

Indicative Examples Minor Work for Haberfield

This document is indicative (only).

Its purpose is to illustrate for the proposed Haberfield listing on the State Heritage Register how:

- minor work by property owners not requiring development consent from Council (or other authorities) under current State laws could continue to operate.
- use of Heritage NSW's "Standard Exemptions for works requiring Development Approval" template and its tailoring to suit Haberfield. This lists the work exempted from requiring Council development approval.

This document lists provisions for:

- exempt development work such as particular works found in the "Codes SEPP" (*State Environmental Planning Policy -Exempt and Complying Development Codes*). A sample is provided on page 14.
- using Council's existing "Exemptions Form" by property owners for quick approval for minor work such as replacing parts of existing fences or using new external paint schemes.

If the Heritage Council agrees to progress the consideration of the Haberfield State listing to the next stage, Heritage NSW will have a comprehensive "Standard Exemptions for works requiring Development Approval" carefully drafted by their legal team to ensure that it will adequately operate for property owners.

**STANDARD EXEMPTIONS FOR WORKS
REQUIRING DEVELOPMENT
APPROVAL**

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INTRODUCTION

These guidelines have been prepared to inform owners and managers of heritage items/conservation area listed on the State Heritage Register about the “standard exemptions”, where work is carried out without development approval from Council.

In NSW important items of our environmental heritage are listed on the State Heritage Register. Any changes to those items should respect and retain those qualities and characteristics that make the heritage place special.

Any major works proposed for **State Heritage Register items** therefore need to be assessed and approved by Council (except where referred to the Heritage Council) to ensure that the heritage significance of the item will not be adversely affected.

However, the assessment process can waste the time and resources of both the owner and the Heritage Council if the works are only minor in nature and will have minimal impact on the heritage significance of the place. The Heritage Act allows the Minister, on the recommendation of the Heritage Council, to grant exemptions for certain activities which would otherwise require approval under the NSW Heritage Act.

There are two types of exemptions which can apply to a heritage item listed on the State Heritage Register:

1. **standard exemptions** for all items on the State Heritage Register. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.
2. **site specific exemptions** for a particular heritage item can be approved by the Minister on the recommendation of the Heritage Council.

The State Heritage Register

Heritage places and items of particular importance to the people of New South Wales are listed on the State Heritage Register. The Register was created in April 1999 by amendments to the *Heritage Act 1977*.

The key to listing on the State Heritage Register is the level of significance. Only those heritage items which are of **state significance in NSW** are listed on the State Heritage Register.

To check whether an item is listed on the register, check the online heritage database on the homepage of the Heritage NSW:

This online database lists all statutorily protected items in NSW. It may be accessed from the homepage, via the Listings tab, then Heritage databases.

WHY HAVE STANDARD EXEMPTIONS?

The standard exemptions apply to all items listed on the State Heritage Register. These exemptions came into force on (to be advised). They replace all previous standard exemptions.

The purpose of the standard exemptions is to clarify for owners, Heritage NSW and local councils what kind of maintenance and minor works can be undertaken without needing Heritage Council or Council approval. This ensures that owners are not required to make unnecessary applications for minor maintenance and repair.

HOW WILL EXEMPTIONS ALREADY IN PLACE BE AFFECTED BY THE NEW STANDARD EXEMPTIONS?

1. **Standard Exemptions:** The new standard exemptions replace all existing standard exemptions.
2. **Site Specific Exemptions:** Some heritage items have site specific exemptions for works other than those in the standard list. Site specific exemptions will continue to remain in force.

HOW TO RELATE THE STANDARD EXEMPTION CLAUSES TO YOUR HERITAGE ITEM

The standard exemption clauses can be grouped under two headings:

- maintenance and repairs.
- alterations.

Before you develop firm proposals for changes to your property, take the following actions:

- [1.] Check the exemptions apply to your site.
- [2] Read these explanatory notes to ensure that the work you propose is exempted.
- [3.] If the work is not exempted, apply to Council for an approval.
- [4.] Check with the local council concerning other approvals that may be required.

SCHEDULE OF STANDARD EXEMPTIONS

HERITAGE ACT, 1977

NOTICE OF ORDER UNDER SECTION 57(2) OF THE HERITAGE ACT, 1977

I, the Minister for XXXX, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:

- 1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and**
- 2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.**

XXXXXX

Minister for XXXX

Sydney, XXXX Date.

SCHEDULE OF EXEMPTIONS TO SUBSECTION 57(1) OF THE

HERITAGE ACT 1977

MADE UNDER SUBSECTION 57(2)

GENERAL CONDITIONS

1. These general conditions apply to all of the following Exemptions.
2. The following Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which affect traditional access by Aboriginal people.
3. The Director of Planning and Chief Executive Officer of Inner West Council may perform any of the functions of the Director of the Department State Government (to be advised) under these exemptions.
4. In these Exemptions, words shall be given the same meaning as in the *Heritage Act 1977* ("the Act") unless the contrary intention appears from the context of the exemption.

STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING

1. The following maintenance and cleaning does not require approval under subsection 57(1) of the Act:
 - (a) the maintenance of an item to retain its condition or operation without the removal of or damage to the existing fabric or the introduction of new materials;
 - (b) cleaning including the removal of surface deposits, organic growths or graffiti by the use of low pressure water (less than 100 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing.

Guidelines

Maintenance is distinguished from repairs, restoration and reconstruction as it does not involve the removal of or damage to existing fabric or the introduction of new materials. It is a continuing process of protective care. Typical maintenance activity includes:

- the removal of vegetation and litter from gutters and drainage systems;*
- resecuring and tightening fixings of loose elements of building fabric;*
- lubricating equipment and services which have moving parts;*
- the application of protective coatings such as limewash, polish, oils and waxes to surfaces which have previously had such coatings applied;
and*
- cleaning by the removal of surface deposits using methods other than aggressive mechanical or chemical techniques such as high pressure, high temperature or strong solvents which may affect the substrate.*

This standard exemption applies to the maintenance of all types of heritage items including buildings, works, landscapes, cemeteries and movable heritage.

STANDARD EXEMPTION 2: REPAIRS

1. 1. Repair to an item which is of the type described in (a) or (b) below does not require approval under subsection 57(1) of the Act:

- (a) the replacement of services such as cabling, plumbing, wiring and fire services that uses existing service routes, cavities or voids or replaces existing surface mounted services and does not involve damage to or the removal of significant fabric;
- (b) the repair (such as refixing and patching) or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing and does not involve damage to or the removal of significant fabric.

Guidelines

This standard exemption is not intended to allow the cumulative replacement of large amounts or a high proportion of the fabric of an item. If replacement of large amounts of fabric is necessary, an application will be required to be submitted under s. 60 of the Heritage Act. If there is uncertainty about whether the proposed extent of repair is exempt from approval, advice should be sought from the Heritage Branch, Department of Planning.

Repairs should have detailed specifications and carried out by licensed tradespeople with experience in the conservation of heritage buildings. It is essential that the composition of elements of the fabric such renders, mortars, timber species and metal types remain the same to assist with matching appearance and avoiding chemical incompatibility.

Repair may involve reconstruction which means returning an item to a known earlier state. This may involve the use of new or recycled materials.

Reconstruction must satisfy a four-part test to qualify for exemption from approval:

- 1. *The nature of the earlier state being reconstructed must be known.*
- 2. *The replacement fabric must be matching in appearance and method of fixing.*
- 3. *The fabric being replaced must be beyond further maintenance. The replacement of fabric may only occur where fabric is missing or it is so damaged or deteriorated that it is beyond further maintenance.*
- 4. *Significant fabric must not be damaged or removed.*

STANDARD EXEMPTION 3: PAINTING

1. Painting does not require approval under subsection 57(1) of the Act if the painting:

- (a) is to the interior parts or rooms of buildings, garages or any outbuildings;
- (b) for identified sites, employs the same colour scheme and paint type as an earlier scheme if they are appropriate to the substrate and do not endanger the survival of earlier paint layers.

Explanatory Note

Identified sites will be ones currently listed as Heritage Items in Council's Local Environmental Plan.

2. Painting which employs a different colour scheme and paint type from an earlier scheme does not require approval under subsection 57(1) of the Act, provided that:

- (a) existing approved exterior surfaces are already painted;

Painting of surfaces which have not previously been painted such as face brickwork, stone, concrete or galvanised iron is not exempt from approval under this standard exemption.

- (b) the Inner West Council is satisfied that the proposed colour scheme, paint type, details of surface preparation and paint removal will not adversely affect the heritage significance of the Conservation Area; and
- (c) the person proposing to undertake the painting has received a notice advising that the Inner West Council is satisfied.

Explanatory Note

This is the same process found in the 2021 Inner West Council Exemption form.

3. A person proposing to undertake repainting of the kind described in paragraph 2 must write to the Inner West Council and describe the proposed colour scheme, paint type, details of surface preparation and paint removal involved in the repainting. If the Inner West Council is satisfied that the proposed development meets the criteria set out in paragraph 2(a) the Council shall notify the applicant.

GUIDANCE NOTE:

Preference should be given to the re-establishment of historically significant paint schemes of the item that are appropriate to the significance of the building.

STANDARD EXEMPTION 4: EXCAVATION

- 1. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director-General is satisfied that:**
 - (a) the excavation is of a minor nature such as routine day to day garden maintenance and garden use such as but limited to soil disturbance;**
 - (b) the excavation is of associated with building works resulting from development application approvals such as but not limited to site preparations and building and other structures structural footings ;**
 - (c) the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them.**

STANDARD EXEMPTION 5: RESTORATION

1. **Minor** Restoration of parts an item by returning significant fabric to a known earlier location without the introduction of new material does not require approval under subsection 57(1) of the Act.
2. The following restoration does not require approval under subsection 57(1) of the Act, provided that the Inner West Council is satisfied that the criteria in (a) have been met and the person proposing to undertake the restoration has received a notice advising that the Inner West Council is satisfied:
 - (a) the restoration of an item without the introduction of new material (except for fixings) to reveal a known earlier configuration by removing accretions or reassembling existing components which does not adversely affect the heritage significance of the item.
3. A person proposing to undertake restoration of the kind described in paragraph 2 must write to the Inner West Council and set out why there is a need for restoration to be undertaken and the proposed material and method of restoration. If the Inner West Council is satisfied that the proposed development meets the criteria set out in paragraph 2(a), the Council shall notify the applicant.

Explanatory Note

This is the same process found in the 2021 Inner West Council Exemption form.

Guidelines

Restoration in accordance with clause 1 of this standard exemption does not involve the removal of fabric and only relates to the return of fabric which has been removed to storage or has been dislodged from its original location.

STANDARD EXEMPTION 6: MINOR WORKS- EXEMPT DEVELOPMENT NOT REQUIRING DEVELOPMENT APPROVAL

- 1 Minor development specifically identified as exempt development in Table 1 which does not materially impact on heritage significance as listed in Schedule 1 does not require approval under subsection 57(1) of the Act.

Explanatory Note:

Currently the “Codes State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – (Codes SEPP) - applies to NSW.

The Codes SEPP provides a list of work that does not require Council approval for places which are a Heritage Conservation Area identified in a Local Environmental Plan. This is called “exempt development”.

The Codes SEPP and its “exempt development” does not however apply to an Conservation Area or Heritage Item listed on the State Heritage Register. To account for this, Table 1 in the right hand column is an indicative (only) list of work which can be made “exempt development’ for Haberfield under the Heritage Act 1977, which replicates the list found in the Codes SEPP.

Table 1

Column 1	Column 2 shows
Shows existing exempt development found in State Environmental Planning Policies.	Indicative list of minor work for Haberfield Conservation Area not requiring Council development approval. For each work below, the same design and construction controls would apply as found in the particular SEPPs in left column.
Codes SEPP source	
From Division 1	<p>Access Ramps</p> <p>Aerials – antennae</p> <p>Air conditioning</p> <p>Balconies, decks, patios, pergolas, terraces, verandah when placed to rear of building.</p> <p>Barbecues. Where behind building line.</p> <p>Cabanas and garden sheds. Where behind building line.</p> <p>Carports. Where one metre behind front building line.</p>

	<p>Change of use. Such as from business to business. Must be consistent with a valid previous Development Application approval.</p> <p>Home business use.</p> <p>Hot water systems. Where not on roof and to be in back yard.</p> <p>Minor building alterations internal. Where they don't affect the load bearing capacity of a building.</p> <p>Pathways. Such as for walking, but not for vehicular driveways.</p> <p>Privacy Screens. Such as to rear verandahs.</p> <p>Rainwater tanks. Where behind building line.</p> <p>Screen enclosures of balconies, decks, patios, pergolas, terraces and verandahs. Where at rear of house.</p> <p>Shade structures - to rear of house.</p> <p>Skylights, roof windows and ventilators. Not visible from road frontage, to be rear roof plane.</p> <p>Stairway. Where providing access to existing deck of verandah.</p>
From Division 2 Advertising and Signage Exempt development.	<p>Fascia Signs. Such as to business properties.</p> <p>Under Awning Signs. Such as to business properties.</p> <p>Window signs. Not more than 20 percent of existing window glass.</p>
State Environmental Planning Policy (Infrastructure) 2007 source	
Division 4 Electricity generating works or solar energy systems- Clause 37 Exempt Development.	Photovoltaics cells – where applied to houses on rear roofs - not exceeding 10 KW.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) Applies to Heritage Conservation Areas. Has no Exempt or Complying Development Provisions.	Tree removal and management is to be in accordance with Inner West Council DCP

STANDARD EXEMPTION 7: MINOR ACTIVITIES WITH LITTLE OR NO ADVERSE IMPACT ON HERITAGE SIGNIFICANCE

- 1. Anything which in the opinion of the Inner West Council is of a minor nature and will have little or no adverse impact on the heritage significance of the item does not require approval under subsection 57(1) of the Act.**
- 2. A person proposing to do anything of the kind described in paragraph 1 must write to the Inner West Council and describe the proposed activity. If the Council is satisfied that the proposed activity meets the criteria set out in paragraph 1, the Council shall notify the applicant.**

Explanatory Note

Provides for minor work not listed in Exemption 6, such as front fences whose design needs careful design details drawn at an appropriate drawing scale showing structure and materials and colours.

This is the same process found in the 2021 Inner West Council Exemption form.

STANDARD EXEMPTION 8: NON-SIGNIFICANT FABRIC

- 1. The following development does not require approval under subsection 57(1) of the Act, provided that the Inner West Council is satisfied that the criteria in (a) have been met and the person proposing to undertake the development has received a notice advising that the Council is satisfied:**
 - (a) the alteration of a building involving the construction or installation of new fabric or services or the removal of building fabric which will not adversely affect the heritage significance of the item.**
- 2. A person proposing to do anything of the kind described in paragraph 1 must write to the Inner West Council and describe the proposed development. If the Council is satisfied that the proposed development meets the criteria set out in paragraph 1(a), the Council shall notify the applicant.**

Guidelines

In order to assess the level of significance of fabric it is necessary to submit a clear and concise statement of the item's heritage significance and to grade the fabric of the place in accordance with its association with or impact on that significance. It may not always be concluded that more recent fabric is of less or no heritage significance.

Explanatory Note

This is for alterations to "non- conforming houses", that is, houses which are not the original historic house.

STANDARD EXEMPTION 9: CHANGE OF USE

- 1. The change of use of an item or its curtilage or the commencement of an additional or temporary use does not require approval under subsection 57(1) of the Act, provided that the Inner West Council is satisfied that the criteria in (a) and (b) have been met and the person proposing to undertake the change of use has received a notice advising that the Council is satisfied:**
 - (a) the use does not involve the alteration of the fabric, layout or setting of the item or the carrying out of development other than that permitted by other standard or site specific exemptions;**
 - (b) the use does not involve the cessation of the primary use for which the building was erected, a later significant use or the loss of significant associations with the item by current users.**
- 2 A person proposing to change the use of an item or its curtilage or to commence an additional or temporary use of an item or its curtilage in the manner described in paragraph 1 must write to the Council and describe the changes proposed. If the Council is satisfied that the proposed development meets the criteria set out in paragraph 1(a) and (b), the Council shall notify the applicant.**

Explanatory Note

This provides for a change of use more substantial than that allowed in Standard Exemption 6.

Guidelines

For the purposes of this standard exemption any change of use which is inconsistent with specific conditions of any previous approval or consent such as hours of operation or nature of conduct of an activity requires approval under section 57(1) or the modification of an approval under section 65A of the Heritage Act.

STANDARD EXEMPTION 10: TEMPORARY STRUCTURES

- 1. The erection of temporary structures does not require approval under subsection 57(1) of the Act, provided that the Inner West Council is satisfied that the criteria in (a) and (b) have been met and the person proposing to erect the structure has received a notice advising that the Inner West Council is satisfied:**
 - (a) the structure will be erected within and used for a maximum period of 4 weeks after which it will be removed within a period of 2 days and not erected again within a period of 6 months;**
 - (b) the structure is not to be located where it could damage or endanger significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items.**
- 2. A person proposing to erect a structure of the kind described in paragraph 1 must write to the Inner West Council and set out the nature of the structure, the use for the structure and how long it will remain in place and the next occasion on which it is anticipated that the structure will be erected. If the Council is satisfied that the proposed development meets the criteria set out in paragraphs 1(a) and 1(b) the Council shall notify the applicant.**

STANDARD EXEMPTION 11: LANDSCAPE MAINTENANCE

- 1. Landscape maintenance which is of the type described below does not require approval under subsection 57(1) of the Act:**
 - (a) weeding, watering, mowing, top-dressing, pest control and fertilizing necessary for the continued health of plants, without damage or major alterations to layout, contours, plant species or other significant landscape features;**
 - (b) pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material), not exceeding 10% of the canopy of a tree within a period of 2 years;**
 - (c) pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material) between 10% and 30% of the canopy of a tree within a period of 2 years.**

STANDARD EXEMPTION 12: SIGNAGE

- 1. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act:**
 - (a) temporary signage which is located behind or on the glass surface of a shop window which is not internally illuminated or flashing and is to be removed within eight weeks; or**
 - (b) a real estate sign indicating that the place is for auction, sale or letting and related particulars and which is removed within 10 days of the sale or letting of the place.**
- 2. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act, provided that the Inner West Council is satisfied that the criteria in (a) and (b) respectively have been met and the person proposing to erect it has received a notice advising that the Inner West Council is satisfied:**
 - (a) the erection of non-illuminated signage for the sole purpose of providing information to assist in the interpretation of the heritage significance of the item and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items;**
 - (b) signage which is in the form of a flag or banner associated with a building used for a purpose which requires such form of promotion such as a theatre or gallery, which is displayed for a maximum period of eight weeks and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage.**
- 3. A person proposing to erect signage of the kind described in paragraph 2 must write to the Inner West Council and describe the nature and purpose of the advertising or signage. If the Inner West Council is satisfied that the proposed development meets the criteria set out in paragraph 2(a) or 2(b), the Inner West Council shall notify the applicant.**
- 4. Signage of the kind described in paragraphs 1 and 2 must:**
 - (a) not conceal or involve the removal of signage which has an integral relationship with the significance of the item;**
 - (b) be located and be of a suitable size so as not to obscure or damage significant fabric of the item;**
 - (c) be able to be later removed without causing damage to the significant fabric of the item.**

Guidelines

In addition to the requirements of clause 4 of the standard exemptions, signage may be controlled by development control plans or signage policies prepared by the relevant local council. The operation of the standard exemptions do not affect the requirements for consent by local councils or the need to satisfy any signage policies which may have been adopted by them.

STANDARD EXEMPTION 13: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

1. Development which is required for the purpose of compliance with the minimum standards set out in Part 3 of the *Heritage Regulation 1999* or an order issued under either:
 - (a) section 120 of the *Heritage Act 1977* regarding minimum standards of maintenance and repair; or
 - (b) section 121S of the *Environmental Planning and Assessment Act 1979* regarding an order which is consistent with a submission by the Heritage Council under subsection 121S(6) of that Act;does not require approval under subsection 57(1) of the Act.

Guidelines

This standard exemption is intended to facilitate and expedite compliance with orders and minimum standards of maintenance and repair.

The Minimum Standards of Maintenance and Repair replaced the “willful neglect” provisions of the Heritage Act in 1999. The minimum standards are contained in Part 3 of the Heritage Regulation 2005 and are reproduced in the Heritage Information Series published by the Heritage Branch, Department of Planning. The minimum standards only apply to items listed on the State Heritage Register and relate to:

- *weather protection;*
- *fire prevention and protection;*
- *security;*
- *essential maintenance and repair to prevent serious or irreparable damage.*

Maintenance and repair which exceed the minimum standards in the Regulation may be exempt from approval under other standard exemptions (refer to #1 and #2).

Orders under s.121S(6) of the EP&A Act are those given by a council or other consent authority in relation to an item listed on the State Heritage Register, land to which an interim heritage order applies or a heritage item listed under an environmental planning instrument. Orders must not be given in relation to items listed on the State Heritage Register or land to which an interim heritage order relates unless the consent authority has given notice of it to the Heritage Council and considered any submission made by it.

STANDARD EXEMPTION 14: SAFETY AND SECURITY

- 1. The following development does not require approval under subsection 57(1) of the Act, provided that the Inner West Council is satisfied that the criteria in (a) or (b) have been met and the person proposing to undertake the development has received a notice advising that the Inner West Council is satisfied:**
 - (a) the erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the item including landscape or archaeological features of its curtilage;**
 - (b) development, including emergency stabilisation, necessary to secure safety where a building or work or part of a building or work has been irreparably damaged or destabilised and poses a safety risk to its users or the public.**
- 2. A person proposing to undertake development of the kind described in paragraph 1 must write to the Inner West Council and describe the development and, if it is of the kind set out in 1(b), provide certification from a structural engineer having experience with heritage items confirming the necessity for the development with regard to the criteria set out in 1(b) and any adverse impact on significant fabric. If the Inner West Council is satisfied that the proposed development meets the criteria set out in paragraph 1(a) or (b), the Director-General shall notify the applicant.**

Guidelines

Development exempt under this standard exemption must be for the temporary or emergency securing of safety for users or the public. Development described in 1(b) of this exemption is intended to apply in circumstances where there has been damage caused by a sudden change in circumstances of the building such as a catastrophic event, rather than safety risks which may arise from ongoing neglect of maintenance.

Emergency maintenance and repairs such as required following a storm event may be exempt under other standard exemptions such as #1 (Maintenance and Cleaning) and #2 (Repairs). More intrusive means of upgrading security which may damage significant fabric will require the submission of an application under section 60 of the Heritage Act.

Development in accordance with this exemption must be undertaken with minimal intervention to significant fabric.

STANDARD EXEMPTION 15: MOVABLE HERITAGE ITEMS

- 1. The temporary relocation of movable heritage items, including contents, fixtures and objects, to ensure their security, maintenance and preservation, for conservation or exhibition, to ensure health or safety, the need for a controlled environment for those heritage items, or to protect the place, and which are to be returned to their present location within six months, does not require approval under subsection 57(1) of the Act.**
- 2. A person proposing to relocate a movable heritage item as set out in paragraph 1 must advise the Inner West Council in writing of the proposed location and the reasons for its relocation. If the Inner West Council is satisfied that the temporary relocation meets the criteria set out in paragraph 1 the Director-General shall notify the applicant.**

Guidelines

Movable heritage items or objects which are listed on the State Heritage Register must be specifically referred to in the gazetted listing. Unless specifically listed, the movable content of buildings such as furniture, paintings and other decoration is not movable heritage for the purposes of the Heritage Act which triggers approval requirements to “move, damage or destroy it”.

The permanent relocation of an item of movable heritage such as listed ships or railway rolling stock will require the submission of an application under section 60 of the Heritage Act.

END