



## HERITAGE POLICY

Adopted: (Current date)

TRIM: (Number)



## TABLE OF CONTENTS

1. PURPOSE OF THIS POLICY.....	1
2. ACKNOWLEDGEMENT OF COUNTRY .....	2
3. ACCESS AND EQUITY STATEMENT .....	2
4. DEFINITIONS.....	2
5. POLICY STATEMENT.....	5
6. COUNCIL'S HERITAGE FRAMEWORK.....	9
7. LIVERPOOL HERITAGE INVENTORY .....	10
8. MINOR WORKS AND MAINTENANCE .....	11
9. DEMOLITION .....	12
10. RELOCATION.....	13
11. PREPARATION AND ASSESSMENT OF DEVELOPMENT APPLICATIONS ..	13
12. PREPARATION AND ASSESSMENT OF INFRASTRUCTURE WORKS BY (OR ON BEHALF OF) LIVERPOOL CITY COUNCIL .....	18
13. COMPLIANCE, MONITORING AND REVIEW .....	21
14. RELEVANT LEGISLATIVE REQUIREMENTS .....	22
15. RELATED POLICY AND PROCEDURE REFERENCES.....	22

---

## HERITAGE POLICY

**DIRECTORATE:** Planning and Compliance

**DEPARTMENT:** City Planning

**BUSINESS UNIT:** City Design and Public Domain

---

### 1. PURPOSE OF THIS POLICY

- 1.1 The purpose of this Policy is to establish a framework for the management of Liverpool City Council (Council) and privately owned local heritage items located within the Liverpool Local Government Area (LGA), consistent with NSW Government legislation, Council and community priorities, and best industry practice.
- 1.2 This Policy ensures Council's management of heritage items is consistent with relevant NSW Government legislation, including the relevant sections of the *Environmental Planning and Assessment Act 1979* (NSW), and the *Heritage Act 1977* (NSW).
- 1.3 This Policy delivers on the objectives of Council's *Community Strategic Plan 2022-2032* (CSP), including to create a healthy, inclusive, and engaging city, through embracing the city's history and heritage. This Policy guides strategies and actions related to heritage management that are identified in Council's *Delivery Program 2022-2026 and Operational Plan 2022-2023* (DPOP). This Policy underpins Council's *Heritage Strategy*, *Heritage Management Procedure*, and other strategic and operational documents related to the management of Council and privately owned heritage items located within the Liverpool LGA.
- 1.4 This Policy also ensures Council's management of heritage items is aligned with best industry practice, including the Australia International Council on Monuments and Sites' (Australia ICOMOS) *The Burra Charter*, and the Government Architect NSW's *Better Placed: Design Guide for Heritage*.
- 1.5 This Policy will benefit Council staff, property owners, and developers of properties that are subject to Aboriginal or Post-Colonial heritage, by providing detailed requirements and format/s for technical documentation required for development applications and other approval processes, including Council Review of Environmental Factors and internal assessments. This Policy will

reduce delays in assessing development applications and reduce confusion regarding the requirements for the development assessment process.

## 2. ACKNOWLEDGEMENT OF COUNTRY

- 2.1 Liverpool City Council acknowledges the traditional custodians of the land that now resides within Liverpool City Council's boundaries, the Cabrogal clan of the Darug Nation. Liverpool City Council acknowledges that this land was also accessed by peoples of the Dharawal and Darug Nations.

## 3. ACCESS AND EQUITY STATEMENT

- 3.1 Liverpool City Council acknowledges and respects First Nations people as the original inhabitants of the land which now resides within the Liverpool Local Government Area, the people of the Dharug (Darug) and Tharawal (Dharawal) nations. Liverpool City Council also acknowledges and respects Liverpool's multicultural communities and their varied backgrounds, languages, traditions, religions and spiritual practices.

## 4. DEFINITIONS

<b>Adaptation</b>	Adaptation means modifying a place to suit the existing use or a proposed use.
<b>Associations</b>	Associations means the special connections that exist between people and a place.
<b>Burra Charter</b>	<i>The Burra Charter</i> , prepared by the Australia International Council on Monuments and Sites (Australia ICOMOS), is a localised version of <i>The Venice Charter</i> , recognising the general philosophy of the Charter but written in a form that was practical and useful for Australia. <i>The Burra Charter</i> defines the basic principles and procedures to be observed in the conservation of important places. These principles and procedures can be applied to a wide range of places such as a monument, a ruin, a courthouse, a midden, a cottage, a road, a mining or archaeological site, a whole district, or a region.
<b>Compatible use</b>	Compatible use means a use that respects the cultural significance of a place. Such use involves no, or minimal, impact on its cultural heritage significance.

<b>Conservation</b>	Conservation means all the processes involved in looking after a heritage place, to retain its cultural significance.
<b>Conservation Management Plan</b>	A Conservation Management Plan (CMP) is a document that states the conservation policy and the statement of significance of an item and looks in more detail at achieving the future viability of the item and retaining the maximum heritage significance in future development proposals.
<b>Cultural Significance</b>	Cultural Significance means aesthetic, historic, scientific, social, or spiritual value for past, present, or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places, and related objects. Places may have a range of values for different individuals or groups.
<b>Environmental Planning Instrument</b>	An environmental planning instrument (including a State Environmental Planning Policy or Local Environmental Plan but not including a Development Control Plan) made, or taken to have been made, under Part 3 of the Environmental Planning and Assessment Act 1979 (NSW) and in force.
<b>Fabric</b>	Fabric means all the physical material of the place including components, fixtures, contents, and objects.
<b>Local Heritage Item</b>	A local heritage item is a place, site, object or building that has been assessed and considered to be of local heritage significance and is listed within the relevant Local Environmental Planning Instrument.
<b>Maintenance</b>	Maintenance means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair, which involves restoration or reconstruction.
<b>Meaning</b>	Meaning denotes what a place signifies, indicates, evokes, or expresses.
<b>Interpretation</b>	Interpretation means the ways of presenting the cultural significance of a place.
<b>Photographic Archival Record</b>	Photographic Archival Record means a photographic recording of a place that contributes to the understanding and appreciation of the significance of the place.  A Photographic Archival Record is a record for the future, of the environment, aesthetics, technical skills, and customs associated with the creation and use of heritage

	items, before they are lost, either by progressive changes or the ravages of time.
<b>Place</b>	Place means a site, area, land, landscape, building, group of buildings, or other works, and may include components, contents, spaces, and views.
<b>Preservation</b>	Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.
<b>Reconstruction</b>	Reconstruction means returning a place to a known earlier state and is distinguished from restoration, which involves the introduction of new material into the fabric.
<b>Related Object</b>	Related object means an object related to the cultural significance of a place but is not located at the place.
<b>Related Place</b>	Related place means a place that contributes to the cultural significance of another place.
<b>Restoration</b>	Restoration means returning the existing fabric of a place to a known earlier state, by removing accretions or by reassembling existing components without the introduction of new material.
<b>Setting</b>	Setting means the area around a place, which may include the visual catchment.
<b>Statement of Heritage Impact</b>	A Statement of Heritage Impact analyses and justifies the impact of any proposal to alter a heritage item. The statement should demonstrate where there are adverse or no adverse impacts and seek to provide viable mitigation measures.
<b>State Heritage Inventory</b>	The State Heritage Inventory is a list of heritage items within New South Wales. The inventory provides any known historical and physical information for each item, and an assessment of significance and statement of significance.
<b>Structural Condition Assessment</b>	Structural Condition Assessment means a report prepared by a qualified structural engineer, with experience working with heritage buildings that assesses the structural state of a building or element.
<b>Use</b>	Use means the functions of a place, as well as the activities and practices that may occur at the place.
<b>Within the vicinity</b>	Within the vicinity means: <ul style="list-style-type: none"> <li>• a heritage item within the vicinity of a proposed development is directly adjacent to the site of the proposed development; or</li> </ul>

	<ul style="list-style-type: none"> <li>• on the same streetscape where the proposal has a direct visual impact on view corridors towards the heritage item from the public domain.</li> </ul>
--	---

## 5. POLICY STATEMENT

### 5.1 Background

- 5.1.1 Heritage includes the places, objects, and stories that we have inherited from the past and want to protect for future generations. It gives us a sense of our history and provides meaningful insights into how earlier generations lived and developed. It also enriches our lives and helps us to understand who we are. Our heritage includes tens of thousands of years of Aboriginal culture and landscapes, and historic buildings, monuments, gardens, archaeological sites, shipwrecks, bridges, industrial structures, streetscapes, conservation precincts and intangible heritage from post-colonial settlement (Heritage NSW, 2022).
- 5.1.2 Liverpool is the third oldest settlement in Australia and the first recognised Macquarie town, having been established in 1810. The growth and development of Liverpool since 1810, have resulted in a vast collection of buildings, monuments, and structures that are representations of the various periods and phases of Liverpool.
- 5.1.3 Despite this significant history, by comparison to Parramatta, Hawkesbury, Bathurst, and Sydney, Liverpool has one of the smallest collections of recognised local heritage items, with potential heritage items going unnoticed and subsequently being lost through development.
- 5.1.4 Council recognises the significance of its local heritage and its role in the identification and protection of local heritage items. It is recognised that this is now inclusive of not only the Aboriginal and post-colonial heritage of Liverpool but also multicultural heritage which has evolved since World War II.

### 5.2 Council's Commitment to Heritage

- 5.2.1 Council recognises that heritage is the cumulative memory of the community which anchors a sense of place and is a key factor to the identity and character of the Liverpool LGA.
- 5.2.2 Council is committed to the efficient and effective management of Aboriginal, European, Migrant, and Transnational heritage items

located within the Liverpool LGA. This includes heritage items, heritage conservation areas, archaeological sites, and places of Aboriginal cultural heritage significance, together with associated fabric, settings, and views.

- 5.2.3 This policy aims to ensure the long-term management of Council and privately owned heritage assets are sustainable, effective, and beneficial for the community.
- 5.2.4 This policy should be read in conjunction with Council's *Heritage Strategy*, *Heritage Management Procedure*, and Heritage Fact Sheets, identified in the reference list within this policy.

### 5.3 Policy Scope

- 5.3.1 This policy applies to Council and privately owned heritage items located within the Liverpool LGA. This Policy does not apply to NSW Government-owned and managed heritage items located within the Liverpool LGA.
- 5.3.2 This policy applies to the Mayor, Councillors, members of Council staff, and any other persons acting for or on behalf of, or in the name of, Council irrespective of any delegation or authority issued in the name of any position title or individual member of Council staff.

### 5.4 Policy Principles

Council's decision-making in relation to heritage management is guided by the following principles:

- 5.4.1 The Articles of the Australia ICOMOS' *The Burra Charter* (2013), which underpins the Council's approach to heritage conservation and management.
- 5.4.2 Recognising the importance of Aboriginal and post-colonial cultural heritage in creating, defining, and reinforcing the identity, character, and sense of place within the Liverpool LGA.
- 5.4.3 Identifying, protecting, promoting, and enhancing Aboriginal and post-colonial cultural heritage in the Liverpool LGA.
- 5.4.4 Ensuring methods of managing heritage matters align with current legislative requirements and best practice in heritage management and conservation.
- 5.4.5 Considering the importance and value of heritage in the long-term planning for the Liverpool LGA.



- 5.4.6 Acknowledging the importance of consultation with relevant Aboriginal Communities and Heritage Groups.
- 5.4.7 Encouraging the adaptive and compatible re-use of heritage buildings, places, and spaces.
- 5.4.8 Recognising the contribution heritage makes to tourism and the visitor economy within the Liverpool LGA.
- 5.4.9 Actively seeking grant funding to assist in recognising, protecting, enhancing, and promoting Aboriginal and post-colonial cultural heritage in the Liverpool LGA.
- 5.4.10 Advocating for the protection and promotion of Aboriginal and post-colonial cultural heritage in the Liverpool LGA, including supporting conservation and management of heritage items, places, and spaces, including those privately owned and 'heritage listed' through environmental planning instruments applicable to the Liverpool LGA.

## 5.5 Policy Objectives

The objectives of this Policy are as follows:

- 5.5.1 Establish clear principles and guidelines to assist Council, its staff and the community on best practice principles and procedures for heritage management.
- 5.5.2 Ensure Council acts promptly, consistently, and effectively in response to heritage dealings.
- 5.5.3 Enable Council to align its strategic and operational planning with the policy of the NSW Government.
- 5.5.4 Provide a whole of Council commitment to managing heritage within the Liverpool LGA.
- 5.5.5 Engage with all Aboriginal stakeholders including Local Aboriginal Land Councils, custodians and tribal corporations, and Council's Aboriginal Consultative Committee.
- 5.5.6 Support community initiatives in relation to heritage, where possible.
- 5.5.7 Empower Council as a leader for the protection of Aboriginal and European cultural heritage.
- 5.5.8 Ensure that the risks to heritage are understood and managed by Council and communicated to the community.

5.5.9 Inform core functions and operations of Council, noting that heritage must be considered in strategic decision making, planning processes and day-to-day operations.

5.5.10 Provide direction on heritage for Council staff and the community.

5.5.11 Commit Council to the principles outlined in clause 5.4.

Commented [DG1]: How is this different from 5.5.1?

Commented [JM2R1]: SS to discuss with TW. Can we delete 5.5.1?

Commented [JM3R1]: Updated

**6. COUNCIL’S HERITAGE FRAMEWORK**

6.1 Council’s Heritage Framework comprises this policy, and a series of interconnected development controls, strategies, plans, guidelines, and information, which collectively guide and support the management of Council and privately owned and managed heritage items located within the Liverpool LGA. Figure 1.0 below, illustrates the Framework.

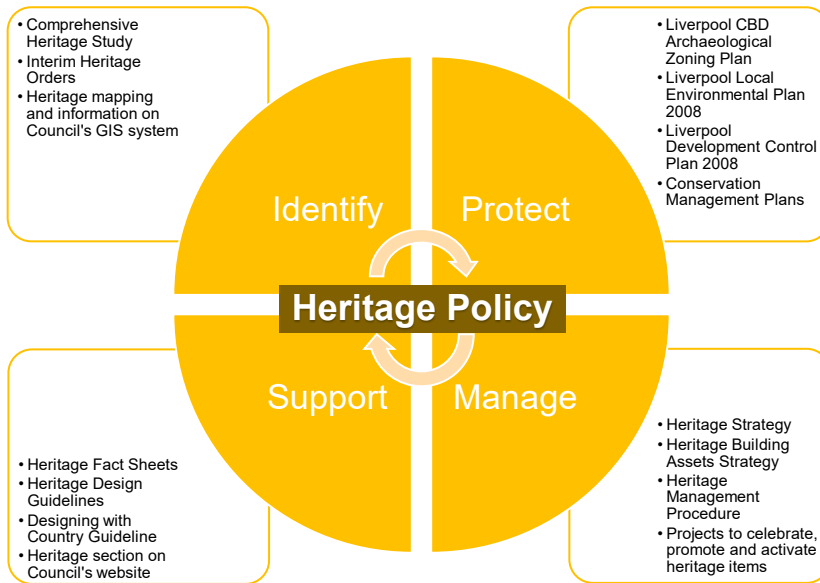


Figure 1.0: Liverpool City Council’s Heritage Framework

**Legend**

Identify: Enables the orderly management of heritage within the Liverpool LGA, through the proper identification of items of heritage significance.

Protect: Provides the appropriate policies, guidelines, and development controls to protect and conserve items of local heritage significance within the Liverpool LGA. Additionally, it provides guidance as to design opportunities and outcomes to support the upgrade, sensitive modification, and development of a heritage item.

Manage: Provides strategies and procedures to guide Council in the management of heritage assets that are owned by Council, on behalf of the local community.

Support: Provide a series of documents and guidelines aimed at supporting private owners of heritage items in the conservation, maintenance, and interpretation of their heritage items.

## 7. LIVERPOOL HERITAGE INVENTORY

### 7.1 General

7.1.1 The Liverpool Heritage Inventory consists of heritage items identified in Council's *Liverpool Local Environmental Plan 2008* and the NSW Government's *State Environmental Planning Policy (Western Parkland City) 2021*, and subsequent replacement instruments.

7.1.2 The addition or removal of an item on the inventory requires the preparation of a detailed heritage significance assessment which includes the following:

- a) A history of the item;
- b) A physical description of the item;
- c) An assessment against the heritage significance criteria; and
- d) A statement of significance.

7.1.3 An assessment of significance can consider the condition, land use planning and economic impact/s of the listing.

7.1.4 The delisting or refusal of listing of an item on grounds of its condition, land use planning or economic impact/s must be supported by peer review evidence, that can state beyond reasonable doubt that heritage listing would be detrimental and invoke unnecessary hardship.

7.1.5 The objection of an owner to a proposed heritage listing does not outright rule out an item for heritage listing. Clear reasons of objection should be given by the owner, and these are required to be independently assessed as a part of the assessment process.

7.1.6 Procedures for the management of Interim Heritage Order requests are outlined in Council's *Heritage Management Procedure*.

### 7.2 Heritage significance criteria

7.2.1 All potential and proposed heritage items are to be assessed in accordance with the heritage significance criteria, specified in Clause

7.2.4 of this Policy. The criteria ensure an objective process that ensures items of value are retained.

7.2.2 To be considered for heritage listing, a potential or proposed item must meet at least three of the criteria directly and not coincidentally.

7.2.3 Single criterion nominations can be considered if the item represents a high or exceptional example of that specific criterion.

7.2.4 The heritage significance criteria for the Liverpool LGA, is as follows:

- a) an item is important in the course or pattern of Liverpool's cultural or natural history.
- b) an item has a strong or special association with the life or works of a person, or group of persons, of importance in Liverpool's cultural or natural history.
- c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement with the Liverpool LGA.
- d) an item has a strong or special association with a particular community or cultural group in the Liverpool LGA for social, cultural, or spiritual reasons.
- e) an item has the potential to yield information that will contribute to an understanding of the Liverpool LGA's cultural or natural history.
- f) an item possesses uncommon, rare, or endangered aspects of Liverpool LGA's cultural or natural history; and
- g) an item is important in demonstrating the principal characteristics of a class of the Liverpool LGA's cultural or natural places, or cultural or natural environments.

## **8. MINOR WORKS AND MAINTENANCE**

8.1 To guide the implementation of Clause 5.10 of the *Liverpool Local Environmental Plan 2008* or other applicable zoning instrument, Works permitted as exempt under the following instruments for non-heritage items, can be considered under Clause 5.10 as minor works or maintenance:

- 8.1.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 8.1.2 State Environmental Planning Policy (Housing) 2021.
- 8.1.3 State Environmental Planning Policy (Transport and Infrastructure 2021).
- 8.2 The undertaking of minor works requires notification to Council with a response provided within fourteen (14) days of receipt of the notification.
- 8.3 A notification is to be submitted to Council through the E-planning portal with any applicable fees paid as outlined by Council's endorsed fees and charges.
- 8.4 A notification is to be accompanied by a statement explaining what works are being undertaken, photos of the area subject to the works and any information about how the works will be undertaken. Architectural drawings and specifications are not required.
- 8.5 The process and requirements for a minor works or maintenance exemption are outlined in Council's *Heritage Fact Sheet 1.0 – Minor Works and Maintenance*.
- 8.6 Additional information can be found in Council's *Heritage Fact Sheet 8.0 – The Do's and Don'ts of owning a Heritage Property*.
- 8.7 The procedure of submitting, and the assessment of heritage minor works applications, is outlined in the Council's *Heritage Management Procedure*.
- 8.8 All heritage related fact sheets are available within the heritage section of Council's website **(once web page is launched)**.

## **9. DEMOLITION**

- 9.1 Full demolition of significant or contributory heritage buildings or other heritage items will not be permitted except where:
  - a) It can be demonstrated that the heritage item has lost all relationships to the values previously identified to determine significance; and
  - b) The heritage item is structurally unstable, and repair or reconstruction would result in the loss of significant fabric.

- 9.2 Partial demolition or the demolition of insignificant or low significant elements of a heritage item may be considered subject to the following:
- c) The assessed significance of the building;
  - d) The character and appearance of the building or works and its contribution to the historic, social, and architectural values, character and appearance of the heritage item;
  - e) The significance of the fabric or part of the building, and the degree to which it contributes to the perception of the three-dimensional form and depth of the building; and
  - f) Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of the building.
- 9.3 The poor condition of a significant or contributory building is not in itself justification for permitting demolition. Refer to Council's *Heritage Fact Sheet 5.0 – Structural and Condition Assessments for Heritage Properties*.
- 9.4 A demolition permit should not be granted until the proposed replacement building, or works have been approved by the Council.
- 9.5 Where approval is granted for full demolition of a significant building, a recording program including, but not limited to, archival photographic recording and/or measured drawings may be required prior to demolition, to the satisfaction of the Council.
- 9.6 Demolition of front fences and outbuildings that contribute to the heritage place's significance will not be permitted.

## **10. RELOCATION**

- 10.1 A proposal to relocate a significant or contributory building or structure may be permitted, where the existing location of the heritage place is not part of its significance.

## **11. PREPARATION AND ASSESSMENT OF DEVELOPMENT APPLICATIONS**

- 11.1 A development application for works to a heritage item or adjacent to a heritage item should be prepared in accordance with the following:
- a) The applicable Environmental Planning Instrument;
  - b) The applicable Development Control Plan;

- c) Liverpool City Council's *Heritage Policy* (this document);
- d) Liverpool City Council's Heritage Fact Sheets;
- e) Government Architect NSW's *Better Placed: Design Guide for Heritage*; and
- f) Australia International Council on Monuments and Sites (Australia ICOMOS) *The Burra Charter 2014*, as amended.

## 11.2 Pre-lodgement Applications

11.2.1 Pre-lodgement applications relating to a heritage item or is within the vicinity of a heritage item should be accompanied by the following:

- a) Elevations of the proposal including a scaled comparison to the heritage item;
- b) A brief impact assessment prepared by an appropriately qualified and experienced heritage consultant; and
- c) A preliminary materials and colour schedule.

11.2.2 Additional advice and guidance can be found in the following documents:

- a) Council's *Heritage Fact Sheet 4.0 – Myth Busting*; and
- b) Council's *Heritage Fact Sheet 7.0 – Heritage Advisory Service*.

## 11.3 Development Applications

11.3.1 Development Applications relating either to a heritage item or within the vicinity of a heritage item (as defined by this Policy) are to include as a minimum the information in 11.3.2 (minor applications) or 11.3.3 (major applications).

11.3.2 For applications that are likely to have a minor impact to a local heritage item (including change of use, minor internal alterations and additions and signage), the following must be included:

- a) Architectural drawings prepared by a Registered Architect or building designer;



- b) Landscape Architectural drawings prepared by a Registered Landscape Architect (if applicable);
- c) A Statement of Heritage Impact;
- d) A material and finishes schedule; and
- e) Diagrams of proposed signage including colours, materials, content, and dimensions (if signage is proposed).

11.3.3 For applications that are likely to have a major impact to a local heritage item (including major redevelopment, adaptive reuse, major internal and external alterations and additions, demolition, etc.) the following must be included:

- a) Architectural drawings prepared by a Registered Architect or building designer;
- b) Landscape Architectural drawings prepared by a Registered Landscape Architect (if applicable);
- c) A heritage impact assessment;
- d) A building condition assessment by a structural engineer with experience in heritage buildings (where the proposal involves the partial or complete demolition of a heritage item or substantial structural alterations to the item);
- e) A material and finishes schedule;
- f) A detailed scope of works;
- g) Photomontages; and
- h) A Heritage Interpretation Plan.

#### 11.4 Conservation Management Strategy

11.4.1 A Conservation Management Strategy may be required by Council on large, complex, and multi-building sites where there is a need to visually map out levels of significance across a site, and at a broad scale, determine management and conservation requirements of the site.

11.4.2 Where a site is large with multiple buildings, a broad Conservation Management Strategy may be the initial stage to enable a broad site

wide approach, with a Conservation Management Plan developed at the detailed level for a specific building within the site.

#### 11.5 Conservation Management Plan

11.5.1 A Conservation Management Plan is required on a significant item of local or state heritage within the Liverpool LGA, prior to the submission of a development application for any major redevelopments, conservation works or adaptive reuse proposals.

11.5.2 The content and presentation of a Conservation Management Plan should reflect the policies and procedures of Australia ICOMOS *the Burra Charter* and be commensurate with the size and complexities of the heritage item.

11.5.3 The Conservation Management Plan should be concise with clear and direct guidance and advice as to what is significant and how it should be managed. Extensive historical information or physical analysis of the fabric should be provided, [in the appendices](#).

11.5.4 In the preparation of a Conservation Management Plan, consideration of innovative techniques and technologies including 3D scanning and Building Information Modelling is encouraged.

Commented [DG4]: Provided?

Commented [JM5R4]: Updated.

#### 11.6 Statement of Heritage Impact

11.6.1 A Statement of Heritage Impact is to be submitted for all minor development applications and applications for minor works.

11.6.2 A statement does not need to be completed by a heritage expert but should be consistent with the assessment policies of ICOMOS Australia's *The Burra Charter* and this Policy.

11.6.3 Refer to Council's *Heritage Fact Sheet 2.0 – Preparing a Statement of Heritage Impact* for guidance on the preparation of a Statement of Heritage Impact.

#### 11.7 Heritage Impact Assessment

11.7.1 A Heritage Impact Assessment is to be submitted for all major development applications including adaptive reuse and demolition.

11.7.2 A Heritage Impact Assessment should be prepared by a heritage consultant following the ICOMOS Australia's *The Burra Charter*, the

NSW Heritage Office's *Statement of Heritage Impact Guidelines*, and this Policy.

#### 11.8 Archaeological Assessment

11.8.1 All development applications and planning proposals submitted for sites within the Liverpool City Centre proposing excavation, should be accompanied by a Preliminary Archaeological Assessment, prepared following Heritage NSW's *Assessing Significance for Historical Archaeological Sites and Relics Guideline*.

#### 11.9 Aboriginal Cultural Heritage

11.9.1 Council is required under the *Environmental Planning and Assessment Act 1979* (NSW) to consider the impact of a proposal on Aboriginal Cultural Heritage and to ensure the sustainable management of all cultural heritage within the Liverpool LGA.

11.9.2 Where a development application fails to submit a report as specified by this clause, the application will be rejected and returned. This also includes where a preliminary or due diligence assessment is undertaken, and it is recommended to undertake a more detailed assessment.

11.9.3 To assess the impacts of a proposal on Aboriginal Cultural Heritage, the following is required to be submitted:

- a) Aboriginal Due Diligence Assessment – for sites not identified as being within 200m of a watercourse but show minimal signs of subsurface disruption;
- b) Preliminary Aboriginal Cultural Heritage Assessment – where there is the potential for Aboriginal cultural heritage features or values to occur on the site of a proposed development, with the risk that these features or values may be impacted. (Identified as orange colour in Council's Aboriginal sensitivity mapping, excluding sites that are already disturbed as defined by NSW Office of Environment and Heritage's *Due Diligence Code*); and
- c) Aboriginal Cultural Heritage Assessment – for sites with known Aboriginal cultural heritage values or features, specifically where there is a declared Aboriginal Place or known cultural place/landscape, or sites close to recorded/known Aboriginal cultural heritage site/s or object/s. (Identified as red colour in Council's Aboriginal sensitivity mapping excluding sites that are already disturbed as defined

by the NSW Office of Environment and Heritage's *Due Diligence Code*).

11.9.4 For guidance in the preparation of Preliminary Aboriginal Cultural Heritage Assessments and Aboriginal Cultural Heritage Assessments, refer to Council's *Heritage Fact Sheet 9.0 – Assessment of Aboriginal Cultural Heritage*.

## **12. PREPARATION AND ASSESSMENT OF INFRASTRUCTURE WORKS BY (OR ON BEHALF OF) LIVERPOOL CITY COUNCIL**

12.1 For Council infrastructure projects, only heritage architects or consultants identified on Council's Professional Consultants Recognised Consultants List (RCL) are to be used for the provision of heritage advice and the required assessments, exempt where approved by the Council's Heritage Officer.

12.2 Grounds for approval of consultants other than those on the RCL are:

- a) The identified consultant has a history with the project through previous engagements;
- b) The consultant has the expertise and technical knowledge which cannot be found on the RCL; and
- c) Consultants on the RCL are unavailable due to workload or other circumstances (excluding cost).

12.3 Preliminary/Due Diligence

12.3.1 Council's Heritage Officer is to be notified of all infrastructure projects requiring a Review of Environmental Factors (REF) prior to the engagement of consultants and the preparation of concept designs.

12.3.2 Council's Heritage Officer is to review the subject site and proposed works, providing written advice as to the heritage implications of the

site and works and what needs to be considered during the design process and the REF assessment requirements.

- 12.3.3 Council's Heritage Officer will also provide guidance as to the requirements for state heritage referrals if required.
- 12.3.4 An infrastructure project cannot proceed to concept design until a Heritage Assessment Requirements Advice form has been issued by Council's Heritage Officer.
- 12.3.5 An exemption from this requirement is applicable for capital works projects where:
  - a) The project relates to the upgrade, repair, or maintenance of an existing road without the disruption of any land outside the road corridor or new bridges over a watercourse.
  - b) The project relates to a site that is not heritage-listed and the works do not require the clearing of land or excavation.

#### 12.4 Concept Design and Master Planning

- 12.4.1 Where indicated by the Heritage Assessment Requirements Advice form (which can be located at [<insert web address to the heritage page on Council's website, once launched>](#)), a preliminary cultural heritage assessment is to be prepared by an appropriately qualified and experienced consultant at the completion of the draft concept design or master plan.
- 12.4.2 A preliminary cultural heritage assessment is a combined Aboriginal Due Diligence Assessment, Preliminary Historic Archaeological Assessment, and Preliminary Statement of Heritage Impact.
- 12.4.3 A preliminary cultural heritage assessment is an initial assessment of a proposed concept or master plan that incorporates a desktop impact assessment on Aboriginal, historic, and post-colonial heritage. The assessment includes the following:
  - a) A desktop review of available heritage inventories, databases, and archaeological records;
  - b) An analysis of available parish maps, aerial photos, and geological mapping;
  - c) An analysis of the history of the site and available primary and secondary sources;
  - d) For Aboriginal heritage, consultation with registered Aboriginal parties;

- e) A preliminary identification of heritage significance and key areas for consideration;
- f) An overview of the concept or master plan;
- g) A preliminary assessment of impacts on Aboriginal, Historic or post-colonial heritage; and
- h) Recommendations as to requirements for future assessment, permits and approvals as well as mitigation measures to be incorporated during the detailed design phase.

12.4.4 The preliminary cultural heritage assessment is to be provided to Council's Heritage Officer for review and approval, prior to proceeding to detailed design. This approval can include conditions or requirements that will need to be considered during the detailed design phase.

## 12.5 Detailed Design

12.5.1 An appropriately qualified and experience heritage architect or consultant is to be actively involved in the development of the detailed design. This should include regular involvement in project working group meetings and direct engagement by the designing architect or engineer.

12.5.2 All comments and advice provided by the heritage architect or consultant are to be documented with an appropriate response to ensure all engagement and correspondence are accounted for.

12.5.3 The detailed design is to be accompanied by a Cultural Heritage Assessment which will consider the impacts of the proposal on Aboriginal, historic and post-colonial heritage as identified by the preliminary cultural heritage assessment and the Heritage Assessment Requirements Advice.

12.5.4 Where the Cultural Heritage Assessment is required to consider Aboriginal Cultural Heritage, it should be sufficient to meet the requirements for an Aboriginal Cultural Heritage Assessment and approval by Heritage NSW or an equivalent agency.

12.5.5 Where the Cultural Heritage Assessment is required to consider Historic Archaeology, it should be sufficient to meet the requirements of a Historic Archaeology Assessment and approval by Heritage NSW or an equivalent agency.

12.5.6 The assessment prepared through this detailed design phase should be treated as an independent assessment. Its outcomes and recommendations should reflect the true nature of the project and not

attempt to justify inappropriate or unsympathetic works. Where mitigation measures are required, and these include significant design changes, these should be detailed to ensure the project design team address the identified issues as a part of the REF process.

## 12.6 Assessment Requirements

- 12.6.1 The Cultural Heritage Assessment should be included as a part of the REF as a technical document. The REF should draw on this document for the basis of its assessment and address any issues, mitigation measures or recommendations identified in the report.
- 12.6.2 Where the consultant or project design team preparing the REF disagree with the recommendations or findings of the Cultural Heritage Assessment, this should be outlined in the REF and a justification (supported by analysis) provided.
- 12.6.3 The rejection of mitigation measures or recommendations contained within the Cultural Heritage Assessment should also be accompanied by a detailed analysis as to why the measures or recommendations are not required or whether there are alternatives proposed.
- 12.6.4 The REF and Cultural Heritage Assessment will be referred to Council's Heritage Officer for assessment and comment, prior to the determination of the REF. Council's Heritage Officer can decide whether to enforce the mitigation measures and recommendations of the Cultural Heritage Assessment or follow any alternate advice provided by the REF.

## 13. COMPLIANCE, MONITORING AND REVIEW

- 13.1 Council's Heritage Officer is responsible for administering, managing adherence to, and updating this, Policy. Any disagreements, appeals, misunderstandings, or breaches of this Policy should be directed to Council's Manager City Planning or equivalent, in the first instance.
- 13.2 A failure to adhere to the lodgement requirements for a development application for heritage will result in the application being unsupported and recommended for rejection or refusal.
- 13.3 A failure to adhere to the principles and assessment requirements of this policy by Council Staff will be managed in accordance with the grievance and disciplinary procedures identified in the Council's Code of Conduct and the Local Government Award.

13.4 This Policy will be reviewed every two (2) years, which will include the following:

- (a) Relevance of the purpose, principles, objectives, and other content within this Policy;
- (b) Consideration to any feedback received on the Policy, since it's adoption and/or last review; and
- (c) Consideration to any changes and/or updates to relevant; legislation, Council or community priorities, interrelated Council policies, plans or strategies, and industry best practice.

#### **14. RELEVANT LEGISLATIVE REQUIREMENTS**

Australian Government – *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

NSW Government – *Environmental Planning and Assessment Act 1979 (NSW)*

NSW Government – *Environmental Planning and Assessment Regulation 2021 (NSW)*

NSW Government – *Heritage Act 1977 (NSW)*

NSW Government – *Heritage Regulation 2012 (NSW)*

NSW Government – *Local Government Act 1993 (NSW)*

NSW Government – *National Parks and Wildlife Act 1974 (NSW)*

#### **15. RELATED POLICY AND PROCEDURE REFERENCES**

Australia International Council on Monuments and Sites (Australia ICOMOS) – *The Burra Charter, Charter for the Conservation of Places of Cultural Significance (2013)*

Cessnock City Council – *Heritage Policy 2020*

Government Architect NSW – *Better Placed: Design Guide for Heritage*



Heritage Council of NSW – *2002 Conservation Management Documents, Guidelines on Conservation Management Plans and Other Management Documents.*

Heritage NSW – *Assessing Significance for Historical Archaeological Sites and Relics Guideline*

Liverpool City Council – *Community Strategic Plan 2022-2032*

Liverpool City Council – *Delivery Program 2022-2026 and Operational Plan 2022-2023*

Liverpool City Council – *Heritage Building Asset Strategy*

Liverpool City Council – *Heritage Management Procedure*

Liverpool City Council – *Heritage Strategy*

Liverpool City Council – *Development Control Plan 2008*

Liverpool City Council – *Liverpool CBD Archaeological Zoning Plan*

Liverpool City Council – *Local Environmental Plan 2008*

NSW Government – *Environmental Planning and Assessment Act 1979 (NSW)*

NSW Government – *Heritage Act 1977 (NSW)*

NSW Government – *State Environmental Planning Policy (Western Parkland City) 2021 (NSW)*

NSW Government – *State Heritage Inventory*

Whitsunday Regional Council – *Local Heritage Protection Policy*

**AUTHORISED BY**

Council Resolution

**EFFECTIVE FROM**

XX March 2023 *(This is the date the policy is adopted by Council resolution)*

**REVIEW DATE**

XX March 2025 *(2 years from above date)*

## VERSIONS

*The current and previous version of the policy should be set out in the following table.*

Version	Amended by	Changes made	Date	TRIM Number
1	Council	Original for Council Adoption	XX/XX/2023	XXXX

## **THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**

This Policy has been developed in consultation with Council staff from the following directorates and respective departments, which are involved in the planning, design, approvals, construction, maintenance, management and/or activation activities, relating to heritage items within the Liverpool LGA:

### **City Futures Directorate**

- City Economy Department

### **Community and Lifestyle Directorate**

- Community Development and Planning Department
- Community Recreation Department
- Library and Museum Services Department

### **Corporate Support Directorate**

- Council and Executive Services Department
- General Counsel, Governance, Legal and Procurement Department
- Property Services Department

### **Operations Directorate**

- City Environment Department
- City Works - Civil Operations Department
- City Works - Parks, Sport Fields, and Open Space Department
- Facilities Management Department
- Infrastructure Delivery Department
- Infrastructure Planning Department
- Operational Facilities Department
- Strategic Projects Construction Department

### **Planning and Compliance Directorate**

- City Planning Department
- Development Assessment Department
- Transport Management Department

This Policy has also been developed in consultation with Council's Heritage Advisory Committee.

## ATTACHMENTS

Attachments that accompany this Policy, are as follows:

- Heritage Strategy
- Heritage Management Procedure
- Heritage Fact Sheet 01 – Minor Works and Maintenance
- Heritage Fact Sheet 02 – Preparing a Statement of Heritage Impact
- Heritage Fact Sheet 03 – Preparing a Photographic Archival Recording
- Heritage Fact Sheet 04 – Myth Busting
- Heritage Fact Sheet 05 – Structural and Condition Assessments for Heritage Properties
- Heritage Fact Sheet 06 – Proposing a Property for Heritage Listing
- Heritage Fact Sheet 07 – Heritage Advisory Service
- Heritage Fact Sheet 08 – The Do's and Don'ts of owning a Heritage Property
- Heritage Fact Sheet 09 – Assessment of Aboriginal Cultural Heritage
- Heritage Fact Sheet 10 – Heritage Interpretation
- Heritage Fact Sheet 11 – Maintenance Planning and Schedules

Copies of the Heritage Strategy and Fact Sheets are available on the Heritage section of Council's website [\(once web page is launch](#)