

# Part G

## Heritage Conservation



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# G1 Introduction

## G1.1 Application of this Part

Part G of the DCP applies to development on land that is:

- a) Identified as a heritage item or located in a heritage conservation area listed in Schedule 5 of the *Blayney Local Environmental Plan 2012 (BLEP2012)* or in the State Heritage Register;
- b) In proximity to an identified heritage item that may impact on the heritage significance of a heritage item;
- c) Identified as, or in proximity to, other locally or regionally significant building or place that is not listed in Schedule 5 of the **BLEP2012** or in the State Heritage Register at the discretion of Council staff; or
- d) Identified as, or in proximity to, items of Aboriginal cultural and archaeological significance that are not listed in **BLEP2012** for protection and cultural sensitivity.

The requirements, objectives and controls in Part G apply **in addition** to the heritage conservation requirements of the **BLEP 2012** and the development requirements of other relevant parts of this DCP (refer H.1.3).

## G1.2 Objectives for Heritage Conservation

- 1) To conserve the heritage significance of the built and natural environments within the Blayney Shire.
- 2) To ensure that heritage in the Blayney Shire is managed in accordance with the Principles and Articles of the Burra Charter for the assessment of significance of heritage places and the traditions associated with them.
- 3) To implement the objectives and controls contained within **BLEP 2012** and any other relevant heritage legislation.
- 4) To ensure new development is sympathetic to identified heritage values.
- 5) To ensure the retention and enhancement of heritage items as well as contributory items within Heritage Conservation Areas applying to land in the Blayney Shire.
- 6) To provide planning and design guidelines for developments associated with heritage items, within the vicinity of heritage items, or within heritage conservation areas.

### G1.3 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to heritage development in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

- 1) **Part D – Subdivision** (where you are also proposing some type of subdivision of your land);
- 2) **Part E – Other Land Uses** (where you are also proposing other land uses not included in the Part of the DCP) and
- 3) **Part F – Environmental Management & Hazards** (dependent on-site constraints and potential impacts).

### G1.4 Variations to Controls

Council may consent to a Development Application involving departure from a control contained within this DCP but only where Council has considered a written request from the applicant that seeks to justify the departure (in accordance with **Clause A1.11 Variation to Controls** of this DCP) by demonstrating that:

- 1) Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and
- 2) The objectives of the particular control are met or sufficiently addressed; and
- 3) There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and
- 4) The impact of the non-compliant proposal will not be significantly greater than a compliant proposal, and that it may enhance the outcome.

### G1.5 Advisory Matters

#### G.1.5.1 Blayney Shire Heritage Advisory Service

Applicants are advised to contact Blayney Shire Council to discuss any of the following projects with Council's Heritage Advisor:

- 1) Maintenance works to a heritage item or to a property located within a heritage conservation area.
- 2) Works involving the proposed alterations to or demolition of a heritage item, or a property located within a heritage conservation area.

- 3) Works likely to affect an Aboriginal object,
- 4) Works likely to affect an Aboriginal place of heritage significance,
- 5) Works likely to affect an Archaeological site.

Where major work is contemplated, applicants are strongly advised to obtain professional assistance from a recognised expert in heritage conservation. A list of suitably qualified heritage consultants is available from the NSW Department of Planning and Environment.

#### **G.1.5.2 Burra Charter**

Development affecting a heritage item or property within a heritage conservation area is assessed having regard to the principles and practices contained in the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter). The Charter is widely adopted as the standard guidelines for heritage conservation in Australia and sets out a standard of practice for those who provide advice, make decisions about or undertake works to places of cultural significance, including owners, managers and custodians.

#### **G.1.5.3 Aboriginal Places of Heritage Significance**

Aboriginal objects and places of heritage significance provide evidence relating to Aboriginal habitation of an area and are of special cultural significance to Aboriginal people because of their spiritual, ceremonial, historic, social or educational values.

Aboriginal objects and places of heritage significance are protected under the NSW National Parks and Wildlife Act 1974.

Aboriginal objects and places of significance located in Blayney Shire are not listed in the **BLEP 2012** due to the sensitive nature of these sites, consistent with common practice in NSW for protecting Aboriginal cultural heritage.

Development consent is required to disturb or excavate land containing Aboriginal objects or an Aboriginal place of heritage significance.

Under **BLEP 2012** Clause 5.10(8) Aboriginal Places of Heritage Significance, Council must:

- 1) Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place; and
- 2) Notify the local Aboriginal communities (in such a way as Council thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

Council may require a Development Application to be supported by information obtained through a search of the Aboriginal Heritage Information Management System (**AHIMS**) to see if an Aboriginal

object or place has been declared on a parcel of land (though this search is not determinative of the presence of Aboriginal items).

It is an offence to harm or desecrate an Aboriginal object or place of heritage significance. Works likely to impact on Aboriginal object or place of heritage significance are only permitted where an Aboriginal heritage impact permit has been issued by the NSW Department of Environment and Heritage.

Further information on permits relating to Aboriginal objects and places is available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

#### **G.1.5.4 Archaeological sites (Non-Indigenous)**

Archaeological sites provide physical evidence of the past and can include objects and artefacts from the lives of previous generations, such as tools and household items, as well as remains of early buildings and structures.

There are currently no archaeological sites listed in Schedule 5 of the **BLEP 2012**. Archaeological sites or relics that have local or state significance are protected under the NSW Heritage Act 1977.

Development consent is required for disturbing or excavating an archaeological site while knowing or suspecting that the work may result in a relic being discovered, exposed, moved, damaged or destroyed. Council may request an archaeological assessment to confirm the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development.

When intending to disturb or excavate land where such archaeological relics have been identified or are considered likely to occur, it is the responsibility of the property owner to seek relevant approvals, including an excavation permit or an exception under section 139 and section 140 of the Heritage Act 1977.

**BLEP 2012** Clause 5.10(7) Archaeological Sites outlines consultation requirements with respect to carrying out development on an archaeological site. Before granting consent to any development on land on which an archaeological site is identified, Council must notify the NSW Heritage Council of its intention to grant consent and take into consideration any response from the NSW Heritage Council.

#### **G.1.5.5 State Heritage Items**

Heritage items of State Significance in Schedule 5 of the **BLEP 2012** are also listed on the NSW State Heritage Register. The NSW Heritage Council is the consent authority for any development proposal affecting State Heritage Items, or for any site covered by an Interim Heritage Order under the NSW Heritage Act 1977.

Consent from the NSW Heritage Council requires either the submission of an Integrated DA, or a prior Section 60 application under the NSW Heritage Act 1977. Applicants are advised to consult with either Council or the Heritage Branch of the NSW Department of Planning and Environment, in relation to works affecting State Heritage Items.

#### **G.1.5.6 Consent Requirements**

##### **Development requiring consent**

A Development Application is required for the carrying out of most development that relates to a heritage item, Aboriginal place of heritage significance or archaeological site and or in a Heritage Conservation Area.

Refer to Clause 5.10(2) of the **BLEP 2012** which identifies the specific circumstances where development consent is required for works involving a heritage item or land within a **HCA**.

##### **Development not requiring consent**

###### Maintenance and repair works

Maintenance and repair works are encouraged for heritage items and properties in heritage conservation areas and generally do not require development consent from Council if they are of a minor nature and would not adversely affect the heritage significance of the item or heritage conservation area.

Maintenance and repairs can include non-structural external works such as:

- Replacing broken windows, fly screens etc
- Minor repairs to roofing, brickwork, timberwork and metal work
- Repainting surfaces which are already painted (Council may be able to assist with suggesting sympathetic colour schemes) including timberwork and metalwork.

Maintenance and repairs can also include non-structural internal works such as:

- Patching, painting and decoration to the interior to the house and installation of joinery items
- Repairing timber floors
- Plumbing and gas fitting work
- Electrical work and communications cabling
- Installation of insulation.

**BLEP 2012**, Clause 5.10(3) contains some exemptions where development consent is not required if in the opinion of Blayney Shire Council the proposed development is of a minor nature or consists of maintenance and would not adversely affect heritage significance.

Applicants must notify Council prior to undertaking any maintenance or repair work to determine whether development consent is required. A written response must be received from Blayney Shire Council prior to the commencement of works.

#### Exempt Development

Under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 (The Codes SEPP) some categories of minor internal works are permitted as Exempt Development for buildings within heritage conservation areas, but not for heritage items.

Exempt Development refers to works that have minimal environmental impact and therefore does not require Council's consent. If works comply with The Codes SEPP, there is no need to also submit apply to Blayney Council for a Clause 5.10(3) exemption.

The Codes SEPP does not permit external building alterations to heritage items or properties located within heritage conservation areas. Further information on the Codes SEPP, refer to [NSW Legislation Website](#).

#### **G.1.5.7 Documents to be submitted with a Development Application**

Blayney Shire Council may require a Heritage Management Document (HMD) to be prepared and submitted in support of a Development Application that involves:

- 1) Land on which a heritage item is situated,
- 2) Land within a heritage conservation area,
- 3) Land within the vicinity of a heritage item or a heritage conservation area.

A HMD is a report containing a heritage assessment of the significance of a place / item and an impact assessment of any proposal on the heritage significance of that place / item.

In determining whether a **HMD** is required to be submitted in support of a Development Application, Council will consider the following criteria:

- 1) Heritage significance of the site. If the site is listed on a heritage register or is known to have heritage significance, a **HMD** is more likely to be required in order to assess potential impacts on heritage values.
- 2) Proposed development type and scale. Larger or more significant developments are more likely to require a **HMD** to assess their potential impacts on heritage values.

- 3) Proximity to heritage items of conversation areas. The closer a site is located to heritage-listed items or conservation area, the more likely that a **HMD** may be required to assess potential impacts on the surrounding heritage context.
- 4) Nature of proposed works. Certain types of works such as alterations, additions or demolitions are more likely to trigger the need for a **HMD** to be prepared to assess potential impacts on heritage values.
- 5) Planning controls and policies. Proposals that are not able to demonstrate consistency with the BLEP 2012 or this DCP are more likely to require a **HMD** to assess potential impacts on heritage values.
- 6) Public interest. If there is a significant community interest or concern regarding potential impact of the proposed development on heritage values, Council's may require a **HMD** to ensure transport assessment and decision making.

Where required, Council will accept a **HMD** being provided in any of the following approved forms:

- 1) As a separate report submitted with the Development Application, prepared in accordance with the (most current version of) 'Guidelines for preparing a statement of heritage impact' prepared by NSW Department of Planning and Environment.
- 2) As an assessment that is incorporated into the preparation of a Statement of Environmental Effects, provided that assessment is completed in accordance with the (most current version of) 'Guidelines for preparing a statement of heritage impact' prepared by NSW Department of Planning and Environment.

Applicants are encouraged to contact Councils Planning and Environmental Services Department for further advice if required.

## G1.6 Conservation Incentives

Conservation incentives for heritage items are designed to encourage the preservation and maintenance of heritage properties by providing financial or regulatory benefits to property owners. Conservation incentives aim to offset the costs associated with heritage conservation and incentivise owners to undertake necessary maintenance and restoration works.

**BLEP2012** Clause 5.10(10) - Conservation Incentives enables Blayney Shire Council to approve development relating to a heritage item or the site of a heritage item that would otherwise be prohibited in the zone.

Development Applications made pursuant to Clause 5.10(10) of BLEP 2012 must be supported by a **HMD** prepared in accordance with G2.3 of this DCP.

In addition to the abovementioned clause, Council offers the following incentives to encourage conservation work:

- a) Free Heritage Advisor service.
- b) Local Heritage Assistance Fund, which operates annually and offers small grants to local property owners undertaking minor conservation works (or other works agreed to by Council) on heritage properties in the Blayney Shire. The fund is jointly funded by Blayney Shire Council and the NSW Government and is subject to Council obtaining funding from the NSW Heritage Office.

Applicants are encouraged to contact Councils Planning and Environmental Services Department for further advice.

## G2 Development involving Heritage Items

### G2.1 Development Requiring Consent

A Development Application is required for the carrying out of most development that relates to a heritage item, Aboriginal place of heritage significance or archaeological site and or in a Heritage Conservation Area (HCA).

### G2.2 Development Not Requiring Consent

There are circumstances where development consent is not required for certain works, such as:

1) The **BLEP2012**, Clause 5.10(3) contains some exemptions where development consent is not required. If unsure, please contact Council's Planning and Environmental Services Department.

2) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Code)* provides some forms of development that do not require development consent from Council. If unsure, please contact Council's Planning and Environmental Services Department. The **SEPP Code** is available at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### G2.3 Demolition of heritage properties

- 1) The demolition (or partial demolition) of a building that is identified as a heritage item in **BLEP 2012**, or which contributes to the significance of a heritage item in **BLEP 2012**, is permitted only where it can be demonstrated through a **HMD** that:
  - a) the item is not reasonably capable of conservation,
  - b) the demolition of the item is necessary having regard to the structural condition of the building, as certified by an appropriately qualified person with heritage experience,
  - c) all options have been considered for retention of significant heritage elements,
  - d) all options have been considered for the adaptive re-use / conservation of the building,
  - e) all options have been considered using the conservation incentives identified in H2.7 of this DCP.
- 2) The demolition of an outbuilding associated with a heritage item in **BLEP 2012** will not be permitted unless it can demonstrate through a **HMD** that the demolition would not adversely impact on the significance of the heritage item.
- 3) Prior to the commencement of any work, a photographic / archival record of the building(s) to be demolished must be completed in accordance with current NSW Heritage Office Guidelines and submitted to Blayney Shire Council.

## G2.4 Subdivision of heritage properties

- 1) Subdivision proposals involving a heritage item or recognised archaeological site should demonstrate through a HMD that an adequate curtilage of the heritage item is retained. In determining the size of the curtilage around the heritage item, the proposal must demonstrate that the following matters have been considered:
  - a) Significance. Identification of the elements contributing to the heritage significance, conservation, and interpretation of the item.
  - b) Context. Identification of how the items relates to its surroundings, streetscape and landscape.
- 2) Subdivision proposals involving land that includes a heritage item or recognised archaeological site must demonstrate through a HMD that future development on proposed lots will not adversely impact on views to or from the item that contribute positively to heritage values.
- 3) Subdivision proposals involving land that includes a heritage item should:
  - a) Be designed to preserve the traditional links and connections between the heritage item and its setting, including significant buildings, gardens, outbuildings and views, and
  - b) Be designed to ensure that significant secondary elements to a main residence, such as outbuildings, gardens or view corridors, are not divided or alienated by the subdivision, and
  - c) Consider the aesthetic quality of the setting of the item and the likelihood of adverse impacts on heritage values occurring by new fencing.

## G2.5 Adaptive reuse of heritage properties

### Explanation

Adaptive reuse refers to the practice of repurposing an existing heritage building for new functions whilst preserving their historical, architectural or cultural significance. Adaptive reuse can be crucial in ensuring the continued relevance and conservation of valued heritage assets.

### Controls

- 1) The adaptive reuse of a heritage building should demonstrate through a **HMD** that:
  - a) Important architectural qualities and features are retained where possible, particularly features that contribute to streetscape and heritage significance.
  - b) Adverse impacts on heritage significance are avoided.
  - c) A balance is achieved between preserving historical features and giving the building a new purpose.

- d) Historical meanings and association with place are acknowledged and respected.
- 2) The adaptive reuse of a heritage building must comply with the National Construction Code (NCC) and other relevant legislation and Australian Standards.
- 3) Where traditional uses become redundant and adaptive reuse is considered, the new use should be compatible with the original use of internal and external spaces.

## G2.6 General controls for heritage properties

### G.2.6.1 Character

- 1) Original facades should be retained and conserved without significant alteration unless it be demonstrated through a **HMD** that significant deterioration has occurred and repair is not practical.
- 2) Original features of a heritage building that are visible from the street should be retained and conserved without significant alteration unless it be demonstrated through a **HMD** that significant deterioration has occurred and repair is not practical.
- 3) Character is preserved through the use of appropriate and traditional building techniques and construction methods when repair, replacement, maintenance and conservation works are carried out on heritage buildings.
- 4) Alterations and additions to heritage buildings that are visible from the street should be sympathetic to the building's original and significant features.
- 5) Alterations and additions should not significantly alter the appearance of principal and significant facades, except to remove detracting, intrusive and / or non-original elements.
- 6) Council encourages and may require the reconstruction of missing elements including but not limited to original balconies and verandahs, fences, chimneys, joinery and shopfront detailing where these elements would positively contribute to the character of a heritage building or streetscape.

### G.2.6.2 Siting

- 1) Significant additions should be located behind the building, to the rear of the original building section and generally to the rear of the property with the aim of being visually recessive against the heritage building.

### G.2.6.3 Form

- 1) The use of pavilion building forms that are separate from the principal building form are encouraged where significant additions are proposed.
- 2) New building forms, roof forms and layouts are to be sympathetic and visually subservient in scale, form and detailing to the existing building where visible from the public domain.
- 3) Roof forms of alterations and additions to heritage buildings are to be consistent and compatible with the form, pitch (generally not less than 25 degrees) and detailing of the primary roof which is to remain the dominant build element.
- 4) Existing and original roofs are not to be re-pitched to accommodate attic development, unless it can be demonstrated through a HMD that adverse impacts on heritage significance can be avoided or minimised to an acceptable level.

### G.2.6.4 Bulk and scale

- 1) New building work is designed to respect the scale, form, massing and style of the existing building and should not visually dominate the original building or streetscape.
- 2) Development of an inconsistent scale to the heritage item is allowable only if it can be demonstrated through a **HMD** that the new development will not detract from the aesthetic quality and important views of the heritage item and the streetscape.

### G.2.6.5 Materials and colours

- 1) Original materials of heritage items should not be replaced with different materials or materials of different colour, unless it can be demonstrated that the material / colour choice will not detract from the heritage significance of the heritage item and / or the streetscape.
- 2) Non – original materials of heritage items that are being replaced should be replaced with materials that match or complement the original as closely as possible.
- 3) Colour schemes are to reflect the period and detail of the property. Generally, Council will not support:
  - a) Zinalume roof sheeting for heritage buildings.
  - b) Roof or wall sheeting in dark colours such as Colourbond Monument.
- 4) Painting or rendering face brickwork, stonework and unpainted galvanised iron is generally not supported.

- 5) Original render is generally not permitted. Buildings with original render over brickwork were not intended to have exposed brickwork as the bricks are usually of lesser quality and can weather rapidly due to their age and porosity.

#### **G.2.6.6 Landscape**

- 1) Original or early garden layouts that contribute to the significance of the heritage item should be retained and enhanced.
- 2) When selecting suitable trees and species, the following must be considered:
  - a) the varieties that already exist in the area and in the original garden;
  - b) the size and location of the tree when mature; and
  - c) the potential of the chosen species to interfere with services, retaining walls and other structures, and the amenity of adjoining properties.
- 3) A detailed landscape plan is provided in support of Development Applications involving work which is likely to significantly affect gardens, landscaping, curtilage and / or setting of heritage items and properties.
- 4) Original garden settings, remnants of gardens and individual plantings are retained, particular where visible from the public domain or noted within an approved **HMD**.
- 5) Where mature trees or landscape elements require removal to enable new development, compensatory replanting of trees and landscape of equivalent landscape function is to be provided.

### **G2.7 Specific building elements / types**

#### **G.2.7.1 Doors and windows**

- 1) Original window and door openings are important elements and should generally be retained.
- 2) Where original windows and doors in important elevations have been removed and replacement of the joinery is proposed, the original windows or doors should be reconstructed or replaced in sympathy.
- 3) New windows and door openings in important elevations must be carefully located to retain the original relationship of solids and voids and of proportions, materials and details similar to existing windows and door openings in the building.

- 4) New windows and doors visible from the street must be located to complement the original design of the building and of proportions and details to complement the original character of the building.

#### **G.2.7.2 Fences, walls and gates**

- 1) Fencing and gates that are existing (and not unsafe) should not be demolished/removed unless justified.
- 2) New fencing and gates should be of a similar style and scale that is consistent with the style of the building and the streetscape.
- 3) Fencing forward of the building line constructed of solid materials such as masonry should not be greater than 900mm in height above the adjacent public footpath level, unless it is an original wall.
- 4) Fencing forward of the building line constructed of timber pickets, metal pickets or wrought metal panels or a combination of masonry (with significant transparency) should not be greater than 1.2 metres in height above the adjacent public footpath level, unless it is an original wall or fence, or replacing an original wall or fence.
- 5) Original masonry should not be painted, unless the original was or existing masonry is painted.
- 6) Colorbond or other sheet fencing is not appropriate for any boundary fence relating to heritage properties.

#### **G.2.7.3 Outbuildings, carports and garages**

- 1) Outbuildings should be low profile and designed so that they do not impact on important views of heritage items and are not greater in height or bulk than the heritage item.
- 2) Formal parking or garaging is not permitted in that area of the site of a heritage building which forms part of the front building setback.
- 3) Detached garages are required to be positioned in the rear yard space where this is practically achievable. Council will only allow the placement of detached garages in side yard spaces where it can be demonstrated that the design and external materials are compatible with and sympathetic to the positive values and features of the heritage building.
- 4) Driveways are not permitted to be surfaced with bright white, stamped or patterned concrete.

#### **G.2.7.4 Ancillary building components**

- 1) Solar panels are not generally permitted to the front roof planes or where highly visible from the public domain.

- 2) Solar panels must not result in intrusive change to significant roof fabric or form.
- 3) Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like should not be visible on the main elevation of a building or attached to chimneys where they will be obvious. Services and equipment should be installed to the rear, within the roof space or flush with the rear roof cladding and at the same pitch. They are to be of modest size and not prominent from the street or adjoining properties.
- 4) External conduits must be bundled and concealed by matching the colour of the external surfaces of the building.
- 5) Rainwater tanks should be:
  - a) located in the rear yard of heritage items.
  - b) low profile and designed so that they do not impact on important views of heritage items and are not greater in height or bulk than the heritage item.

#### **G.2.7.5 Advertising and signage**

- 1) Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of building.
- 2) New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
- 3) New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
- 4) The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.
- 5) The following signs are not permitted:
  - a) advertising affixed to trees, light poles or other structure not for the purposes of advertising structure; and
  - b) signs mounted above the awning or verandah of a building.
- 6) Signage on commercial buildings is to be confined to:
  - a) An under-awning sign of an appropriate size and design;
  - b) A window sign in the ground floor shop front of an appropriate size and design;
  - c) A façade sign contained within a purpose designed panel of the building façade;
  - d) The façade of the building must not be painted in corporate colours;

- e) A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
- 7) The architectural details of a building are not to be obscured by commercial signage.

## G3 Development in the Vicinity of Heritage Items

### Explanation

The protection of sites of heritage significance can extend beyond the lot boundaries of the heritage item, particularly where an item has a wide visibility or particular view corridor. There is also potential for impacts upon heritage properties through construction works on adjoining sites, including vibration, excavation and destabilisation. The historic curtilage or setting of an item is considered for development in the vicinity of heritage items of heritage conservation areas to ensure that significant views, settings and the structural stability of the item or **HCA** are suitably retained and protected.

### G3.1 General development controls

#### G.3.1.1 Character / form

- 1) Where a heritage item is part of a streetscape of buildings of consistent and dominant style, form and / or character, new development in the vicinity of the heritage items should be designed to be sympathetic with those heritage values.

#### G.3.1.2 Siting

- 1) The setbacks of new development from any street should be equal to or greater than that of the heritage item and the streetscape.
- 2) Important views to or from a heritage item should not be unreasonably obscured by poorly sited and designed development.
- 3) Development in the vicinity of a heritage item should be designed to minimise the impact on the setting of the item by providing an adequate curtilage to the item to allow its interpretation.

#### G.3.1.3 Bulk and scale

- 1) Development should not be of such bulk or height that it visually dominates the heritage item or streetscape.

#### G.3.1.4 Materials and colours

- 1) Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance of the heritage item being adversely impacted.

### G.3.1.5 Landscape

- 1) Development in the vicinity of a heritage item should be designed to minimise the impact on the setting of the item by retaining original or significant landscaping associated with the heritage item where the landscaping is recognised in the heritage listing or an approved **HMD**.

## G4 Development within Heritage Conservation Areas

### G4.1 Demolition in a HCA

- 1) The demolition (or partial demolition) of a building that is within a **HCA** in BLEP 2012 is permitted provided it can be demonstrated through a **HMD** that:
  - a) Restoration of the building component to be demolished is not reasonable, and
  - b) Where partial demolition is proposed, the removal / replacement of the building component will not adversely impact the heritage significance of the **HCA**
  - c) Where whole demolition is proposed, plans have been made for an appropriately designed infill building that will not adversely impact the heritage significance of the **HCA**.
- 2) The demolition of an outbuilding associated with a heritage item in **BLEP 2012** will not be permitted unless it can demonstrated through a **HMD** that the demolition would not adversely impact on the significance of the heritage item.

### G4.2 Subdivision in an HCA

- 1) Subdivision proposals, including site consolidation should not create inconsistencies with original and established subdivision patterns of the streetscape within a **HCA**.
- 2) Subdivision proposals involving land that includes a heritage item or recognised archaeological site must demonstrate through a **HMD** that future development on proposed lots will not adversely impact on views to or from the item that contribute positively to heritage values.
- 3) Subdivision proposals involving land that within a **HCA** should:
  - a) Be designed to preserve the traditional links and connections between the property and its setting, including significant buildings, gardens, outbuildings and views, and
  - b) Ensure that the ability to appreciate the significance, setting and views connected to a heritage streetscape is not adversely impacted by the creation of new lots and potential for intrusive building forms on those lots.
  - c) Consider the aesthetic quality of the setting of the **HCA** and the likelihood of adverse impacts on heritage values occurring by new fencing.

## G4.3 General controls for HCAs

### G.4.3.1 Character

- 1) Additions and alterations to existing buildings that contribute to the character of a **HCA** should not detract from the original form of the existing building as viewed within the streetscape.
- 2) The treatment of the street façade of new development in a **HCA** should relate to existing nearby buildings that contribute to the **HCA**.

### G.4.3.2 Siting

- 1) New development that obscures important views within a **HCA** should not be permitted.
- 2) The front setbacks of new development (including alterations and additions) in a **HCA** should be an average of adjacent or nearby development or consistent within the streetscape.
- 3) No new structures should be built forward of the established main street building line.

### G.4.3.3 Form

- 1) The roof forms of new development (including alterations and additions to an existing building) in a **HCA** are to be compatible and consistent with the form, pitch (generally not less than 25 degrees) and detailing of original roof forms of existing nearby buildings that contribute to the streetscape in the **HCA**.

### G.4.3.4 Bulk and scale

- 1) The scale of new development within an **HCA** should relate to the scale of the adjacent or nearest heritage building and streetscape.
- 2) Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the **HCA**.

### G.4.3.5 Materials and colours

- 1) Original materials of existing heritage buildings in an **HCA** should not be replaced with different materials or with materials of different colours unless justified and approved by Blayney Council.
- 2) Non – original materials of existing heritage buildings in an **HCA** that are being replaced should be replaced with materials that complement the original material as closely as possible.
- 3) Materials for new development in an **HCA** should not contrast with the original materials of the dominant contributory buildings in the **HCA**. Generally, Council will not support:
  - d) Zinalume roof sheeting for heritage buildings.
  - e) Roof or wall sheeting in dark colours such as Colourbond Monument.

- 4) Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the **HCA** in consultation with Council.
- 5) The use of fluorescent paint and primary colours on buildings in a **HCA** is not permitted.

#### **G.4.3.6 Landscape**

- 1) Original or early garden layouts that contribute to the significance of a **HCA** should be retained and enhanced.
- 2) When selecting suitable trees and species, the following must be considered:
  - a) the varieties that already exist in the **HCA**, and
  - b) the size and location of the tree when mature, and
  - c) the potential of the chosen species to interfere with services, retaining walls and other structures, and the amenity of adjoining properties.
- 3) A detailed landscape plan is provided in support of Development Applications involving work which is likely to significantly affect gardens, landscaping, curtilage and / or setting of significant streetscapes / properties in a **HCA**.

### **G4.4 Specific Building Elements / Types**

#### **G.4.4.1 Doors and windows**

- 1) Original door and window openings visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 2) Original door and window joinery visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 3) New door and window openings on existing heritage buildings that are visible from the streetscape should be of proportions and details that relate to existing door and window openings.

#### **G.4.4.2 Fencing, walls and gates**

- 1) New fencing and gates for existing and proposed buildings should be designed to complement the style of the building and dominate character of the **HCA**.
- 2) Fencing constructed of solid material such as masonry forward of the building line should not be greater than 900mm in height above the adjacent public footpath level, unless justified.
- 3) Original masonry fencing should not be painted.

#### G.4.4.3 Outbuildings, carports and garages

- 1) Formal parking / garaging is not permitted in that area of the site within a **HCA** which forms part of the front building setback, except in the following circumstances:
  - a) The structure does not encroach any property boundary, and
  - b) The structure is not enclosed, and
  - c) The structure is single storey only, and
  - d) The structure is architecturally designed to be consistent in form, style, scale and detailing with the positive heritage values and features of the principal building and / or **HCA**, and
  - e) It can be demonstrated that the building design will not adversely impact on a heritage streetscape or the **HCA** generally, and
  - f) It can be demonstrated that there are no other practical alternatives for the placement of the building behind the building line and a new driveway is not required for access, and
- 2) Detached and enclosed garages are required to be positioned in the rear yard space where this practically achievable. Council will only allow the placement of detached garages in side yard spaces where it can demonstrated that the design and external materials are compatible with and sympathetic to the positive values and features of the **HCA**.
- 3) Driveways are not permitted to be surfaced with bright white, stamped or patterned concrete.
- 4) Garage doors to new dwellings in a **HCA** should:
  - a) Be recessive to the primary building form, and
  - b) Not be wider than 50% of the buildings street elevation unless it can demonstrate through design and material choice that adverse impacts on a heritage streetscape can be avoided.

#### G.4.4.4 Ancillary building components

- 1) Solar panels are not generally permitted to the front roof planes or where highly visible from the public domain.
- 2) Solar panels must not result in intrusive change to significant roof fabric or form.
- 3) Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like should not be visible on the main elevation of a building or attached to chimneys where they will be obvious. Services and equipment should be installed to the rear, within the roof space or flush with the rear roof cladding and at the same pitch. They are to be of modest size and not prominent from the street or adjoining properties.
- 4) External conduits must be bundled and concealed by matching the colour of the external surfaces of the building.

**G.4.4.5 Advertising and signage**

- 1) Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of building.
- 2) New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
- 3) New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
- 4) The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.
- 5) The following signs are not permitted, advertising affixed to trees, light poles or other structure not for the purposes of advertising structure, signs mounted above the awning or veranda of a building.
- 6) Signage on commercial buildings is to be confined to:
  - a) An under-awning sign of an appropriate size and design;
  - b) A window sign in the ground floor shop front of an appropriate size and design.
  - c) A façade sign contained within a purpose designed panel of the building façade.
  - d) The façade of the building shall not be painted in corporate colours.
  - e) A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
- 7) The architectural details of a building are not to be obscured by commercial signage.

**G.4.4.6 Caravans / moveable dwellings / tiny homes**

- 1) The placement of a caravan / moveable dwelling / tiny home is not permitted in that area of the site within an **HCA** which forms part of the front building setback.
- 2) The placement of a caravan / moveable dwelling / tiny home in an area of the site within a **HCA** that is visible to the public streetscape is not permitted, except where it can be demonstrated that:
  - a) The structure does not encroach any property boundary, and
  - b) Service connections are installed in accordance with the requirements and necessary approvals of relevant service authorities, and
  - c) The structure is single storey only, and
  - d) The structure does not require a new driveway to be constructed, and

- e) The structure is architecturally designed to be sympathetic in form, style, scale and detailing with the positive heritage values and features of the principal building and / or **HCA**, and
- f) It can be demonstrated that the building design will not adversely impact on a heritage streetscape or the **HCA** generally, and
- g) The location and position of the structure does not generate adverse impacts on the amenity of an adjoining property.

## G5 Definitions

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Adaptive reuse of buildings** is a process that changes a place that is no longer suitable or required for its original purpose to a place that can be used for a new purpose.

**Aboriginal Heritage Information Management System (AHIMS)** contains information and records about Aboriginal objects that have been reported to the Director General of the Department of Premier and Cabinet. It also contains information about Aboriginal Places which have been declared by the Minister for the Environment to have special significance with respect to Aboriginal culture. AHIMS refers to these recorded Aboriginal objects and declared Aboriginal Places as 'Aboriginal sites'

**Archaeological site** means a place that contains one or more relics. This evidence may include objects and artefacts of everyday life such as crockery, bottles, tools and the remains of early buildings and structures.

**Curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**Heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 of the **Blayney Local Environmental Plan 2012 (BLEP2012)**.

**Heritage conservation area** means an area of land that has significant streetscape character and are of value due to the collective nature of buildings and elements in that area. The location and nature are described in Schedule 5, Part 2 of **BLEP2012**

**Heritage management document** means:

- 1) a heritage conservation management plan, or
- 2) a heritage impact statement, or
- 3) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Council expects that any Heritage Management Document would be prepared in accordance with the Guidelines for Preparing a Statement of Heritage Impact prepared by the NSW Department of Planning and Environment 2023 (or most current version).

**Heritage impact statement** means A heritage impact statement (HIS) describes and evaluates the likely impact of a proposal.

**Local significance**, items of local heritage significance result from previous Heritage Studies, the National Trust listings, the Blayney Shire Community Based Heritage Study and local community groups and are identified in Schedule 5, Part 1 of **BLEP 2012**.

**National significance**, heritage items of national significance are items having significance beyond the State level and are considered under the *Australian Heritage Council Act 2003*. The Act affects property owned by the Commonwealth Government and its Agencies.

**Outbuildings** means an ancillary building that is not including an attached garage or carport.

**Relic** is defined in the Heritage Act as any artefact, object or material evidence which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and which is of State or local heritage significance.

**State significance**, state significant items are identified in the State Heritage Register and Heritage Office under the *NSW Heritage Act 1977*.