

## What does Heritage Listing Mean?

### Why protect places of heritage significance?

The heritage of The Hills Shire is a valuable and non-renewable resource, which assists in the development and interpretation of the Shire's character and identity. As with other non-renewable resources, heritage requires protection and conservation if it is to be enjoyed by present and future generations.

All Council's in New South Wales have a statutory responsibility under the *Environmental Planning and Assessment Act, 1979* and *Heritage Act, 1977* to protect heritage items and conservation areas through their identification in planning instruments.

Accordingly Council has listed numerous buildings, structures and other places that are considered to be of heritage significance in its Local Environmental Plan.

These items are not listed simply because they are old, rather for a variety of reasons including:

- they are associated with important phases in the history of an area or with persons or events of great importance,
- they are rare,
- they have been constructed with unusual materials or techniques, and/or
- they are fine, representative examples of their type.

### What's important about The Hills Shire?

The process by which Council's identify heritage items or conservation areas are well established and normally involve the conduct of a comprehensive study of an area's environmental heritage.

The Hills Shire Council has previously undertaken a Shire-wide Heritage Study in accordance with State-wide criteria established by the NSW Heritage Office. The study identified developmental phases that were seen as critically important to the historic development and heritage value of the Shire as follows:

- Pre-European settlement,
- Early Roads System,
- Small Farms along the Hawkesbury River,
- Early Settlement of the Cumberland Plain,
- Orchard Development, and
- Country Retreats.



The majority of buildings and sites that are considered to be of heritage significance provide important physical evidence or reminders of these highly significant themes and therefore allow the community and future generations to interpret or better understand the history of the Shire.

It is important to note that a heritage building or site does not have to be completely intact or in good condition for it to be of heritage significance. Rather it is the building's ability to demonstrate the criteria and historical themes discussed above that is important. Many listed buildings have undergone change overtime such as extensions or alterations, however the works have not had an adverse impact upon the identified significance of the site.

### What is a heritage item?

Heritage items are buildings, relics, structures or places of individual value. They may include a house, farm shed, roadway, machinery, church, cemetery, quarry or the remains of a previous structure, which are considered to be of heritage significance to the Shire, the Region or the State. All heritage items are listed in Schedule 1 of Council's Local Environmental Plan.

It is noted that the listing applies to the entire property of the particular structure (i.e. Lot A DP 123456). Often elements within the property such as mature trees, outbuildings or other landscape features make an important contribution to the overall significance of the item.

A list of conservation areas are also included in the schedule. More than a collection of individual heritage items, they comprise areas in which the historical origins and relationships between various elements create a sense of place that is worth keeping. An example within the Shire is the Burnside Homes in North Parramatta which display a unique expression of early 20th Century child care provision using common architectural design and layout.

In the preparation of a Shire-wide Heritage Study, inventory sheets were prepared for a number of buildings and sites that are now listed. The inventory sheets contain basic but useful information such as a brief history of the building or subject land, listings, a physical description of the item and a statement of significance. Enquiries should be directed to Council's Heritage Staff on 9843 0555 to obtain copies.

### **How to find out if a property is heritage listed?**

In NSW there are two types of statutory listings. A property is heritage listed if it is:

- listed in a Council's Local Environmental Plan (LEP), or
- listed on the State Heritage Register (under the *Heritage Act, 1977*).

There are many other non-statutory lists such as listing by the National Trust or the NSW State Heritage Inventory, however they do not have legal status. Rather they are more an indication of an item's heritage importance.

To find out if a particular property is listed by Council, reference should be made to Schedule 1 of Council's LEP 2005.

It contains a list of all those buildings, archaeological sites and other places of heritage significance. Each item is listed under the relevant street name and a property description provided.

It also indicates whether an item is considered to be of local, regional or state significance. The LEP can be accessed via Council's website at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

Alternatively, the Council can be contacted to ascertain if a particular property is heritage listed. Phone (02) 9843 0555 or visit Council's Customer Service Centre at 129 Showground Road, Castle Hill.

There are only 10 properties in the Shire that are listed on the State Heritage Register. All of these properties are also listed under Council's LEP.

A search of the State Heritage Register is possible by visiting the NSW Heritage Office website [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

### **What does heritage listing mean?**

In short, listing as a heritage item or conservation area recognises the heritage significance of your property.

It is a mark of the rarity, importance and community value for your property, as evidence of the history of the Shire.

### **Council's heritage controls?**

Council's Local Environmental Plan 2005 contains a number of provisions that relate specifically to those items and conservation areas listed in Schedule 1.

The main purpose of the provisions are to ensure their protection, facilitate conservation and for development to be undertaken in a manner that is sympathetic to the site and its identified significance.

In short, they require the following:

- Consent to be obtained from Council for most forms of development affecting a heritage item,
- An assessment of impact upon the significance of the item to be undertaken,
- For certain development associated with a heritage item to be advertised,
- Council to inform the NSW Heritage Council of any proposal to demolish a heritage item,
- To consider the impact of development within the vicinity of a heritage item, and
- To permit the use for any purpose of a heritage item or conservation area, provided certain criteria can be satisfied.

Council's Development Control Plan No.10 - Heritage also contains more detailed guidance and controls relating to the undertaking of new work to a heritage item. In particular controls are provided for alterations, extensions, subdivision, new buildings, signage, demolition and so on.

Whilst not a statutory instrument, the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) provides the guiding philosophy for the care of important places.

The Burra Charter defines the basic principles and procedures to be observed in the conservation of important places.

Council uses the Burra Charter as its guiding document in the consideration of development matters that may impact upon items or landscapes of cultural significance.

### **What can I do with my property?**

Heritage listing does not prohibit any future change, rather it provides the framework within which changes can occur.

Listing does not imply that heritage sites or buildings cannot be altered, added to, subdivided, modernised, or in certain situations demolished. Rather, the main aim of heritage listing is to ensure due and expert consideration is given by the applicant and Council to the heritage significance of an item at the development application stage, and to ensure that any new work is undertaken in a sympathetic manner.

For example, a sympathetic addition to a heritage item should seek to retain original features wherever possible including those within the garden setting, whilst allowing change along the least significant elevation. This is normally the rear addition, not visible from the main street frontage. Additions or extensions should not overwhelm the original building in terms of bulk and scale. They should not necessarily try to look 'old' or imitate the architectural detail of the original, rather be of a complimentary appearance in terms of the overall form, use of materials and finishes.

A sympathetic addition to a stone structure could have a rendered finish, with similar colours to that of the stone or brickwork. Alternatively a 'lightweight' timber addition would also be acceptable. The use of these type of materials and finishes ensure the architectural integrity of the existing structure is retained, and a distinction is made between the 'old' and 'new'.

### **What works require Council approval?**

You should firstly check with Council to ensure the works you propose are firstly permissible and secondly if they require Council consent. However, the following works normally require the submission of a development application to Council:

- Demolition, including the partial demolition of works or structures within the subject property.
- Alterations, where those alterations affect structural integrity or exterior of the building.
- Extensions.
- Erection of a new building within a conservation area or upon land on which a heritage item is located.
- Gardens and mature plantings. Original gardens and plantings are often an integral part of the heritage item and should not be damaged or altered without consent.
- Subdivision. In considering subdivision applications in respect of heritage items,



### **Council will have particular regard to maintaining the setting or cartilage of the item.**

Council's consent would not normally be required for routine maintenance works such as painting of previously painted surfaces, repairing existing renders, or repairing existing windows and frames. The introduction of new materials or the painting of previously unpainted surfaces would require consent.

Consent is not requires for internal works, such as kitchen or bathroom refurbishments where the structural elements or the exterior of the building are unaltered, and the internal fixtures are not of particular significance.

### **What information should accompany a Development Application?**

Council normally requires a Heritage Impact Statement to accompany most applications involving new work to a heritage item, unless the works are considered to be of a minor nature.

It is advisable to firstly discuss the proposal with Council's relevant officers, and to confirm what information is required to be submitted prior to the lodgement of the application. This may take the form of a pre-lodgement meeting.

In short, the purpose of the heritage impact statement is to establish why the item is significant, the components of the item which contribute to that significance, and to ensure any proposed works do not detract from the significant attributes.

Depending upon the nature and extent of development proposed the heritage impact statement may need to include consideration of specific issues, such as an archaeological assessment where the disturbance of a relic is involved, or a curtilage assessment where subdivision or new buildings are proposed. Other information such as methods of repair or restoration, colours, materials and finishes may also need to be provided.

If your building or property is identified as having heritage significance it is advisable to consult a qualified heritage practitioner or expert in heritage conservation matters to prepare the statement. For example a conservation architect would be of assistance where works to a heritage building are proposed, while the expertise of an archaeologist would be required where an archaeological site is affected.

A useful list of heritage related consultants is available from the NSW Heritage Office website. A Conservation Management Plan may be required to be submitted where extensive conservation works are proposed to a heritage item, particularly where it involves work to an item of State significance. For the specific list of information necessary to support an application involving work to a heritage item, please refer to Council's Development Control Plan No.10 - Heritage.

### **What are the benefits of heritage listing?**

A range of assistance and incentives are available to owners of heritage listed properties to assist in their maintenance and conservation, including Council's annual Heritage Assistance Fund and the incentive provisions contained in Council's Local Environmental Plan 2005.

A copy of the Heritage Assistance Fund guidelines are available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au). Alternatively contact should be made with Council on 9843 0555.

The incentive clauses allow a heritage item to be used for any purpose, notwithstanding the zoning, where Council is satisfied that the use would not have an adverse impact upon the amenity of the area or upon the significance of the item, and where the conservation of the building is dependant upon the use.

### **Answers to some commonly asked questions**

1. Listing does not prevent alterations or additions to a heritage item provided they do not detract from the heritage significance of an item.
2. Listing does not exclude the adaptive re-use of a heritage item (where permissible), which often is a sensible means to ensure the conservation and on-going maintenance of a heritage item.
3. The routine maintenance of a heritage item does not normally require the approval of Council.
4. There is no suggestion that the owners of Council listed properties could be forced or even requested to undertake restoration works.
5. There is no suggestion that the owners of Council listed properties could be asked to show their homes to the public. The majority of listed items are private homes and this is to be respected.

### **Further information**

The above is a general outline of why properties are listed, what heritage listing means, and should not be relied upon when making important decisions about listed heritage items. For more specific information reference should always be made to:

- Council's Local Environmental Plan 2005, and
- Council's Development Control Plan No. 10 - Heritage.

Council can also be contacted on 9843 0555 to answer more specific questions concerning heritage listing. More information concerning heritage matters, including Council's LEP and DCP, is also available from Council's website at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

The NSW Heritage Office has also produced a number of useful publications that cover such topics as the heritage planning framework, heritage significance, heritage consultants, and preparing Heritage Impact Statements and Conservation Management Plans. Refer to [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au).

Should you have any further enquiries please contact Council's Customer Service Centre:  
129 Showground Road, Castle Hill NSW 2154  
Phone: 9843 0555  
Duty Town Planner: 9843 0469  
Hours: 8:30 am to 4:30 pm, Monday to Friday