



POSITION PAPER

Heritage, Accredited Private Certifiers and Building Approvals

BACKGROUND

Development Consent under the Environmental Planning and Assessment Act 1979 is required when works are proposed to places listed as a heritage item or included in a Heritage Conservation Area in a Local Environmental Plan (LEP) or Draft LEP.

Approval under the Heritage Act 1977 is also required if the place is on the State Heritage Register or subject to an Interim Heritage Order under the Act (unless specific exemptions apply).

State Environmental Planning Policy (Exempt and Complying Development Codes) (the "Codes SEPP") that allows for a Complying Development Certificate to be issued by Council or an accredited private certifier for prescribed types of development, does not apply to such heritage listed places. There are some minor exceptions for detached outbuildings (like garden sheds) and swimming pools.

Heritage issues, however, can sometimes arise following development consent. Building plans are finalised and a Construction Certificate is needed before building works commence. A Council or private Principal Certifying Authority (PCA) has to be appointed to inspect work during construction, ensure that it is generally consistent with approved development plans and issue an Occupation Certificate.

Changes or interpretation of the approved development and its conditions can occur as building plans are finalised and building proceeds. Existing houses can be gutted and existing fabric can be destroyed. Inappropriate details can have significant impact on listed items and conservation areas. These are often the consequence of action by PCAs or failure to inspect by PCAs.

NATIONAL TRUST POSITION

- The Trust recognises that most PCAs and owners of heritage listed places contact Council for advice when minor changes to approved plans are necessary or desired. This does not always occur and post-development consent changes can result in poor heritage outcomes, cumulative adverse heritage impacts and the loss of existing heritage fabric.
- The Trust further recognises that many PCAs may not have the necessary heritage skills or experience to evaluate the heritage impact of proposed 'minor' changes and suggest better alternatives to owners.
- The Trust believes that this issue could be managed positively by ensuring PCAs are properly informed and trained in heritage conservation, interpreting heritage controls in local plans and understanding heritage related conditions of consent. PCAs and owners should also be encouraged (or required) to call Council's heritage planner/advisor when post-consent amendments are being considered.

ACTION TO PROMOTE THE TRUST'S POSITION

The Trust will promote its views on this issue in the media, with Councils, NSW parliamentary representatives and the Building Professionals Board.

The Trust will contact and work with the Building Professionals Board to explore options to ensure heritage conservation is included in ongoing training for Accredited Certifiers and to develop and issue guidelines.