

Fact sheet: Heritage Listing — how it impacts on development

As a result of feedback to date from public consultation on the draft Heritage Assessment, this fact sheet has been prepared to answer some of the common questions about heritage listing.

Question	Unlisted property	Heritage Conservation Area	Individually heritage listed house
Does it change the existing zoning?	No	No	No
Does it change maximum building heights?	No	No	No
Will it change the allowed FSR?	No	No	No
What informs decision making for work proposed on heritage buildings?	Generally this will not be required, however if the property is adjacent to a listed heritage item, a HIS may be required.	An assessment of significance and the statement it produces is the basis for all good heritage decisions. It clarifies why the item is important. Significance is assessed against seven criteria established by the Heritage Office. The assessment will identify what needs to be kept and where there is opportunity for change.	
When a building is heritage listed, is the whole building listed?	Not Applicable	Yes The whole of the property is normally listed by lot – either individually or within a conservation area, with a few exceptions. This does not mean that all of the building or property are necessarily of heritage significance. The landowner would organise a heritage assessment of what elements are of significance and should be retained and what can be altered or removed. This is usually prepared by a skilled heritage professional.	
Is a DA required for development?	Yes Unless works are Exempt or Complying Development	Yes Except when the works are minor, are for maintenance or would not adversely affect the heritage significance and the original fabric. Minor works to heritage properties can be undertaken using a Heritage Exemption Certificate, which can be downloaded from Council's website.	



Does the Exempt and Complying Development Code (2008 SEPP) apply?	<p>Yes</p> <p>For the development types specified in the SEPP. Certain types of development fall under the 'exempt development' or the 'complying development' criteria and can be done without any application or with a CDC.</p>	<p>Yes</p> <p>For the development types specified in the SEPP. The Code SEPP does not apply to individually listed buildings.</p> <p>If the building is within a Heritage Conservation Area, certain types of development may still be carried out without a DA. However, there are limitations, which are detailed in the SEPP. This prevents an area of established character being changed without consideration to its heritage, context and streetscapes and without notification to neighbouring properties.</p> <p>Demolition and erection of a new dwelling will require a DA rather than a Complying Development Certificate under the Codes SEPP for individually listed buildings and those in conservation areas. A DA in these circumstances will result in increased costs, including a heritage professional, but this requirement adds a layer of protection to areas of established character and keeps neighbours notified of proposed changes.</p>
Do I need DA consent to paint my house?	<p>No</p> <p>However, properties along Campbell Parade have preferred colour schemes which are recommended.</p>	<p>Yes, except when...</p> <p>... repainting of properties for maintenance can be done with a Heritage Exemption Certificate (HEC) where the proposal responds to the heritage significance of the place. If the repainting cannot be done under a HEC, a DA may be required. Council officers are available at no cost to provide guidance and recommendations on colour choices to maintain the quality of the setting. Resources like Council's <i>Inter-War Factsheet</i> are also available. Painting of original face brick requires approval.</p>
Does it affect the materials that can be used?	<p>Yes</p> <p>There is greater ability to choose your own materials, however Design Excellence provisions in the LEP apply.</p>	<p>Yes</p> <p>There is a higher likelihood that the type and appearance of materials will need to reflect the style, design and heritage significance of the building or area. Council encourages people to use materials that are of a high standard and are compatible with the existing and surrounding built form. Design Excellence rules apply.</p>



Is a Heritage Impact Statement required for works?	No Generally this will not be required, however if the property is adjacent to a listed heritage item, a HIS may be required.	Yes A Statement of Environmental Effects is required and must include a Heritage Impact Statement from a qualified person that outlines the impacts that the proposed works will have on the heritage significance of the building or area.
Can a house be demolished?	Yes This can generally be done with a CDC or DA. Design Excellence rules apply for the new building.	Yes Heritage listing does not mean a property cannot be demolished. It requires an extra level of assessment as part of a DA. Demolition is also possible if the condition of a building is poor and the repair cost too onerous, or if there has been a loss of integrity over time. If approval is sought for demolition, a Heritage Impact Assessment may need specific expert advice and this could add to costs.
Do HCAs or individual listing stop change or freeze streets in time?	No	No It allows for sympathetic development of heritage places through an approvals process that ensures the retention of the significance of a streetscape or property. This process helps maintain the quality and desirability of an area.
If a house is already an individually listed heritage item, does being in a HCA impose any extra constraints?	Not Applicable	No No extra requirements are imposed as a result of the draft Heritage Assessment or by extension any future LEP or DCP provisions.
Is every building in a HCA a heritage item?	Not Applicable	No Individual items are limited to only those listed in the LEP. If a property is not individually listed in the LEP, but falls within a HC area, it is not considered a heritage item.
Does it decrease property values?	No	No See list of studies quoted by NSW Heritage Council of NSW in its brochure: <i>Heritage listing explained: What it means for you</i>

Note: The above information may not apply in all circumstances and should not be taken as formal advice. Owners are required to carry out their own research.