

# Heritage Act Delegations: City of Sydney Council

## Stage 1



To cut red tape and reduce assessment timeframes, the Heritage Council of NSW has delegated a range of functions to City of Sydney Council. This delegation applies to applications under the *Heritage Act 1977* within the City of Sydney Local Government Area. The delegation will be implemented in stages; these FAQ address Stage 1.

### What is delegated authority?

The *Heritage Act 1977* (Heritage Act) provides the Heritage Council of NSW (Heritage Council), and the Minister with a range of functions. There are several delegations currently in place to enable more timely decision making. For example, senior officers within Heritage NSW, Place Management NSW, Sydney Living Museums and Sydney Water all currently exercise various delegations. The City of Sydney Council can now also carry out certain functions under the Heritage Act.

### What Heritage Act functions will the City of Sydney Council do?

City of Sydney Council can undertake assessment and determination functions for the following application types for sites within the City of Sydney Local Government Area:

- section 57(2) Exemption Notifications for minor works,
- section 60 applications for all other works,
- section 65(A) modification applications,
- providing general terms of approval, or advising that approval will not be provided, for Integrated Development Applications under the *Environmental Planning and Assessment Act 1979*.

The delegation only applies where the proposed works will not materially affect the heritage significance of the State heritage item. The delegation also excludes determination of applications that would impact state significant archaeology, or historic shipwrecks.

### What are City of Sydney's responsibilities when exercising delegation?

When exercising delegation, City of Sydney Council must consider all relevant matters required by the Heritage Act and comply with the Instrument of Delegation. City of Sydney Council is required to refer all applications to the Heritage Council where the proposed works are considered to materially affect the heritage significance of the item, or impact state significant archaeology or historic shipwrecks.

### When does the delegation commence?

The delegation will be rolled out in stages. Stage 1 will commence on 28 January 2020. During this initial stage, City of Sydney Council will undertake the full assessment of applications and provide its recommendation to the Heritage Council. Later stages will formally activate the delegated functions.

### Where do I lodge my application?

For Stage 1, all Heritage Act applications continue to be lodged with the Heritage Council via [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au). Applicants will be advised if their application has been referred to the City of Sydney Council for assessment. (Note: Integrated Development Applications continue to be lodged directly with City of Sydney Council, as this is not a Heritage Act application).

### **Have the timeframes changed?**

Application timeframes will remain the same for all application types during Stage 1. In Stage 2 section 57(2) Exemption Notification Forms will be processed within 28 days of lodgement.

### **Have the fees changed and how can I pay?**

During Stage 1, fees will remain the same for all application types, and continue to be paid directly to the Heritage Council. The fee calculator can be located at: <https://www.environment.nsw.gov.au/Heritage/publications/feecalc.htm>. Although there is currently no fee for section 57(2) Exemption Notification Forms, City of Sydney Council may charge a fee for Section 57(2) Exemption Notifications in Stage 2.

### **Where do I go for a pre-lodgement meeting?**

For Stage 1, continue to request any pre-lodgement comments directly from Heritage NSW. Heritage NSW will refer the request to City of Sydney Council as required.

### **What application form do I use?**

Continue to use the application forms on the Heritage Council's website:  
<https://www.environment.nsw.gov.au/Heritage/publications/permitapps.htm>

### **How will the Heritage Council know what decisions have been made?**

For Stage 1, the Heritage Council (or its Heritage NSW delegate) will continue to determine applications. When City of Sydney Council begins to make formal delegated decisions (Stage 2), these decisions will need to be regularly reported to the Heritage Council for monitoring and compliance.

### **What if City of Sydney Council takes too long to assess my application?**

If your application is referred by Heritage NSW to City of Sydney Council for assessment and you are dissatisfied with the progress of your application, you should discuss your concerns directly with the City of Sydney Council. If there is no satisfactory resolution, please contact Heritage NSW.

### **Further information on the implementation will be released to coincide with the commencement of each stage.**

For more information contact...

Heritage NSW on:

T: 02 9873 8500 or

E: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Or

City of Sydney Council on:

T: 02 9265 9333 or

E: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)