

Fact Sheet

Development and Planning Services



Developing in a Heritage Conservation Area

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Period Housing Areas have now been converted to heritage conservation areas. For general information about the changes, refer to Fact Sheet: Period Housing Areas conversion to Heritage Conservation Areas.

I'm thinking about doing some alterations and additions; will I still be able to do them?

Generally, most significant external changes, such as new rooms or changes to the building envelope still need a development application. Renovations that can be seen from the street should be consistent with the character of the area and sympathetic to the building's style. Original fabric and forms visible from the street should not be removed or altered. If your alterations and additions are to the rear of the property and can't be seen from the street, there will likely be less restrictions as to style or materials.

There were existing character protections and certain character requirements in the Period Housing provisions of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP). Similar types of protections and requirements are retained in the new heritage conservation area provisions.

Can I renovate my kitchen and bathroom?

You can go ahead and renovate your kitchen and bathroom fittings. Non-structural internal works do not require heritage consent.

Can I build my deck / studio / granny flat to the rear?

The permissibility for certain uses has not changed. If you are currently in a zone that permits a secondary dwelling (granny flat) you will still be able to build that use, subject to a detailed assessment and consent being granted.

Decks, garages and similar structures are considered ancillary to a dwelling and are permitted in all zones where dwellings are allowed. Garages require a development application.

Some works may be able to be carried out as exempt development under the state government's Exempt and Complying Development Codes 2008 (the 'Codes SEPP'). See <https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/full>

My building is run down and in poor condition; can I still do all the work needed to repair it?

General maintenance and repairs, including repairing floorboards, wall linings, ceilings, and roof claddings are still able to be carried out. Some of these works will be able to be carried out as exempt development under the state government's Exempt and Complying Development Codes 2008 (the 'Codes SEPP').

Other works to buildings in heritage conservation areas can be considered minor works and can be approved through an email exchange with Council. Details of your proposed changes can be sent to council@bmcc.nsw.gov.au. Council will reply within 1-2 weeks and the reply email generally constitutes approval to go ahead.

Structural works usually need a development application as they need to be certified as structurally sound and fit for use.

Further Information:

Please do not hesitate to contact Council for clarification and guidance. We are here to help. Our Customer Service Advisor will be able to gain further information from one of Council's heritage specialists, should this be required.

Customer Service Advisor - Development Planning: (02) 4780 5499

Hours: 8:30am to 5:00pm Monday to Friday

w: bmcc.nsw.gov.au

e: council@bmcc.nsw.gov.au

This Fact Sheet complements the Fact Sheet, 'Period Housing Areas conversion to Heritage Conservation Areas', which provides advice on the changes to Period Housing Areas and the conversion to Heritage Conservation Areas.



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Will Council specify the type of landscaping I can use, such as requiring particular species?

No, Council will not specify trees and shrubs for heritage conservation areas. The established landscape character of the wider village environment is part of the streetscape value of many heritage conservation areas. Suitable and healthy trees should be retained, and succession planting will ensure village landscapes continue to evolve. A landscape plan may be required for a development application. Trees that need pruning, lopping or removing still need approval under Council's Tree Removal Permit system.

Do I have to use Council's approved heritage colours for my house now?

No, Council does not stipulate a set of specific heritage colours that are required to be complied with. However, it is preferable for the character of the area that colour schemes be a contemporary interpretation of heritage colours. There is plenty of scope to use colours that are personally preferred, contemporary or heritage-based. Painting the building with a new colour scheme can be approved as minor works by contacting Council by letter or email and advising us of your preferred colour scheme. Once we reply you have 'minor works consent' and can go ahead and paint.

Won't I have to 'jump through more hoops' at Council now?

A 'character assessment' was required to be submitted with a development application in a Period Housing Area; this requirement is now a Heritage Impact Statement, so a similar form of document is required. A template form for a Heritage Impact Statement will be available for minor proposals and will help avoid expensive consultant reports where they are not necessary.

The time taken to process applications will not be substantially different, particularly for minor or typical applications, for example, alterations and additions to the rear.

Can I demolish my building?

Generally, no. Period Housing provisions protected older and historic dwellings from demolition and have worked well since 2005 to protect our local townscapes. Without protections, there is a risk that historic or older buildings will be demolished, which could lead to the loss of street character and degrade entire streetscapes.

Protection against demolition remains under the new heritage conservation areas. This protects streetscape and character from dramatic change.

The exceptions for demolition might be where an 'uncharacteristic' building may be able to be replaced with a new building that can offer a better fit with the values of the conservation area; or where a building requires such a degree of restoration that the existing fabric is demonstrably beyond repair.

These considerations would form part of any development assessment.

What can I still do as exempt or complying development?

The state government's Exempt and Complying Development Codes 2008 (the Codes SEPP) provides lots of exemptions that are still able to be carried out even within heritage conservation areas. The emphasis is on protecting the character of properties where visible from the street, and so many types of development remain exempt in a heritage conservation area if they are located in the rear yard. This includes carports and air-conditioners, for example.

There are some changes to what can be done as complying development in a heritage conservation area. For example, a secondary dwelling cannot be complying development under the Affordable Rental Housing SEPP if it is in a heritage conservation area, and a development application is required.

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

How can I find out more?

The link below to Council's Development Control Plan on our website Part D – Heritage Management provides information on character provisions for heritage conservation areas.

<https://www.bmcc.nsw.gov.au/development/planning-rules/development-controls-for-land-zoned-under-LEP-2015/DCP-2015>

