

# **HOW HABERFIELD WILL BE MANAGED BY COUNCIL IF STATE LISTED**

## **Council's application to Heritage NSW proposing a State Heritage Register Listing.**

This is the first stage of Council lodging an application to Heritage NSW seeking to nominate Haberfield for a listing on the State Heritage Register. Council's documents must show that the listing meets the Heritage NSW criteria for a State listing.

Council's nomination application will also advise Heritage NSW that:

- Council does not intend to change the current way properties are looked after by property owners and how Council manages Development Applications such as for major building alterations.
- Council's State listing nomination will propose that minor work, such as small repairs and maintenance work to houses, will continue without requiring property owners to obtain Council Development approval.
- Other more substantial building work would continue to obtain approval from Council through a Development Application. Council will continue to provide a Pre DA application (before lodgement) to assist property owners on design including feedback from heritage advisers.

There will no impact to current development applications lodged with Council and current Development approvals.

## **How a future Haberfield State Heritage Register Listing will be managed by Council**

### **Minor works and maintenance**

#### Current practise

Currently minor work can be carried out without Council development approval if it is listed in *State Environmental Planning Policy - Exempt and Complying Development Codes* (Codes SEPP). The Codes SEPP applies to all of NSW. Work must conform with particular specified standards or design standards. Examples of exempt development applying to a Heritage Conservation Area are: Air conditioning, balconies at the rear of houses, rear garden sheds, some internal house alterations, pathways and rear shade structures.

For a complete list of Exempt Development refer to the Codes SEPP on the State Government Legislation website. Go to "Part 2- Exempt Development Codes, Division 2".

#### Proposed State Listing of Haberfield.

A schedule for Haberfield would specify which minor works do not require Council approval. This would contain the same works found in the Codes SEPP.

An example of a schedule is illustrated in the document library - **Indicative minor works applying to Haberfield** on exhibition. It is based on similar areas such as the Braidwood Heritage Conservation Area which has a State Listing. Currently the LEP under Clause 5.10(3) provides for certain work to be excluded from requiring development consent through a heritage exemption application. This is where Council is satisfied and has advised in writing that the work is of a minor nature or is maintenance of a Heritage Item or place within a Heritage Conservation Area. The heritage exemption certificate process will remain unchanged.

## **Development Applications process in a future State Listing**

### Current Practise

Development Applications for major work are submitted to Council and are assessed under the relevant Local Environmental Plan and Development Control Plan.

### Proposed State Listing of Haberfield.

Development Applications for major work will continue to be submitted to Council and assessed under the relevant Local Environmental Plan and Development Control Plan. The only exceptions might there are extraordinary circumstances for proposed work, such as not complying with the Ashfield Local Environmental Plan 2013.

This process will be achieved by having a delegation given to Council in the Heritage Act 1977. This would set out which works do not require additional referral by Council to Heritage NSW. Heritage NSW are a department of State Government who on behalf of the Heritage Council administer the Heritage Act 1977.

The Inner West Comprehensive Development Control Plan 2016 would continue to apply to guide designs in Haberfield, for example building additions to the rear of houses. A new clause would be added making reference to the Heritage Act listing.

The document library has **Indicative Heritage Act applying to Haberfield** to illustrate how the State listing will apply. This uses a similar format to existing State listed Conservation Areas such as the Braidwood Heritage Conservation Area. It illustrates how Council could:

- continue to remain in control of determining development applications and the mechanism for how this would be enabled.
- how Exempt Development (not requiring Council approval) such as minor works would be permitted for property owners.
- how the boundaries of the Haberfield Area would be defined by making reference to its Haberfield's map.

After Council submits the application to Heritage NSW and when the Heritage Council agrees to progress the Haberfield State listing to the next stage, Council will seek the above indicative documents be:

- carefully drafted by the Heritage NSW legal team.
- formally exhibited at a future formal community consultation stage for public feedback under the procedures of the Heritage Act 1977.