

B8 Heritage

This chapter provides objectives and controls for development on land that is:

- Identified as a Heritage Item, Archaeological Site or Aboriginal Heritage, or within a Heritage Conservation Area identified in Schedule 5 - Environmental Heritage in the LEP; or
- On land that is in the vicinity of a Heritage Item or a Heritage Conservation Area.

It may also apply to buildings or sites that are not identified in LEP but are recognised as having heritage value.

This chapter contains additional information relating to requirements that apply to applications that require consent under the conservation incentives in the LEP.

Separate controls for the Ashbury Conservation Area are provided in Section B8.4 of this chapter.

Heritage Conservation

A place of heritage significance is important for one or more of the following reasons:

- Significance to the history of the area;
- Association with significant people or events;
- Value for aesthetic reasons;
- Technical or archaeological evidence of past activity;
- Valued by a particular group in the community for social, cultural or spiritual reasons;
- Representative example of its type; or
- A rare example of its type.

While similar places may share similar heritage significance, each place is uniquely important for its contribution to the heritage of the local area. Demolition of a heritage item should only be considered as a last resort and after all options for retention have been investigated and assessed.

Heritage Conservation Process

Any change will be managed by the conservation process which is outlined in the Burra Charter, the NSW Heritage Manual and Local Government Heritage Guidelines and consists of three steps:

Investigate significance

Investigation involves finding out about the historical development and examining the physical fabric of the place, including its originality and its condition. The knowledge gained forms the basis for assessing the significance of the place.

Assess significance

Assessing significance involves an assessment of the overall significance of the place as well as the relative contribution that individual components make towards that significance. For example, an original component in good condition will contribute strongly to the significance of the place and should be conserved. On the other hand, a much later intrusive component may detract from the significance of the place and may be altered or removed. The relative significance of individual components will therefore guide the nature and the extent of new work.

Manage significance

The final stage, manage significance, should result in a plan for using and adapting the place in such a way that the owner's requirements can be met whilst conserving the heritage significance of the place.

B8.1 General Objectives

- O1 To conserve the environmental heritage of Canterbury.
- O2 To ensure changes to places of heritage significance are in accordance with the conservation process and design principles.
- O3 To ensure the significant fabric, materials and finishes, visual setting, landscape elements and fencing of places of heritage significance are conserved.
- O4 To ensure that new fabric, materials and finishes, visual setting, landscape elements and fencing are complementary to places of heritage significance.
- O5 To ensure that the location of garages and carports does not detract from heritage significance.
- O6 Require that development on land in the vicinity of a place of heritage significance is designed in accordance with the conservation process.

B8.2 Analysis and Documentation

B8.2.1 Application Requirements

Controls

- C1 A heritage impact statement is required to be submitted with development applications that affect any of the following:

- (a) Heritage item;
 - (b) Land within a Heritage Conservation Area;
 - (c) Items on the State Heritage Register;
 - (d) Items subject to an Interim Heritage Order;
 - (e) Items on a Section 170 Heritage and Conservation Register;
 - (f) An building or place of potential heritage significance; and
 - (g) Land in the vicinity of a heritage item or a Heritage Conservation Area.
- C2 A structural condition report is required for an application that proposes the demolition of a heritage item or a building within a conservation area.
- C3 A heritage conservation management plan or archaeological assessment may also be required.
- C4 Where relevant, demonstration in the statement of environmental effects submitted with a development application that the proposed development meets the conservation incentives clause of the LEP.

Notes: Please contact Council's heritage officer to confirm application requirements before lodgement of any application to Council.

B8.2.2 Heritage Impact Statement

A heritage impact statement provides an assessment of the impact a proposed development is likely to have on a heritage item or heritage conservation area. This assessment can only be made if there is a clear understanding of why the heritage item or building in a heritage conservation area is significant and what needs to be conserved to maintain this significance. The *Heritage Act 1977* defines "item" as "a place, building, work, relic, moveable object or precinct".

Controls

- C1 The heritage impact statement is structured according to the three stages of the conservation process: investigate, assess, and then manage significance.
- C2 A heritage impact statement is to address the following matters:
- (a) Identify the location of the heritage item or building in a heritage conservation area;
 - (b) Describe the heritage item or building in a heritage conservation area; and its setting;
 - (c) Summarise the historical development of the heritage item or building in a heritage conservation area and its setting;
 - (d) Assess the condition and integrity of the fabric of the item or building in a heritage conservation area;

- (e) State the heritage significance of the item or building in a heritage conservation area (a statement of significance);
- (f) Describe the proposed development;
- (g) Describe how the proposed development does or does not comply with other development controls in this DCP;
- (h) State what the impact of the development would be on the heritage significance of the item or building in a heritage conservation area including both positive and negative impacts;
- (i) Describe any other development options that were considered and the reasons for choosing the preferred option; and
- (j) If applicable, describe measures intended to mitigate any non-compliances or negative impacts.

Note: A heritage impact statement may be prepared by the applicant if the proposed development is minor work and likely to have little or no impact on the heritage significance of the item or heritage conservation area.

If Council is of the opinion that a heritage impact statement prepared by an applicant has not satisfied the provisions of this Part, Council may request in writing a revised heritage impact statement, prepared by a conservation architect or other heritage consultant.

Council's Heritage Advisor can provide guidance on whether the applicant or a professional consultant should prepare the heritage impact statement.

B8.2.3 Heritage Conservation Management Plan

A heritage conservation management plan documents the heritage significance of an item or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

Controls

- C1 A conservation management plan is to be prepared in accordance with the three stages of the conservation process: investigate, assess and then manage significance.
- C2 A heritage conservation management plan is required to be lodged with development applications that affect the following:
 - (a) Place entered on the State Heritage Register; and
 - (b) Heritage item or building in a heritage conservation area, if requested in writing by Council.
- C3 The following matters are to be addressed in the heritage conservation management plan:
 - (a) All matters specified above for a heritage impact statement but in greater detail;

- (b) An assessment of the relative significance of individual components of the item;
- (c) The opportunities and constraints which are relevant to the item;
- (d) A statement of conservation policy which addresses the following:
 - i. Fabric and setting;
 - ii. Use;
 - iii. Interpretation;
 - iv. Management;
 - v. Control of intervention in the fabric;
 - vi. Constraints on investigation;
 - vii. Future developments; and
 - viii. Adoption and review of the heritage conservation management plan.

C4 Where a heritage conservation management plan exists or is required, a proposed development is to be consistent with its conservation policies.

C5 A conservation architect or other heritage consultant must prepare the heritage conservation management plan.

Note: Council's Heritage Advisor can provide advice as to whether a heritage conservation management plan is required.

Guidance for preparing a conservation management plan can be found in the NSW Office of Environment, Heritage website and in the Burra Charter available from Australia ICOMOS.

Council may waive the requirement for a heritage conservation management plan, if requested by the applicant in writing, if Council agrees that the proposed development is minor work and has little or no detrimental impact on the heritage significance of the place.

B8.2.4 Archaeological Assessment

In NSW, non-Aboriginal archaeological relics are protected under the *Heritage Act 1977* and Aboriginal objects are protected under the *National Parks and Wildlife Act 1974*. The disturbance of archaeological relics requires an excavation permit issued by the Heritage Branch of the NSW Office of Environment and Heritage. The disturbance of Aboriginal objects requires an aboriginal heritage impact permit issued also by the NSW Office of Environment and Heritage. Archaeological sites or sites of Aboriginal heritage are listed in the LEP.

Council is required to consider the impact of a proposed development on any archaeological relics or Aboriginal objects known or likely to be present as part of any development application.

The purpose of an Archaeological Assessment is to assess the archaeological potential of a place, the heritage significance of any archaeological relics or Aboriginal objects known or likely to be present, and the impact of the proposed

development on any such relics or objects. It will also recommend an appropriate management strategy and identify whether an excavation permit or aboriginal heritage impact permit is required.

Controls

- C1 An archaeological assessment is required to be lodged with development applications that affect any of the following:
- (a) Archaeological site;
 - (b) Aboriginal heritage site;
 - (c) Potential archaeological site if requested in writing by Council; and
 - (d) Potential Aboriginal heritage site if requested in writing by Council.
- C2 The following matters are required to be addressed in an archaeological assessment:
- (a) Identify the location of the item;
 - (b) Describe the item and its setting;
 - (c) Summarise the historical development of the item and its setting;
 - (d) Assess the archaeological potential of the item;
 - (e) State the heritage significance of the item (a statement of significance);
 - (f) Describe the proposed development;
 - (g) State what the impact of the development would be on the archaeological potential of the place including both positive and negative impacts;
 - (h) State what the impact of the development would be on the heritage significance of the place including both positive and negative impacts;
 - (i) Describe any other development options which were considered and the reasons for choosing the preferred option;
 - (j) If applicable, describe measures intended to mitigate any negative impacts that have been identified; and
 - (k) State whether or not an excavation permit or an Aboriginal Heritage Impact Permit is required.
- C3 A qualified archaeologist must prepare the archaeological significance assessment.
- C4 In cases where development consent is required for development on a property which is not listed as a heritage item but which is considered to be a potential archaeological site or a potential Aboriginal site, then Council will also take into consideration the potential impact on archaeological relics or Aboriginal objects.

Note: Council's Heritage Advisor can provide further advice as to whether an Archaeological Significance Assessment is required.

Guidelines for preparing a non-Aboriginal Archaeological Assessment and related sources of information are available from the NSW Office of Environment and Heritage. Information relating to Aboriginal archaeology, including the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, is available from the NSW Office of Environment and Heritage website.

B8.2.5 Structural Condition and Pest Inspection Report

In order to adequately assess development applications that propose demolition on the basis of poor condition, Council requires information that describes the present condition of the item, explains the reasons for this condition, and describes the works that would reasonably be required to conserve the item. This information must be provided in a structural condition report. If the poor condition of the place is due to termite damage, then a pest inspection report must also be included.

Controls

- C1 The following matters must be addressed in a structural condition report:
- (a) Describe the manner of construction and the materials present in the structure.
 - (b) Identify any components of the place which were not inspected and the reasons why.
 - (c) Identify defects including:
 - i. Existing structural defects;
 - ii. Conditions conducive to structural defects; and
 - iii. Defects in secondary elements and finishes.
 - (d) Assess the overall condition of the place according to the following categories:
 - i. Above average condition;
 - ii. Average condition; or
 - iii. Below average condition.
 - (e) Assess the potential for undetected defects according to the following categories:
 - i. High potential;
 - ii. Moderate potential; or
 - iii. Low potential.

- (f) Assess the proportion of significant fabric that would require replacement in order to rectify any defects identified above or in order to reduce the potential for any undetected defects identified.

Note: These matters are consistent with the requirements of Australian Standard AS4349.3 that regulates building inspection reports by licensed building contractors.

- C2 A pest inspection report must be included in a structural condition report if the poor condition of the place is wholly or substantially due to termite activity.
- C3 The following matters are to be addressed in the pest inspection report:
 - (a) Describe the manner of construction and the materials present in the structure.
 - (b) Identify any elements of the place which were not inspected and the reasons why.
 - (c) Identify evidence of termite damage according to whether it is:
 - i. Caused by present termite activity; and
 - ii. Caused by prior termite activity.
 - (d) Identify any evidence of previous termite treatment and assess its effectiveness.
 - (e) Provide treatment recommendations.
 - (f) Assess the proportion of significant fabric, if any, which would require replacement in order to implement the treatment recommendations identified in (e) above.

Note: These matters are consistent with the requirements of Australian Standard AS4349.1 that regulates pest inspection reports by licensed building contractors.

- C4 A licensed building contractor must prepare a structural condition report or pest inspection report.

B8.2.6 Information Requirements for Conservation Incentives

Provided certain criteria are met, the conservation incentives clause of the LEP may be used in situations where the permitted uses within the applicable land use zone do not provide sufficient incentive or reward to result in the conservation of a heritage item.

Controls

- C1 Where an application proposes to use the conservation incentives clause of the LEP, the clause is to be addressed in the statement of environmental effects submitted with the development application.

- C2 In addition to addressing the incentives clause of the LEP, the following must be demonstrated in the statement of environmental effects in order for consent under the conservation incentives clause to be considered:
- (a) The heritage item is a building that requires a substantial amount of conservation work to make it habitable or commercially viable.
 - (b) Conservation work required is not routine maintenance and repair.
 - (c) Current land use zoning is preventing a use that would deliver the financial return necessary to conserve the heritage item.
 - (d) The following matters are to be addressed in order to demonstrate that the above controls in (a), (b) and (c) can be met:
 - i. Identify the works necessary to conserve the heritage item and estimate their cost;
 - ii. Estimate the financial return from a permissible development;
 - iii. Estimate the financial return from the proposed development under the conservation incentives clause; and
 - iv. On the basis of a cost comparison between the above scenarios, demonstrate how the applicable land use zone adversely affects the conservation of the heritage item.

B8.3 Design Principles

The LEP and this DCP contain provisions and development controls that regulate land use, floor space, building height, setbacks, parking and other matters. These apply to items of heritage significance as much as they do to any other site in the LGA. However, a development may not be able to meet these provisions or controls, or maximise the development potential of a site, if this would have a detrimental impact on a place of heritage significance.

Each item of heritage significance is unique and therefore the success or otherwise of new development can only be judged in relation to the specific circumstances of the item, including its significance, the constraints and opportunities of the site, and the requirements of users.

The following requirements supplement the development controls that apply under the DCP.

B8.3.1 Alterations and Additions

Alterations and additions are the most common form of development affecting places of heritage significance in the LGA. Irrespective of the scope of alterations and additions, there are fundamental design principles that should be followed based on the three stages of the conservation process, i.e. investigate significance, assess significance, and manage significance.

Controls

- C1 Alterations to an item of heritage significance are to comply with the following design principles:
- (a) Retain or make minimal change to those elements that make a significant contribution to the heritage significance of the item;
 - (b) Adapt or make greater change to those elements that detract from or contribute little to the heritage significance of an item;
 - (c) Match external materials and finishes to the materials and finishes of the significant fabric of the item, or to similar item of the same period and style; and
 - (d) Refer to Chapter F1 for signage controls in relation to heritage items.

Notes: Alterations can include repairs to elements such as roofs, windows, or masonry. Significant elements are not confined to the physical fabric, but may include elements of the setting of the item, such as views, setbacks, and landscaping.

Where additions are designed in a traditional style it should still be possible to distinguish new from old fabric. The additions should be sympathetic but not an imitation.

A pavilion addition, typically situated at the rear, is a largely separate addition but still attached (usually at ground level) to the existing building. Pavilion additions usually have the least physical and visual impact.

Pavilion and attic additions can sometimes be combined in the one development

B8.3.2 Materials and Finishes

The selection of materials and finishes is critical to achieving development outcomes appropriate to an item of heritage significance. As in all matters affecting an item of heritage significance, the conservation process should be followed. It is important to first analyse and understand the materials and finishes found in the significant fabric of a place before selecting new or, in the case of repairs, replacement materials.

Controls

- C1 Conserve materials and finishes that comprise the significant fabric of the item.
- C2 Use authentic materials and finishes that match, or are similar to, the materials and finishes of the significant fabric of the item or similar items of the same period and style.
- C3 Do not use materials that imitate authentic materials, including (but not limited to):
- (a) Concrete roof tiles in place of terracotta or slate roof tiles;

- (b) Plastic or fibre cement weatherboards in place of timber weatherboards;
 - (c) Coloured concrete blocks or reconstituted stone in place of stone masonry; and
 - (d) Aluminium palisade fencing in place of wrought iron fencing.
- C4 Do not use aluminium framed windows with the exception of:
- (a) Rear additions in a contemporary architectural style; or
 - (b) Shop fronts on commercial buildings if the existing shop front is not significant fabric.
- C5 Do not paint or render surfaces that have never been painted or rendered, especially face brickwork or stone masonry.
- C6 Choose paint colours according to one or more of the following principles:
- (a) Match the existing colour scheme;
 - (b) Match a previous colour scheme determined from physical or photographic evidence; or
 - (c) Create a new colour scheme using a palette of colours that match or are similar to those used on similar buildings of the same period of construction.
- C7 Use contrasting colours only to highlight painted architectural details.

Note: Council's Heritage Advisor can provide further advice relating to materials and finishes.

B8.3.3 Parking (Garages and Carports)

Key considerations for garages and carports include their location so as to minimise their visual and physical impact, their form (shape, height and proportions), and the choice of materials and finishes.

If a garage or carport cannot be accommodated without having a detrimental impact on the heritage significance of an item of heritage, then it may not be possible to achieve the on-site parking that would otherwise be permitted.

Controls

- C1 Conserve original or early garages that contribute to the heritage significance of a place.
- C2 Do not place carports and garages within the front setback area.
- C3 Use detached garages and place to the side or rear of significant buildings.
- C4 Use detached or attached carports and place to the side or rear of significant buildings.

- C5 Provide a separate roof to attached carports and attach below the ground floor eaves level of the significant building.
- C6 Comply with the following principles in the design of garages and carports:
- (a) Locate garages and carports so that they do not visually dominate the significant building and are subservient to it;
 - (b) Use authentic materials and finishes that either match those of the significant building at the place or that were typical of similar buildings of the same period and style; and
 - (c) Respond to the proportions and architectural detail of the significant building but in a simplified manner befitting a secondary structure.

B8.3.4 Landscaping and Fences

If the setting of an item of heritage is poorly landscaped, then it may be difficult to appreciate its heritage significance. The selection and placement of plantings, paths, garden beds and edging should proceed on the basis of understanding what is appropriate to the period and style of the place and use, where possible, authentic plantings and materials.

A poorly designed and built fence can detract considerably from the visual amenity of a place. It is important to design fences that are appropriate to the period and style of the place.

Controls

- C1 Retain landscape elements that contribute to the significance of an item, especially early or original plantings.
- C2 Where early or original plantings cannot be retained due to age or disease, replace with the same or similar plant species.
- C3 Use authentic materials for landscaping, including paths and driveway surfaces, garden walls and edging, and that are appropriate to the period and style of the item.
- C4 Do not use materials and finishes for landscaping that imitate authentic materials and finishes, including (but not limited to):
- (a) Stencilled concrete paths and driveways; and
 - (b) Coloured concrete block or reconstituted stone in place of brick or stone masonry.
- C5 Conserve original or early fences where they survive.
- C6 Comply with the following design principles when designing new fences:
- (a) Use a design that is appropriate to the period and style of the place; and
 - (b) Use authentic materials and finishes that match or are similar to the significant fabric of the place.

- C7 Do not use materials that imitate authentic materials, including (but not limited to):
- (a) Aluminium palisade fencing; and
 - (b) Coloured concrete block or reconstituted stone.
- C8 Limit the height of fences to retain important views towards the heritage item from the public domain.

B8.3.5 Development in the Vicinity of a Place of Heritage Significance

Development in the vicinity of a heritage item or heritage conservation area can have an impact almost as great as development on the same site as an item of heritage significance.

New development on adjoining land should not imitate a place of heritage significance, but be respectful in the way it is situated, its scale, its proportions, the materials and finishes used, and the manner in which the site is landscaped. In certain situations it may not be possible to achieve the maximum development potential on adjoining land if this would have a detrimental impact on the visual setting of the significant place.

Development on land in the vicinity of a heritage item or heritage conservation area should be designed in accordance with the conservation process.

Controls

- C1 Applications for development in the vicinity of a heritage item or heritage conservation area are required to have a heritage impact statement lodged with them.
- C2 The following design principles are to be complied with in the design of development in the vicinity of a heritage item or heritage conservation area:
- (a) Development is to be sympathetic in scale to the heritage item;
 - (b) Set back new development adequately from site boundaries so that it does not visually dominate the heritage item;
 - (c) Development is to respond to the form and proportions of the heritage item;
 - (d) Development is to respond to the size, placement and proportions of window and door openings of the heritage item;
 - (e) Use materials and finishes that complement those of the heritage item; and
 - (f) Design landscaping, including the location of plantings and the choice of materials and finishes for fencing and hard surfaces that are typical for the period and style of the heritage item.
- C3 Locate and design development in the vicinity of a heritage item so that it does not interrupt any important views towards the heritage item from the public domain. This includes both buildings and landscape elements.

B8.3.6 Demolition

Controls

- C1 Development applications that propose the complete or substantial demolition of a heritage item or structure within a heritage conservation area will be refused unless the applicant can demonstrate the following to the satisfaction of Council:
- (a) The item does not contribute to the heritage significance of the local area; and/or
 - (b) The item is in such poor condition that the amount of significant fabric that requires replacing would result in the place losing its heritage significance.
- C2 Compliance with the above criteria is to be demonstrated via documentation required with the application.
- C3 Notwithstanding compliance with the above, Council may make a request in writing for additional information or seek its own professional advice in order to enable an independent assessment of the development application.

Note: On some occasions these development controls may be applied to an unlisted building or site that has potential heritage significance. See the controls relating to heritage impact statement and structural condition and pest inspection reports.

B8.4 Ashbury Heritage Conservation Area

This section applies to the Ashbury Heritage Conservation Area (referred to as Ashbury in this section). The heritage conservation area comprises the whole suburb of Ashbury and part of Croydon Park. The boundaries are identified in the Heritage Map in the LEP (refer to Figure B8.1). This section provides guidance for the design of development in Ashbury so that it will be consistent with the heritage character of the area. The guidelines and controls in this part provide more detailed and specialised controls and are to be read in conjunction with other parts of the DCP.

While the controls focus on dwelling houses, the principles and controls (where appropriate) also apply to all other types of development ensure the retention of the heritage character of Ashbury.

The controls in this section supersede all other controls if there is an inconsistency and the latter controls would result in uncharacteristic or incompatible development in Ashbury.

Background and Historical Relevance of Ashbury HCA

Ashbury is a predominantly residential area that was largely developed between 1912 and 1940, with most development occurring during the Inter-War period and particularly during the building boom of the 1920s. Ashbury developed as part of the