

the approvals process

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HERITAGE PLACES AND ITEMS OF PARTICULAR IMPORTANCE TO THE PEOPLE OF NSW ARE LISTED ON THE STATE HERITAGE REGISTER.



Members of the Heritage Council of NSW with the Chair, Mrs Hazel Hawke.
Photograph by Paramount Studios

The Heritage Council is appointed by the NSW Government to:

- provide advice on heritage matters to the Minister for Urban Affairs and Planning;
- recommend items of State significance for listing on the State Heritage Register;
- recommend the interim protection of potential heritage items so that an assessment of their significance can be made;
- determine proposed changes to items on the State Heritage Register to retain the items' heritage significance; and
- advise the community on heritage.

Listing on the State Heritage Register, means that the Heritage Council becomes the joint consent authority with the local council (and sometimes with other State agencies) for proposals for changes that may affect the item's heritage significance. This also applies to items subject to an interim heritage order made by the Minister. This process is known as Integrated Development Assessment (IDA) under the *Environmental Planning and Assessment Act 1979*. The local council is the consent authority under the Act for items covered by interim heritage orders made by the council itself under delegated authority.

The Heritage Council's approval function has been delegated to its Approvals Committee.

EXEMPTIONS

Owners of items listed on the State Heritage Register do not need to apply for consent for routine maintenance or minor

works as described in the Heritage Office publication, *Standard Exemptions for Works Requiring Heritage Council Approval*. Some sites are also covered by additional site specific exemptions that have been approved by the Minister.

Under the *Heritage Act 1977*, owners are required to protect their property from vandalism and risk of damage from the elements. Further details are outlined in the Heritage Office publication, *Minimum Standards of Maintenance and Repair*.

DEVELOPMENT ACTIVITIES REQUIRING APPROVAL UNDER THE HERITAGE ACT

For an item listed on the State Heritage Register the following activities require application to the Heritage Council:

- a) any demolition;
- b) damage to any part of the item;
- c) movement of a movable object or archaeological relic;
- d) excavation for the purpose of exposing or moving a relic;
- e) development of land on which the building, work or relic is situated, including intangible development such as subdivision or change of use;
- f) alteration of the building, work, relic or movable object;
- g) display of any notice or advertisement on the place, building, work, relic, movable object or land, or in the precinct;
- h) damage, destruction or removal of any tree or other vegetation from the place, precinct or land.

Where the proposed works will have a minimal impact on the heritage significance of the item, approval can be given by the Director of the Heritage Office under delegation from the Heritage Council. This option may be decided during discussion with the Heritage Office prior to the formal development application process (see below).

IDA does not apply to State agencies that own items listed on the State Heritage Register. They still need to obtain approval from the Heritage Council, however, for works in any of the categories listed above.



Customs House, Sydney.

Photograph by NSW Heritage Office

THE IMPORTANCE OF CONSERVATION MANAGEMENT PLANS

A conservation management plan explains why a heritage item is significant and describes constraints and opportunities for its future development. It provides policies to maintain and enhance its heritage significance and to guide future uses and alterations.

A well prepared plan provides a basic reference document for the owner, other interested parties and the consent authorities. It assists the owner to prepare development proposals that respect and retain the item's heritage significance.

Time and money spent on preparing a conservation management plan can save owners energy and resources when they reach the development design stage. Indeed, if the Heritage Council endorses the conservation management plan and the owner prepares proposals that are in line with it, the Heritage Council may waive the requirement to seek its formal approval under section 60 of the Heritage Act.

DISCUSSION PRIOR TO THE FORMAL DEVELOPMENT APPLICATION PROCESS

The Heritage Office works closely with local councils so that heritage matters involved in IDA applications are dealt with in a consistent manner. A member of the

Heritage Office staff is assigned to each IDA application. Applicants should contact the Administrative Officer for the Local Government Team on (02) 9849 9555 to find out who has been assigned to their project.

Owners and consent authorities alike may benefit from detailed discussion of any proposals at the concept stage prior to official lodgment of applications. A minimum of three weeks should be allowed between the date of this meeting and the formal lodgment of the application so that the proposal can be modified as a result of these discussions.

The meeting should be arranged through the local council, and should involve the council officer dealing with the application, the council's heritage advisor and the Heritage Office staff member dealing with your application. Detailed plans or drawings are not required at this discussion stage, but it will help to focus the discussion if the concepts can be clearly indicated on a plan or photograph of the item in its current form.

The discussion should conclude with a clear understanding of how the concept accords with the requirements of the consent authorities or the policies of a conservation management plan. Applicants will be given minutes of the meeting, but it is advisable to clarify what is required and what further work is needed before the meeting ends. This can save unnecessary expense and consultants' time.

WHAT THE HERITAGE COUNCIL CONSIDERS WHEN PROCESSING IDA APPLICATIONS

The most important factor the Heritage Council considers when assessing IDA applications is the impact that the proposed development is likely to have on the heritage significance of the item. It is therefore important that all parties involved in the IDA process understand why the item is considered to be of heritage significance, and preferably agree on policies that will conserve that significance.

The Heritage Office publication *Altering Heritage Assets* in the *NSW Heritage Manual* outlines Heritage Council policy on development. In addition, the Heritage Council and the application must take into account archaeology, movable heritage and appropriate curtilages - issues that are frequently overlooked. *Altering Heritage Assets* can be purchased from the Heritage Office - for further details visit the home page at www.heritage.nsw.gov.au

LODGING IDA APPLICATIONS

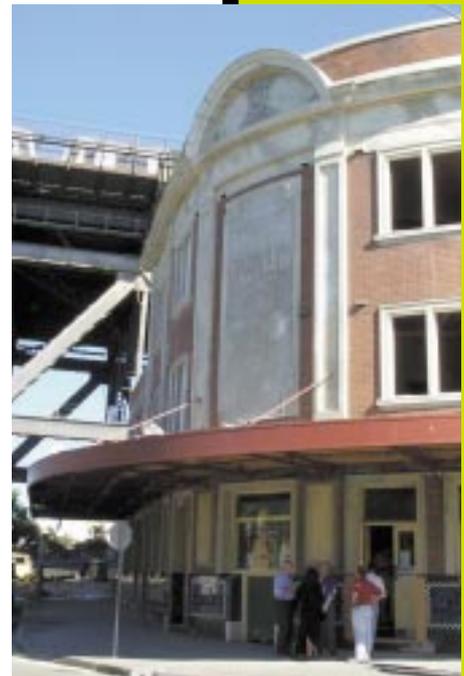
IDA applications are lodged with the local council in a similar manner to normal development applications. The local council then refers the application to the Heritage Council. An additional charge of \$250 is required towards the Heritage Council's fee for assessing the application.

A well prepared plan provides a basic reference document for the owner, other interested parties and the consent authorities. It assists the owner to prepare development proposals that respect the item's heritage significance.



Interior of the Australian Technology Park in Redfern.

Photograph by Rajeev Maini



A site meeting at the Harbour View Hotel in Millers Point to discuss current works to the State heritage-listed hotel.

Photograph by Rajeev Maini



After careful changes and conservation work, the Eveleigh Railway Yards site in Redfern is now home to the offices, seminar rooms and public spaces of the Australian Technology Park.

Photograph by NSW Heritage Office

The local council must advertise the application for public comment for 30 days. Copies of submissions made in response to the advertisement are sent to the Heritage Council. An IDA must be determined within 60 days of its lodgment.

INFORMATION REQUIRED BY THE HERITAGE COUNCIL UNDER IDA

All IDA applications referred to the Heritage Council need to be supported by a **statement of heritage impact**, which analyses and clearly states the impact of the proposal on the item's heritage significance. This statement should include a statement of heritage significance, an archaeological assessment (where sub-surface works are proposed) and a conservation policy or conservation management plan.

The level of support information required will vary with each application and depends on:

- (a) why the item is of heritage significance;
- (b) the complexity of the heritage item;
- (c) the type and extent of work proposed; and
- (d) the impact of the work on that significance.

For complex issues it may be useful to engage a consultant with heritage conservation experience to prepare a statement of heritage impact. The Heritage Council requires two copies of the application, one to stamp approval and return to the local council and one for its own records.

TIMING

The IDA process is designed to save everybody's time. Understanding the timing and sequence of the process enables applicants to get through it with a minimum of delay.

The consent authorities must make decisions on IDA applications within 60 days of the application being lodged with the local council. The critical timing factors from the Heritage Office's point of view are:

- the date the Heritage Office receives the application from the local council. Once received, the office has 25 days to request more information. If further information is requested within this time the 60-day clock stops until two days after the Heritage Office receives the required information; and
- the close of the advertising period. The local council then sends any public submissions it receives to the Heritage Office. The Heritage Council must make a decision on the application within 21 days of the receipt of these submissions.

While the Heritage Council must approve a heritage IDA for it to succeed, the local council is the final authority. An IDA application that has been approved by the Heritage Council can still be rejected by the local council for non-heritage reasons.



Conservation work has recently been carried out on the Corowa Courthouse which is listed for its important part in Australia's journey to Federation.

Photograph by NSW Heritage Office

RESPONDING TO HERITAGE OFFICE REPORTS

Applicants may ask to see the Heritage Office's report to the Approvals Committee on their IDA application one week before the meeting day. A supplementary one page report to correct factual errors in the report may be submitted no later than 12 noon on the day before the meeting. Response may be made only to factual information in the report, not to any opinions or draft recommendations it contains.

MEETING PROCEDURES

The Heritage Office, in consultation with the Chair or Deputy Chair of the Heritage Council or the relevant committee or panel, will decide which IDA applications require a presentation to the Heritage Council's Approvals Committee. Applicants will be advised which specific issues will need to be addressed if requested to make a presentation, and whether any additional visual information is required. Presentations must be limited to ten minutes and should therefore focus on the issues identified in the Heritage Office report. See the separate guideline *Presentations to the Heritage Council* for more details.

Notice of the Heritage Council's decision is sent to the local council. Proponents may request a draft of the Heritage Council's resolution 48 hours after the meeting.

HERITAGE COUNCIL ONLINE

Further information about the Heritage Council is available via the Heritage Office homepage at www.heritage.nsw.gov.au.

Agendas of Heritage Council, State Heritage Register Committee and Approvals Committee meetings are posted on the homepage one week prior to the meeting.

Minutes of the meeting are available online, or at the Heritage Office, once they have been submitted to the Minister.

APPLICATIONS FOR WORKS

Following completion of the IDA process, an application will need to be submitted to the Heritage Council to undertake the actual works, as required by section 60 of the Heritage Act. This application must take account of the Heritage Council's general terms of approval for the IDA application. The section 60 application will need to be received by the Heritage Office one month prior to the Approvals Committee meeting.

APPEALS

An appeal against the decision of either the Heritage Council or the local council on an IDA application can be made to the Land and Environment Court within twelve months from the time notice of the decision is received.

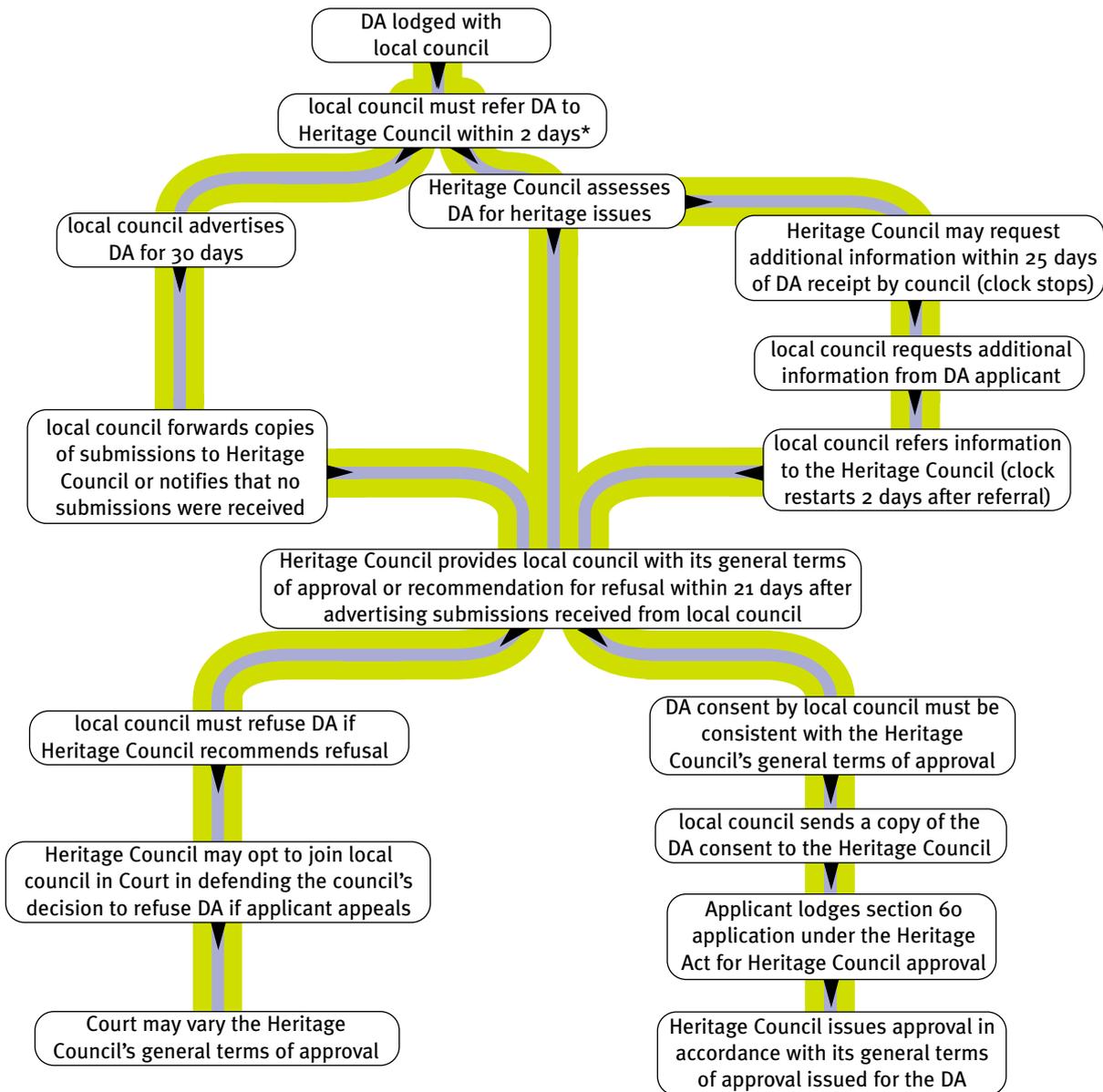
An appeal against the decision of the Heritage Council on a section 60 application can be made to the Minister within twelve months from the time notice of the decision is received.



Recent conservation and refurbishment have ensured that the Sydney Customs House remains a striking physical reminder of the importance of Circular Quay as the original maritime centre for the colony.

Photograph by NSW Heritage Office

APPLICATIONS FOR INTEGRATED DEVELOPMENT – PROCESS FOR ITEMS ON THE STATE HERITAGE REGISTER OR SUBJECT TO AN INTERIM HERITAGE ORDER



Deemed Refusal for DA 60 days

Note:
The local council may also refuse the DA for non-heritage reasons

*** If DA not received within 5 days, 21 day period commences after date of receipt by Heritage Council**

Note:
Applications for designated development lodged concurrently with consent and approval authorities

GUIDELINES IN THIS SERIES:

- 1 the role of the Heritage Council
- 2 the State Heritage Register
- 3 the approvals process
- 4 presentations to the Heritage Council

Cover: The Heritage Council encourages the continued use of heritage places, while carefully monitoring how change will affect heritage significance. The former GPO in Sydney is an example of how adaptive re-use can bring new life to heritage places.

Photograph by Rajeev Maini

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