

## **Fast Track Pathway**

Heritage Act 1977 Section 60



Kiama Uniting Church Lecture Hall

Image credit: Daryl Back

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Version number 2, updated September 2022

## Fast Track pathway

### Summary

A streamlined approval pathway is available for works that have (or have the potential to have) a **minor impact** on the heritage significance of State heritage items. The fast track pathway offers landholders/owners a simplified process and determination of applications within 21 days of acceptance.

The fast track approval pathway is for activities and works:

- to an item listed on the NSW State Heritage Register (SHR) or subject to an Interim Heritage Order (IHO),
- that will have little or no adverse impact on the heritage significance of the item, in the opinion of the Heritage Council (or its delegate),
- that are not listed as an exemption under the *Heritage Act 1977* (the *Heritage Act*),
- that will not exceed an estimated cost of \$150,000
- that accord with any relevant guidelines.

If you apply for fast track approval and your works are not eligible for a fast track application, your application will be refused. Your applicable fee will not be refunded. You will need to reapply for a Standard Section 60 application and pay the relevant fee.

This document contains steps for using the fast track approval pathway and a non-exhaustive list of example activities/works which may be eligible for fast track approval. Each example includes standards that apply to those activities/works. Fast track applications are subject to assessment and approval by the Heritage Council (or its delegate). Approvals may be subject to conditions of consent.



Figure 1 Brick pointing workshop. Credit - Orange City Council

## Steps for using the Fast Track pathway

Working through the steps below can help you to:

- decide if your works are suitable for a fast track application, and
- comply with the requirements of the fast track pathway.

### Step 1 Check the listing

Search the [State Heritage Inventory](#) to confirm the item is listed on the SHR or subject to an IHO. The online database entry may also contain important information relevant to your proposed activities/works.

### Step 2: Check if exemptions apply

Before commencing an application, you must check whether your works are exempt from approval.

Proposed activities/works may be exempt from approval if:

- The activities/works fit the description of one or more of the Standard Exemptions and comply with the Standard Exemptions general conditions and the relevant standards listed for the activities/works. These are listed on the [Standard Exemptions webpage](#).
- The activities/works fit the description of any applicable site-specific exemptions for the item. Some items listed on the SHR have site specific exemptions. Search the State Heritage Inventory to confirm if site specific exemptions apply. The details will be recorded in the procedures/exemptions section of the item's listing details.

If the proposed activities/works are not exempt, approval is required under the *Heritage Act*.

### Step 3: Are my activities eligible for fast track approval?

The Approval Pathway Decision Tree in figure 1 can help you determine which approval pathway is the most appropriate for you.

To be eligible to use the fast track pathway, proposed activities/works to an item must:

- a) have little or no adverse impact on the heritage significance of the item
- b) not be listed as an exemption under the *Heritage Act 1977*
- c) not exceed an estimated cost of \$150,000; and

Applicants should note:

- a) Application may be made by the owner of the item that is the subject of the application, or any person with consent in writing of that owner, or if the item is situated on Crown Land as defined in the *Crown Land Management Act 2016*, the lawful occupier.
- b) Approval under the fast track pathway is specific to the *Heritage Act* and does not constitute authorisation, approval or exemptions of the proposed activities or works under

any other legislation, Local Government and State Government requirements including, but not limited to, the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*.

- c) The proposed activities/works undertaken must comply with all relevant standards and guidelines and have all necessary approvals.
- d) It is an offence to do any of the things listed in section 57(1) of the *Heritage Act* without a valid exemption or approval.
- e) Authorised persons under the *Heritage Act 1977* carry out inspections for compliance.
- f) A person guilty of an offence against the *Heritage Act 1977* shall be liable to a penalty or imprisonment, or both under Section 157 of the *Heritage Act 1977*.
- g) Approval under the fast track pathway does not constitute satisfaction of the relevant deemed-to-satisfy provisions of the *Building Code of Australia* for ancillary works
- h) The proposed activities or works must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*.

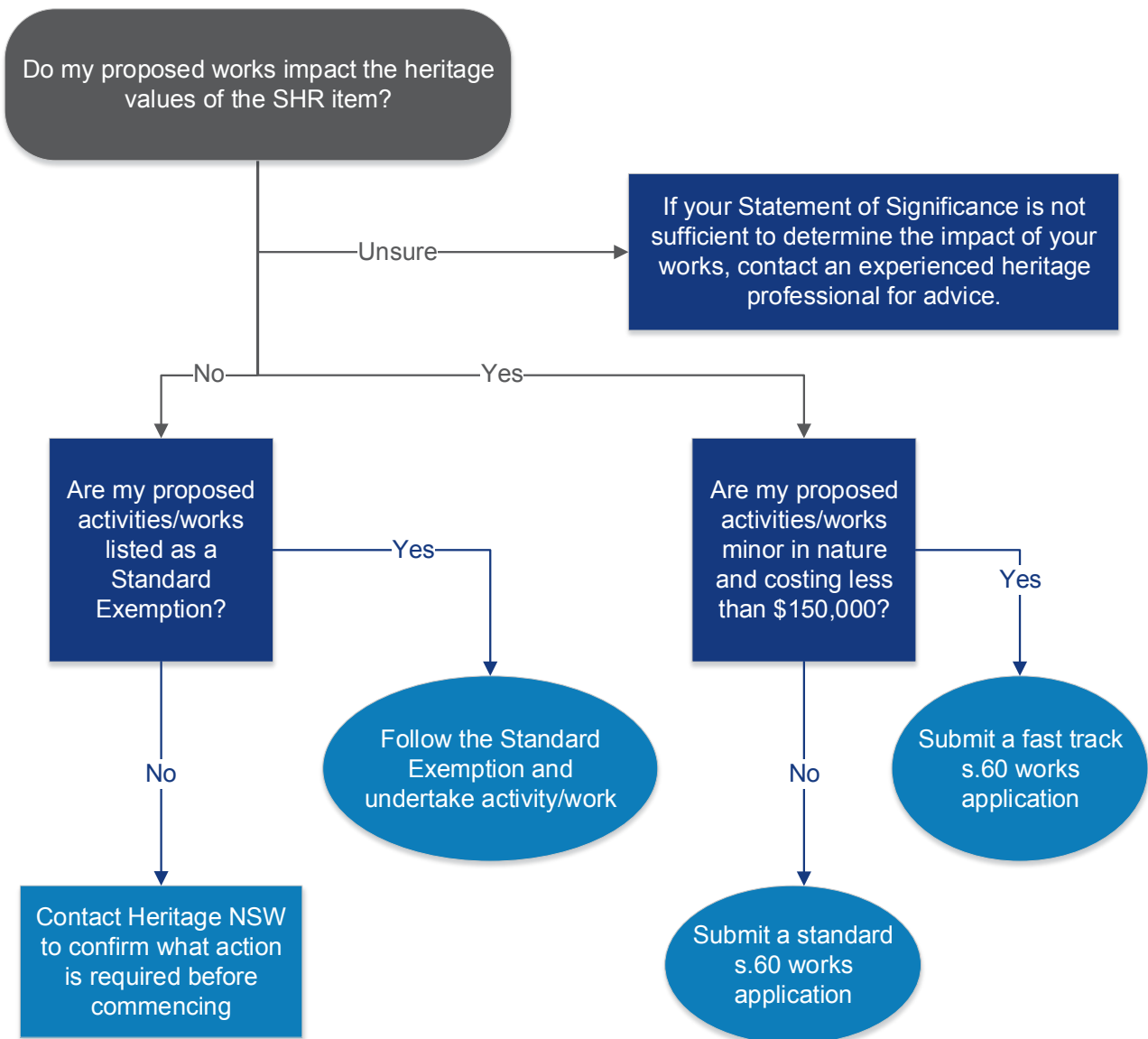
If you are still unsure which approval pathway is the right one for your work contact us.



**Figure 1:** Approval Pathway Decision Tree - How to proceed when considering changes to a State heritage item

Review the State Heritage Register (SHR) item's Statement of Heritage Significance and consult the item's Conservation Management Plan, Conservation Management Strategy, Archaeological Management Plan, or Aboriginal Place Management Plan, and consider:

- why the item is of heritage significance
- what the impact of the proposed works will have on that significance
- how those impacts can be avoided or minimised, and
- why other solutions are not possible



#### Step 4: Completing and submitting the application

If your proposed works meets the eligibility criteria for the fast track approval pathway, lodge the [fast track application online](#). If required information is not provide with your application, it will be returned as incomplete and will not be processed.

To calculate the required fee see the Heritage NSW website fee calculator. If you are experiencing financial hardship, you can apply to have the fee reduced or waived – please submit evidence of financial hardship with your application.

Check that you have all supporting documents required and ensure they are attached with your lodged application.

For an item with an IHO made by a local council, send the application and fee to the local council.

#### How are fast track applications considered?

Fast track applications submitted on the approved form are assessed by the Heritage Council (or its delegate) in accordance with its obligations under Part 4 Subdivision 1 of Division 3 of the *Heritage Act*. Assessing officers may request additional information.

In assessing an application, the Heritage Council (or its delegate) will take into consideration:

- the extent to which the application, if approved, would affect the significance of any item as an item of environmental heritage;
- such matters relating to the conservation of the item or land as the Heritage Council (or its delegate) considers relevant;
- any applicable conservation management document; and
- any other matter that the Heritage Council (or its delegate) considers relevant.

Fast track applications are processed within 21 days.

Applications made under the fast track pathway may be:

- granted approval, with or without conditions or
- refused.