

This article will discuss heritage listing in New South Wales, specifically the process of registering a property on the Heritage list and the restrictions enforced upon owners of Heritage listed properties.



Heritage listed properties protect a historic and cultural part of our Sydney landscape; however, they are still able to adapt to modern day construction.

A. WHAT IS THE STATE HERITAGE REGISTER?

The State Heritage Register records all the places and objects in New South Wales that are Heritage protected. Buildings, places and movable objects such as ferries, can all be listed on the State Heritage Register.

Heritage protected places or objects include those that have significance to an area or to the State in relation to its historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.¹

B. WHAT DOES LISTING DO?

Buildings, places and objects that are listed on the State Heritage Register are protected under the *Heritage Act 1977* (NSW). Any major construction or modifications to the properties must be approved by the Heritage Council of New South Wales before proceeding. This is enforced to ensure listed properties keep their significant value to the community.

Heritage-listed properties or objects are also protected from being damaged, demolished, moved, excavated or altered without an appropriate exemption or order.²

C. HOW DOES SOMETHING GET PUT ON THE REGISTER?

Properties must be nominated to be listed as Heritage sites. This is done through the State Heritage Register Nomination Form.

Once the form is registered, the Heritage Council of New South Wales assesses whether the property is culturally and historically significant. If they decide a property is significant they then recommend the property to the Minister of Heritage, who ultimately decides whether a nomination is listed on the Register.

D. HOW CAN YOU MODIFY A HERITAGE LISTED PROPERTY?

If you own a property listed on the State Heritage Register, you will need to obtain permission to make any major amendments to it. This is done through the submission of a 'Section 60 application form,' which can be found on the NSW Office of Environment and Heritage website.

The Heritage Council of New South Wales must approve the proposed changes before you can proceed. Modernising kitchens and bathrooms are an example of common alterations that are permitted by the Heritage Council.

Modifications that are usually rejected by the Heritage Council of New South Wales are those which aim to alter the façade or external appearance of the building or aim to remove ornate interior designs.

Minor changes and maintenance usually do not require a section 60 application to the Heritage Council of New South Wales, as the historic and cultural significance of the building mostly remains unchanged. These include such things as routine repairs, painting, restoration and cleaning.

¹ [Heritage Act 1977 \(NSW\) s 4A.](#)

² [Heritage Act 1977 \(NSW\) s 57.](#)

Modifications that transform the property to make it more useful and dynamic for current generations can become thriving businesses.

One such example is Tramsheds in Rozelle, previously abandoned for almost 60 years, this heritage-listed property now stands as a successful retail and hospitality centre close to Sydney CBD. The façade of the old tram depot has been maintained and provides the centre with a unique, rustic vibe that compliments the many restaurants, cafes and stores that are inside.



E. BENEFITS OF HERITAGE LISTING

Aside from the cultural and historic benefits enjoyed by the whole community, owning a Heritage listed property can provide financial benefits in the form of government grants.

Grants aim to help owners and communities maintain, engage with and interpret their Heritage property.

For emergency maintenance costs, owners can apply for a State Heritage Register Emergency Works Grant to help ease the financial burden of fixing unexpected damage that is not covered by any insurance. However, to receive this Grant the property must either be in a remote or rural location, or the owner must be considered financially or socially disadvantaged.

Other categories of grants available cater for properties with specific Indigenous cultural significance to ensure important aspects of Aboriginal culture are protected.

There are also community focused grants that are given to owners or managers of Heritage places that provide community services and activities. These grants help to run such programs, while also emphasising the importance places with historic and cultural significance.

F. REMOVAL OF HERITAGE LISTING

The Heritage Council of NSW can recommend a property be removed from the State Heritage Register if they believe it does no longer meet the requirements. This may happen if part of the property has been destroyed or if a part of the property with cultural significance has been removed. The Heritage Council of NSW pass their recommendations on to the Minister for Heritage who decides whether the property should be removed.

Comasters Law Firm can advise and assist clients with matters relating to Heritage Properties.

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