

Is approval required?

In most circumstances, development consent is ordinarily required for works to a heritage item or to a property in a heritage conservation area (HCA).

However, many owners and managers of heritage listed properties or properties in a HCA are unaware that some certain works can in fact be undertaken without the need for development consent.

If you are proposing to carry out works to a heritage item or to a building, work, relic, tree or place in a HCA, and the works are considered by City of Newcastle (CN) to be of a minor nature or for the maintenance of the property, development consent may not be necessary.

However, CN must be notified of the proposed works and you must first obtain a written response from CN advising that development consent is not required before commencing any works.

When should this form be used?

Use this form to seek CN's endorsement of a proposed development being regarded as:

- 'Minor work' or 'Maintenance' not likely to affect the heritage significance of a heritage item or property within a heritage conservation area.

Under Clause 5.10(3)(a)(i) and (ii) of the [Newcastle Local Environmental Plan 2012](#):

- If CN is satisfied that development consent is not required, an endorsement of the application will be provided in writing and issued to you.
- If CN declines to grant an exemption, a [Development Application](#) must be lodged for the proposed works.

Under the Newcastle Local Environmental Plan 2012, maintenance is defined as,

'ongoing protective care, it does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology'.

CN will only agree to this exemption request if the proposed works are minor and would otherwise be considered [Exempt Development](#) if not for the site being a heritage item or in a HCA. Principally this includes 'like for like' replacement/rectification works.

What works could be considered 'minor nature' or 'maintenance'?

As a general guide, the following types of works will NOT be considered by CN as 'minor works' to a heritage item or to a property in a HCA:

- Works that have already been carried out.
- Development or works that are currently the subject of a Development Application or a notice order under various Acts, especially the [Environmental Planning and Assessment Act 1979](#) and the [Local Government Act 1993](#).
- Development or works that contravene a condition of development consent.
- Demolition of significant built elements or fabric that can be repaired.
- Construction of carports, garages, driveways or hardstand parking spaces.
- Alterations and additions to a building.
- Demolition of a building, other than demolition of a non-significant ancillary structure.
- Construction of swimming pools or tennis courts.

The following types of works will generally be considered as 'minor works' to a heritage item or to a property in a HCA and would otherwise be considered [Exempt Development](#) if not for the site being a heritage item or in a HCA:

- Re-painting of a building or part of a building, but not the painting of face brick, stonework, tiling, terracotta, slate and other surfaces or fabric that were not traditionally or previously painted.
- Reinstatement of missing detailing or features to a building.
- Plastering or rendering of surfaces traditionally treated in that manner. The works must use traditional materials and finishes.
- Replacement of rainwater goods to a building including guttering and downpipes.
- Replacement of roof cladding in a traditional manner and using traditional materials.
- Repointing of brick or sandstone walls in a traditional manner and using traditional materials.
- Replacement of damaged timber boards to a verandah, with timber boards of a traditional size and materiality.
- Reinstatement or replacement of a boundary fence, including a front boundary fence or gate, using traditional proportions, details and materials.
- Replacement of non-traditional windows and doors with windows and doors of traditional proportions and materials.
- Repair of chimneys using traditional materials without altering the size or details.
- Replacement or renovation of a non-original bathroom or kitchen.

Whilst each type of works listed above may be considered minor on an individual basis, the scale, location and cumulative impact of those works will be taken into consideration by CN when determining whether the development will have an adverse impact on the heritage significance of the heritage item or HCA. 'Maintenance' generally involves a lesser degree of work compared with works of a minor nature, such as cleaning gutters, pruning shrubs and cleaning surfaces.

Advice for utility service providers

This form should not be used for applications from utility service providers and others proposing utilities works in the public domain which relate to a heritage item or are within a heritage conservation area.

Our Assets and Projects Team are responsible for assessing these applications, including the assessment of the likely heritage impact from the proposed works. Contact us on (02) 4974 2000 or at utilities@ncc.nsw.gov.au for more information.

Submission Requirements

Submission requirements will depend on the nature of the proposed development.

This application must include the following supporting information:

- a statement describing the proposed works
- a short statement addressing how your proposed development is of a minor nature, or repair or maintenance which will not adversely affect the heritage significance of the heritage item or the heritage conservation area
- a set of coloured photographs that clearly describe the area of the item affected by the proposal
- location plan (map indicating location of site)
- an electronic copy of the approval/exemption from the [NSW Heritage Council](#) if your property or item is on NSW State Heritage Register

You may also choose to provide the following to explain the proposal:

- a simple sketch/plan of the proposed works
- floor plans, elevations and sections to scale
- any relevant product brochures, specifications, colour palette and materials.

If you have any questions about supporting documentation needed for your project, please contact our Duty Officer on 02 4974 2000 or email mail@ncc.nsw.gov.au. Failure to complete all relevant sections or provide sufficient information/detail in your application may result in your application being returned or its assessment delayed.

Part 1: Applicant and Site Details

1. Applicant Details

Name or Company	
ABN (Required if company)	
Email	
Phone	

Postal Address					
Contact Person (if company)					
Will your correspondence be 'care of' another company? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name or Company					
ABN (Required if company)					
Email					
Phone					
Postal Address					
Contact Person					
2. Location and title description of the property					
Unit No		House No		Street Name	
Suburb				Post Code	
Lot(s)			Section		
Deposited Plan				Strata Plan	
3. Who owns the land?					
Owner 1					
Address					
Email				Phone	
Owner 2					
Address					
Email				Phone	
Owner 3					
Address					
Email				Phone	

4. Heritage Item or Heritage Conservation Area

This information is available in [Schedule 5 Newcastle LEP 2012](#) and the associated [Heritage Map](#)

Note: Where the proposed works involve a State Heritage Item, an approval/ exemption from the [NSW Heritage Council](#) under [subsection 57 \(1\) & \(2\) of the NSW Heritage Act 1977](#) must be attached to this application.

Item Number	
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Local Significance

State Significance

Name of heritage item or heritage conservation area	
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Part 2: Development Details

5. Describe the proposed maintenance or minor work not likely to affect heritage significance

Please attach additional information if required

Give a brief description of the development proposed	
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Existing use of the site	
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Location of development within the existing site and/or building	
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6. Supporting Documentation

Required

Statement describing proposed works

Statement addressing requirement to be minor works or maintenance, and not likely to affect heritage significance

Set of coloured photographs

Location plan (map indicating location of the site)

Approval/ exemption from NSW Heritage Council (if property or item is on the State Heritage Register)

Recommended

- Simple sketch/plan of proposed works
- Floor plans, elevations and sections to scale
- Product brochures, specifications, colour palette and materials
- Other (please specify).....

7. Estimated cost

Cost of development (inc. GST)

8. Timeframe

When do you expect to complete the work?
Please be as accurate as possible

9. Details of previous interactions with CN Officer/s

Yes, Officer Name

No

Part 3: Owner/s consent and applicant's declaration

10. Who signs the form?

- All owners of the subject property.
- If the owner is a company - a director, secretary or authorised delegate.
- If the property is strata titled and relates to the entire strata – the authorised delegate of the Owner's Corporation.
- If the property is strata titled and relates only to a single lot in the strata - all owner/s of the particular lot.
- If Crown land - an authorised officer of the relevant government authority must sign the application.
- If signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach any available evidence (e.g. power of attorney, executor, trustee, company director).
- If signing on behalf of a corporate body or company, the application should be signed by an authorised person under common seal and the position of that person in the corporate body or company must be stated on the form. Alternatively, the Common Seal is not required if two Directors or authorised persons sign the application form, or if you are a sole Director.

Owner/s Declaration

As the owner(s) of the property, I/we consent to the lodgement of this application and to any authorised officers of City of Newcastle entering onto the land to carry out inspections, take measurements or photographs as required in the assessment of the application in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993* and *Building Code of Australia* as applicable.

Owner/s Signature

Name of person signing	
Authority	
Signature	
Date	
Name of person signing	
Authority	
Signature	
Date	

11. Probity

Are parties with pecuniary or non-pecuniary interest:

- a) A staff member, councillor, contractor or related to someone who is a staff member, councillor, contractor of CN? or,
- b) A State or Federal Member of Parliament?

Yes, state the relationship

No

12. Political donations and gifts

The [Environmental Planning and Assessment Act 1979](#) requires a person to disclose “*reportable political donations and gifts made by any person with a financial interest*” in the application within the period commencing two years before the application is made and ending when the application is determined.

The following information is to be included on the statement:

- a) all reportable political donations made to any local councillor of CN; and
- b) all gifts made to any local councillor or employee of CNCN has prepared a [Political Donations and Gifts Disclosure Statement](#), incorporating explanatory information, which is available on our [website](#).

Note: Failure to disclose relevant information or make a false disclosure statement is an offence under the Act. The maximum penalty for the offence is currently \$22,000.

Have you, or are you aware of any person having a financial interest in the application, made a 'reportable donation' or 'gift' to a councillor or CN employee within a two-year period before the date of this application?

- Yes, the statement must be attached. All disclosure statements of reportable donations and gifts will be made publicly available on our website.
- No, but in signing this application I undertake to disclose to CN in writing, within seven days, any reportable political donation or gift made after the lodgement of the application and prior to its determination.

13. Applicant's Declaration

- I apply for endorsement to carry out the proposed works described in this application.
- I declare that all the information given is true and correct.
- I declare that any electronic data provided is a true copy of all plans and associated documents submitted with this application.
- I declare that the electronic data has been named correctly and there are no security settings applied.
- I understand that if incomplete, the application may be delayed, rejected or returned.
- I understand that the information supplied on this form and any related document may be made available to the public. *
- I indemnify all persons using the application and documents in accordance with the Environmental Planning and Assessment Act, 1979 against any claim or action in respect of breach of copyright.

Applicant's name	
Applicant's Signature	
Date	

*Under the Government Information (Public Access) Act 2009 (NSW) (GIPA Act), objections to the future disclosure of floorplans, after the application has been determined, may be lodged on the basis that there is an overriding public interest against disclosure.

How to lodge this application

Lodgement Methods

Email

- Enter the address of the property and the type of application (i.e. Notification: Heritage Minor Works or Maintenance) in the subject line of the email.
- Please use the naming conventions located in [Plan Standards - Guidelines for Lodging Electronic Documents](#) for all documents to be submitted.

Documents forming part of the application that exceed 10MB, are to be stored in a 'drop box' account and a 'public link' created to the documents. Copy the link and share that link in your email.

- Emails are to be sent to applications@ncc.nsw.gov.au
- For more information: [How to submit an application via email](#)

Mail

City of Newcastle
PO Box 489
Newcastle NSW 2300

In person

At the Customer Contact Centre, located at 12 Stewart Avenue Newcastle West NSW 2302.
Call 02 4974 2000 to book a lodgement appointment with the Duty Officer.

Fees

Fees are charged as per CN's [Fees and Charges](#) document. Your application is not considered lodged until the required fees have been paid. You will be contacted for payment of the applicable fee. Failure to arrange payment will result in your application being returned.

Payments can be made via one of the following methods:

- Cash
- EFTPOS
- Cheque*
- Credit Card*

*Please note a merchant fee is payable on all credit card transactions.

*Cheques are to be made payable to City of Newcastle.

[City of Newcastle](#)

Phone: 02 4974 2000

Email: mail@ncc.nsw.gov.au

Address: 12 Stewart Avenue Newcastle West NSW 2302

Protecting your privacy

City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

You are advised the information you provide in this application will enable your application to be assessed by CN and any relevant state agency. Your application will be advertised to the public for comment if the development is designated development, advertised development or is required to be advertised by a development control plan.

The application and all plans and supporting documentation will be kept in a register by CN that can be viewed by the public at any time. Please contact CN if the information you have provided in your application is incorrect or changes.

Purpose of collection:	To enable CN as the consent authority to assess your proposal
Intended recipients:	CN staff and other government agencies that may be required to assess the proposal
Supply:	The information is a statutory requirement related to the assessment of the application.
Consequence of non-provision:	Your application may not be accepted or processed due to a lack of information.
Storage and Security:	City of Newcastle, 12 Stewart Avenue Newcastle 2302 will store details of the application. Individuals can access the details of the application under the <i>Government Information (Public Access) Act 2009</i> .
Access:	Your information can be checked for accuracy by calling (02)4974 2000.