change should be appropriate to the significance of the place or element being adapted.
- **21.** Works that involve changes to fabric of high significance should be reversible, as far as practicable.
- **22.** Reuse of a heritage place and its significant elements should be considered in preference to constructing major new additions. Where aspects of the new use would have an unacceptable heritage impact, these uses should be accommodated in sympathetic modest additions.
- **23.** Incompatible uses that negatively impact on heritage significance should be avoided and may include adaptive reuse requiring:
 - a. Extensive changes
 - b. Major structural upgrading
 - c. Major new services

In this case, either the functional requirements of the new use need to be reduced, or an alternative use must be found.

Design & materials

- **24.** Adaptation usually requires some element of new work. New additions are to include high quality contemporary design elements and materials, as appropriate, as well as being sympathetic to the place's significance.
- **25.** Adaptive reuse should follow principles of sustainability, in terms of design; materials and long term management planning (refer to the Sustainability Assessment Criteria and Guidelines).

Management

- **26.** Adaptive reuse should aim for the long-term management and conservation of the place.
- **31.** Where reuse options are limited, adaptive reuse of places for use by PWG staff for management purposes is encouraged, where this is consistent with the place's significance.

Procedural guidelines

Guiding Principles for Adaptive Reuse of Heritage Places

For detailed information on adaptive reuse please refer to the **OEH Adaptive Reuse Guidelines** (in preparation) and the related documents listed below.

Related policies and other documents

The OEH Adaptive Reuse of Heritage Places Guidelines (in preparation) provides more detailed information to assist in the assessment of adaptive reuse proposals and to guide the leasing process.

Adaptive Reuse

<u>New Uses for Heritage Places: Guidelines for the Adaptation of Historic Buildings and Sites the Heritage Council of NSW & Royal Australian Institute of Architects NSW Chapter, 2008.</u>

<u>Guide to Building Conservation Works</u>, NSW National Parks and Wildlife Service, 2004.

DECC Policy and Guidelines for the Preparation of Conservation Management Plans (CMPs) - Policy:

http://ehub/cultureheritage/CMPpolicy.htm; Guidelines:

http://ehub/cultureheritage/CMPguidelines.htm

<u>DECC Guide to Approvals: Cultural Heritage Items on Land Gazetted</u> <u>under the National Parks and Wildlife Act 1974.</u>

Commercial Leases

DECC Property and Leasing Manual

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OEH's Public Register of leases, easements or rights of way (administered by the Business Operations Unit).

Cultural Heritage

DECC Cultural Heritage Strategic Policy (2006).

DECC Regional Cultural Heritage Management Strategies.

<u>Heritage Interpretation Policy Heritage Information Series Heritage Council of NSW.</u>

OEH Historic Heritage Reconstruction Policy (2011) (in preparation).

Guidelines for approvals: Cultural heritage places, buildings, landscapes and movable heritage items on NPWS estate.

Other relevant policies

Aboriginal Park Partnerships Policy (in draft stage)

Aboriginal Park Partnerships Manual

Construction Assessment Procedure

DECCW Procurement Guidelines

Events, Functions and Venues Policy

Living Parks: A sustainable visitation strategy

Environmental Planning and Assessment Manual

Park Visitor Facilities Policy

Park Facilities Manual

Plan of Management Manual

Review of Environmental Factors Guidelines

Staff Housing Policy

Sustainability Assessment Criteria

Sustainability Guidelines

Sustainable Tourism and Recreation Strategy (in draft stage)

Visitor Accommodation Policy

Accountabilities

This section of the Adaptive Reuse of Heritage Places Policy outlines the responsibilities of all persons who are involved in implementing the policy and/or ensuring its implementation.

Please refer to the following Delegations:

<u>Director-General and Minister Delegations of property and leasing functions - 7 August 2003</u>

Positions with significant responsibilities

Position	Responsibility
Ranger	Project planning, coordination and management
Area Manager	Adaptive reuse planning and management
Regional Managers	Endorsement of CMPs
Branch Director	Endorsement of CMPs
Executive Director, Country, Culture and Heritage	Delegated authority under the <i>Heritage Act</i> for approvals of CMPs for sites listed on the State Heritage Register.
Country, Culture and Heritage Division	Provide expert advice and guidance.
Manager Business Operations Unit	Provide advice on adaptive reuse commercial opportunities. Including assistance with: planning requirements and advertising, EOI/tender packages and tender evaluation. Facilitate provision of expert advice, execution of documentation and ongoing management of lease.

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Management accountabilities

Accountability	Title and topic
Endorsement of CMPs (for sites listed on the State Heritage Register) – Country, Culture & Heritage Division	Policy - Planning
Adherence to relevant legislation and mandating instruments – Regional Manager & Area Manager	Policy, relevant legislation and mandating instruments

Division, Branch and Unit accountabilities

Branch / Region

- Plan of management compliance / alteration
- Regional Cultural Heritage Management Strategies
- Adaptive reuse proposals project planning and management
- Site management
- Leasing and tendering

Country, Culture and Heritage Division

- Provide advice on adaptive reuse proposals and adaptation works
- Provide advice/endorsement of Conservation Management Plans
- Endorsement of Reviews of Environmental Factors and Statement of Heritage Impacts

Business Operations Unit

- Leasing and tendering process and associated documentation
- Business Planning
- Plan of Management amendment requirements relating to commercial use

Policy review

The Country, Culture and Heritage Division; Policy, Information and Knowledge Branch; Policy and Planning Section are responsible for coordinating the review of this policy. Reviews will be undertaken at least every five years, and more frequently if changes in legislation, policies or other areas require the amendment of this policy. The next scheduled review is due in 2016

Contacts for further advice

Manager - Policy and Planning Section; Policy, Information and Research Branch; Country, Culture and Heritage Division, OEH.

Heritage Architect - Policy and Planning Section; Policy, Information and Research Branch; Country, Culture and Heritage Division, OEH.

Heritage Asset Revitalisation Program (HARP) Coordinator - Policy and Planning Section; Policy, Information and Research Branch; Country, Culture and Heritage Division, OEH.

Manager – Business Operations Unit; Tourism & Partnerships Branch; Parks and Wildlife Group; OEH.

Heritage Branch - Environment and Heritage Policy and Programs Group, OEH **–** 02 9873 8599 or General Inquiries:

heritage@heritage.nsw.gov.au or

http://www.environment.nsw.gov.au/heritage/index.htm

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Appendix 1

Definitions

What is adaptive reuse?

Throughout this policy the term 'adaptive reuse' is based on the definition as it appears in the NP&W Act. It has, however, been expanded to include sustainable design issues (see Permissibility, p 7) as well as the broader usage of the term as applied within the heritage sector.

Adaptive reuse therefore applies to places to facilitate a:

- a. new use, and a
- b. continuing use*.

(*refer to: Mandating Instruments – Building Code of Australia)

What is a heritage place?

Place: means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views. (*Burra Charter Article 1: Definitions*)

For the purposes of this policy a **heritage place** may include:

- a. Buildings & groups of buildings
- b. Sites (archaeological sites, a memorial or site of an historical event)
- c. Structures (including: stockyards, cemeteries, lookouts)
- d. Improvements to lands

The setting and other associated places are often integral to the cultural significance of a heritage place and may include:

- Land & landscapes (gardens, an archaeological site, a road or travel route)
- Natural and cultural features
- Spaces and views
- The intangible heritage associated with a place

What is significance?

Cultural significance ('significance'): means the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

A place may have different significance for different individuals or groups. ⁱ

Other definitions

Adaptation: means modifying a place to suit the existing use or a proposed use. Examples include works for interpretation - such as signs and paths, installing new wiring, piping, equipment and services. Adaptation can also include construction of substantial new structures. ii

Adaptive Reuse: the National Parks & Wildlife Act, 1974, Section 5, (for the purposes of allowing the Minister to grant a lease within a reserve) defines adaptive reuse as: the modification of a building or structure and its curtilage to suit an existing or proposed use, and that use of the building or structure.

Amenity: the liveability of a place that makes it pleasant and agreeable to be in for individuals and the community. iii

Associations: mean the special connections that exist between people and a place. iv

Commercial: relating to or connected with trade, business or commerce $^{\rm v}$

Compatible use: means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance. Compatible use can be a number of different uses that overlap in space or time. The use for which the place was created, and long established uses are likely to be ones that respect the cultural significance of the place. vi

Conservation: means all the processes of looking after a place so as to retain its cultural significance. vii

Conservation Management Plan (CMP): is a non-statutory document that outlines the cultural heritage significance of an item and how the item is to be managed.

Cultural landscape: those areas which clearly represent or reflect the patterns of settlement or use of the landscape over a long time, as well as the evolution of cultural values, norms and attitudes towards the land. VIII

Curtilage: the area of land surrounding an item, area or place of heritage significance that is essential for retaining and interpreting its heritage significance. ^{ix}

Fabric: means all the physical material of the place including components, fixtures, contents and objects.^x

Interpretation: means all the ways of presenting the cultural significance of a place. xi

Lease: an agreement which gives rise to the relationship of landlord and tenant or lessor and lessee. A lease of land conveys from the owner (the lessor) to the tenant or lessee an estate in the land with an exclusive right of possession for a certain period. xii

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Maintenance: means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. xiii

Modified natural area: means an area of land where the native vegetation cover has been substantially modified or removed by human activity (other than activity relating to bush fire management or wild fire) and that is identified in a plan of management as not being appropriate for or capable of restoration.

Park: means a reserve established under the National Parks and Wildlife Act, 1974, i.e. a national park, nature reserve, historic site, state conservation area, regional park or karst conservation reserve, but does not include land reserved under Part 4A. xiv

Preservation: means maintaining the fabric of a place in its existing state and retarding deterioration. **

Reconstruction: returning a ruinous Place as nearly as possible to a known earlier state by the introduction of new materials to the place. These materials can be either modern and/or historic in origin. This is not be confused with general maintenance, re-creation, rebuilding or conjectural reconstruction and is distinguished from restoration by the introduction of new materials. xvi

Repair: involves restoration or reconstruction. xvii

Restoration: means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials. *viii

 $\emph{Setting:}$ means the area around a place, which may include the visual catchments. $^{\text{xix}}$

Sustainability Assessment Criteria: refers to the criteria adopted by the Chief Executive under s.151B(3) of the NPW Act, which the Minister must have regard to prior to granting a lease or licence under s.151. .*x

Sustainability Guidelines: means the Sustainability Guidelines 2011¹

Use: means the functions of a place, as well as the activities and practices that may occur at the place. Use includes the functions a place serves, including occasional or seasonal functions. *xi

Appendix 2

Relevant legislation, mandating and non-mandating instruments

Legislation

National Parks and Wildlife Act, 1974

The NPW Act recognises and makes provision for the adaptive reuse of buildings and structures.

Section 151 of the NPW Act allows the grant of leases or licences within reserved lands. The uses for which leases and licences may be granted are detailed in s.151A and include adaptive reuse.

In deciding whether to grant a lease or licence the Minister is required to consider certain matters specified in s.151B and in the Sustainability Assessment Criteria. It is OEH policy that all proposals of the kind listed in s.151A (whether they involve external proponents or OEH projects) will be subject to the Sustainability Assessment Criteria. Further information is provided in the Sustainability Guidelines.

Environmental Planning and Assessment Act, 1979

The EP&A Act is the statutory framework for land use and development in NSW. Part 5 requires the consideration of environmental (and heritage) impacts of any activities, which would include adaptive reuse of buildings and structures. OEH procedures for the preparation of Reviews of Environmental Factors address this requirement.

The Heritage Act, 1977

Places listed on the State Heritage Register are subject to an additional level of approval under the New South Wales *Heritage Act*, 1977. Items listed must be managed in accordance with the Minimum Standards of Maintenance and Repair which includes, weatherproofing, fire protection, security and essential maintenance. All works undertaken on a State Heritage listed item must be in accordance with a Heritage Council endorsed Conservation Management Plan.

Environment Protection and Biodiversity Conservation Act, 1999

If the item is listed on the National Heritage or Commonwealth Heritage lists or is within a World Heritage Area, the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999 will need to be* considered.

Mandating Instruments

Building Code of Australia (BCA)

The Building Code of Australia (BCA) provides a set of measurable construction standards to be used in design and construction of new building work. The BCA is not applied retrospectively. It does not apply

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to existing heritage buildings that are not being used or are being used for their original purpose.

However, the BCA is applicable to:

- a. adaptive reuse involving a change in use
- b. adaptive reuse involving alterations and/or additions to a building.

For further information refer to the DECCW Construction Assessment Procedures.

Non-mandating instruments

DECC Corporate Plan 2008-2012

In line with the State Plan the *DECC Corporate Plan 2008-2012* promotes increased visitation to OEH managed lands. An increase in visitation and the associated requirements for greater levels of infrastructure may increase the financial viability of some adaptive reuse proposals.

The Corporate Plan states that OEH:

Priority P.37 "Prepare and implement conservation management plans for significant historic heritage values, with a focus on adaptive reuse options".

Priority P.38 "Implement a total asset maintenance system to manage the built infrastructure, including priority historic sites and places, within national parks, reserves and gardens".

DECC Cultural Heritage Strategic Policy

The Cultural Heritage Strategic Policy (DECC 2007) recognises that cultural heritage is dynamic. It advocates that the future use of cultural heritage places should provide for ongoing and new associations consistent with community needs and aspirations as well as with the significance of the place. It outlines OEH's commitment to 'best practice' and to innovation.

Regional Cultural Heritage Management Strategies

Parks and Wildlife Group have developed Regional Cultural Heritage Management Strategy's (RCHMS) which identify high priority sites for active management and sets out conservation outcomes for these places. RCHMS should identify places with potential for adaptive reuse and this should inform reserve Plans of Management.

Reserve Plans of Management

For PWG lands the reserve Plan of Management (PoM) is the guiding document for the planning and management of a reserve. The PoM should include specific actions identifying reuse opportunities and management of heritage places.

The Australian ICOMOS Burra Charter

OEH ascribes to the processes articulated in the *Australia ICOMOS Burra Charter 1999* and supports the use of the *Burra Charter* processes when undertaking cultural heritage conservation.

ICOMOS Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas

The ICOMOS Xi'an Declaration advocates better protection of the world's heritage structures, sites and areas and their settings by acknowledging the contribution of setting to significance. It advocates developing planning tools and practices to conserve and manage settings and the monitoring and management of change affecting settings.

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ⁱ The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

ii The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

iii NSW Heritage Office 2008 New Uses for Heritage Places Guidelines for the Adaptation of Historic Buildings and Sites, Heritage Council of NSW & RAIA NSW Chapter

^{iv} The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1 ^v DECC Property and Leasing Manual, October 2005

vi The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

vii The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

viii Context P/L, Urban Indicatives P/L and Doyle, H 2002 *Port Arthur Historic Site Landscape Management Plan* Prepared for the Port Arthur Historic Site Management Authority, Tasmania.

^{ix} NSW Heritage Office 2008 New Uses for Heritage Places Guidelines for the Adaptation of Historic Buildings and Sites, Heritage Council of NSW & RAIA NSW Chapter

^x The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

xi The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

xii DECC Property and Leasing Manual, October 2005

xiii The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1 xiv NSW National Parks and Wildlife Act, 1974

xv The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

xvi The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

xvii The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

xviii The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

xix The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1

xx Sustainability Assessment Criteria for visitor use and tourism in NSW national parks – February 2011

xx Sustainability Guidelines: for visitor use and tourism in NSW national parks. – February 2011

xxi The Australia ICOMOS Illustrated Burra Charter: Good Practice for Heritage Places (2004) Article 1