



Heritage Fact Sheet Series 1 - A Guide to Consent Requirements for Heritage Items and Heritage Conservation Areas



This fact sheet provides general information about the consent process when planning changes, alterations or new works to a property which is listed as a heritage item or located within a Heritage Conservation Area.

Why are heritage listings made?

Heritage items are protected to protect places for future generations. Heritage items tell a story of Aboriginal culture, natural areas, early settlement, the development of agriculture, timber and mining, industry, towns and villages, technology, the role of government, education, leisure, tourism, sport and the arts. The Bellinggen Heritage Conservation Area is an important precinct in the town centre with a high percentage of historic buildings, streetscapes, road reserves and street trees of heritage value. Heritage listing is a way of ensuring that any proposed changes respect and retain its values. The heritage significance of a place tells us why it is important. Significance can be based on one or more of the following

- Historical origins
- Association with particular people
- Visual Qualities
- Construction or technical qualities
- Community Religious or symbolic role
- Archaeological research potential

Can I make changes?

Heritage listing still allows changes to be made, provided that changes are sympathetic to the heritage values of the place and will not impact on the significance of the place. For example, traditional dwellings can generally be sympathetically extended at the rear to provide modern open plan living and dining areas without alteration to the principal layout and the original appearance of the item from the street. Buildings which have lost original uses such as churches often need to be adapted to a new use.

Works that require consent

- Demolishing or moving a heritage item, building, work, relic or tree in a conservation area
- Altering or making changes to the exterior including the detail, fabric, finish and appearance: ie re-painting, and re-roofing.
- Structural alterations to the interior of a heritage item
- Erecting a new building
- Subdividing land
- Disturbing or excavating an archaeological site that is a place of aboriginal significance.

Clause 5.10 of [The Bellingen Shire LEP 2010](#) sets out these requirements in detail – see hyperlink below.

<https://www.legislation.nsw.gov.au/#/view/EPI/2010/418/part5/cl5.10>

The [NSW Heritage Act 1977](#) also applies to items which are listed on the State Heritage Register. Some development may be carried out as *Exempt Development* or as *Maintenance or Works of a Minor Nature* as outlined below. It is important that you check whether you need written consent before carrying out any work. Council offers a free Heritage Advisory Service and you are encouraged to discuss your proposals before submitting an application.

Types of approvals

Works fall into three main categories:

- Exempt Development No Consent Needed
- Minor Works Approval by letter required (No fee)
- Development Consent Development Application Required

Exempt Development

Various home improvements and minor developments can be carried out without approval. These are known as 'Exempt Development'. These include replacement of kitchen and bathrooms (in existing locations), sanding/polishing floors or installing floor coverings, internal painting, rainwater tanks, access ramps at the rear, and solar panels not facing the primary road frontage.

For non-heritage listed property in a Conservation Area exempt development also includes fences rear of the building line, small car ports, and shade structures. Removal of trees which are dangerous or causing harm to property can be considered under these provisions.

For full details of exempt development, plus the setbacks, heights, size limitations and other criteria that apply, refer to the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). (Known as the Codes SEPP – hyperlink below).

<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572>

Minor Works and Maintenance

Many works which are not [Exempt Development](#) can still be approved without the need for a development application through a 'no fee' written application under Clause 5.10(3).

Fences, re-roofing, external painting, reconstruction of damaged elements, driveway paving, removal of enclosed verandahs and reinstating original details are all examples of minor development. Removal of trees which are dangerous or causing harm to property can be considered under these provisions.

You need to submit a minor works application, or e mail a request to council with enough information about your proposed work including colour selections for a new colour scheme, roof material, and external finishes. Council must be satisfied that the work will not have an adverse impact, then it will approve it in writing. This must be in place before you start work.

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Development Applications

Works which are not exempt or minor works will require a Development Application. For example, swimming pools, extensions, decks, garages and sheds, demolition, tree/vegetation removal, changes of use and new buildings. This requirement would generally apply regardless of heritage listing. A statement of heritage impact may be required to accompany your application.

For further enquiries please contact the Planning Services section at Bellingen Shire Council

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