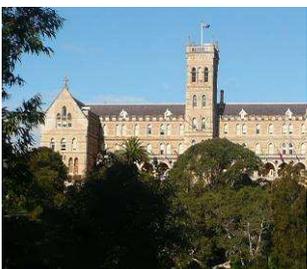




Heritage Council  
  
 of New South Wales

# Heritage Listing Explained

What it means for you





Produced especially for owners of heritage properties, this booklet answers commonly asked questions about heritage listing. It explains the benefits and effects of listing in New South Wales. It also gives owners a practical insight into how to make sympathetic changes.

### What are heritage listings?

New South Wales has two main types of heritage listings known as heritage items and conservation areas. Heritage listings flag that a place or object has heritage significance.

Four main statutory lists contain heritage listings for places that are significant locally, state-wide, Australia-wide and/or world-wide. Locally significant heritage places are listed on local council Local Environmental Plans. The State Heritage Register lists our State's most significant heritage places and objects known as items of state heritage significance. Nationally significant places are listed on the National Heritage List. Places of world-wide significance like the Sydney Opera House are inscribed on the World Heritage List.

Heritage places from all four lists collectively demonstrate the unique history and achievements of the people of NSW and Australia. As physical links to Australia's past, heritage places trace the transition of Australia from its ancient indigenous origins to a penal outpost of Great Britain to the advanced culture of today's developed nation.

### How does heritage benefit you?

The heritage places of NSW not only reveal the story of Australia's past; they safeguard and enrich our present and future.

For our environment, sustainable development begins with recycling – heritage buildings and their embodied energy included. Recycling heritage buildings reduces our consumption of resources and ecological footprint. Re-using instead of demolishing an average 19<sup>th</sup> century terrace is equivalent to saving 15,000 litres of petrol or five car trips around the planet in embodied energy. The Heritage Division can provide technical advice on sustainably upgrading heritage buildings for contemporary needs.



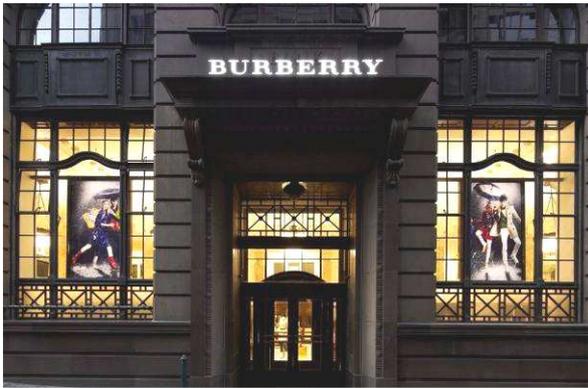
*Retaining our limited heritage resources is green, sustainable, an investment and community building.*



*From top: Cadia copper mine's Engine House near Orange, c.1867; St Patrick's seminary, Manly, 1885, now converted to a college; New houses and subdivision of St Patrick's grounds retain its significant setting and trees; A characteristic Federation residence, c.1910.*



*Listing keeps heritage places authentic, alive and useful.*



*From top:* Walsh Bay Wharves, c.1921, once a major shipping port, now a vibrant apartment, theatre and restaurant precinct; Burberry, Sydney, converted from major bank headquarters, c.1925; Burberry interiors re-using bank tellers, seats and desks; The Mint, Sydney, c.1855, where colonial coins were made, now offices.

Advice is given on upgrading historic buildings for disabled access, fire safety, building code standards and new services in ways which retain their heritage significance. Contact the Heritage Division if advice is required.

**For our economy,** heritage attractions underpin tourism, enhancing long-term growth. Heritage places provide the material to promote our State and neighbourhood profiles. Limited in supply, the rarity and authenticity provided by heritage places are attractions that cannot be built or recreated anywhere else. Not long ago, areas like The Rocks and Paddington were considered ‘slums’ slated for demolition. Since listing and conservation, their value has appreciated enormously. The Rocks now supports Sydney’s tourism industry, boosting the economy.

**For individuals,** the benefits extend beyond the timeless character often found in heritage places. Studies show heritage properties can attract higher resale values. Price premiums attracted by heritage character and listing can also extend to adjoining properties. Listing gives owners greater certainty the heritage qualities of the area are protected. Sensibly maintained, the old keeps its appeal in the long-term and only grows in rarity with age.

**For communities,** heritage plays a major role in the appeal and life of neighbourhoods. Heritage places with no current use or in a neglected state can be a catalyst for revitalising a neighbourhood. The adaptive reuse of heritage buildings like Walsh Bay’s finger wharves shows how retaining the old as part of a new use creates unique precincts and renews community life and enjoyment of the place.

Heritage places create and support jobs in your community. As well as jobs for specialist repair tradespeople and heritage consultants, heritage places support jobs for architects, planners, builders, building material suppliers, real estate employees, and the many people working in tourism for heritage sites, hotels, food and travel. Retaining our limited heritage assets promotes sustainability outcomes, often improves local economies and can be a community building activity. Owners, businesses, residents and visitors all benefit as a result.

### **Why list?**

Listing is the way our heritage places are identified and managed. This safeguards the environmental, economic and social benefits of this limited resource for present and future generations. As with zoning, certainty is the driving reason for listing. By flagging our heritage places, listing gives owners and the community certainty about what is a heritage place. It provides advance knowledge about the approvals process, and confidence that future changes to listed places and surrounds will be sympathetic ahead of important decisions such as purchasing.

Early listing avoids the uncertainty, delays, unforeseen costs and unnecessary conflict that can result when heritage is identified late in the development process. For example, temporary heritage listing known as Interim Heritage Orders, cannot apply to locally significant places already listed as local heritage items or state significant places already listed on the State Heritage Register.

Listing is the established world-wide method for managing heritage. Before listing existed in NSW, community protests about widespread heritage destruction resulted in the building union 'green bans' of the 1970s. This saved the Rocks and other heritage places from demolition at the time and ultimately led to our State's first contemporary laws for heritage listing in 1977, the Heritage Act.

### What does listing mean?

By providing a balanced framework for managing change, listing keeps heritage places authentic, alive and useful. Australian heritage places are not inflexibly bound or 'mothballed' by listing. Listing will not stop all change or freeze a place in time. Listing is a beginning – the first step in protecting our significant places – not the end result. Statutory listing protects our State's heritage places in three basic ways: recognition, approvals and support.

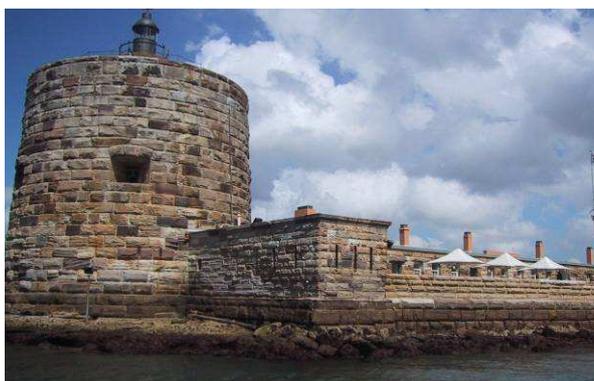
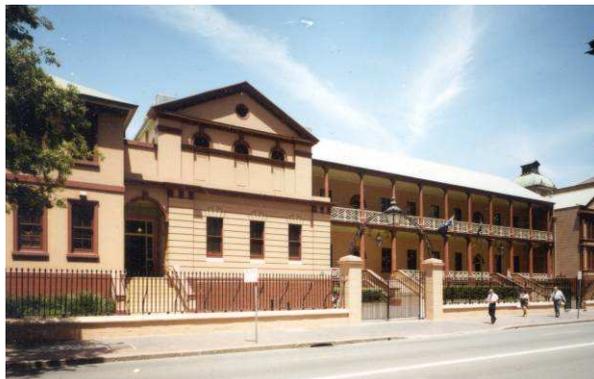
#### 1. Recognition

Listing gives public recognition to heritage places under Australian or State law. Listing as a heritage item or area is a mark of community distinction that can be useful for promoting resale or business. It will not change property ownership or open private property to the public. Listing produces information about the history and significance of a place to help owners understand and manage their property. This information is published on the online heritage database at: <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>.

#### 2. Approvals for change

Listing permits sympathetic development of heritage places through an approvals process. The process to gain approval ensures changes retain the significance of heritage places.

State listing normally prevents demolition and neglected maintenance. NSW listings do not otherwise prescribe how a place can or cannot be changed. Any change to a listed place can be assessed for approval.



*Listing will not stop all change or freeze a place in time.*



*From top:* NSW Parliament House, converted from the 1816 Rum Hospital; Sydney Harbour's Fort Denison, c.1862, once a colonial fort, now an events venue; Restored façade of the partly burnt-down George Patterson House, Sydney, c.1895, showing the old and reconstructed parts; Above interiors converted into a bar using the old ruins as a feature.



*Listing gives owners improved access to heritage grants.*



*From top: Babworth House, 1915, a mansion converted into five flats; New kitchen/living addition opening onto the rear gardens of above; Convict-era hospital relics, c.1818, at the old Parramatta hospital site now converted into the Parramatta Justice Precinct; Above relics are displayed in a glazed café building in front of the new Justice Precinct buildings.*

Changes are assessed on their merits when owners submit development applications. In this assessment, the relevant government agency decides whether the proposed works will have an acceptable impact on the heritage significance of the place. Owners have an opportunity to submit their own assessment in the 'statement of heritage impact' before this decision is made. Upgrading kitchens, bathrooms and services and rear extensions to meet contemporary standards are commonly approved changes. Minor works, day-to-day repairs and maintenance rarely need approval because they will normally fulfil criteria for exempt development. There is no obligation to restore a listed place. No approval is needed to sell or lease a listed place.

Tips for sympathetic alterations are shown in the table over the page. Interested owners can also access free best practice guidelines from the Heritage Council to help with these works at <http://www.environment.nsw.gov.au/Heritage/publications/>

For pre-application advice on proposed changes contact the relevant government agency:

- **Local:** for places listed on the Local Environmental Plan, call the local council's heritage planner.
- **State:** for places listed on the State Heritage Register, call the NSW Office of Environment and Heritage, Heritage Division on (02) 9873 8500.
- **Federal:** for places listed on the National or Commonwealth Heritage Lists: call the Heritage Section of the Department of Environment and Energy on 1800 803 772.

### 3. Support

Listing on the State Heritage Register makes owners eligible to apply for funding under the NSW Heritage Grants Program. Advice from local council heritage planners on how to make sympathetic changes often allows a wider range of uses than the current zoning would otherwise permit. NSW grants for conservation works outlined at: <http://www.environment.nsw.gov.au/Heritage/funding/>

Some local councils also offer local heritage grants. Find out by contacting the council's heritage planner.

Technical advice is available to owners of state-listed places for upgrading historic buildings and conserving historic building materials. Heritage listing can reduce council rates and land tax when owners apply for a 'heritage valuation' from the NSW Valuer General's Office. An existing heritage valuation will be shown in the 'Notice of Valuation' issued for council rating purposes.

## What is listed?

Places and objects are listed when they have what is known as heritage significance. Ancient, old and modern places are all listed. These demonstrate the length and breadth of Australia's rich history.

Heritage significance and listing is not only about buildings. Landscapes, gardens, parks, farms, streets, towns, Aboriginal sites, archaeological relics, bridges, dams, railway stations, shipwrecks and objects are also listed for their heritage significance. This includes both privately and publicly owned places and objects. The heritage significance of a place is measured using seven standard Heritage Council criteria. Local councils survey their areas for listing locally significant places and objects using these same criteria. Any person can also nominate a place for listing to the local council, NSW Heritage Council, and Australian Heritage Council for locally, state or nationally significant places respectively. Consulting owners and the community is a key part of the listing process for all types of statutory listing in NSW.

Desirable areas often feature large numbers of heritage listings—an indicator they have a great deal worth keeping. However, few places are listed overall. Across New South Wales less than one percent of properties are listed heritage items.\* To find out how many heritage places you have listed in your local neighbourhood and how these places are significant, search the NSW online heritage database at: <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx> or the Australian heritage places inventory at: [www.heritage.gov.au/ahpi/index](http://www.heritage.gov.au/ahpi/index)

### Listing effects in brief:

- Heritage significance is recognised by law.
- Brings greater certainty that future changes will be sympathetic.
- Physical changes may need approval.
- Conversion to new uses can be approved.
- Complete demolition is normally prevented for state-listed items.
- Normal maintenance is required for state items.
- Does not alter ownership.
- Does not oblige owners to restore or open their place to the public.
- No approval needed to sell or lease the place.
- Owners can apply for heritage grants.

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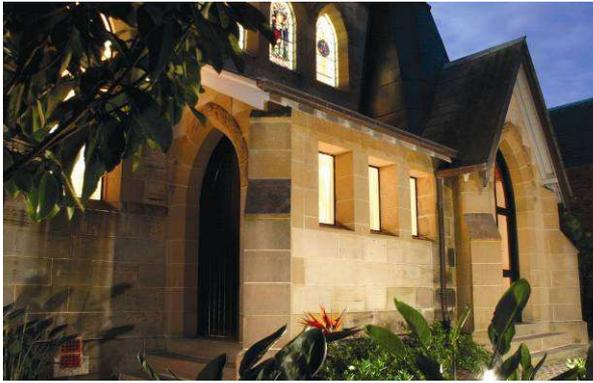
\* Of 3.5 million total land parcels in NSW, less than one percent are listed as statutory heritage items. These include approximately 26,000 local, 1,600 state and 20 national items. Figures are derived from data from the NSW online heritage database as of May 2010.



*Across New South Wales less than one percent of properties are listed heritage items.*



*From top: Canterbury Sugar Mill of c.1841 restored after fire and converted to apartments; The mill before restoration; Another contemporary apartment conversion of the c. 1920 McCafferys Stables at Pyrmont; New mezzanine level, kitchen and living space inserted into the stables building.*



Above: Demonstrating these tips in practice for a church conversion into two homes: Toxteth Church, Glebe. The new internal structure inserted into the old church for new mezzanine levels was built in a way that allows its future removal without damaging heritage fabric (tip 8). The old roof structure is used as a feature in the new design (tip 3). A rear modern pavilion addition is discrete and lightweight (tip 4). Open courtyards separate the church and hall from the new addition, allowing the old building to remain prominent (tip 6).

<p><b>Heritage renovating tips<sup>†</sup>:</b> Some common tips to help you renovate or extend your heritage place sympathetically:</p>
<p><b>1. Start with good advice:</b> from the local council’s heritage planner or a heritage consultant. This will help you understand your place, identify available grants, understand the approvals process and how to develop sympathetic renovations.</p>
<p><b>2. Find a good fit:</b> Fit the planned use to the site, building and room – whether the current use or a compatible new use. <i>Examples:</i> A bad fit is trying to fit four bedrooms and garage into a single-storey terrace on a small site. A good fit (or compatible use) is placing new kitchens or bathrooms into existing service rooms to limit damage to fine old interiors.</p>
<p><b>3. Keep authenticity:</b> Aim to retain inside and outside heritage features (like fireplaces, decorative ceilings, windows, roofs and fences) as part of new work. Reuse rather than remove or replace sound heritage materials. To maintain the value of your investment and avoid expensive future repairs use maintenance guides. <a href="http://www.environment.nsw.gov.au/Heritage/publications/">http://www.environment.nsw.gov.au/Heritage/publications/</a></p>
<p><b>4. Position discretely:</b> Place extra living space and changes to the rear or least-conspicuous position to maintain the main public appearance, setting and features of the place. <i>Examples:</i> Place additions and parking behind the building facade line. Converting the attic into an extra room may be an option where roof dormers can be fitted discretely at the rear.</p>
<p><b>5. Continue patterns:</b> In modern or traditional additions, reflect forms and patterns of the adjoining old building without imitating its exact details to harmonise new with old. <i>Examples:</i> Window sill lines, materials, roof forms, building proportions and fences are typical patterns to follow in new additions.</p>
<p><b>6. Separate new forms:</b> Separate the mass of new buildings from the old so the old remains prominent. <i>Examples:</i> Using the main heritage building as the starting point, step-down the height of additions (wall and roof ridge heights), increase building set-backs, or use a pavilion style addition with a separate roof and low link to the old building (see example on left).</p>
<p><b>7. Reveal heritage features:</b> Removing unsympathetic alterations and restoring original features like open verandahs and fences can transform a place’s appearance and appeal.</p>
<p><b>8. Make change reversible:</b> meaning new work can be removed later without damaging the old. <i>Example:</i> Do not paint unpainted sandstone or face brick walls because paint cannot be removed without scarring. Impervious paints and sealants can also damage older masonry by spreading rising damp.</p>

<sup>†</sup> These tips are not compulsory or inflexible. They do not replace other professional guidelines, planning controls or direct the consent authority’s assessment of proposals.

## Listing myths and facts snapshot:

### **Myth 1: "Listing stops change or inhibits growth"**

**Facts:** Listing will not stop change. Changes may need approval. Any change can be assessed for approval. The approvals process promotes sympathetic changes to retain the authenticity of heritage places. Listed places can be converted to new uses and upgraded with approval. New bathrooms, kitchens and living space are commonly approved changes. Talk to the local council's heritage planner for advice on these or other changes. You can continue smaller works to listed places without approval like most day-to-day gardening, cleaning, painting interiors and basic maintenance when it fulfils criteria for what is known as *exempt development*. No approval is needed to sell or lease listed places. Managing our limited heritage resources in this way can drive revitalising unique precincts and long-term growth, including improved environments, property values, and visitor numbers.

### **Myth 2: "Listing devalues property"**

**Facts:** Studies<sup>1</sup> show listing has no effect on property value in most cases, and sometimes improves resale value. Listed residences with well maintained heritage features have been found to attract a price premium compared to equivalent non-listed places in independent studies<sup>1</sup>. Period features and other heritage attributes often feature prominently in property advertisements because of this appeal.

### **Myth 3: "Listing turns my place into a museum"**

**Facts:** Listing does **not** oblige owners to restore or open a place to the public like a museum, dictate the use owners propose or freeze a place in time. More flexible than zoning, listing can actually allow more uses than the zone would otherwise permit. Finding a viable use is a priority for listed places. Only normal day-to-day maintenance is required for state-listed places, safeguarding your property as an investment.

### **Myth 4: "Listing penalises me and my property"**

**Facts:** Listing gives you improved access to heritage grants, greater flexibility for uses including uses otherwise prohibited, and often reduced land tax. Listing also gives a local council greater control over preventing inappropriate neighbouring development—all advantages only for listed places.

### **Myth 5: "Listing complicates renovations."**

**Facts:** Listing gives you advance notice about the issues and process for gaining development approval, including better access to heritage grants and free advice from local council professionals. Fewer delays and better design outcomes often result. Listing reduces the risk of delays and community protests when heritage values are identified late in the development process. Heritage consultants can help you through this process, however are not needed for all applications. Find out what information and advice you need for your renovations from the council's heritage planner.



From top: New buildings harmonising with the old (tip 5). The first two are a rear addition reflecting the height, building form, window proportions, lines and materials of the Federation corner store; Second steps its height and setbacks down from neighbouring Victorian buildings, uses similar forms to the adjoining, and integrates the garage discretely recessed below a verandah so it does not dominate (tip 6); The final building reflects Colonial forms, roofs, materials, heights and setbacks in the neighbourhood.



From top: Further new buildings harmonising with the old from different periods and purposes. The height of the first new home is single-storey adjacent to single-storey Victorian neighbours (tip 6). Materials and roof forms reflect surrounding buildings used in subtly different ways to distinguish the new buildings from the old (tip 5); The second is a new building adjoining a historic warehouse and Victorian hotel in Surry Hills; Last two are Orange Courthouse's rear additions continuing the old building's materials and building forms (tips 4 & 6).

**Myth 6: "Listing is unfair interference"**

**Facts:** Like zoning, listing is necessary government planning required by law for orderly development. Listing is part of good planning. Everyone gets a say before listing; owners and neighbours included. Listing decisions are made independently by government after considering public comments and using state-wide heritage standards. Professional heritage assessment against standard criteria guides these decisions. In this measured way, the heritage of your area is known and earning the rewards for its owners like greater protection against inappropriate neighbouring development, flexible uses, and tax breaks.

**Myth 7: "I will look after my place better unlisted"**

**Facts:** While you may be the best possible custodian for your heritage property, without listing no-one can guarantee future owners will look after it as well. If not listed, then you are also denied the benefits in 4.

**Myth 8: "Listing reduces development potential"**

**Facts:** While potential varies between sites, independent reviews of some Braidwood property concluded the state listing had **no impact** on development potential. Zoning, physical site constraints, limits on impacting neighbours and the environment, and other controls all mean development potential is not endless to begin with. Heritage concerns can still be raised by the community or council for unlisted places when development is proposed. Prior listing just makes the development process smoother; a known quantity. Illustrations in this guide show considerable development realised for listed places through adaptive re-use. For a typical listed home, a sympathetic modern rear addition for extra living space, sometimes taking advantage of an extra basement level, a second storey in the attic space or a granny flat may be possible.

**Myth 9: "Listed places cannot be bulldozed"**

**Facts:** State listing normally prevents demolition. The Heritage Council cannot approve demolition of a state-listed item. However, in some circumstances listed places can be partly demolished with approval, such as to remove detracting additions. If a listed place has lost its heritage significance or long-term conservation is no longer necessary, the place can be removed from the heritage list or demolished with government approval after assessment and advertising for public comments.

**Myth 10: "Only the old, grand or beautiful is listed"**

**Facts:** Seven different heritage criteria mean places can be significant for reasons other than age and beauty. Criteria such as design quality ('aesthetics') and connection to important people and events ('associations') mean that the fairly recent and old, modest and grand, plain and beautiful alike can form part of our history and heritage.

**Myth 11: "Too much is listed"**

**Facts:** Of 3.5 billion land parcels in NSW, less than one percent are listed heritage items, including less than 30,000 total heritage items.<sup>2</sup>

## Endnotes -

1. Some recent Australian studies, study evaluations, and case law which conclude listing has a positive or no effect on property values and economic viability include:
  - Abelson, P. & Dominy, C., *The Economics of Heritage Listing*, 2001 (on benefits, costs and economic viability of development).
  - Australian Government Productivity Commission, *Conservation of Australia's Historic Heritage Places Inquiry Report*, Appendix C, *Effect of heritage listing: a hedonic study of two local government areas*, 2006 (on property value).
  - Cotteril, D., *Sinclair Knight Merz, Value of Heritage to the City of Ballarat-Case Study*, not dated (on property value).
  - Deodhar, V., *Does the housing market value heritage? Some empirical evidence*, 2004 (on property value).
  - Heritage Victoria, *Heritage listing and property valuations in Victoria*, 2001 (on property value).
  - Moore, T, *Land and Environment Court of New South Wales judgement, Helou v Strathfield Municipal Council [2006] NSWLEC 66*, 2006 (on amenity and costs of heritage compared to knock-down and rebuild).
  - Newell, G., Wills, P., & Eves, C., *Heritage Australia: A Review of Australian Material Regarding the Economic and Social Benefits of Heritage Property*, 2005 (on property value, jobs, other general benefits).
2. Figures are approximate for the purpose of indicating the percentage of NSW property listed, based on data available at the time of publication from the NSW online heritage database as of 2010.



*Above:* Significant established trees retained by the careful design of a new housing subdivision in the grounds of St Patrick's Estate, Manly—Australia's first national Catholic seminary—here being enjoyed by a member of the next generation.

## Provenance

This is an endorsed publication of the Heritage Council of NSW, for the Office of Environment and Heritage. Photographs were sourced from *Design in Context* and *New Uses for Heritage Places* co-produced by the Heritage Council of NSW and the Royal Australian Institute of Architects in 2005 and 2008, Burberry 2011, and Heritage Division staff.

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