



Heritage asset management guidelines

Heritage Council of NSW guidelines for state agencies

Department of Climate Change,
Energy, the Environment and Water



Acknowledgement of Country

Department of Climate Change, Energy, the Environment and Water acknowledges the Traditional Custodians of the lands where we work and live.

We pay our respects to Elders past, present and emerging.

This resource may contain images or names of deceased persons in photographs or historical content.

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1. Introduction

NSW state agencies are fortunate to have responsibility for many of the earliest and most valued heritage assets in our community, including our first schools, courthouses and hospitals. Created to deliver public services, these places, and sometimes objects, are now listed as heritage items because of their value to the community.

State agencies have traditionally taken a lead role to ensure that many of these heritage assets not only survive but continue to thrive. This is done by allowing assets to be used, visited, enjoyed and discovered by the community. Using state agency heritage and conservation registers to know and understand the extent of these assets allows state agencies to keep playing a lead role in heritage asset management and preserving the story of New South Wales.

1.1 About the guidelines

The guidelines — *Heritage asset management: Heritage Council of NSW guidelines for state agencies* — is issued in accordance with section (s) 170A(3) of the *Heritage Act 1977* (the Act). This document supersedes ‘Part 2: Heritage asset management guidelines’ of the *State agency heritage guide: management of heritage assets for NSW government agencies* (NSW Heritage Office and Heritage Council 2005). These updated guidelines form part of a suite of documents published by the Heritage Council of NSW and Heritage NSW to assist agencies to manage their heritage assets. Under the Act, agencies must comply with these guidelines.

The guidelines:

- assist agencies in the preparation of heritage and conservation registers
- clarify heritage asset management strategies
- explain the responsibilities agencies have in complying with the Act
- provide technical and legislative guidance to agencies
- set out timeframes for the Heritage Council (and Heritage NSW as its delegate) to process notifications and assess heritage and conservation registers
- clarify requirements for communicating with the Heritage Council and Heritage NSW
- outline Heritage Council and Heritage NSW commitments and responsibilities to agencies.

Section 15 includes definitions for key terms used in the guidelines. Section 16 includes a reference list for documents cited in the report (with web links where available) as well as links to websites and webpages referred to in the guidelines.

1.2 Supporting documents

There are a number of documents that support these guidelines.

State Owned Heritage Management Principles

State Owned Heritage Management Principles (the principles) are prepared in accordance with s 170A(2) of the Act. The principles outline the standards that agencies should aim to achieve when managing their heritage assets.

Material threshold policy

The *Material threshold policy* (Heritage NSW 2020) provides clarity to decision-makers, heritage specialists, owners and managers of items listed on the State Heritage Register about how the material threshold is applied to measuring impacts on state heritage significance under the Act.

Standard exemptions

Under s 57(2) of the Act, agencies are permitted to undertake works that support the day-to-day, practical management of a heritage asset, as long as the work does not impact heritage significance of the item. These are referred to as standard exemptions. Standard exemptions approved by the Minister are defined in the *NSW Government Gazette*.

Standard exemptions apply to all items listed on the State Heritage Register or subject to an interim heritage order.

1.3 Integrating heritage asset management

Managing heritage assets must be integrated into an agency's overall asset management and Capital Planning Process. Capital planning is the NSW Government's strategic approach to physical asset management.

These guidelines require agencies to take an integrated approach to managing their heritage assets that allows them to meet capital planning requirements.

1.4 Guideline update and review

The Heritage Council will review the guidelines as required. This will include consideration of submissions from agencies on the effectiveness of their implementation.

2. Responsibilities of agencies under the *Heritage Act 1977*

The Act requires agencies to identify and maintain heritage assets that they care for, manage or control, own or occupy.

This section of the guideline details the responsibilities agencies have under s 170 and summarises other responsibilities and penalties applicable to agencies under the Act.

2.1 Management of agency heritage assets

The Act includes provisions that relate to heritage assets listed on heritage and conservation registers. These provisions are discussed below.

Heritage and conservation registers

Under s 170(3) of the Act, state agencies are required to produce and maintain a register of heritage assets that they care for, manage or control (including ownership and occupation). The register is known as a 'heritage and conservation register'.

Section 170(6) requires agencies to provide a copy of their heritage and conservation register (and any amendments) to the Heritage Council, in accordance with such directions as may be given by the Heritage Council.

Sections 170(7) and (8) state that a person may be able to inspect an agency's heritage and conservation register or copy of that register free of charge at the office, or principal office of the agency or the Heritage Council during the ordinary hours of the agency or Heritage Council.

Heritage and conservation registers are public documents and must be reviewed and, if necessary, amended at least once a year. Publication of a register on the State Heritage Inventory is considered to satisfy this requirement of the Act. A heritage and conservation register can be published on the State Heritage Inventory via the Heritage Management System.

Listing a heritage asset on a heritage and conservation register does not create an obligation to obtain Heritage Council approval for future works. Under the Act, the Heritage Council's approval is required for assets listed on the State Heritage Register or that are subject to an interim heritage order. Under ss 139 and 140 of the Act, approvals may also be needed to disturb 'relics' (see definition in Section 15) that are not listed on the State Heritage Register or subject to an interim heritage order.

Information on when and how to prepare and submit a heritage and conservation register is detailed in Section 5 of the guidelines.

Annual review

Once an agency's heritage and conservation register has been accepted by the Heritage Council or Heritage NSW, the agency is required to review and, if necessary, amend its register annually.

Agencies must provide their register to the Heritage Council with a document stating:

- how the principles and guidelines have been adopted as part of an agency's heritage asset management strategy
- the condition of items listed on the agency's heritage and conservation register
- any proposed changes to the heritage assets on an agency's heritage and conservation register (note that this does not remove the need to submit a s 170A(1) notification).

Notifications

Section 170A(1) of the Act directs that agencies give not less than 14 days notice to the Heritage Council before the agency does any of the following to an item on its heritage and conservation register:

- removes any item from its register
- transfers the ownership of any item on its register
- ceases to occupy any place, building or work on the register
- demolishes (or partially demolishes) any place, building or work on the register.

Where the asset is on the State Heritage Register or has been identified as being of state heritage significance on an agency's heritage and conservation register or a local environmental plan, the agency must give 40 days notice before demolition or partial demolition takes place.

It is important to note that State Heritage Register assets may be subject to partial demolition under certain circumstances (e.g. adaptive reuse, being beyond salvage or repair), but they cannot be completely demolished.

State Owned Heritage Management Principles (the principles)

Section 170A(2) of the Act requires agencies to manage items on their heritage and conservation registers with due diligence and in accordance with the 'State Owned Heritage Management Principles' (the principles) approved by the Minister on the advice of the Heritage Council.

The principles outline the standards agencies should achieve when managing their heritage assets.

Heritage asset management guidelines

Section 170A(3) of the Act enables the Heritage Council to issue 'heritage asset management guidelines' (this document) to agencies regarding conservation of heritage assets on their heritage and conservation registers. Agencies must comply with the guidelines.

Legal compliance and penalties under the Act

There are a range of penalties (s 157) for breaches of the Act.

Currently a person, director or an employee of a corporation found guilty of an offence faces a maximum fine of \$1.1 million (10,000 penalty units) and/or 6 months in jail. Where a court finds that a breach of the Act has occurred, it may also:

- place restraints on use
- require the demolition or removal of a building or work
- require restoration or reinstatement, or
- require the reconstruction of a building or work.

If the owner of an asset is convicted of an offence against this Act involving demolition or damage, the Minister may serve an order requiring:

- no development or use of the land for up to 10 years
- restoration of the asset to the condition it was in before the demolition or damage, or
- no development or use except that within the original building envelope.

2.2 Other requirements of the Act

Heritage asset managers must be familiar with requirements outlined in the Act, the Heritage Regulation 2012 (the regulations) and guidance documents from the Heritage Council. These include:

- Heritage Council, s 60 and other approvals (e.g. s 57(2) and s 140)
- minimum standards of maintenance and repair for items listed on the State Heritage Register (ss 118 to 120)
- short-term protection measures, including interim heritage orders and orders restricting harm to buildings under s 136 of the Act and related approval requirements
- s 146 notifications following the discovery of relics in any circumstances (regardless of whether an approval has been issued or not)
- s 140 approvals for disturbance of relics on land that is not listed on the State Heritage Register
- processes to streamline approvals, including delegations to agencies and local councils, and exemptions or exceptions from approvals.

2.3 Other legislation

Agencies should confirm the requirements of other legislation on compliance against the guidelines. Where conflicts arise, Heritage NSW will assist agencies in resolving matters.

3. Responsibilities of state agencies

3.1 Use of heritage and conservation registers

State agencies must make sure that their staff, including consultants and contractors, understand information contained in their agency's heritage and conservation register. They should also understand the requirements of the guidelines prior to carrying out any activity that may impact the heritage significance of an asset.

3.2 Access to heritage and conservation registers

Heritage and conservation registers must be available to all agency staff involved in asset management, including consultants and contractors. Publication on the State Heritage Inventory fulfils this requirement if staff, consultants and contractors have access to the inventory.

Agencies should make new asset management staff aware of the principles and the guidelines.

3.3 Staff training

Agencies should ensure that employees, contractors, consultants and companies employed to manage and undertake works to heritage assets are adequately trained and understand the requirements of the principles and the guidelines.

3.4 Direction, supervision and implementation

Implementation of the principles and the guidelines should be managed by agency staff with the appropriate knowledge and skills.

Agencies should consider developing and implementing agency-specific procedures or manuals to assist the agency to maintain compliance with the Act, the principles and the guidelines.

3.5 Contracts

Agencies must ensure that contracts, including subcontracts for works to heritage assets, meet the following requirements:

- Require that contractors and workers be aware of the heritage significance of the asset and the practices required to conserve it. This may be done through:
 - induction procedures
 - project drawings
 - other means.
- Require contractors and tradespeople to have the qualifications, skills and experience needed so that work does not:
 - damage the heritage asset
 - detract from the asset's heritage significance

- result in work that will require later remedial action (e.g. the use of inappropriate construction techniques or materials).
- Require that contractors and tradespeople be made aware of and comply with relevant matters arising from the principles, the guidelines and any agency-specific procedures or manuals.

4. The role of Heritage NSW

Heritage NSW will engage in the following activities to assist agencies to meet their responsibilities under s 170 of the Act.

4.1 Single point of contact

Some agencies may be allocated a Heritage NSW staff member to be their medium- to long-term single point of contact. This staff member will be the primary contact for the agency for all matters that relate to s 170 of the Act. This option is most likely to be offered to agencies having the most difficulty meeting their s170 obligations and is subject to resourcing.

4.2 Timeframes

Heritage NSW will endeavour to meet any published timeframes for reviewing and responding to notifications and submissions. The Heritage Council may review these timeframes when consultation with agencies and/or Heritage NSW staff indicate that the timeframes are not appropriate.

4.3 Delegations

The Heritage Council may consider the delegation of specific functions under the Act to agencies that demonstrate compliance with s 170 of the Act and ongoing best practice management of heritage assets. Heritage NSW will prepare these delegations in consultation with the state agency for approval by the Heritage Council.

This can streamline the management of heritage assets for an agency. Heritage NSW or the Heritage Council may request regular reporting and/or audit of agencies in the implementation of their delegations. These delegations can be revoked where the Heritage Council believes it is warranted.

4.4 Agency forums

Heritage NSW may periodically hold forums for state agencies in cooperation with other agencies. The forums will aim to assist in the implementation of the principles and the guidelines or address other areas of interest and/or concern. Agencies are welcome to suggest ideas for these forums.

4.5 Training

From time to time, Heritage NSW may offer training to agencies independent of the forums. Ideas for future training are welcomed.

4.6 Guidelines and materials

Heritage NSW will publish and/or update the guidelines and other materials from time to time on behalf of the Heritage Council to assist agencies with their heritage management responsibilities.

4.7 Web applications

Heritage NSW will continue to seek to provide agencies with access to web-based applications to manage their heritage and conservation data and submit notifications, applications and other materials.

4.8 Annual reviews

Heritage NSW will conduct annual reviews to check agencies are meeting their obligations set out in the Act and the guidelines. It will work with agencies that need support to meet their obligations.

4.9 Variation to the guidelines

Heritage NSW will consider requests from individual agencies to amend or vary the guidelines on behalf of the Heritage Council, where it can be demonstrated that an element is not prudent or feasible, or where an alternate approach would deliver a better heritage outcome.

5. Heritage and conservation registers

This section applies to new or revised heritage and conservation registers (e.g. significantly modified registers) established under s 170(3) of the Act. It does not apply to the statement provided to the Heritage Council following an agency's annual review.

5.1 When to prepare a heritage and conservation register

Appropriate heritage asset management can only occur where an agency is aware of the extent and nature of its heritage assets.

A heritage and conservation register will help an agency track its heritage assets and integrate decisions about the care and management of its heritage assets into its overall asset management processes.

If an agency believes it does not own, occupy or have heritage assets subject to its control, it should notify Heritage NSW in writing.

5.2 Assets to be listed on heritage and conservation registers

Under the Act, heritage and conservation registers must include assets that are:

- listed on the State Heritage Register
- listed on an environmental planning instrument (local, regional or state planning instrument)
- items subject to, or that could be subject to, an interim heritage order
- items identified by the agency as having state heritage significance.

Heritage and conservation registers may also include any other heritage assets the agency is responsible for that are listed on the State Heritage Inventory or identified in an agency or other heritage study as having heritage significance.

Where an item is listed on an environmental planning instrument and the agency does not believe it meets local significance thresholds, the agency must still include the item on its heritage and conservation register. The agency is encouraged to liaise with the local council or relevant planning authority about the significance of the asset and whether it should be removed from the planning instrument. The asset can only be excluded/removed from the state agency's heritage and conservation register when the asset has been removed from the heritage schedule of the environmental planning instrument.

5.3 Format of heritage and conservation registers

New and revised heritage and conservation registers must be submitted to the Heritage Council or Heritage NSW for acceptance. To be accepted, a register must include the following:

- A covering report that contains:
 - a summary list of heritage assets, including State Heritage Inventory database numbers identifiable in the Heritage Management System
 - the level of significance of each asset
 - details of the project manager, author and/or consultants
 - a description of the process that was undertaken to prepare the register.
- If the submission is a heritage and conservation register review, the report should clearly identify and explain reasons for:
 - newly added assets
 - assets identified for removal
 - assets identified for demolition.
- A thematic history of the agency, that outlines the development of the agency (including its predecessors). This will provide a context for the agency's assessment of significance for assets on their register.
- A complete State Heritage Inventory record for each State Heritage Register item, state significant asset or potential state significant asset, completed in the Heritage Management System, with the following minimum information:
 - name
 - address
 - property identifiers
 - curtilage plan
 - statement of significance
 - assessment of significance
 - physical description
 - history
 - a baseline archaeological assessment.
- A State Heritage Inventory record for each heritage item listed on the heritage schedule of a local environmental plan or identified as having local significance, completed in the Heritage Management System, with the following minimum information:
 - name
 - address
 - property identifiers
 - curtilage plan
 - description
 - brief history
 - a statement of significance
 - a baseline archaeological assessment.

5.4 Completing a State Heritage Inventory record

State Heritage Inventory records for assets with a State Heritage Register listing should duplicate the State Heritage Register listing in the heritage and conservation register listing, unless there is substantial new information that alters the existing significance assessment.

Heritage and conservation register records must be created in the Heritage Management System.

Thematic histories, heritage asset management strategies and all other documentation must be prepared outside the Heritage Management System.

Item type/group/category

The record for each heritage asset on a state agency's register should make a selection in one or more of the item type, item group or item category fields. This is for State Heritage Inventory searchability and is not a conservation-related definition.

Archaeological

Maritime archaeological sites include shipwrecks, deposits and structures associated with maritime activities.

Terrestrial archaeological sites, also known as 'relics' (see definition in Section 15), include below and above ground deposits, features or artefacts of buildings, works and industrial structures (e.g. remains of buildings, industrial sites, evidence of Aboriginal occupation, burial sites).

Conservation area

Areas identified in a local environmental plan or listed on the State Heritage Register for its heritage significance and special characteristics (e.g. streets and subdivision layouts, townscapes).

Built

Includes human-made structures such as those made for shelter or human use (e.g. homesteads, shops, courthouses, churches, water tanks, bridges, railway tracks, statues and memorials).

Group/complex

Describes items that contain elements that may or not be of the same type and may have varying degrees of significance (e.g. power stations, rail and shipyards, hospital sites, steelworks).

Landscape

Natural landscapes are ones that have a distinctive physical character and environment (e.g. forested areas, national parks).

Cultural landscapes are those modified or created by Aboriginal and non-Aboriginal people and show an interrelationship between humans and the environment.

Moveable heritage

Describes assets that are not in a fixed place or may be part of a collection (e.g. historic artefacts and archives, ethnographic and pre-colonial objects, fossils and botanical specimens, mining equipment, pastoral or industrial technology, assets associated with heritage buildings/sites, trains, buses, cars, museum and gallery collections and objects).

5.5 The Heritage Management System

The Heritage Management System is an easy to use, transparent and streamlined digital system that has been designed for Heritage NSW customers, including owners of items listed on the State Heritage Register, industry and heritage professionals, and local and state government agencies. Through this system, Heritage NSW can process applications and provide more efficient advice. It can assist state agencies to prepare their heritage and conservation register, manage their cultural heritage and submit works applications to Heritage NSW. It allows new information to be added and material to be amended as new assets are identified and existing assets reassessed through heritage studies, local environment plans and heritage and conservation registers. Additional functions will be added over time.

The Heritage Management System should be used by agencies to prepare their State Heritage Inventory records for each asset on the heritage and conservation register.

The system contains provisions to mark information that is confidential (i.e. for cultural, security or other reasons) as not for publication, so that it is not published online when the inventory is uploaded to the State Heritage Inventory. Agencies should discuss matters regarding confidentiality with Heritage NSW.

If an agency believes there is a justifiable reason not to identify and submit heritage assets in the usual register format, the agency must liaise with Heritage NSW to determine if there is a suitable alternative. Reasons for an alternate format may include major security issues or cultural confidentiality. Heritage NSW will informally notify an agency of the outcome of the review as soon as possible.

Where a register is accepted by the Heritage Council, formal notification will take place within a week of the minutes being published on the Heritage NSW website. In the case of a register accepted by Heritage NSW, formal notification will be received following sign off by the relevant manager/director. After a register is accepted, the inventory records will be uploaded to the State Heritage Inventory by Heritage NSW.

Heritage Management System: things to remember

When entering content into the Heritage Management System, agencies should ensure that:

- each asset or group of assets listed on their heritage and conservation register have a register listing in the system
- the word 'draft' is included in the 'title' field of the new or revised inventory records until the submission is accepted by the Heritage Council. This will limit confusion between old and new entries
- the curtilage is clearly identified on the location plan
- images are appropriately referenced and have relevant use and copyright approvals (if necessary) for uploading on a publicly available website to meet current copyright laws and responsibilities
- only enough images are uploaded to clearly identify the asset and its significant aspects and/or surrounds. Normally 5 to 6 images per asset is sufficient. A few more may be appropriate for assets of state heritage significance or where identifying significant change.

Note: If an agency holds a substantial image collection relating to an asset, the collection should be maintained within existing documentation of the agency records.

Contact Heritage NSW to receive a login, a detailed user guide, more information about the Heritage Management System, or if you need technical assistance.

5.6 Thematic histories

A thematic history of an agency should be the first step when preparing a heritage and conservation register. A suitably qualified and/or experienced professional historian should be engaged to do this work.

The history must clearly identify key historical themes in the agency's establishment and development and provide a context in which the heritage significance of an item can be understood, assessed and compared.

Themes help to explain why an item exists, how it has changed and how it relates to other items linked by the theme. A theme can unite a variety of actions, events, functions, people and dates; and can help prevent unjustified bias towards particular asset types, historic periods or events during subsequent heritage studies or assessments.

A thematic history must also provide a comparative context for assessing the potential heritage significance of an asset. The following resources are guidelines for writing thematic histories:

- *Historical research for heritage* (NSW Heritage Office 2000)
- *NSW Historical themes* (Heritage NSW 2024).

5.7 Identification and assessment of heritage assets

Identification and significance assessment of heritage assets should be undertaken by suitably qualified and experienced heritage professionals.

Agencies and/or their heritage practitioner(s) should consult with interested parties when identifying heritage assets. This includes:

- Aboriginal communities
- the general community
- current and former agency staff with knowledge of the heritage assets
- relevant peak heritage bodies
- local government
- other relevant organisations or individuals identified by the agency.

Types of heritage

Heritage is not limited to buildings and works. Agencies should also consider the following types of heritage.

Aboriginal cultural heritage

This includes sites, objects, areas, items and places of significance to Aboriginal people. Agencies must include Aboriginal cultural heritage in their heritage and conservation register (including those that are listed on a local environmental plan, the State Heritage Register, an interim heritage order, or identified by the agency as having state heritage significance). Public identification should be subject to consultation with the relevant Aboriginal communities, including local Aboriginal land councils.

Natural heritage

Includes the state's system of parks, reserves and state forests. Natural heritage is an integral part of environmental heritage in New South Wales. A useful resource for natural heritage is:

- *Natural heritage principles* (NSW Heritage Office 2000).

Landscapes

This may include natural and cultural heritage landscapes (landscapes modified by Aboriginal or non-Aboriginal people).

Intangible heritage

This refers to heritage that is no longer visible but may be the site of significant events, activities or places.

Social heritage

This may include places and items significant to particular social groups such as LGBTQIA+ communities.

Historic archaeological heritage

Sites and places that contain, or are likely to contain, archaeological resources as defined under the Act. Heritage NSW have a range of resources on historic archaeological heritage.

Moveable heritage

Any natural or manufactured collection or object of heritage significance that can be moved from place to place. Agencies must include moveable heritage in their heritage and conservation register. Heritage NSW have a range of resources on moveable heritage.

Maritime heritage

Maritime heritage includes historic shipwrecks and items associated with a ship. Maritime heritage may also include maritime, estuarine and riverine buildings, works, relics and structures. Agencies that own or manage state waters (including rivers, harbours, lakes, riverbanks and foreshores) should identify the presence, or likelihood, of these items within their authority. Heritage NSW have a range of resources on maritime heritage.

The Commonwealth *Underwater Cultural Heritage Act 2018* continues the protection of Australia's shipwrecks. It has also broadened the scope of underwater cultural heritage to give protection to sunken aircraft and other types of underwater cultural heritage, including submerged sites and human remains within shipwrecks or sunken aircraft.

Multicultural heritage

Multicultural heritage includes items and places significant to ethnic communities. Cultural significance includes Australia's cultural diversity and the diverse cultural origins and values of groups within the community.

The role of public architecture and other public works

Identification and assessment of agency heritage assets should consider the historic importance of public architecture and public works by successive NSW colonial and government architects to the cultural and infrastructure development of New South Wales.

The Heritage NSW website should be consulted for the most current guidelines for documenting and assessing heritage items.

5.8 Statements of heritage significance

A statement of heritage significance is a succinct statement about the heritage values of an asset. The statement is generally only a few paragraphs in length unless the asset is large, complex or highly significant. A statement of significance must be prepared for every asset on a heritage and conservation register.

A statement of significance can help an agency make informed management decisions about a heritage asset and should be prepared before making any asset management decisions, including sale, transfer, alteration and demolition.

If proposed changes have a negative impact on the statement of heritage significance and/or the heritage assessment criteria (see Section 5.9), this is a strong indicator that the proposed changes may require review. An agency's policy for managing heritage assets should be outlined in the agency's heritage asset management strategy.

The statement of significance must not be a 'cut and paste' of the heritage values identified in the heritage assessment. Statements of significance should be based on documentary and physical evidence, community consultation and comparative analysis. Community consultation is particularly important when determining social significance of an asset.

A statement of significance for a site or building should include significant interiors and associated artworks, furnishings, contents, machinery and other moveable collections and objects.

A statement of significance for a place or item with Aboriginal cultural heritage values should be based on consultation with Aboriginal cultural knowledge holders for that place. It may include tangible and intangible values, such as song lines, Dreaming stories and ceremonies passed from generation to generation, as well as physical objects and places. Consideration should be given to the values of these objects and places in the broader landscape.

A statement of significance for moveable collections and objects should include the relationship of the collection and/or object to people, cultural groups, communities and places.

A statement of significance for an archaeological heritage asset should include the relationship of the site or relic to the landscape and historic use of the area.

Heritage NSW has a range of resources on Aboriginal cultural heritage, moveable heritage and historic archaeological heritage.

5.9 Assessing heritage significance

There are 7 criteria for assessing heritage significance (DPE 2023):

1. historic significance
2. historical association
3. aesthetic/creative/technical achievement
4. social, cultural and spiritual significance
5. research potential
6. rare
7. representative.

The assessment criteria are gazetted under s 4A(3) of the Act. Further details about assessing significance against the criteria can be found in:

- *Assessing heritage significance: guidelines for assessing places and objects against the Heritage Council of NSW criteria* (DPE 2023).

All assets on a heritage and conservation register that are also on the State Heritage Register, or identified as having state significance, must include an assessment of heritage significance against these criteria.

If an asset is on the State Heritage Register, the heritage and conservation register record should duplicate the State Heritage Register inventory record, particularly the assessment and statement of significance. It should only be different where the heritage and conservation register record includes much more recent and detailed information, or indicates a substantial change to information, in particular the existing heritage values.

Assessing the significance of moveable heritage

When assessing the significance of a moveable heritage asset, the following should be considered in addition to the 7 assessment criteria above:

- the level of significance of the object to its location and any other assets in the location
- the level of significance if removed from its place of significance or away from other associated moveable assets
- the impact on the significance of the place or other moveable assets if the asset is removed
- the level of significance and interpretation in the asset's new context if an object has been or will be removed from its place of significance
- whether the asset may face harm by:
 - losing its heritage significance if separated from its place of significance
 - losing its heritage significance if separated from its present collection
 - becoming redundant and losing its heritage significance, economic reuse options or service delivery needs (i.e. for operational objects and collections).

If moveable heritage assets are identified as surplus because there are multiple examples, or an associated/connected object is no longer in the collection, the assets should remain in the agency's register while they remain in the ownership or care and control of the agency. Agencies may make recommendations for potential future disposal options in the inventory record. This approach should also be applied where conservation, storage and maintenance costs are deemed prohibitive for the agency. If considering a disposal option, reference must be made to the issues outlined elsewhere in the guidelines about the disposal of heritage assets.

5.10 Determining a curtilage

A curtilage is a boundary around an asset. A curtilage around a heritage asset must maximise the ability of a heritage asset to retain its heritage significance. The following issues should be considered when determining the size and location of the curtilage:

- setting and siting of the asset
- cultural landscape and natural vegetation

- cultural plantings
- other landscape elements
- significant views to, from and within the site
- complementary building groups and institutional complexes
- historical curtilage significance (where a remnant building may relate to an archaeological landscape, i.e. where out-buildings, another related structure or infrastructure may be relevant to the interpretation of the visible asset).

Where a curtilage is different from the property boundary, it is useful to try and align the curtilage with a road, fence or other identifiable landmark that is likely to have a long-term fixed alignment. This will assist staff and workers to easily recognise where the curtilage boundary is located and manage the site.

Alternatively, it may be useful to use the same curtilage as an existing listing. Consistent curtilage boundaries across different heritage listings will help ensure easier site management.

Sometimes a heritage significant site or complex may be situated on either side of a public road or pathway. Examples include higher education campuses, health facilities, national parks, state forests and justice precincts.

It is preferable not to include public thoroughfares in the heritage curtilage for management purposes. Where a site is divided in this manner a curtilage map may show several smaller boundaries within the one listing. In the case of larger sites with a small number of significant assets spread across a large area, this option may also be considered to assist with managing the site.

Works proposed within the curtilage of a State Heritage Register item need to be assessed against any Heritage Council exemptions, including:

- site-specific exemptions
- agency-specific exemptions
- standard exemptions.

Any works that are not exempt, including any archaeological approvals and exceptions to manage disturbance to relics under the Act, will require approval from the Heritage Council. The application process for approvals and exemptions can be viewed on the Heritage NSW website.

5.11 Identifying a permanent location for moveable heritage assets

A permanent storage location should be identified for moveable heritage collections and objects. The State Heritage Inventory record should include the address, building name or number, room name or number or any other appropriate identifier. A plan identifying the location of the building or site, and/or the location within the building is also beneficial.

When deciding where to store moveable heritage assets, the following should be considered:

- security, for example, potential for vandalism or theft
- accessibility, public, operational or functional access and the potential for damage
- condition of item, including current state of repair, if marks are mechanical or environmental
- cultural appropriateness, such as secret or sacred Aboriginal cultural heritage objects
- environmental conditions, including temperature, humidity, exposure to weather and light
- relationship to the location, where possible an item should be kept in its original location or a contextually appropriate location as loss of records, associated objects, interpretative materials and/or evidence of use or provenance may decrease significance
- whether the asset was designed to be moveable, for example rolling stock, vehicles, boats and ships
- maintenance, storage and conservation costs
- previous or planned movements of the item, for example, is the current location its original or most significant location and is the current location, or another location most appropriate.

Location and storage information should be retained with the heritage and conservation register, and the agencies moveable heritage catalogue or records.

If an agency has multiple moveable heritage assets they should be catalogued. Agencies with large collections should invest in collection management software. Organisation such as Museums and Galleries of NSW provide resources and advice to assist with collection management. Seeking professional advice from a museum or other appropriate professionals should be considered.

Any permanent or temporary removal of a moveable heritage asset should be clearly documented. Agencies must notify Heritage NSW of any significant change in location of moveable heritage assets listed on a heritage and conservation register.

5.12 Naming an asset

When naming a heritage asset, the existing name, historic name/s and names used in other listings should be considered. Often, consistency with existing listings or well-known names is useful. Where that name does not adequately reflect the history and significance of the site, an alternative historic name may be considered. If the asset has more than one name or an old name, these can be included in the 'Other/Former Name/s' field in the inventory record in the Heritage Management System.

The name of the asset should be descriptive and where relevant identify the type of asset, for example, Camden Park Estate Central Creamery, Menangle Railway Station, Darcy's House, Gilbulla Anglican Conference Centre. Where assets have no name, such

as an individual house without a house name, do not use the words 'item', 'asset' or 'house'. Be more descriptive and use terms such as 'Victorian terrace' or 'weatherboard cottage'.

Where relevant, consider incorporating Aboriginal names in consultation with Aboriginal cultural knowledge holders.

To simplify database searches, the following naming conventions should be used:

- proper upper and lower case, for example, Pacific Highway
- use Street for St, Road for Rd, St for Saint and Mt for Mount/Mountain
- do not use single (') or double (") quotes in the name, for example, Hydro Majestic
- an '&' should only be used for 'and' where appropriate to the name, for example, Farmer & Company
- if the name commences with 'The', 'Former', or 'Old', place after name in brackets, for example, Grange, (The); CSC Bank, (Former)
- do not begin the 'Item Name' field with a date unless it is part of the formal name.

If an agency chooses to make a group entry to record an area, group or collection to which an asset belongs, separate entries will be required for:

- the place as a whole, for example, the station holding (known as the parent record)
- each significant asset within the group, for example, the homestead, the shearing shed, an outbuilding, the bridge, the stockyards, and the site of the ruins of the original homestead (known as the child record).

This may occur in the following circumstances:

- heritage conservation areas
- complexes or assemblages
- assets such as buildings with significant contents, surroundings and/or associated structures.

Agencies should also refer to:

- *Place names of heritage value: a Heritage Council policy* (NSW Heritage Office 2004).

5.13 Submitting a register for acceptance by Heritage NSW

Agencies must submit their heritage and conservation register to Heritage NSW via the Heritage Management System. Heritage and conservation registers will either be accepted by Heritage NSW or the Heritage Council. The processes and timeframes outlined in this section of the guidelines relate to registers to be reviewed and accepted by Heritage NSW.

The register will undergo a completeness check to ensure all required documentation is included. That is:

- covering report
- thematic history

- electronic record for each heritage item entered into the Heritage Management System.

The covering report and thematic history documents must be submitted to Heritage NSW in PDF format. Agencies may also submit these reports in Microsoft Word format if they would like comments made directly into documents. If all documents have been submitted, the heritage and conservation register will be allocated to the agency's single point of contact within Heritage NSW (see Section 4.1). The single point of contact will review the register and advise the agency if amendments are required or if Heritage NSW will accept or recommend the Heritage Council to accept the register. If amendments are required, advice will be provided on the nature of the amendments and the agency will be given the opportunity to review and resubmit the heritage and conservation register.

Table 1 outlines the typical process for reviewing a heritage and conservation register where the submission is complete and requires only minor agency review.

Table 1 Timeframe guidelines for reviewing a heritage and conservation register by Heritage NSW

Activity	Timeframe	Who	Notes
Completeness check	1 week	Customer service team	The review timeframe is not considered to have commenced until the register submission has passed the completeness check.
Heritage NSW rapid review	3 weeks + 2 weeks if incl HAMS	Project officer	Undertaken by the Heritage NSW project officer in consultation with relevant Heritage NSW subject matter experts.
Agency review	1–4 weeks + 2 weeks if incl HAMS	Agency representative	For minor reviews. Where substantial review is required or the 4 week timeframe is exceeded, the register submission will be considered withdrawn, and the process will recommence from the beginning when the register is resubmitted.
Heritage NSW resubmission review	3 weeks + 2 weeks if incl HAMS	Project officer	Following review, the register can be resubmitted to the Heritage NSW project officer. If a register is withdrawn (as above) the register is to be resubmitted.
Heritage Council reporting	6–8 weeks	Project officer	Timing dependent on the Heritage Council reporting cycle. Not all registers will need to be submitted to the Heritage Council. Enquire with the Heritage NSW.
Informal notice of Heritage Council outcome to the agency	1 week	Project officer	Following preparation of draft Heritage Council letter.
Formal notice of outcome to the agency	1 week	Project officer	Following publishing of Heritage Council minutes on Heritage NSW website or sign off by the relevant Heritage NSW manager or director.
Upload data to Heritage NSW database	1 week	Information Systems Team	Following formal notification of outcome to agency.

Table note: HAMS = heritage asset management strategy.

Agencies should anticipate that it will take approximately 5 months from the submission of a heritage and conservation register to final acceptance. This may vary in the following circumstances:

- an agency does not resubmit its register if returned to the agency for review by the agreed date
- Heritage NSW and the agency negotiate an alternate timeframe
- the Heritage Council requests amendments at its meeting
- a Heritage Council meeting is cancelled or postponed
- the register is assessed by Heritage NSW
- the register or accompanying documents require significant changes
- a heritage asset management strategy is submitted at the same time as the register
- other circumstances.

Agencies are not to alter inventory records in the Heritage Management System after they are advised their heritage and conservation register is being recommended to the Heritage Council and have been advised of the outcome of the Heritage Council meeting. Further amendments should be limited to any requests made by the Heritage Council after its meeting.

5.14 Outcomes

Heritage NSW will informally notify an agency of the outcome of the review as soon as possible.

Where a register is accepted by the Heritage Council, formal notification will take place within a week of the council's meeting minutes being published on the Heritage NSW website. In the case of a register accepted by Heritage NSW, formal notification will be received following sign off by the relevant manager/director. After a register is accepted, the inventory records will be uploaded to the State Heritage Inventory by Heritage NSW.

6. Heritage asset management strategies

The range of individual heritage assets held by many agencies provides tangible evidence of the role and history of the agency as well as the evolution of the community it serves. Agencies should aim to develop and manage heritage assets so that the community and future generations benefit from their conservation.

Agencies should consider adopting the *Burra charter: the Australia ICOMOS charter for places of cultural significance* (referred to as the *Burra charter*; Australia ICOMOS 2013a, b) as best practice. The charter can help agencies make appropriate and sympathetic management decisions about their heritage assets while considering a range of other factors affecting the future of a heritage asset, including the owner's needs, resources, external constraints and the asset's physical condition.

Agencies are to develop a heritage asset management (HAMS) to implement the principles and the guidelines. The HAMS should be integrated into an agency's corporate plan and all other strategic asset management documents and frameworks. The HAMS should consider:

- the agency's core functions and budgetary considerations
- the NSW Government's Capital Planning Process.

The principal components covered in a heritage asset management strategy (see Section 6.1 for more information) are:

- a management action plan
- an asset maintenance plan
- a redundant assets transfer plan
- an asset transfer plan
- performance and reporting
- information about public access, budgetary planning and other matters as required.

These plans provide the basis for the Heritage Council's statewide strategies and policies for various heritage asset types.

A heritage asset management strategy should also be informed by documents such as conservation management plans, heritage asset action plans, and archaeological management plans.

Strategies should be completed as soon as possible and forwarded to the Heritage Council, preferably with a heritage and conservation register. However, if an agency and Heritage NSW have agreed that this would cause an unnecessary delay in the preparation of an agency's register, an agency may prepare the HAMS after they submit their register.

Agencies are to determine submission deadline for their heritage asset management strategy in consultation Heritage NSW. Determining factors may include the agency's budget, competing priorities, capital planning and other relevant matters.

A heritage asset management strategy should be reviewed annually (together with the heritage and conservation register) to identify whether a significant update should be planned for. Updates may be necessary to reflect changes to an agency's heritage asset portfolio, changing heritage asset management practices, agency or departmental restructures, or other relevant activities or events. It is anticipated that a significant update of a HAMS may be necessary to accompany a significant heritage and conservation register update. The timing of an update is at discretion of the state agency.

6.1 Preparing a heritage asset management strategy

Management action plan

A management action plan should be completed. It considers the core functions of an agency, its service delivery functions, budgetary limitations, funding availability and is an important informant in the Capital Planning Process. The plan is a staged strategy to achieve the conservation and management of heritage assets on the agency's heritage and conservation register.

Asset maintenance plan

An asset maintenance plan is essential to achieve good heritage conservation outcomes while optimising the efficient use of funding. Information that may be included in the plan includes:

- breakdown maintenance
- preventative maintenance
- servicing maintenance
- cyclic maintenance
- condition-based maintenance
- specialist heritage requirements
- scheduled maintenance to address special needs, for example, a stonework program
- maintenance of 'non-built' heritage assets, for example, natural and cultural landscapes
- archaeological sites, moveable collections and objects
- guidelines for building managers about the protection of heritage significance on a day-to-day basis
- guidelines for future owners/occupiers
- maintenance plans based on the Capital Planning Process
- capital investment plan that includes medium- and long-term maintenance plans
- annual program to implement the maintenance program.

Maintenance plans may consider levels of significance and the types of risks facing assets if funding limitations exist. Consideration can be given to prioritising the most significant and/or at-risk assets.

Maintenance planning in capital planning includes:

- linking the heritage asset to an agency's service strategies
- defining the level of performance required
- ensuring the asset is productive at the lowest possible long-term cost (including conserving the heritage significance of the asset)
- medium-term plans (5 to 10 years) that define major impending tasks
- long-term plans (10 years plus) that include conservation of major components.

Where the optimal place to document the management of heritage asset maintenance is within an operational asset maintenance plan managed by another (non-heritage) part of the agency, the maintenance plan may be presented as an extract from that system/documentation, with prior discussion with Heritage NSW.

Specific maintenance plans

Consideration should be given to the preparation of separate maintenance plans for the most significant heritage assets or class of heritage assets. The higher the level of significance of an asset, the higher the level of maintenance that may be required.

The factors to consider when determining which assets may need separate maintenance plans include:

- asset performance
 - the performance required from an asset
 - the contribution an asset is to make to service outcomes
 - the ability of the asset to deliver this performance
 - the ability of the asset to deliver an alternate service that has a lesser impact on its heritage significance
 - the contribution the asset makes to the community and/or the state's economic development
 - opportunities to conserve the asset through service delivery
- statutory requirements
 - determine all statutory controls
 - consider implications for use and changes
 - consider approval timeframes
- the needs of the NSW Government
 - the interest the government has in the asset
 - the effect of government policy on reuse of the asset
 - current government policy on heritage assets in a particular area
- other factors
 - does the community have strong attachment to the heritage asset?
 - does the asset have Aboriginal cultural heritage significance?
 - the heritage significance of the asset

- the level of risk the asset is exposed to, for example, existing condition, future condition, location, likelihood of vandalism.

Maintenance plans for State Heritage Register assets

An asset maintenance plan must outline an agency's strategy in respect to minimum maintenance for State Heritage Register assets and other assets identified as state significant on a heritage and conservation register or local environmental plan.

Resources about minimum standards of maintenance and repair are on the Heritage NSW website.

Redundant assets transfer plan

A heritage asset management strategy should include a redundant assets transfer plan for the management and conservation of heritage assets with no apparent economic reuse options. Where heritage assets do not meet the service delivery needs of an agency, alternate management options including transfer or lease to other parties should be thoroughly investigated prior to any proposal to demolish. Assets on the State Heritage Register cannot be demolished.

Asset transfer plan

An agency should prepare and implement an asset transfer plan that outlines the management requirements for heritage assets proposed for transfer. Transfer of ownership, control and/or management includes short-, medium- or long-term transfer by lease, licence or by placement under the care, control and/or management of a local council or community group or Property NSW.

In developing an asset transfer plan, the agency:

- should seek a compatible use for the heritage asset
- must ensure that the recipient is fully informed of and understands the heritage significance of the asset, any statutory or non-statutory heritage listings and their effect, and the management policies for the heritage asset
- should provide copies of the conservation management plan and any other relevant documents as part of the transfer documentation
- should ensure that the asset is secure, and the risk of damage is minimised prior to and during the transfer process
- should require, where applicable (e.g. in a lease) an appropriate level of maintenance to conserve heritage significance of the asset
- should ensure, where practicable, that provisions are made for public access and interpretation after transfer.

The asset transfer plan should outline measures to achieve long-term conservation and maintain the heritage significance of the assets after transfer, including (but not limited to):

- thorough documentation of the asset
- recommendations for the management of moveable heritage assets

- recommendations for the management of land within the curtilage, or setting of a heritage asset, where relevant
- recommendations for the treatment of archaeology.
- recommendations for culturally sensitive or important sites, objects or relics
- a description of the types and degrees of change that could occur
- where a conservation management plan has not been, and cannot be, completed prior to transfer, the agency should consider what alternatives to conservation management plans exist (see Section 7.4).

Consideration should be given to the preparation of individual asset transfer plans for heritage assets or a class of heritage assets.

Performance and reporting

The heritage asset management strategy should include indicators relevant to heritage asset type and functions of the agency so that the performance of the agency can be monitored. Indicators could address:

- heritage conservation outcomes
- business outcomes
- service delivery obligations
- asset portfolio performance requirements
- community satisfaction
- comparison of actual performance against anticipated performance.

Results of monitoring should be considered by the agency during periodic reviews of the heritage asset management strategy and budget planning.

Public access

Heritage asset management strategies should be available to the public and accessible on an agency's website, where appropriate.

Budgetary planning

Agencies must include the implementation of a heritage asset management strategy as part of their annual budget planning process.

Delegation of Heritage Council functions

General information on agency delegations are included in Section 4 of the guidelines.

7. Managing heritage assets

Heritage asset management is a state agency service responsibility to be jointly managed with other service delivery responsibilities. Agencies should explore and implement methods to improve the management of their heritage assets through better coordination, including:

- coordination with other bodies, for example, other agencies, peak heritage bodies and community groups
- cross-agency agreements and resource sharing.

There are a number of approval requirements under various sections of the Act that all asset managers should be aware of when managing assets on a heritage and conservation register (see Section 7.1).

Section 170A(1) notifications, and applications for statutory assessments and approvals should demonstrate compliance with the Act and its regulations, the principles and the guidelines (see Section 7.2).

The notifications should also comply with environmental impact statements under the *Environmental Planning and Assessment Act 1979* and Environmental Planning and Assessment Regulation 2000 (Parts IV and V), development applications (Part IV) and reviews of environmental factors (Part V) that impact on a heritage asset.

7.1 Heritage Council approvals and permits

Approvals for works and activities may be required by the Heritage Council under s 60 (works), or s 57 (exemptions) of the Act if the heritage asset is listed on the State Heritage Register. These requirements can be found on the Heritage NSW website.

Archaeological sites or relics may be subject to Division 9, ss 138 to 146C of the Act. This includes shipwrecks, which are subject to various legislative requirements. These requirements can be found on the Heritage NSW website.

Aboriginal sites or objects may be subject to provisions in the *National Parks and Wildlife Act 1974*. Information about when and how to apply for an Aboriginal heritage impact permit under the National Parks and Wildlife Act can be found on the Heritage NSW website.

Heritage Council (or other agency) approval does not remove the need for a s 170A(1) notification.

7.2 Section 170A(1) notifications to the Heritage Council

Section 170A(1) directs an agency to give 'not less than 14 days' written notification if it removes an item (s 170A(1)(a)) or transfers ownership (s 170A(1)(b)) of an item on its register; or ceases to occupy or intends to demolish or partially demolish any place, building or work on the register (s 170A(1)(c)).

Notification under s 170A(1) is not a substitute for other approval processes under the Act. Agencies should be aware that approval under other sections of the Act may be required simultaneously. It is recommended that s 170A(1) notifications be sent to the Heritage Council as early as possible in the project planning phase.

Minimum s170A(1) Heritage Council notification timeframes

The minimum notification timeframes vary depending on the type of notification and the heritage significance of the item, as detailed in Table 2.

Table 2 Minimum section 170A(1) Heritage Council notification timeframes

Activity	Local heritage assets	State Heritage Register assets	Other identified state significant assets
Remove an item	14 days	14 days	14 days
Transfer ownership ¹	14 days	14 days	14 days
Cease to occupy	14 days	14 days	14 days
Demolish ²	14 days	40 days	40 days

Table notes:

1. Includes transfer by sale or disposal.

2. Includes partial demolition.

Types of s170A(1) notifications

Remove an item from the register

An agency must submit a notification under s 170A(1)(a) to the Heritage Council when it intends to remove an item from its heritage and conservation register. Removal of an asset from a heritage and conservation register is usually due to a revised heritage assessment of “no significance” or following a notice of transfer of ownership or demolition.

Transfer ownership

An agency must submit a notification under s 170A(1)(b) to the Heritage Council when they intend to transfer the ownership of an item, often as part of the disposal of an asset, through sale or transfer. This may be for an individual asset or as part of a disposal strategy for a group of heritage assets. This includes moveable heritage collections and objects.

An agency must also provide notification of the sale or transfer of the asset after a contract of sale or transfer has been signed. It is at the agency’s discretion if they wish to make a further notification after the sale or transfer of the asset has been completed. However, Heritage NSW must be advised of the name and contact details of the new owner of State Heritage Register or state significant asset(s). This helps Heritage NSW keep accurate records and provide timely advice on assets to the community when necessary. This is acceptable under the relevant privacy legislation. All owner information will be treated within the requirements of this legislation.

When submitting a notification for transfer, sale or disposal, an agency must include the following information:

- name of the new owner
- new owner contact details
- address of the property
- State Heritage Inventory listing number
- other statutory listings
- agency contact details for the project, if different from the notifier
- reasons for the proposed transfer/disposal.

Agencies should prioritise listing assets of state heritage significance on the State Heritage Register and/or the relevant local environmental plan prior to transferring or selling a heritage asset. This is important if the transfer or sale is not to another agency.

Prior to transferring assets listed on the State Heritage Register, an agency should consider preparing or updating a conservation management plan for the asset (see Section 7.4). Where this is not possible, the agency should consider including the preparation of a conservation management plan as a requirement in the contract of sale. The preparation of a conservation management plan should be done within a reasonable timeframe after the transfer/sale and preferably prior to any application for approval of development.

It is the agency's responsibility to notify the relevant authority when they transfer ownership of any asset on a statutory listing.

Community benefit from transfer/disposal of heritage assets

An agency may consider the transfer/disposal of a heritage asset at below market valuation where the conservation of an asset will occur because of the disposal. However, where there is transparency about the encumbrances that exist on an asset, the market valuation and sale price realised should already reflect the impact of these limitations. The disposal of heritage assets below market value requires the Treasurer's approval, under *Treasurer's direction 469.01*.

Any consideration of the disposal of an asset at below market value should consider:

- any previous record of the purchaser caring for property, in particular heritage properties
- if there is reasonable expectation that the purchaser can meet the cost of ongoing maintenance works and will be able to raise funds within an appropriate amount of time for unexpected repair and other necessary works
- ability of the purchaser to raise sufficient funding for future conservation works
- the reasonable likelihood that a request may subsequently be made to return the asset to an agency because of the inability to conserve and/or maintain the asset.

Cease to occupy

When an agency ceases to occupy or use a heritage asset it must develop a plan to protect the asset's heritage significance and minimise the chance of demolition by neglect. The agency must submit a s 170A(1)(c) notification to the Heritage Council for cease of occupation that includes:

- name of the asset
- address
- State Heritage Inventory listing number
- other statutory listings
- agency contact details for the project if different from the notifier
- why the site can no longer be used or occupied
- an assessment of alternatives
- details of the asset's current condition
- a strategy for protecting the asset and its heritage values and finding a future use
- other relevant documentation to support the notification.

Demolition or partial demolition

Agencies need to confirm the heritage significance of an asset prior to deciding whether it should be demolished or partially demolished. Demolition of any heritage asset, or a substantial portion of that asset, should only be considered in exceptional circumstances and as a last resort. This includes moveable heritage, Aboriginal cultural heritage and archaeological heritage assets. Deterioration due to neglect is not considered an acceptable reason for demolition. It should be noted that s 63 of the Act places restrictions on the total demolition of a heritage asset listed on the State Heritage Register.

A s 170A(1)(c) notification of the proposed demolition or part demolition of a place, building or work on an agency's heritage and conservation register must be referred to the Heritage Council for review and comment at the project planning and approvals stage.

Where an asset identified on a heritage and conservation register is likely to be altered or demolished following completion of other works but is not impacted until after the completion of those works, a s 170A(1)(c) notification should be sent to the Heritage Council as part of the initial planning and approvals phase of the overall project.

It must be established that there is no prudent or feasible alternative to demolition. When submitting a notification of this type, agencies must include:

- name
- address
- State Heritage Inventory listing number
- other statutory listings
- agency contact details for the project if different from the notifier

- description of the proposal
- details of the asset's condition
- reasons for the proposed demolition, including assessment of alternatives
- heritage impact assessment, including an updated heritage significance statement and assessment. A state significant or State Heritage Register item will require a more detailed report than a local item
- other relevant documentation to support the notification.

The following management options for heritage assets must be considered and demonstrated not to be viable, prior to a decision to demolish a heritage asset:

- continue use of the asset in its present role
- adaptive reuse by the agency or another public or private sector user
- use or custodianship by a community group
- stabilisation and basic maintenance for future use or conservation
- stabilisation of a building, structure, work or landscape in a safe condition.

The assessment of alternatives must be included in project feasibility, assessment and approval documentation.

Recording prior to demolition

If demolition is not opposed by the Heritage Council (or its delegate), an agency must prepare an archival and photographic recording of a heritage asset prior to commencing demolition. This is to be done in accordance with the following guidelines:

- *How to prepare archives records of heritage items* (NSW Heritage Office 1998)
- *Photographic recording of heritage items using film or digital capture* (NSW Heritage Office 2006).

Archival documents must be retained by the agency with copies lodged with the State Library of NSW and the local council library.

7.3 Delegations

Agencies may request Heritage Council delegations to allow them to approve works up to negative material impact in accordance with the *Material threshold policy* (Heritage NSW 2020). The Heritage Council will consider giving an agency delegation where there is:

- an up-to-date heritage and conservation register
- appropriately qualified staff to manage heritage matters
- a commitment to annual reporting to the Heritage Council
- a positive record for managing any heritage compliance issues.

Delegations may be withdrawn by the Heritage Council without notice.

7.4 Conservation management plans

A conservation management plan guides the long-term management of a heritage item and can be used as a basis for exemptions from approvals, under s 57 of the Act.

Agencies should consider having a plan prepared for every heritage asset listed on the State Heritage Register or identified as having state heritage significance.

A conservation management plan should be prepared in advance of major works being considered for State Heritage Register assets. When major works are being considered for listed assets, the plan should be submitted to the Heritage Council in support of any applications for approval.

The conservation management plan should be reviewed when there is major change to the asset.

Conservation management plans should be prepared in accordance with:

- *Guidance on developing a conservation management plan* (Heritage Council of NSW 2021)
- *Conservation management plan checklist* (Heritage Council of NSW 2021)
- any other relevant guidelines.

The Act allows the Heritage Council to accept site-specific exemptions included in endorsed conservation management plans, subject to current Heritage Council policy and guidelines.

Planning works using conservation management plans

To achieve long-term conservation of a heritage asset, alterations and extensions should be planned in accordance with management policies outlined in the conservation management plan.

When planning alterations and extensions to a heritage asset, agencies may require the approval of the Heritage Council and should follow the guidance and requirements outlined on the Heritage NSW website.

Alternatives to conservation management plans

Agencies may consider other types of management plans to suit specific types of heritage assets and service delivery functions, for example:

- heritage asset action plan
- archaeological management plans
- National Parks and Wildlife Service plans of management where the item is already subject to both a State Heritage Register and an Aboriginal Place listing
- plans of management for Crown reserves under the (repealed) *Crown Lands Act 1989* where the item is already subject to both a State Heritage Register and an Aboriginal Place listing.

The Heritage Council may also consider such plans as a suitable basis of recommending any exemptions for items listed on the State Heritage Register under s 57 of the Act.

Note, there is no provision for heritage asset action plan as best practice. While a conservation management plan is preferred, a heritage asset action plan may be prepared at the agency's discretion.

8. Managing different types of heritage

This section of the guidelines provides advice on how to manage different types of heritage: historic archaeology (relics), Aboriginal cultural heritage, moveable heritage assets and other types of heritage.

8.1 Archaeology

Anyone excavating any land in New South Wales who knows that they are likely to discover, expose, move, damage or destroy a 'relic', or suspects that they might, must apply for an excavation permit from the Heritage Council (refer to ss 138 to 146C of the Act; s 60 may also apply unless the work meets existing criteria for exemptions).

Meaning of relic

In this document, relic refers to the term as defined in s 4(1) of the Heritage Act:

- relic means any deposit, artefact, object or material evidence that —
 - a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - b. is of state or local heritage significance.

The Act includes explicit Heritage Council approval requirements for historic archaeology (relics). The Act does not require that these approvals be obtained prior to other development approvals.

The definition of a relic changed in 2009 and is now based on significance not age (see definition in box above).

Early and integrated assessment of archaeology in project planning and design is recommended. This will allow for best practice outcomes and will minimise project delays. This may involve archaeological testing to establish the presence, nature and extent of any relics at a site.

Potential for archaeology

The potential for archaeology should be adequately assessed prior to site acquisition, design option and design development, where development or use by an agency may impact on the archaeological resource.

Considering archaeology in development and design

Development should be in areas to avoid and minimise impacts to the archaeology. Impacts to the archaeological resource must be considered in the planning stages.

It is the policy of the Heritage Council that relics of state significance should be retained in situ whenever feasible. If not able to be kept in situ, it is usual practice for an

approval to require salvage, recording and interpretation. Any works that impact Aboriginal objects require approval under the National Parks and Wildlife Act.

8.2 Aboriginal cultural heritage management principles

Aboriginal cultural heritage values and places of significance to Aboriginal people should be identified in heritage and conservation registers (where assets are listed on a local environmental plan, the State Heritage Register, an interim heritage order, or are identified by the agency as having state heritage significance), in accordance with the following principles:

1. Aboriginal cultural heritage is a central part of all heritage. Agencies should work with Aboriginal people with relevant cultural knowledge to understand the Aboriginal cultural heritage values of heritage assets, and to discuss appropriate management options.
2. Aboriginal cultural heritage is not limited to artefacts and archaeology, but includes areas, sites, places, art, sites, story/song lines and landscape formations.
3. Aboriginal people are the determinants of Aboriginal heritage values, and agencies should consult with the relevant Aboriginal cultural knowledge holders to understand those values and the heritage significance of an asset. This should occur at the earliest stage possible in the asset management process and should continue to inform management decisions. Any engagement with Aboriginal people should be based on the principles of Free, Prior and Informed Consent and should be Trauma Informed.
4. Aboriginal cultural heritage is part of a continuous living culture. Aboriginal culture should be considered in all its aspects of history including:
 - a. pre-contact
 - b. initial and early contact (including conflict)
 - c. the impact of past governmental policies
 - d. the contribution of Aboriginal people to the agency and its activities
 - e. contemporary Aboriginal culture.
5. Identification and assessment of items of significance to Aboriginal people should only occur with the prior consultation of the relevant Aboriginal cultural knowledge holders and in accordance with advice, if issued, from Heritage NSW.
6. Agencies should maximise the involvement of the local Aboriginal community in asset management decision-making processes to the greatest extent feasible.
7. Cultural information provided by Aboriginal communities is to be treated with respect and having regard to the matters below. Cultural information should only be used and made public in accordance with the agreement of the relevant Aboriginal cultural knowledge holders. Particular attention should be paid to:
 - a. cultural confidentiality, that is, secret or sacred
 - b. gender-specific knowledge

- c. identification of sites
- d. site access.

Inclusion of Aboriginal cultural heritage in an agency's heritage and conservation register should only take place in a manner agreed to by the relevant Aboriginal cultural knowledge holders.

Statements of heritage significance for heritage of significance to Aboriginal people should only be made public as agreed with the relevant Aboriginal cultural knowledge holders.

8.3 Moveable heritage assets

Moveable heritage assets are defined in the Act as a moveable object that is not a relic. They are subject to the requirements of s 170 of the Act.

Moveable heritage assets are a tangible link to the history and use of a place, including past lives and customs. This makes them an important part of an agency's physical record. It is preferable to retain fixtures and objects that contribute to the heritage significance and interpretation of a heritage asset and the history of the agency in their original location. Relocation elsewhere should be avoided unless it is:

- the sole means of ensuring security and preservation
- on a temporary basis for treatment or exhibition
- for cultural reasons
- for health and safety reasons
- to protect the heritage asset.

Moveable heritage assets should be returned to their original or historically/culturally appropriate location where circumstances permit, and it is culturally appropriate to do so. Temporary removal of moveable heritage during building or site work may be required to ensure the security and safety of an asset. This may be subject to standard exemptions under s 57 of the Act.

An asset should be thoroughly documented prior to any removal from its existing location. The documentation should establish provenance, context and associations with people and places. This will assist with reinstating the asset. Heritage specialists should be involved in recording heritage assets.

The following documents should be consulted prior to removal of moveable assets from their location, even if the move is temporary:

- *Movable heritage principles* (NSW Heritage Office 2000b)
- *Objects in their place: an introduction to movable heritage* (NSW Heritage Office 1999).

Disposal of moveable heritage assets

If there are circumstances where owners or managers cannot retain a moveable heritage collection or object, an updated heritage assessment should be completed by suitably qualified and experienced heritage professionals. The assessment should

confirm or reaffirm the heritage value of the asset. It should also determine the impact that disposal of the asset will have on the heritage values of the asset or the place or other moveable heritage assets it is associated with.

If it is determined that disposal of a moveable heritage asset is necessary, the following options should be considered. The options are listed from most preferred to least preferred:

1. offered by sale or donation to a major collecting institution
2. offered by donation to a suitable cultural organisation
3. returned to original donor
4. offered by donation to its creator
5. offered to current/former workers by sale or donation
6. sold by public tender
7. dismantled, scrapped and/or destroyed in the event of no other options being suitable.

Before disposing of moveable heritage assets listed on the State Heritage Register or that have been identified as having state significance, an agency should consult with Heritage NSW to discuss any notifications or applications that may need to be made to the Heritage Council in addition to the s 170A(1) notification. This may include approvals under s 60 of the Act or exemptions under s 57 exemption.

Thorough documentation of the asset should be completed prior to disposal. The documentation should establish provenance, context and associations with people and places and heritage values. A copy of this should be included with any transfer documentation. Heritage specialists should be involved in the recording of the assets.

Agencies should note that archival records such as maps, plans, papers and printed records may also be subject to the *State Records Act 1998*.

The following documents should be consulted prior to the disposal of moveable assets:

- *Movable heritage principles* (NSW Heritage Office 2000b)
- *Objects in their place: an introduction to movable heritage* (NSW Heritage Office 1999).

Moveable heritage and demolished buildings

Agencies should make sure that moveable heritage assets associated with a demolished asset are identified, recorded (including a location plan), assessed, housed and curated in an appropriate location. Where the collection has significance to a region, this should be retained within that region as a single collection. In all cases, the provenance, age, use and historical associations of assets should be recorded to assist with the retention of significance values.

War memorials

War memorials should be considered as special items of cultural heritage. They should be documented electronically on the NSW War Memorials Register (Memorials

Register), a joint initiative of the NSW Office for Veterans Affairs and the State Library of NSW.

Memorials can be recorded on the Memorials Register by submitting information via an online form on the register's website. Enquiries about the Memorials Register can be sent to war.memorials@sl.nsw.gov.au.

Official coats of arms

The *State Arms, Symbols and Emblems Act 2004* provides a formal role for the Heritage Council in the replacement of Royal arms with the State arms in public buildings that are being used to represent the authority of the state of New South Wales. Changes relating to the use and removal of Royal arms should have been completed prior to 1 March 2007. If Royal arms are the responsibility of an agency or discovered to be in situ, Heritage NSW can assist with advice about next steps, heritage significance, and conservation, storage and interpretation.

Detailed guidelines are contained in Appendix A.

9. Using heritage assets

The continued use of an asset is important to maintain its heritage significance. Agencies should endeavour to maintain use. Where the retention of the use is not desirable or practical, the agency should seek an adaptive reuse compatible with the asset's heritage significance. This will assist in its conservation and interpretation.

When considering change to a heritage asset, the level of heritage significance will impact the acceptable amount of change. The *Material threshold policy* (Heritage NSW 2020) should be consulted to assist agencies to identify what is likely to be acceptable change when planning to change the use of a heritage asset. It should be noted that:

- an asset of state heritage significance is not to be demolished or altered without the appropriate Heritage Council notification or approval if the asset is listed on the State Heritage Register
- an asset of local heritage significance can only be demolished or unsympathetically changed following a detailed evaluation involving specialist heritage advice that has shown there is no prudent or feasible alternative.

Consultation with the relevant local council is recommended in both cases.

9.1 New uses

A heritage asset should have a use compatible with its heritage significance. The use should be consistent with the long-term conservation of the asset. New uses that require significant changes and reduce an asset's heritage significance are a last resort.

Modifications to accommodate new uses should consider 'loose fit' and capsule designs that are reversible. The introduction of services into assets should be carefully considered to minimise heritage impacts.

For further information see:

- *Design in context: guidelines for infill development in the historic environment* (NSW Heritage Office 2005)
- *Design guide for heritage* (Heritage Council of NSW and Government Architect NSW 2019).

9.2 The community and change of use

Agencies should consider the following community concerns when determining uses for heritage assets:

- the level of community interest in the asset
- how to obtain, increase or maintain community interest
- potential community opposition likely to be created by a change of use.

Owner, legislative or other approvals may be required before an asset's use is changed.

9.3 No use

In exceptional cases where an asset, building or site cannot be used, it should be maintained to at least minimum standards of maintenance and repair while a strategy to find a new use is developed and implemented. This entails the asset being secured, weatherproofed and regularly monitored. Prior to this being done, measures to protect and conserve the asset should be put in place. This 'no use' approach should be considered as a last resort because disused assets are less likely to be maintained to the same standard as used assets and are likely to deteriorate faster. The responsible individual or team/s for developing a strategy to find a new use and a defined time frame to complete this action should be clearly identified.

9.4 Adaptive reuse

When planning adaptive reuse, agencies should:

- identify, assess and implement options compatible with retaining an asset's heritage significance
- consider the significance of the site as a whole, not just the individual heritage asset, and consider the heritage significance of interactions between all components of the site, including landscape, setting, views and vistas
- assess the rarity of the heritage asset and the number of similar assets of the same type, to determine the cumulative impact of change
- consider the intactness of the heritage asset and whether this intactness is rare and contributes to its significance.

9.5 Users of heritage assets

Users of heritage assets should be made aware of heritage significance and conservation requirements. Users must use assets in a way that retains the asset's heritage significance. This may include lease or contractual requirements.

10. Maintaining heritage assets

10.1 General approach to conservation works

Conservation works to heritage assets should be planned and undertaken so that the heritage significance is conserved. Repairs should follow the *Burra charter* principle to ‘do as much as necessary, but as little as possible’ (Australian ICMOS 2013a, b). Best practice conservation techniques should be used in repairing heritage assets.

10.2 Maintenance

The purpose of regular maintenance is to halt or prevent deterioration because of fire, vandalism, theft or weather. This will reduce the need for major repairs in accordance with the agency’s asset maintenance plan. This may require prioritisation in terms of heritage significance and the level and type of risks the asset may be subject to.

10.3 Skills for asset maintenance

Tradespeople and other professionals with skills and experience appropriate to the site, fabric and/or heritage significance should be employed to carry out maintenance. This is essential to ensure protection of heritage values as well as optimal use of funding to carry out works.

10.4 Repairs and heritage significance

Repairs should be planned and completed so that the significance of heritage assets is conserved. Wherever practical, existing elements and components should be conserved rather than replaced. Consideration may be given to whether the design intent, operational and safety needs all dictate that replacement with new material was an inherent part of the normal use of the item. This may require prioritisation of repairs in terms of heritage significance and the level and type of risks the asset may be subject to.

10.5 Repair techniques

Best practice conservation techniques should be used in repairing heritage assets to ensure that repair works do not cause further damage to the asset.

10.6 Care and due diligence during repairs

Care and due diligence must be taken by an agency’s management, staff and contactors so as not to harm or remove related features such as archaeological relics or significant vegetation.

10.7 Traditional techniques

Traditional materials and techniques should be used where possible to repair heritage assets. Replacement components should match existing components as closely as possible but should, on close inspection, be identifiable as new. Modern materials and

techniques should only be used where there is scientific evidence that supports their use over the long term.

10.8 Reconstruction

Reconstruction is appropriate only where a heritage asset is incomplete through damage or alteration. There must be sufficient material or documentary evidence to support reproduction of earlier fabric. In rare cases, reconstruction may also be appropriate as part of a use or practice that retains the heritage significance of the heritage asset. Reconstruction should be identifiable on close inspection or through additional interpretation. Reconstruction should only relate to a small portion of a heritage asset.

10.9 Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the fabric.

10.10 Recording works

A record of all relevant documents, decisions and works undertaken should be maintained for each heritage asset.

10.11 Disaster preparedness planning

Disasters can be human-made or environmental, including fire, storms, flooding, drought, lightning strikes, infrastructure failure, oil spills, outbreaks of disease, terrorism and land slips. The best way to minimise the impact of any type of disaster on heritage assets is through planning and prevention strategies that:

- assess risk
- monitor risk
- reduce risk
- mitigate risk.

Heritage considerations should be incorporated into overall agency disaster reduction policies, management plans and systems. An individual disaster response plan for vulnerable and/or highly significant individual heritage assets, or groups of assets, should also be prepared. This should outline emergency response procedures and responsibilities, damage assessment processes, treatment actions and recovery planning. This will best assist agencies and emergency response teams to protect the asset's heritage values.

A good disaster response plan is simple, flexible and adaptable. It should facilitate a Quick response and identify all necessary resources and sources of assistance. It may also outline:

- useful equipment and materials in the event of a disaster, and where they should be located
- a program to make sure the equipment and materials are maintained and available.

Mitigation measures should have minimal impact on the heritage asset except if the asset is highly vulnerable. This may require prioritisation in terms of the heritage significance and the level and type of risks the asset may be subject to.

There needs to be a clear understanding of who is responsible for implementing the plan on a day-to-day basis as well as at times of threat. Equipment and materials should be stored where those responsible for responding to threat can access them at the time of threat.

There also needs to be a clear understanding of who is responsible for decisions impacting heritage assets and, where possible, direct communication with individuals responsible for managing the overall situation.

Preventing the loss of human life or harm to a person takes precedent over preserving heritage values. Further information is on the Heritage NSW website.

Risk management

Agencies can reduce underlying risk of disasters to heritage properties by implementing measures such as:

- regular maintenance
- identification of hazards
- ecosystem buffering
- prevention of deterioration
- active asset management.

Processes for managing risk will be different depending on the situation, the portability of the asset, the type and level of threat, the heritage significance of the asset and the level of vulnerability of the asset. Where assets are identified as having a vulnerability level of medium-high, the key heritage values of the assets should form the basis for the disaster response plan.

Education of management, staff and volunteers responsible for a heritage asset is a key factor when responding to an imminent threat or after the event. When everyone knows what to do, when to do it and who is responsible, the risk of loss of heritage values can be significantly minimised.

If an agency needs assistance with disaster management planning or is currently experiencing a disaster, please advise Heritage NSW. Heritage NSW is committed to helping agencies face this challenge.

11. Managing changes to heritage assets

Change is undesirable where it reduces heritage significance. The amount of change to a heritage asset should be guided by the heritage significance of the heritage asset, by its heritage management policies and by its appropriate interpretation. Refer to:

- *Material threshold policy* (Heritage NSW 2020).

11.1 Recording an asset in its existing situation

An archival recording should be made of existing fabric, location and surrounds prior to changes being made to a heritage asset. The asset's use, historical associations and meanings should also be recorded. Refer to:

- *How to prepare archives records of heritage items* (NSW Heritage Office 1998)
- *Photographic recording of heritage items using film or digital capture* (NSW Heritage Office 2006).

11.2 Setting of a heritage asset

Design and planning decisions should retain an appropriate visual setting. Other relationships, such as views and vistas that contribute to the heritage significance of the heritage asset should also be retained. New construction, demolition, intrusions, or other changes that would adversely affect the setting are not appropriate.

11.3 Contribution to town or streetscape

The context of a heritage asset in terms of its contribution to the townscape and streetscape should be considered in detailed planning.

11.4 Maintaining a heritage asset in its location

The physical location of a heritage asset is part of its heritage significance. The following principles should inform decisions whether to maintain a heritage asset in its existing location:

1. A building, work or other component of a heritage asset should remain in its historical location where practicable.
2. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
3. Where relocation is required, options to connect the asset to its original location should be considered.

Some buildings, works, objects or other components of heritage assets were designed to be readily removable or already have a history of relocation. Removal may be appropriate if buildings, works or other components do not have significant links with their present location.

11.5 Altering or extending heritage assets

Alterations to a heritage asset should be planned and executed to minimise negative impacts on its heritage significance, curtilage and setting. Alterations should only be undertaken when necessary to upgrade a heritage asset to meet current standards (for example, *Building Code of Australia*, fire and life safety, work health and safety, disabled access), to adapt it for a compatible new use, or to ensure its ongoing viability.

Major alterations should only be considered where they will not compromise the heritage significance of the building, its curtilage or its setting.

11.6 Adaptation

Adaptation should be limited to what is essential for the use of the heritage asset. Adaptation should occur when it has minimal impact on the heritage significance of the asset. It should involve minimal change to significant fabric and be undertaken only after other alternatives have been considered.

11.7 Contemporary design and design excellence of new additions

New additions to heritage assets, including new works in the vicinity of heritage assets, should be identifiable as having been designed and built in the present. New additions are to include contemporary design elements and materials as appropriate as well as being sympathetic to identified heritage significance. Designs should be executed with appropriate materials and finishes.

11.8 Reversibility of works

Change should be undertaken in such a way that it is reversible, particularly for alterations or extensions that do not contribute to the conservation of a heritage asset.

11.9 Removal of intrusive elements

Wherever practical, elements identified as being ‘intrusive’ to the heritage significance of a heritage asset should be removed.

11.10 Removed fabric

Significant fabric that has been removed from a heritage asset, including contents, fixtures and objects, should be catalogued and protected in accordance with its heritage significance. Where possible, and culturally appropriate, significant fabric that has been removed should be kept at (or with) the heritage asset and reinstated when the opportunity arises. Retaining removed significant fabric should be considered with reference to the *Burra charter* and relevant legislation and guidelines.

11.11 Meeting modern standards and requirements

When meeting modern standards and requirements, agencies need to minimise the impact on the heritage significance of a heritage asset. These requirements are:

- environment/pollution compliance
- disabled access
- fire and life safety
- National Construction Code
- work health and safety.

The Heritage Council's Technical Advisory Panel is available to assist with these matters. The agency can discuss this with Heritage NSW.

11.12 Sustainability

When replacing existing materials, fabric or components, agencies should balance the resources consumed in producing the new materials, fabric or components against the embodied energy lost in removing and disposing of the existing components.

Where possible, without losing the heritage significance of assets, upgrades to improve operational efficiency of heritage assets should be considered. In considering the feasibility of such upgrades, agencies should undertake an assessment of the embodied energy (and/or carbon) held within the existing assets. Independent third-party certification of building materials should be explored to ensure materials have been sustainability sourced. Life cycle analysis may assist agencies to understand the energy savings achieved through such modifications and how long it will take to recoup the energy consumed by undertaking the modifications.

11.13 Services

All services, such as mechanical (including air conditioning, lighting and electrical), hydraulic and information technology should be installed in heritage assets in ways that minimise negative impacts on heritage significance, including potential archaeological relics. Use of existing areas of intervention and installation should be used to install services whenever possible to reduce cumulative impacts and enable reversibility. Alternatives should be considered if appropriate. It is always preferable to install services within existing or new works, materials, items or elements that are of low or no significance.

11.14 Ruins

A ruin is the fabric of a constructed and usually immovable structure, mostly above the ground, which is in a transitional state between dereliction and an archaeological site. When an asset's state as a ruin is a primary element of its significance, management through preservation will often be justified, rather than partial or full reconstruction. Processes of controlled and recorded decay may be acceptable. An asset does not automatically become a ruin where an agency has failed to maintain the asset or meet the minimum standards of maintenance and repair for State Heritage Register items. Current Australian Government and Australian Heritage Council policies and guidelines should be consulted when determining if an asset may be considered a ruin and the management implications.

11.15 Inappropriate short-term management

The heritage significance of important fabric should not be compromised by short-term decisions that allow inappropriate development, use, maintenance or refurbishment.

This includes such things as the replacement of functional, original fittings for contemporarily designed fittings.

11.16 Document changes

All changes must be documented. This information should be entered in the field titled 'Modifications and Dates' in the inventory record in the Heritage Management System.

12. Monitoring and reporting

12.1 Improving heritage management

Agencies should monitor and report on the relevance, effectiveness and efficiency of their heritage asset management strategy and heritage assets to identify where appropriate improvements can be made.

12.2 Monitor condition

Agencies need to incorporate a process of monitoring and reporting on the physical condition of their assets into their heritage and conservation register and their heritage asset management strategy. Agencies should take prompt action to ensure heritage significance is not eroded due to poor or inconsistent monitoring.

When assets are added to the heritage and conservation register, the opportunity should be taken to add a condition statement that details recommendations and maintenance priorities.

12.3 Reporting

Regular reporting is an effective way to support ongoing improvements in an agency's heritage asset management strategy and for setting budgetary priorities. Agencies should develop reporting regimes relevant to service delivery requirements, types of heritage assets and staff resources.

13. Resources and funding

13.1 Resources

Budget bids by state agencies should reflect management requirements arising from the principles and the guidelines. Proposals should be made in the context of community expectations for service delivery and limitations to overall funding available through the budget process.

13.2 Funding responsibility

Maintenance of heritage assets should be incorporated into the overall maintenance strategy of the state agency and as part of their capital planning. Maintenance of heritage assets often requires a mix of capital and recurrent funding. Funds for the maintenance of heritage assets should be applied for in the appropriate way through budget bids.

13.3 Funding considerations

State agencies should seek guidance from NSW Treasury analysts at The Treasury, to comply with the strategic management cycle and timeframe for the planning of activities.

13.4 Funding priorities

State agencies should consider the following mix of factors in determining funding priorities:

- heritage significance
- the conservation outcomes/objectives outlined in the agency's heritage asset management strategy
- the condition of the asset — priority should be given to assets that will suffer significant deterioration in the short term (1 to 5 years) and are at risk of higher maintenance costs and reduced heritage significance if deferred
- assets constructed of sandstone — due to the fabric typically having a high level of significance and generating high deferred maintenance costs
- assets where adaptive reuse or disposal is unlikely to be viable in the short to medium term
- assets that are highly valued by the community.

13.5 Special funding programs

In preparing applications for funding to NSW Treasury, state agencies could investigate the availability of special funding programs for government heritage assets, including:

- NSW interagency capital programs
- Minister's Stonework Program
- federal programs.

14. Public outcomes

14.1 Interpretation of heritage significance

The heritage significance of many heritage assets may not always be readily apparent and should be explained by interpretation. Refer to:

- *Interpreting heritage places and items guidelines* (NSW Heritage Office 2005).

Interpretation should enhance understanding, engagement and enjoyment and be culturally appropriate.

14.2 Education and promotion of heritage outcomes

State agencies are encouraged to develop and implement public heritage promotion and education initiatives, highlighting the heritage outcomes achieved. They should take every opportunity to celebrate and promote their heritage assets.

14.3 Records and archives

Records about the history and conservation of a heritage asset should be conserved and made publicly available, where culturally appropriate, subject to requirements of security and privacy, and subject to the requirements of the State Records Act.

15. Definitions

Term	Meaning
Aboriginal object	<p>As defined in s 5 of the <i>National Parks and Wildlife Act 1974</i>.</p> <p>Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.</p>
Aboriginal Place	Any place declared to be an Aboriginal Place under section 84 of the <i>National Parks and Wildlife Act 1974</i> .
<i>Burra charter</i>	<p>The common name for <i>The Burra charter: Australia ICOMOS charter for places of cultural significance</i> (Australia ICOMOS Inc 2013), which sets out the standard for best practice heritage and conservation work in Australia. Australia ICOMOS (the International Council of Monuments and Sites) is a peak heritage body in Australia.</p> <p>The <i>Burra charter</i> is a nationally recognised document that shapes the policies of the Heritage Council of NSW and the NSW Government. In December 2004, the Heritage Council formally supported the <i>Burra charter</i> as the key policy document that underpins heritage management in NSW.</p>
Capital planning	<p>Capital planning is the NSW Government policy introduced to achieve better planning and management of the state's assets. It is the strategic management of physical assets to best support the delivery of state agency services. It is part of a planning framework in which the government's social, ecological and financial service outcomes are achieved by the most efficient means and within the resource limits of the community.</p> <p>It provides a structured and systematic resource allocation approach to infrastructure and physical asset management so that resources are aligned with the service objectives of state agencies. This approach achieves better planning and management, and best value for money.</p>
Conservation	Includes preservation, protection, maintenance, restoration and adaptation.
Environmental heritage	Places, buildings, works, relics, moveable objects, and precincts, of state or local heritage significance.
Heritage and conservation register	A register of heritage assets that an agency cares for, manages or controls, including ownership and occupation. A heritage and conservation register is prepared in accordance with s 170 of the <i>NSW Heritage Act 1977</i> .
Heritage assets	Items of tangible and intangible heritage significance identified in a state agency's heritage and conservation register, including a place,

Term	Meaning
	building, work, relic, moveable object or precinct of cultural and natural significance.
Heritage asset management strategy (HAMS)	A strategy document prepared by a state agency demonstrating how the agency will implement the principles and guidance outlined in State Owned Heritage Management Principles ('the principles') and <i>Heritage asset management: Heritage Council of NSW guidelines for state agencies</i> (DCCEEW 2024; the guidelines).
Heritage Council of NSW	<p>The Heritage Council of NSW (Heritage Council) carries out functions under the Heritage Act and receives advice and administrative support from Heritage NSW. The Heritage Council is a NSW Government agency created by Part 2, Division 1, ss 7 to 9 of the Act. Its membership reflects a cross-section of community, government and conservation expertise.</p> <p>The Heritage Council makes decisions about the care and protection of heritage places and items that have been identified as being significant to the people of New South Wales. The Heritage Council provides advice on heritage matters to the Minister, including recommendations for places and objects to be listed on the State Heritage Register. The functions of the Heritage Council are described in detail in Part 2, Division 2, ss 21 to 23 of the Act.</p>
Heritage NSW	Heritage NSW is the state government agency responsible for managing and implementing the Heritage Act. Its mission is to celebrate, share and conserve heritage of New South Wales.
Interim heritage order (IHO)	<p>A temporary order made over an asset of potential state or local heritage significance. Defined in Part 3 of the Heritage Act. An IHO generally lasts for one year and allows further investigation of the potential heritage significance of an asset. The Minister responsible for the Act may make an IHO on the recommendation of the Heritage Council. The Minister may also authorise local councils to make IHOs. Section 24(1) of the Act states:</p> <ul style="list-style-type: none"> The Minister may make an interim heritage order for a place, building, work, relic, moveable object or precinct that the Minister considers may, on further inquiry or investigation be found to be of state or local heritage significance.
Local environmental plan	As defined in section 3.13(2) of the <i>Environmental Planning and Assessment Act 1979</i> .
Local heritage significance	<p>As defined in section 4A (1) of the Heritage Act as:</p> <ul style="list-style-type: none"> local heritage significance, in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
Minister	NSW Minister responsible for administering the Heritage Act.

Term	Meaning
Court	Means the Land and Environment Court, as per section 4(1) of the Heritage Act.
Relics	<p>In this document, 'relic' refers to the term as defined in s 4(1) of the Act.</p> <ul style="list-style-type: none"> 'relic' means any deposit, artefact, object or material evidence that — <p>(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and</p> <p>(b) is of State or local heritage significance.</p>
State agency	<p>Referenced in the Heritage Act as a 'government instrumentality'.</p> <p>Section 4 of the Act defines a government instrumentality as:</p> <p>(a) a government agency that is required to furnish details of land to Government Property NSW under section 21A of the <i>Properties NSW Act 2006</i>, and</p> <p>(b) a state-owned corporation.</p>
State Heritage Inventory	<p>The State Heritage Inventory is established under s 21(e) of the Heritage Act and aims to record all heritage items of state and local significance in New South Wales. These are:</p> <ul style="list-style-type: none"> declared Aboriginal places items listed on the State Heritage Register listed interim heritage orders items on state agency heritage and conservation registers items listed on a local council's local environmental plan.
Statutory heritage listings	<p>In NSW there are 5 types of statutory heritage listings under state legislation:</p> <ul style="list-style-type: none"> Aboriginal Places State Heritage Register interim heritage orders state agency heritage and conservation registers items listed on a local council's local environmental plan.
State Heritage Register	<p>The State Heritage Register is a list of places and objects of importance to the people of New South Wales and are protected by the provisions of the Heritage Act. The State Heritage Register lists a diverse range of places, buildings and objects including Aboriginal items and sites with Aboriginal cultural heritage values, buildings, objects, monuments, gardens, natural landscapes, archaeological sites, shipwrecks, relics, streets, industrial structures, public buildings, shops, factories, houses, religious buildings, schools, conservation precincts, jetties, bridges and moveable objects.</p> <p>Refer to the Heritage NSW website for more information.</p>
State heritage significance	As defined in s 4A (1) of the Act as:

Term	Meaning
	<ul style="list-style-type: none"> State heritage significance, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
Thematic history	A history of a place, activity or institution identifying historical themes that help to determine whether a place or object may have heritage significance.

16. References

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Heritage Council of NSW (2021) Guidance on developing a conservation management plan, Heritage Council of NSW, Sydney.

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NSW Heritage Office (2005) Design in context: guidelines for infill development in the historic environment, NSW Heritage Office, Parramatta.

NSW Heritage Office (2005) Interpreting heritage places and items guidelines, Heritage information series, NSW Heritage Office, Parramatta.

Legislation

- [Crown Lands Act 1989 \(repealed\)](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Heritage Act 1977](#)
- [Heritage Regulation 2012](#)
- [National Parks and Wildlife Act 1974](#)
- [Properties NSW Act 2006](#)
- [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)
- [State Arms, Symbols and Emblems Act 2004](#)
- [State Records Act 1998](#)
- [Underwater Cultural Heritage Act 2018 \(Cth\)](#)

More information

- [Australian Heritage Database](#) – Department of Climate Change, Energy, the Environment and Water (Cth) webpage
- [Capital planning process](#) – NSW Treasury webpage
- [Commonwealth Heritage List](#) – Department of Climate Change, Energy, the Environment and Water (Cth) webpage
- [Heritage NSW](#) – Department of Climate Change, Energy, the Environment and Water (NSW) webpages, including:
 - [Manage heritage items](#) webpage which includes links to heritage maintenance guides, online library, conservation management plan, and conservation products and services directory
 - [Heritage Council of NSW](#) webpage
- [State Heritage Inventory](#) – NSW Government website
- [Museums and Galleries of NSW](#) – website
- [Australia's World Heritage List](#) – webpage
- [NSW War Memorials Register](#) – a joint initiative of the NSW Office for Veterans Affairs and the State Library of NSW.

Appendix A: Implementing the *State Arms, Symbols and Emblems Act 2004*

The *State Arms, Symbols and Emblems Act 2004* (the SASE Act) came into effect on 1 March 2004. The SASE Act includes the following definitions:

- **Royal arms of the United Kingdom** means the arms of sovereignty and dominion borne by Her Majesty Queen Elizabeth II in her capacity as Queen of the United Kingdom of Great Britain and Northern Ireland (as used in England, Scotland or any other part of that kingdom) or by any of her predecessors in the sovereignty of that kingdom or any part of it, which are also collectively known as the Royal arms, and includes any arms that replace those arms.
- **State arms** means the armorial ensigns and supporters the blazon of which is set out in Part 1 of Schedule 1 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 1. The State arms may be depicted in the colours set out in the blazon or in monochrome.
- **State symbols** means:
 - (a) the State badge the blazon of which is set out in Part 1 of Schedule 2 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 2 (the State badge may be depicted in the colours set out in the blazon or in monochrome), and
 - (b) the State flag a description of which is set out in Part 1 of Schedule 2 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 2, and
 - (c) any other symbol or thing the blazon or a description of which is set out in Part 1 of Schedule 2 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 2.

The SASE Act prohibits the use of the State arms or State symbols for commercial purposes without the authority of the Governor or the Attorney General. Use of the Royal arms of the United Kingdom (Royal arms) is similarly restricted by other protocols.

Many examples of the Royal arms and State arms on buildings and seals have been created with a high degree of craftsmanship and artistry, and have high levels of historical, social and aesthetic significance for the people of New South Wales.

Frequently asked questions

What are the basic requirements of the SASE Act, and what is the role of the Heritage Council?

The SASE Act required all Royal arms in state-owned buildings to be replaced by 1 March 2007, with the State arms or a State symbol. This applied whenever the arms or symbol were being used to signify the authority of the Crown in right of New South Wales or the State of New South Wales. The SASE Act did not, and does not, apply where the Royal arms are used for historical or heritage purposes.

Where the Royal arms has formed an integral part of a heritage item, the Premier may, after consulting with the Heritage Council, decide that the Royal arms can remain, but the State arms must also be displayed in a prominent position.

Where any Royal arms are found to remain and are not identified as being in use for historical or heritage purposes, the Premier may, after consultation with the Heritage Council, decide where and how removed Royal arms are to be housed and cared for.

How do you know if a place displaying the Royal arms, or the Royal arms, is a heritage item?

- Check to see whether the place, object, seal or arms is listed in your heritage and conservation register, the State Heritage Register, the National Heritage List, a local environmental plan, or any other statutory heritage list.
- Check to see whether the place, object, seal or arms has been identified in a heritage study of any sort, or if any community or professional representations have been made concerning the heritage values of the place, object or arms.
- Check to see whether the place, object, seal or arms has been listed on a community heritage list, such as the National Trust register, the Royal Australian Institute of Architect's list of 20th century buildings, the Institution of Engineers heritage list, the Professional Historians' Association heritage register, or has a plaque associated with it on account of its heritage values.
- Commission a heritage assessment of the affected place, object, seal or arms.

How do you seek advice before removing any Royal arms?

Premier's circular 2004-23 gives the following guidance to agencies considering the removal of arms:

- all agencies should review their operations to see whether any arms should be changed
- any changes should be introduced gradually to ensure that additional costs are minimised or avoided
- replacing Royal arms in non-heritage places should be undertaken when refurbishments or structural alterations are being made
- all costs for changing arms must be met from existing resources for proposed building works.

The agency CEO needs to advise the Minister where Royal arms form an integral part of any heritage item controlled by their agency, and to set out reasons for the retention of the Royal arms. Such reasons might include the heritage listing of the place, object, seal or arms, or a heritage assessment of the place, object, seal or arms as being of heritage significance.

The Minister is then to advise the Premier in writing so that the Premier may consult with the Heritage Council. No arms should be removed until this advice has been received by the agency.

Prior to removing significant Royal arms, the agency head must advise the Minister how the Royal arms are to be housed, conserved and interpreted (for any arms in a sculptured, durable or other moveable form). The Minister is then to advise the Premier in writing so that the Premier may consult with the Heritage Council as to the most appropriate ways of housing, conserving and interpreting the removed arms. No arms should be removed until this advice has been received by the agency.

What is to be done with removed Royal Arms?

Removed arms are to be properly housed and conserved. They are not to be disposed of.

The following prioritisation for housing and conserving removed arms will form the basis of any Heritage Council advice to the Premier on this matter. If the arms are assessed as being of **state or national heritage significance**, the following prioritisation for housing and conserving removed Arms will apply:

1. Retained by the state agency as part of its moveable heritage collection, managed in accordance with a Heritage Council endorsed collections management policy, and housed in the same building for a historical or heritage purpose.
2. Offered to a state collecting institution, as defined in section 3 of the *State Records Act 1998*, or offered to State Records NSW, for inclusion in their collections or holdings.
3. Offered to a statewide or peak body of a constitutional, legal, cultural or artistic organisation for historical or heritage purposes including conservation, display and exhibition.

If the arms are assessed as being of **local or regional significance**, the following prioritisation for housing and conserving removed arms will apply:

1. Retained by the state agency as part of its moveable heritage collection, managed in accordance with a Heritage Council endorsed collections management policy, and housed in the same building for a historical or heritage purpose, or at the least housed under the care and control of the agency in the locality or region to which they are of significance.
2. Offered to a relevant local government authority to conserve and display in premises under their care or control for historical or heritage purposes including conservation, display and exhibition.
3. Offered to a local or regional collecting institution, or to a constitutional, legal, cultural or artistic organisation operating locally or regionally for historical or heritage purposes including conservation, display and exhibition.
4. If none of the above can be achieved, the arms may be offered for public sale through a reputable auction house with demonstrated experience in dealing with culturally important objects.

If the arms are assessed as having **no heritage significance**, they should be offered for public sale through a reputable auction house with demonstrated experience in dealing with culturally important objects. The disposal of removed Royal arms should be

reported upon in the state agency's annual report. The state agency should give the Heritage Council not less than 14 days notification before disposing of removed arms.

General advice on replacement State arms

Where Royal arms are replaced by State arms, whether in, or on, heritage items or non-heritage places and objects, the replacement arms should be:

- of similar dimensions, materials and craftsmanship to the removed arms
- fixed using the same fixing points as for the removed arms and convey the same sense of dignity and official status conveyed by the removed arms.

Where State arms are to be installed in conjunction with existing Royal arms, expert advice on possible installation locations and methods should be sought from Heritage NSW as early as possible during the planning stages before any decisions are made.

Requirements under the *Heritage Act 1977* for obtaining approvals from the Heritage Council for any works to an item listed on the State Heritage Register or subject to an interim heritage order are not voided or otherwise overcome by the operation of the SASE Act. Similarly, requirements under the *Environmental Planning and Assessment Act 1979* for obtaining approvals from a local council for any works to an item listed on the schedule of a local environmental plan or a draft schedule are not voided or otherwise overcome by the operation of the SASE Act.

Keeping a record of housing, conserving and disposing of removed arms

A record should be made of all Royal arms and State arms identified by an agency for the purposes of the SASE Act. This will help the agency respond to points 1 and 3 of the Premier's circular and can form a component of the agency's heritage and conservation register prepared and maintained under the Heritage Act.

A record of a coat of arms should be made using the heritage data form (available from Heritage NSW) and include at least one photograph of the arms in their location before removal or relocation. Completed heritage data forms for each coat of arms should be lodged with the Heritage NSW Library, which will maintain the forms as a record of official arms in New South Wales and made available in the library for public inspection. Advice received by the Heritage Council on the conservation, management and disposal of arms will be included in the record as it is received.

Management recommendations, as provided for in the heritage data form, should be carefully considered and completed and be consistent with the guidelines.