

# State Agency Heritage Guide

## Management of Heritage Assets by NSW Government Agencies

**Part 1: State-owned Heritage Management Principles**

**Part 2: Heritage Asset Management Guidelines**



These principles and guidelines have been issued under section 170A of the *Heritage Act 1977* (NSW).

The *Heritage Asset Management Guidelines* were endorsed for issue by the Heritage Council of NSW on the 1 December 2004. The *State-owned Heritage Management Principles* were approved by the Minister on the 16 December 2004.

This document is also available for free download from: [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au).

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# Foreword

NSW Government agencies are responsible for managing the largest heritage property portfolio in NSW.

This portfolio is diverse and includes all aspects of the State's heritage such as Aboriginal heritage, archaeology, movable heritage, the built environment and natural and cultural landscapes.

Over 80 NSW Government agencies own and manage heritage assets, and these heritage assets form a significant part of overall Government property holdings. The community expects NSW Government agencies, as the custodians of this rich and diverse heritage estate, to effectively use and maintain these valued places.

I have approved the *State-Owned Heritage Management Principles*, on the advice of the Heritage Council, to guide this process and underpin our stewardship of government heritage assets in this State.

I also believe that the introduction of the *Heritage Asset Management Guidelines* will help agencies to deliver on this undertaking to the community. The guidelines have been issued by the Heritage Council of NSW under section 170 of the *Heritage Act 1977* (NSW) and relate to requirements for agencies to manage heritage assets under their care and control.

NSW Government agencies have a key responsibility to lead by example by adopting best practice heritage management strategies, processes and practices.

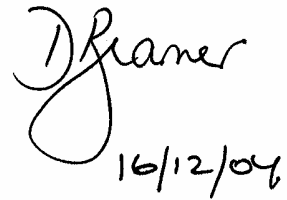
The community expects the public sector to set the standard in the management of heritage assets as a model for the private sector. This should include the wise use and ongoing maintenance of heritage assets in a sustainable manner, and their recognition and inclusion in the corporate planning and budgetary processes.

I see these principles and guidelines as another step towards the Government and the Heritage Council of NSW developing a comprehensive long-term vision and an effective heritage management system for the State. Our mission is to recognise the values and types of heritage which we as a community want preserved for the future.

These principles and guidelines aim to provide clarification to NSW Government agencies about heritage issues and opportunities. They provide an excellent basis for developing an effective management system for Government heritage properties in NSW.

I have asked the Heritage Council to provide me with a review and report on the implementation of the principles and guidelines within twelve months of their release.

I am confident that over time, the continuing improvement of heritage management practices by NSW Government agencies will allow for more streamlining of processes, such as the further delegation of Heritage Council powers and the expansion of exemptions from certain approvals. Some best practice agencies are already benefiting from these approaches.



16/12/04

**The Hon. Diane Beamer, MP**

**Minister for Juvenile Justice  
Minister for Western Sydney**

**Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)**

# State Agency Heritage Guide

## Management of Heritage Assets by NSW Government Agencies

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# Definitions

## **Minister**

Minister administering the *Heritage Act 1977* (NSW).

## **Conservation**

Includes preservation, protection, maintenance, restoration and adaptation.

## **Burra Charter**

The *Burra Charter* sets out the standard for best practice heritage and conservation work in Australia. The Charter is issued by the peak heritage group Australia ICOMOS (the International Council Of Monuments and Sites). Refer to [www.icomos.org/australia/](http://www.icomos.org/australia/)

Although the *Burra Charter* is not cited formally in an act, it is nationally recognised as a document that shapes the policies of the Heritage Council of NSW and the Heritage Office. In December 2004 the Heritage Council formally endorsed the *Burra Charter* as the key policy document that underpins heritage management in New South Wales and Australia.

## **Heritage and Conservation Registers**

A register of heritage assets owned, occupied or controlled by a State agency, prepared in accordance with section 170 of the Heritage Act.

## **Heritage Asset Management Strategy**

A strategy prepared by a State agency to document how the principles and guidelines outlined in the *Management of Heritage Assets by NSW Government Agencies* will be implemented in the management of heritage assets.

## **Heritage Assets**

Items of heritage significance identified in a State agency's heritage and conservation register, including items of cultural and natural significance.

## **Heritage Office**

The Heritage Office is the State government agency concerned with heritage in NSW. It is based in Parramatta. Its mission is "to help the community conserve our heritage". This includes: working with government and communities to help them identify their important places and items; providing guidance on how to look after heritage assets; and maintaining the NSW heritage database, an online list of all statutory-listed heritage items in NSW.

## **Heritage Council of NSW**

The Heritage Council of NSW is an advisory body created by the Heritage Act in 1977. Its membership reflects a cross-section of community, government and conservation expertise.

The Heritage Council makes decisions about the care and protection of heritage places and items that have been identified as being significant to the people of NSW. The council provides advice on heritage matters to the Minister, including recommendations for places and objects to be listed on the State Heritage Register.

## **State Agency**

All NSW State government instrumentalities, organisations and agencies required to prepare heritage and conservation registers in accordance with section 170 of the Heritage Act.

## **State Heritage Register**

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of places, buildings and objects including: Aboriginal places, buildings, objects, monuments, gardens, natural landscapes, archaeological sites, shipwrecks, relics, streets, industrial structures, public buildings, shops, factories, houses, religious buildings, schools, conservation precincts,

jetties, bridges and movable items.

Refer to website: [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

### **Statutory Heritage Listings**

In NSW there are two types of statutory listings. A property, place or item can be:

- listed in the heritage schedule of a local council's local environmental plan (LEP);
- listed on the State Heritage Register, a register of places and items of particular importance to the people of NSW.

Refer to website: [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

### **Total Asset Management Policy (TAM)**

Total Asset Management (TAM) is a NSW Government policy introduced to achieve better planning and management of the State's assets. Total Asset Management is the strategic management of physical assets to best support the delivery of agency services. It is part of a planning framework in which the Government's social, ecological and financial service outcomes are achieved by the most efficient means and within the resource limits of the community.

It provides a structured and systematic resource allocation approach to infrastructure and physical asset management so that resources are aligned with the service objectives of State agencies. This approach achieves reduced costs and best value for money.

Refer to website: [www.treasury.nsw.gov.au/tam/tam-intro.htm](http://www.treasury.nsw.gov.au/tam/tam-intro.htm)

# **Part 1: State-owned Heritage Management Principles**



# State-owned Heritage Management Principles

## Introduction

The management of heritage assets is a State agency service responsibility, to be jointly managed with other service delivery responsibilities and given a high priority in the corporate planning and budgetary processes.

It is recognised that the effective management of heritage assets will achieve an appropriate balance between the twin objectives of efficient provision of government services and conserving the State's heritage for future generations.

### 1. Heritage Asset Management Strategy

Each State agency is required to develop a heritage asset management strategy to implement the principles and guidelines outlined in this document. A heritage asset management strategy will assist an agency in the conservation of its heritage assets. Strategies are to be completed by 31 January 2006.

A heritage asset management strategy also provides the basis for Heritage Council delegation to State agencies for the management of their heritage assets.

### 2. Identification of Heritage Assets

State agencies are required to identify within their heritage asset management strategy a date for completion of heritage and conservation registers.

### 3. Lead by Example

State agencies should lead by example by adopting appropriate heritage management strategies, processes and practices. The public sector should set the standard for the community in the management of heritage assets.

### 4. Conservation Outcomes

Heritage assets should be conserved to retain their heritage significance to the greatest extent feasible. State agencies should aim to conserve assets for operational purposes or to adaptively re-use assets in preference to alteration or demolition.

### 5. Sustainability

Conservation of cultural and natural heritage is recognised as part of a State agency's management response to ecologically sustainable development. The conservation and, where appropriate, adaptive re-use of heritage assets has major benefits to the community in terms of promoting the wise use of resources and achieving energy savings.

## 6. Integrated Heritage Management

Heritage assets, and their importance, should always be considered by agencies as an integrated part of their asset management. Agencies should be guided by the Government's Total Asset Management Policy:

1. identify
2. plan (strategic planning)
3. manage (detailed planning)
4. implement
5. monitor and report.

## 7. Appropriate Uses

Heritage assets should, where feasible, continue to be maintained in their operational role. Where they are surplus to operational requirements, State agencies should aim to ensure that items are adaptively re-used for a purpose sympathetic to their heritage significance.

## 8. Maintenance of Heritage Assets

Heritage assets are to be maintained in a manner which retains heritage significance, with the objective of preventing deterioration and avoiding the need for expensive "catch-up" maintenance and major repairs.

Note that those items listed on the State Heritage Register are subject to specific maintenance requirements under the Heritage Act.

## 9. Alterations

Alterations should be planned and executed to minimise negative impacts on heritage significance (including curtilage and setting), and appropriate mitigating measures should be identified.

**Five-stage heritage asset planning process contained in the *Heritage Asset Management Guideline*, one of the tools forming the *Total Asset Management Manual*.**

## 10. Transfer of Ownership

The transfer of ownership or control of heritage assets that are surplus to the State agency's requirements needs to be planned and executed so as to conserve the item's significance.

## 11. Management of Redundant Heritage Assets

Management of redundant heritage assets (orphan assets) surplus to the State agency's needs (but still in the ownership of the agency or under its control) should be planned and executed so as to conserve the item's heritage significance.

## 12. Prudent Financial and Budgetary Management

State agencies should implement the five stages of Total Asset Management in an efficient and effective manner which achieves value for money and does not unreasonably burden the community into the future. For example, the deferring of conservation and maintenance actions to heritage assets will result in additional costs in the longer term.

## 13. Staff Expertise and Compliance

State agencies need to ensure that their staff are appropriately educated on the value and role of their heritage estate. Specific expertise should be available to effectively and efficiently implement these principles and guidelines.

#### 14. Monitor Performance

State agencies should adopt processes to monitor and report on the relevance, effectiveness and efficiency of heritage assets and service delivery, and take prompt action to provide for optimal heritage conservation outcomes.

#### 15. Monitor Condition


Agencies monitoring and reporting on the physical condition of heritage assets in their heritage and conservation registers should take appropriate action to ensure heritage significance is not eroded.

#### 16. Reporting

Reporting is an effective tool that is to be used as a basis for achieving continuous improvement within an agency's heritage asset management strategy and in setting budgetary priorities.

#### 17. Promotion

State agencies should take every opportunity to celebrate and promote their heritage estate with the community.



16/12/04

Approved  
16 December 2004

**Diane Beamer MP**  
**Minister for Juvenile Justice**  
**Minister for Western Sydney**  
**Minister Assisting the Minister for Infrastructure**  
**and Planning (Planning Administration)**

## **Part 2: Heritage Asset Management Guidelines**

# Heritage Asset Management Guidelines

## INTRODUCTION

The Heritage Council of NSW has issued these *Heritage Asset Management Guidelines* to assist and guide agencies in the management of their heritage assets.

The guidelines are written as a series of detailed policies and aim to consolidate existing measures outlined in legislation and policy, particularly:

- the NSW Government's Total Asset Management Policy. An agency's total asset management strategy must align with, and support, its results and services plan;
- the Heritage Act and supporting Heritage Office manuals and guidelines;
- the *Burra Charter*, published by ICOMOS Australia.

The guidelines do not introduce new measures for State agencies familiar with these documents, and that already have in place best practice management approaches. They do provide further clarification on the preparation and review of heritage and conservation registers.

These guidelines were approved by the Heritage Council of NSW in December 2004. They constitute Heritage Council guidelines, issued in accordance with section 170A (3) of the Heritage Act.

## Compliance Deadlines

A key deliverable is the requirement that NSW agencies have a heritage asset management strategy in place by 31 January 2006. Within this strategy, each agency will identify a final

date, being no later than December 2009, for the completion of its heritage and conservation register.

The Heritage Council recognises that all State agencies face competing demands for limited resources for the delivery of important services to the people of NSW.

These guidelines do not require that heritage issues should always be given priority over all other asset management issues. The policies do, however, aim to ensure that heritage issues are adequately assessed as part of the wider asset management considerations by State agencies.

The guidelines therefore encourage State agencies to provide, within a nominated period, the basic elements to enable this to take place:

- a knowledge of the heritage assets owned or managed by a State agency;
- an integrated heritage asset management framework.

## Integrating Heritage Asset Management

Responsibility is placed on the various State agencies to prepare and implement a heritage assets management strategy. The guidelines require that State agencies take a more integrated approach to heritage management, follow best practice, and achieve genuine heritage outcomes of benefit to the community, as required by the Total Asset Management Policy. In this way, the guidelines seek to maximise the efficiency of State agencies using and managing heritage assets.

The guidelines have been structured in accordance with the Government's Total Asset Management Policy. The five stages are:

1. identify
2. plan (strategic planning)
3. manage (detailed planning)
4. implement
5. monitor and report.

### **Variation to Guidelines**

The Heritage Council will review these guidelines annually and consider submissions from agencies on the effectiveness of their implementation on a case-by-case basis.

### **RESPONSIBILITIES OF STATE AGENCIES UNDER THE HERITAGE ACT**

Since the enactment of the Heritage Act in 1977, NSW Government agencies have been expected to identify and manage heritage assets in their ownership and control. Their responsibilities include the following:

#### **Heritage and Conservation Registers**

Each government agency is required to keep a heritage and conservation register listing heritage assets under its ownership, occupation or management.

There are still a number of agencies which have not yet prepared their heritage and conservation registers. Adequate heritage asset management cannot take place if a State agency is not aware of the extent and nature of its heritage assets. These guidelines place responsibility on individual agencies to set a deadline for the completion of a heritage and conservation register.

The register is an essential tool for an agency to identify heritage assets and ensure heritage asset decisions are integrated into overall asset management process. This integration is also required by the Government's Total Asset Management Policy.

Heritage and conservation registers include assets of state and local heritage significance. The Heritage Act requires that a State agency include in its register items of the environmental heritage which are:

- listed on the State Heritage Register;
- listed in an environmental planning instrument under the *Environmental Planning and Assessment Act 1979* as an item of the environmental heritage;
- subject to, or could be subject to, an interim heritage order or to listing on the State Heritage Register. In other words, items of potential local or State heritage significance.

State agencies must provide a copy of heritage and conservation registers (and any amendments) to the Heritage Council, in accordance with such directions as may be given by the Heritage Council.

Any person must be able to inspect (at no charge) a State agency's heritage and conservation register at its office, or its principal office. Heritage and conservation registers are public documents and must be reviewed and, if necessary, amended at least once a year.

Listing of a heritage asset on a heritage and conservation register does not in itself create an obligation to obtain the Heritage Council's approval for works. The Heritage Council's approval will only be required for assets listed on the State Heritage Register, or subject to an interim heritage order under the Heritage Act.

## Management of State Agency Heritage Assets

The Heritage Act includes provisions relating to heritage assets listed on heritage and conservation registers. These include:

(i) *State-Owned Heritage Management Principles*  
Section 170A(2) of the Heritage Act requires that State agencies manage items on their heritage and conservation registers with due diligence in accordance with the principles approved by the Minister, on the advice of the Heritage Council. The principles outlined in this document take the form of overarching objectives.

(ii) *Heritage Asset Management Guidelines*  
Section 170A(3) of the Heritage Act enables the Heritage Council to issue these guidelines to State agencies for conservation of items on their heritage and conservation registers.

## Reporting

The Heritage Act also contains annual reporting provisions which increase the accountability of State agencies to the community for responsible management of their heritage assets.

The annual report of a Government agency is to include:

- a demonstration that the principles and guidelines have been adopted as part of the management strategy of heritage assets;
- a statement on the condition of the items listed on the agency's heritage and conservation register and the State Heritage Register.

State agencies are required to notify the Heritage Council at least 14 days prior to removing, transferring or ceasing to occupy any asset on their heritage and conservation register.

## Legal Compliance and Penalties under the Heritage Act.

The Heritage Act contains a range of penalties for breaches of the Act. A person, director or an employee of a corporation found guilty of an offence faces a maximum fine of \$1.1 million and/or six months in gaol.

In addition the Court may make an order where a breach has been found. The court may:

- restrain a use;
- require the demolition or removal of a building or work;
- require restoration or reinstatement;
- require the rebuilding of a building.

If the owner of an item is convicted of an offence against this Act involving demolition or damage, the Minister may serve an order requiring:

- no development or use of the land for up to 10 years;
- restoration of the item to the condition it was in before the demolition or damage;
- no development or use except that within the original building envelope.

## Heritage Office Compliance Auditing

With the implementation of these principles and guidelines and a resulting increase in the self management of heritage by State agencies, it is anticipated that resources will be freed up with the Heritage Office to enable it to carry out compliance audits of agencies with Heritage Act requirements.

### **Other Heritage Act Requirements**

The Act outlines other requirements which bind State agencies. Asset managers must be familiar with the following aspects in particular:

- Heritage Council of NSW approval requirements and minimum standards of maintenance and repair for items listed on the State Heritage Register;
- short term protection measures, including interim heritage orders and orders restricting harm to buildings under section 136 of the *Heritage Act*, and related approval requirements;

- automatic approval obligations for archaeology;
- processes to streamline approvals, including delegations to State agencies and local councils, and exemptions from approvals.

### **Other Legislation**

State agencies should confirm the impact of other legislation with compliance with these principles and guidelines. Where conflicts arise, the Heritage Office is happy to discuss the issue and will seek to assist in resolving the matter.



# 1. Identify

## HERITAGE AND CONSERVATION REGISTERS

### 1.1 Identifying heritage assets

Before a State agency can manage and conserve its heritage assets, it needs to first identify the range and extent of such assets within its ownership and control.

### 1.2 Heritage and Conservation Registers

State agencies should establish and keep a heritage and conservation register, which lists and identifies all heritage assets owned or controlled by the agency in accordance with section 170 of the Heritage Act.

The completion date for this task will be identified by each agency within its heritage asset management strategy according to budgetary resources and agency-based requirements. The completion date should be no later than December 2009, that is, five years from the date of issue of these guidelines.

Note : where it is undesirable (for example, security issues or cultural confidentiality) or impractical to identify heritage assets in the usual register format, a State agency should ensure that it has strategies in place to adequately identify these heritage assets in an appropriate manner and should advise the Heritage Office of the strategy.

### 1.3 Items to be Listed in Heritage and Conservation Registers

Heritage and conservation registers are to include assets of state and local heritage significance. According to the Heritage Act, an agency is required to include in its register:

- items listed on the State Heritage Register (state significant items);
- items listed on an environmental planning instrument (local or state significant items);
- items subject to, or that could be subject to, an interim heritage order (potential local or state significant items).

According to section 24 of the Heritage Act, an interim heritage order may be made over an item which, as a result of further investigation, may be found to be of either local or state heritage significance. Therefore, a heritage and conservation register should list both local and state significant items.

### 1.4 Format of heritage and conservation registers

Heritage and conservation registers should include:

- a thematic history of the agency, outlining the development of the agency (including its predecessors). This will provide a context for the agency's assessment of significance for items in the register;
- a list of heritage assets of state and local significance. This should include an appropriate curtilage (see "1.6 Identifying Curtilages") for each heritage asset under the agency's control and ownership;

- adequate documentation of each heritage asset. This should be done on the free heritage database software devised by the Heritage Office (training can be provided by the office), or should be compatible with that software;
- identification and assessment of the heritage significance of each heritage asset by suitably qualified and experienced practitioners;
- Aboriginal heritage places, following appropriate consultation with local Aboriginal communities.

In identifying heritage items, agencies should consult with interested parties that could include:

- the community;
- current and former agency staff with knowledge of heritage assets;
- relevant peak heritage bodies;
- local government.

The Heritage Office publication *Assessing Heritage Significance* will assist in the process of documenting and assessing heritage items.

### 1.6 Identifying Curtilages of Heritage Assets

An appropriate curtilage needs to be identified for all heritage assets to maximise our ability to retain the significance of the asset. The following issues should be considered:

- setting and siting;
- landscape and natural vegetation;
- cultural plantings;
- other landscape elements;
- significant views to, from, and within the site.

Curtilages should also take into account complementary building groups and institutional complexes.

### 1.7 Particular Aspects of Heritage Asset Identification

The identification of heritage assets in heritage and conservation registers should not be limited to buildings and works, but cover the full range of environmental heritage as defined under the Heritage Act. This includes:

#### Aboriginal Heritage

Sites, objects, areas, items and places of significance to Aboriginal people.

#### Natural Heritage

Natural heritage sites, including the State's system of parks and reserves. Natural heritage is an important part of the environmental heritage of NSW. The recognition of this important estate is addressed in the Heritage Council's *Natural Heritage Principles*, available from the Heritage Office website.

#### Archaeological Potential

Sites and places that contain, or are likely to contain, archaeological resources (as defined under the Heritage Act).

#### Movable Heritage

Any natural or manufactured object of heritage significance. An agency needs to identify movable heritage as part of its heritage and conservation register, and be consistent with the Heritage Council's [Movable Heritage Guidelines](#), available on the Heritage Office web site.

#### Multicultural Heritage

Items and places significant to ethnic communities. Cultural significance includes Australia's cultural diversity and the diverse cultural origins and values of groups within the community.

### **Maritime Heritage**

Historic shipwrecks (including articles associated with the ship) and related maritime, estuarine and riverine buildings, works, relics and structures. State agencies which own or manage State waters (including rivers, harbours, lakes, riverbanks and foreshores) should identify the presence, or likelihood, of these items within their jurisdiction (refer to: [www.maritime.heritage.nsw.gov.au](http://www.maritime.heritage.nsw.gov.au)).

### **1.8 The Role of Public Architecture and Other Public Works**

Identification and assessment of heritage assets should have regard to the historic importance of public architecture and public works by successive NSW Colonial and Government Architects to the cultural and infrastructure development of NSW.

## **STATEMENTS OF HERITAGE SIGNIFICANCE**

### **1.9 Statements of Heritage Significance**

A statement of significance, documented in the heritage and conservation register for each heritage asset, should be based on documentary and physical evidence. Where appropriate, consultation with the community and comparative analysis should be undertaken. In determining the social significance of a heritage asset, relevant parties should be consulted where possible, including former staff of the State agency and users of the asset.

The following should be considered when producing a statement of significance for a particular type of heritage:

- a statement of significance for movable objects and collections should include the relationship of the object or collection to people, cultural groups, communities and places;
- a statement of significance for an archaeological heritage asset should include the relationship of the site to the landscape and historic use of the area;
- a statement of significance for a site or building should include significant interiors and associated artworks, furnishings, contents, machinery and other movable objects and collections.

### **1.5 Heritage Council's Assessment Criteria**

The Heritage Council has developed criteria to help guide decisions about whether an item is of state heritage significance (gazetted under section 4A(3) of the Heritage Act). The *Criteria for Listing on the State Heritage Register* can be downloaded from the Heritage Office website.

## **USE OF HERITAGE AND CONSERVATION REGISTERS**

### **1.10 Heritage Council Consideration of Registers**

In accordance with section 170(6) of the Heritage Act, the Heritage Council directs State agencies to submit heritage and conservation registers for endorsement.

The Heritage Office will endeavour to refer heritage and conservation registers to the Heritage Council for adoption within eight weeks of receipt (where registers adequately comply with the *Management of Heritage Assets by NSW Government Agencies* guidelines).

### **1.11 Listing of Properties on the State Heritage Register**

Heritage assets identified by a State agency as being of state heritage significance will be considered by the Heritage Council for listing on the State Heritage Register. Agencies should fully document the item using the heritage data form available from the Heritage Office and forward the proposed listing to the office in electronic format. See the Heritage Office website for further information or to download the data form.

This should occur at the time of referral of the heritage and conservation register for endorsement, or if an item is subsequently identified as a result of asset management processes or review of the register.

### **1.12 Review of Heritage and Conservation Registers**

Agencies are to review and update heritage and conservation registers annually, to reflect changing circumstances and available information. Reviews should include the following information:

- addition of newly transferred heritage assets;
- addition of new information about existing heritage assets, for example, following the completion of a detailed review as part of an approval process, or the completion of a conservation management plan for a heritage asset;
- transfer of ownership of any item;
- cessation of occupancy;
- demolition of an item.

### **1.13 Public Access**

Where possible, State agencies are encouraged to make their heritage and conservation register available on the State agency's website and to establish a link to the NSW Heritage Office website.

It should be noted that availability of certain information on websites is not required where there is a need to keep information confidential for security concerns or other reasons.

### **1.14 Notification to Local Councils**

When requested by a local council, a State agency should provide a copy of relevant extracts of its endorsed heritage and conservation register.

## 2: Plan

### OVERVIEW

#### 2.1 Strategic Planning

State agencies should prepare and implement a heritage asset management strategy as a basis for strategic planning for their heritage estate.

#### 2.2 Adoption of the *Burra Charter*

State agencies should adopt the *Burra Charter* for the making of management decisions for heritage assets. In accordance with the *Burra Charter*, management decisions should also consider other factors affecting the future of a heritage asset such as the owner's needs, resources, external constraints and its physical condition.

#### 2.3 Interpretation of the role and history of the agency

In addition to containing a range of individual heritage items, many agencies' heritage asset portfolios provide tangible evidence of the role and history of the State agency itself and the evolution of the community it serves. The State agency should aim to manage its heritage asset portfolio and provide for the conservation of sufficient heritage assets to reveal and interpret this history to present and future generations.

### HERITAGE ASSET MANAGEMENT STRATEGY

#### 2.4 Heritage Asset Management Strategy

Each State agency is to develop a heritage asset management strategy to implement the *State-Owned Heritage Management*

*Principles and Heritage Asset Management Guidelines*. The heritage asset management strategy should seek to assist in the conservation of the agency's heritage assets.

Heritage asset management strategies are to be completed by 31 January 2006 and forwarded to the Heritage Council of NSW.

The principle components to be covered in a heritage asset management strategy are:

- management action plan;
- asset maintenance plan;
- redundant assets transfer plan;
- asset transfer plan;
- performance and reporting;
- completion date for heritage and conservation register.

These plans will provide the basis for the Heritage Council's statewide strategies and policies for various heritage asset types.

#### 2.5 Integration of heritage asset management strategy

The strategy should be integrated with the State agency's corporate plan and all other strategic asset management documents and frameworks.

#### 2.6 Strategic Context

A heritage asset management strategy should take into account:

- the State agency's core functions and budgetary considerations;

- the State agency's strategic objectives and service delivery strategy;
- the Government's Total Asset Management policies.

## 2.7 Management Action Plan

A heritage asset management strategy needs to include a staged strategy to achieve the conservation and management of identified items or classes of items listed on the State agency's heritage and conservation register. The management action plan is to have regard to core functions of State agencies, their service delivery functions and budgetary limitations, and funding availability.

## 2.8 Asset Maintenance Plan

An asset maintenance plan will assist in achieving heritage conservation outcomes, while optimising the efficient use of funding having for the State agency's maintenance regimes.

Matters that could be included in the plan are:

- breakdown maintenance;
- preventative maintenance;
- servicing maintenance;
- cyclic maintenance;
- condition-based maintenance;
- specialist heritage requirements;
- scheduled maintenance to address special needs, for example, a stonework program;
- maintenance of "non-built" heritage assets, for example, natural and cultural landscapes, archaeological sites, movable objects and collections;
- guidelines for building managers about the protection of heritage significance:

- on a day-to-day basis; and,
- for future owners/occupiers.
- maintenance plans based on the total asset management process;
- capital investment plan that includes medium and long-term maintenance plans;
- annual program to implement the maintenance program.

Maintenance planning following the total asset management process includes:

- linking the asset to the State agency's service strategies;
- defining the level of performance required;
- ensuring the asset is productive at lowest possible long-term cost (including conservation of heritage significance of asset)
- long-term plans (ten years plus) that include conservation of major components;
- medium-term plans (five to ten years) that define major impending tasks;

## Specific Maintenance Plans

Consideration should be given for the preparation of separate maintenance plans for significant heritage assets or class of heritage assets (see Appendix A). The higher the level of significance of an item, the higher the level of maintenance that may be required.

## Maintenance Plans for State Heritage Register Items

The asset maintenance plan should outline the State agency's strategy in respect to minimum maintenance standards for items listed on the State Heritage Register that are owned or controlled by the State agency. (See the Heritage Office guideline, *Minimum Standards of Maintenance and Repair*, available on the website.)

## **2.9 Redundant Assets Plan**

The heritage asset management strategy should include a strategy for the management and conservation of heritage assets with no apparent economic re-use options. Where heritage assets do not meet the service delivery needs of an agency, alternate management options including transfer or lease to other parties should be thoroughly investigated, prior to any proposal to demolish.

## **2.10 Asset Transfer Plan**

A State agency should prepare and implement a plan outlining management requirements for heritage assets proposed for transfer. The plan should outline measures to achieve the long-term conservation of the heritage asset (see Appendix B).

## **2.11 Performance**

The heritage asset management strategy should include indicators relevant to the heritage asset type and functions of the State agency to monitor performance. Such indicators could address:

- heritage conservation outcomes;
- business outcomes;
- service delivery obligations;
- asset portfolio performance requirements;
- community satisfaction;
- comparison of actual performance against anticipated performance.

Results of monitoring will inform the periodic reviews of the heritage asset management strategy by the State agency and budget planning.

## **2.12 Public Access**

Heritage asset management strategies should generally be available to the public and, where appropriate, accessible on the State agency's website.

## **2.13 Budgetary Planning**

State agencies will need to have regard to the implementation of the heritage asset management strategy as part of their annual budget planning process.

## **2.14 Delegation of Heritage Council Functions**

The Heritage Council will consider the delegation of specific powers under the Heritage Act to State agencies that have completed and are implementing a heritage asset management strategy adopted by the Heritage Council. This will enable State agencies to responsibly manage their heritage asset portfolios. The Heritage Council may audit State agencies in their implementation of these delegations.

## 3: Manage

### USING HERITAGE SIGNIFICANCE TO MANAGE ASSETS

#### 3.1 Principle of Heritage Management

State agencies should manage their heritage assets in a manner which retains their heritage significance.

#### 3.2 Importance of Statement of Heritage Significance

Management decisions for heritage assets should be based on a prior understanding of heritage significance. The impact of proposed changes on the heritage significance of a heritage asset should be analysed with reference to the current use and the statement of significance. The policy for managing the heritage asset should be outlined in the heritage and conservation register. It may be necessary to modify proposed changes following analysis to better retain heritage significance.

#### 3.3 When to Establish Heritage Significance

The heritage significance of any heritage asset should be established prior to undertaking any stage of asset management, and the conclusions of that significance be taken into account in decision making.

#### 3.4 Using Heritage Significance to Guide Changes

Detailed planning decisions for heritage assets should be made after due consideration of the heritage significance of the asset. The following should inform all decisions:

- the higher the level of significance, the lower the level of change that can be made to an asset;

- an asset of state heritage significance is not to be demolished or unsympathetically altered without Heritage Council notification or approval if the item is listed on the State Heritage Register (refer to later demolition policies in this chapter, sections 3.51 – 3.57)
- an asset of local heritage significance can only be demolished or unsympathetically changed following a detailed evaluation involving specialist heritage advice that has shown there is no prudent or feasible alternative.

#### 3.5 Staff Awareness of Heritage Significance

Programs should be in place, and implemented, to ensure that staff, contractors, consultants, lessees, asset-occupiers and anyone making management decisions about heritage assets are familiar with the heritage significance of the asset and the implication of their actions on that significance. Programs should be in place prior to actions taking place

#### 3.6 Interpretation of Heritage Significance

The heritage significance of many heritage assets is not readily apparent and should be explained by interpretation, in accordance with the Heritage Office document, *Heritage Interpretation Guidelines*. Interpretation should enhance understanding and enjoyment, and be culturally appropriate.



## MANAGEMENT TOOLS

### 3.7 Conservation Management Plans

A conservation management plan is a beneficial tool to guide the long-term management of a heritage item. It can also be used as a basis for exemptions from approvals under section 57 of the Heritage Act. State agencies should aim to have a conservation management plan prepared for every heritage asset listed on the State Heritage Register. A copy of the conservation management plan should be forwarded to the Heritage Council for information.

When major works are contemplated for State Heritage Register items, a conservation management plan should be prepared and submitted to the Heritage Council in support of its application for approval. The conservation management plan should be reviewed every five years. Conservation management plans should be prepared in accordance with the publications *Conservation Management Documents* and *Conservation Management Plan Checklist* and any other guidelines issued on the Heritage Office website.

### 3.8 Alternatives to Conservation Management Plans

The Heritage Council will give consideration to accrediting other forms of management plans prepared by agencies to suit specific types of heritage assets and service delivery functions, for example:

- conservation management strategies (for further information refer to the Heritage Office website);
- National Parks and Wildlife Service plans of management (Department of Environment and Conservation);
- plans of management for Crown reserves under the *Crown Lands Act 1989*.

The Heritage Council may also consider such plans as a suitable basis of recommending any exemptions for items

listed on the State Heritage Register under section 57 of the Act.

### 3.9 Planning Works Using Conservation Management Plans

To achieve the long-term conservation of a heritage item, alterations and extensions should be planned in accordance with management policies outlined in conservation management plans.

## MANAGING DIFFERENT TYPES OF HERITAGE

### 3.10 Archaeology

Anyone excavating any land in NSW who knows that they are likely to discover, expose, move, damage or destroy a relic, or suspects that they might, must apply for an excavation permit from the Heritage Council (refer to sections 138-146C of the Heritage Act).

While the Heritage Act includes explicit Heritage Council approval requirements for archaeology, the Act does not require that these approvals be obtained prior to other development approvals. However, the early and integrated assessment of archaeology in project planning and design is recommended to allow for best practice outcomes and to minimise project delays.

### 3.11 Potential for Archaeology

The potential for archaeology should be adequately assessed prior to site acquisition, design option and design development, where development or use by a State agency may impact on the archaeological resource.

### 3.12 Considering Archaeology in Development Design

Development should be sited to have regard to the archaeological resource. Impacts to the archaeological resource must be considered in the planning stages.

### 3.13 Aboriginal Heritage Management Principles

Sites, objects, areas, items and places of significance to Aboriginal people should be identified in heritage and conservation registers, and in accordance with the principles described below.

- (i) Aboriginal heritage is a central part of all heritage, and heritage assets may be assumed to have significance to Aboriginal people, subject to consultation with the local Aboriginal community.
- (ii) Aboriginal heritage is not limited to relics and archaeology, but includes areas, sites, places, art sites and landscape formations.
- (iii) Aboriginal people are the cultural owners and managers of Aboriginal knowledge and information, and State agencies should consult with the local Aboriginal community to confirm the heritage significance of a place or item. This should occur at the earliest stage possible in the asset management process.
- (iv) Aboriginal heritage is a living culture, and it is evolving. Aboriginal culture should be considered in all its aspects including:
  - pre European contact;
  - initial and early contact with Europeans (including conflict);
  - the impact of past governmental policy;
  - the contribution of Aboriginal people to the agency and its activities;
  - contemporary Aboriginal culture.
- (v) Identification and assessment of items of significance to Aboriginal people should only occur with the prior consultation of the Aboriginal community and in accordance with advice, if issued, from the Department of Environment and Conservation and the Department of Aboriginal Affairs.
- (vi) State agencies should maximise the involvement of the local Aboriginal community in asset management decision-making processes to the greatest extent feasible.
- (vii) Cultural information provided by communities is to be treated with respect, and having regard to the matters below, only used and made public in accordance with the agreement of the local Aboriginal community:
  - cultural confidentiality;
  - gender specific knowledge;
  - identification of sites;
  - site access.
- (viii) Inclusion of Aboriginal heritage in a State agency's heritage and conservation register should only take place in a manner agreed to by the relevant Aboriginal community.

### 3.14 Statement of Heritage Significance for Aboriginal Heritage

Use of statements of significance for heritage assets of significance to Aboriginal people should only be made public after consultation with the local Aboriginal community.

### 3.15 Movable Heritage Assets

Movable heritage items are a tangible link to the history and use of a place. As such, they are an important element of a site's history and a direct link to past lives, uses and customs. They form an important part of an agency's physical record. Fixtures and objects which contribute to the heritage significance and interpretation of a heritage asset and to the history of the agency should, in the first instance, be retained at that heritage asset. Their removal should be avoided unless it is:

- the sole means of ensuring their security and preservation;
- on a temporary basis for treatment or exhibition;
- for cultural reasons;
- for health and safety;
- to protect the heritage asset.

Such contents, fixtures and objects should be returned where circumstances permit, and where it is culturally appropriate to do so. Temporary removal during works to buildings and sites may be necessary (refer to *Standard Exemptions for Works Requiring Heritage Council Approval* available on the Heritage Office website). Thorough documentation should be undertaken to assist in establishing the provenance, context, and associations to people and to place. It will also aid later reinstatement. Heritage specialists should be involved in the recording of movable heritage items. Archival records (such as plans, maps, papers and printed records) are also subject to the reporting requirements of the *State Records Act 1998*.

Movable heritage assets are defined by the Heritage Act and constitute an element of the section 170 reporting requirements of an agency.

### 3.16 Movable Heritage and Demolished Buildings

A State agency should ensure that movable objects associated with a demolished asset are identified, recorded (including a location plan), assessed, housed and curated in an appropriate location. Where the collection has significance in the region, this should be retained within the region as a single collection. In all cases, the provenance, age, use and historical associations of items should be recorded to assist with the retention of significance attributes.

### 3.17 War Memorials

War memorials warrant special attention and should be considered as special items of cultural heritage. War memorials should also be documented electronically on the data forms for the Register of War Memorials in NSW, a joint initiative of the Premier's Department and the Returned and Services League of Australia ([www.warmemorialsnsw.asn.au](http://www.warmemorialsnsw.asn.au)).

The completed data forms should be lodged with the State Library of NSW for updating of the site. The email address for submission of material is: [WarMemorials@sl.nsw.gov.au](mailto:WarMemorials@sl.nsw.gov.au).

### 3.18 Official Coat of Arms

The *State Arms, Symbols and Emblems Act 2004* provides a formal role for the Heritage Council in the replacement of Royal Arms with the State Arms in public buildings that are being used to represent the authority of the State. This is scheduled to take place as soon as practicable, or on seals and documents by 1 March 2007. The Heritage Council can advise on the removal of Royal Arms in public buildings that are of heritage significance, and also on their conservation, storage and interpretation.

Detailed guidelines are contained in Appendix C, and further information and guidance can be found on the Heritage Office website.

## **MANAGING CHANGES TO HERITAGE ASSETS**

### **3.19 Principles of Managing Change**

Change is undesirable where it reduces heritage significance. The amount of change to a heritage asset should be guided by the heritage significance of the heritage asset, by its heritage management policies, and by its appropriate interpretation.

### **3.20 Recording an Asset in its Existing Situation**

Existing fabric, use, associations and meanings should be adequately recorded before any changes are made to the heritage asset.

### **3.21 Setting of a Heritage Asset**

Design and planning decisions should retain an appropriate visual setting, as well as other relationships, such as views and vistas, that contribute to the heritage significance of the heritage asset. New construction, demolition, intrusions or other changes that would adversely affect the setting are not appropriate.

### **3.22 Contribution to Town or Streetscape**

The context of the heritage asset in terms of its contribution to the townscape and streetscape should be considered in detailed planning.

### **3.23 Maintaining a Heritage Asset in its Location**

The physical location of a heritage asset is part of its heritage significance. Therefore the following principles should inform any decision:

- a building, work or other component of a heritage asset should remain in its historical location where practicable;
- relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.

Some buildings, works or other components of heritage assets were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other components do not have significant links with their present location, removal may be appropriate.

### **3.24 Altering or Extending Heritage Assets**

Alterations to a heritage asset should be planned and executed to minimise negative impacts on its heritage significance, curtilage and setting. Alterations should only be undertaken when necessary to upgrade a heritage asset to meet current standards (for example, Building Code of Australia, fire and life safety, Occupational Health and Safety, disabled access), or to adapt it for a compatible new use, or to ensure its ongoing viability.

### **3.25 Adaptation**

Adaptation should be limited to that which is essential for the use of the heritage asset. Adaptation should occur where the adaptation has minimal impact on the heritage significance of the heritage asset. Adaptation should involve minimal change to significant fabric, and should be undertaken only after demonstrated consideration of alternatives.

### **3.26 Major Alterations**

Major alterations should only be considered where they will not compromise the heritage significance of the building, its curtilage or its setting.

### **3.27 Contemporary Design and Design Excellence of New Additions**

New additions to heritage assets, including new constructions in the vicinity of heritage significance, should be identifiable as having been designed and built in the present. New additions are to include contemporary design elements and materials as appropriate, as well as being sympathetic to identified heritage values. Designs should be executed with appropriate materials and finishes.

### **3.28 Reversibility of Works**

Alterations or extensions which do not contribute to the conservation of a heritage asset should be undertaken in such a way that they are reversible where practical.

### **3.29 Removal of Intrusive Elements**

Wherever practical, elements identified as being “intrusive” to the heritage significance of a heritage asset should be removed.

### **3.30 Removed fabric**

Significant fabric which has been removed from a heritage asset, including contents, fixtures and objects, should be catalogued and protected in accordance with its heritage significance. Where possible, and culturally appropriate, removed significant fabric should be kept at the heritage asset.

### **3.31 Meeting Modern Standards and Requirements**

When meeting modern standards and requirements State agencies need to minimise, to the greatest extent prudent or feasible, the impact on the heritage significance of a heritage asset. These requirements are:

- Environment/ Pollution Compliance – Department of Environment and Conservation;
- Disabled Access;
- Fire and Life Safety;
- Building Code of Australia;
- Occupational Health and Safety.

The Heritage Council’s Fire, Access and Services Advisory Panel is available to assist with these matters.

### **3.32 Services**

Services such as air-conditioning, lighting and information technology should be installed in heritage assets in ways that minimise negative impacts on heritage significance. Use of existing areas of intervention and installation to enable reversibility should occur wherever possible.

### **3.33 Inappropriate Short-Term Management**

Heritage values and important fabric should not be compromised by short-term decisions which allow inappropriate development, use, maintenance or refurbishment.

### **3.34 Documentation of Changes**

All changes must be documented. This information should be entered on the heritage data form, available from the Heritage Office, in the field titled “modifications and dates”.

## **USING HERITAGE ASSETS**

### **3.35 Use of Heritage Assets**

The continued use of an operational asset is important to maintain its heritage significance. Wherever possible, a State agency should endeavour to maintain that use. Where the retention of the use is not desirable or practical, the State agency should seek an adaptive re-use compatible with the asset's heritage significance. This will assist in its conservation and interpretation.

### **3.36 New Uses**

A heritage asset should have a use compatible with its heritage significance – a use which is consistent with the long-term conservation of the heritage asset. New uses which require significant changes and reduce an item's heritage significance should not be agreed to by a State agency .

### **3.37 The Community and Change of Use**

When determining uses for heritage assets, agencies should include as part of their overall considerations, the following community concerns:

- the interest of the community in the asset;
- means for harnessing community interest; and
- potential community opposition likely to be created by a change of use.

### **3.38 No Use**

In those exceptional cases where an asset, building or site cannot be used, it should be “mothballed” while a strategy to find a new use is developed and implemented. This entails the item being secured, weatherproofed and regularly monitored. Prior to this being done, the building and any movable objects

associated with it should be fully documented. Measures should be put in place to protect and conserve these heritage assets. Mothballing, however, should be considered as a last resort.

### **3.39 Adaptive Re-use**

In considering re-use options, State agencies should consider the following matters:

- the results of an examination to identify and implement options compatible with retaining an item's heritage significance;
- the significance of the site as a whole, not just the individual heritage asset. Consider the heritage significance of all the components of the site (and their interaction), for example, landscape, setting, views and vistas;
- the rarity of the heritage asset. Consider the number of similar assets of the same type to determine the cumulative impact of change;
- the intactness of the heritage asset and whether this intactness is rare and contributes to its significance.

### **3.40 Users of Heritage Assets**

Users of heritage assets should be made aware of heritage significance and conservation requirements and be required to use assets in a way which retains that heritage significance (this may include lease/contractual requirements).

## **MAINTAINING HERITAGE ASSETS**

### **3.41 General Approach to Conservation Works**

Conservation works to heritage assets should be planned and undertaken so that the heritage significance is conserved. Repairs should follow the *Burra Charter* principle: “do as much as necessary, but as little as possible”. Best practice conservation techniques should be used in repairing heritage assets.

### **3.42 Maintenance**

A State agency should regularly monitor, maintain, repair or store heritage assets so as to retard or prevent deterioration due to the effects of fire, vandalism, theft or weather. This will reduce the need for major repairs in accordance with the agency’s asset maintenance plan.

### **3.43 Skills for Asset Maintenance**

Professional and trade skills appropriate to the site or building’s fabric and significance should be employed in carrying out maintenance. This is essential to ensure protection of heritage values as well as optimal use of funding to carry out works.

### **3.44 Repairs and Heritage Significance**

Repairs should be planned and executed so that the significance of heritage assets is conserved. Wherever practical, existing elements and components should be conserved rather than replaced.

### **3.45 Repair Techniques**

Best practice conservation techniques should be used in repairing heritage assets to ensure further damage does not occur to the asset as a result of the repairs (see “3.41 General Approach to Conservation Works”).

### **3.46 Care and Due Diligence During Repairs**

Care and due diligence must be taken by a State agency’s management, staff and contactors so as not to destroy related features such as archaeological relics or significant vegetation.

### **3.47 Traditional Techniques**

Repairs to heritage assets should employ traditional materials and techniques wherever possible. Replacement components should match existing components as closely as possible but should, on close inspection, be identifiable as new. Modern materials and techniques should only be used where there is scientific evidence that supports their use over the long term.

### **3.48 Reconstruction**

Reconstruction is appropriate only where a heritage asset is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric. In rare cases, reconstruction may also be appropriate as part of a use or practice that retains the heritage significance of the heritage asset. Reconstruction should be identifiable on close inspection or through additional interpretation. Reconstruction should only relate to a small portion of a heritage asset.

### **3.49 Restoration**

Restoration is appropriate only if there is sufficient evidence of an earlier state of the fabric.

### **3.50 Recording of Works**

A record of all relevant documents, decisions and works undertaken should be maintained for each heritage asset.

## **MANAGING TRANSFER, DISPOSAL OR DEMOLITION OF HERITAGE ITEMS**

### **3.51 Actions Prior to Heritage Asset Transfer**

A State agency should use its best endeavours to have a heritage asset listed on the State Heritage Register and/or as a heritage item on a local environmental plan prior to disposal, where timeframes allow.

### **3.52 Actions Prior to the Transfer of State Heritage Register Items**

Prior to transferring items listed on the State Heritage Register, a State agency should ensure that there is a conservation management plan endorsed by the Heritage Council of NSW for the heritage asset.

Where circumstances make this impractical, the State agency should include in the contract of sale that the purchaser is required to prepare and submit a conservation management plan to the Heritage Council for endorsement within a reasonable timeframe after the sale, and preferably prior to any application for approval of development.

### **3.53 Heritage Act Requirements for Transfer of Assets**

A State agency should ensure that heritage asset transfer occurs in accordance with the notification provisions of section 170A of the Heritage Act. This states that a minimum of 14 days written notice must be provided to the Heritage Council before an agency transfers any item on its heritage and conservation register.

### **3.54 Community Benefit from Disposal of Heritage Assets**

An agency may consider disposing of a heritage asset at below market valuation where the conservation of the asset will occur as a result of the disposal.

The disposal of heritage assets at below market value requires the Treasurer's approval, under "Treasurer's Direction 469.01".

### **3.55 Establishing Significance Prior to Demolition**

A State agency needs to confirm the heritage significance of an item prior to deciding whether it should be demolished.

### **3.56 Demolition and Irreversible Changes to Heritage Assets**

Demolition of any heritage asset, or a substantial portion of that asset, should only be considered in exceptional circumstances, and only after establishing there is no prudent or feasible alternative to demolition. This option should be considered as the last resort. The following management options for heritage assets should be considered and demonstrated not to be viable prior to a decision to demolish a heritage asset:

- continue use of the asset in its present role;
- adaptive re-use by the instrumentality or another public or private sector user;
- transfer of the asset to a new owner;



- use or custodianship by a community group;
- stabilisation and mothballing for future use or conservation;
- stabilisation of a building, structure, work or landscape in a safe condition.

This assessment of alternatives should be included in project feasibility, assessment and approval documentation.

Note that the Heritage Act places restrictions on the total demolition of a heritage asset listed on the State Heritage Register – refer to section 63 of the Act.

### **3.57 Recording Prior to Demolition**

A State agency should record the asset prior to commencing demolition, in accordance with Heritage Office guidelines (see *How to Prepare Archives Records of Heritage Items* and *Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures*) and should lodge the record with the State Library and the local council library.

## 4. Implementation

### AGENCY IMPLEMENTATION

#### 4.1 Heritage Management

The management of heritage assets is a State agency service responsibility to be jointly managed with other service delivery responsibilities.

#### 4.2 Coordination of Heritage Management Activities

State agencies should explore and implement methods to improve the management of heritage assets through better coordination, including:

- coordination with other bodies, for example, other State agencies, peak heritage bodies and community groups;
- consideration of cross agency agreements and resource sharing.

### HERITAGE OFFICE ASSISTANCE

#### 4.3 Heritage Office Staff Contacts

The NSW Heritage Office has staff contacts specific for each State agency with identified heritage assets. For assistance in relation to these guidelines, please refer to the dedicated Heritage Office staff contact listed on the Heritage Office website. Also refer to the website to download a range of publications and general information to assist your work.

#### 4.4 State Agency Forums

The Heritage Office will hold State agency forums in cooperation with other State agencies to assist in the implementation of the *State-owned Heritage Management Principles* and *Heritage Asset Management Guidelines*.

#### 4.5 Variation to the Heritage Council's Guidelines

The Heritage Council will consider requests from individual State agencies to amend or vary any matters listed in these guidelines, where it can be demonstrated that their implementation is not prudent, feasible or where an alternative approach would deliver an acceptable heritage outcome.

### STATE AGENCY STAFF

#### 4.6 Use of Heritage and Conservation Registers

All State agency staff, including consultants and contractors, should be made aware of the information contained in the heritage and conservation register. They should also be aware of all management obligations arising from these guidelines, prior to carrying out any activity which may impact on the heritage significance of the heritage asset.

#### 4.7 Access to Heritage and Conservation Registers

Heritage and conservation registers should be available to all staff involved in asset management, including consultants and

contractors. It should be made available in a widely accessible electronic format.

#### **4.8 Staff Induction**

Inductions by State agencies of new staff involved in heritage asset management should address requirements related to the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines*.

#### **4.9 Staff Training**

State agencies should ensure that employees, contractors, consultants and companies employed to manage and undertake works to heritage assets are adequately trained in requirements related to the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines*.

#### **4.10 Direction, supervision and implementation**

For all requirements related to the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines*, State agencies should require that implementation take place by people with appropriate knowledge and skills.

It is recommended that State agencies develop and implement procedures or manuals to assist in the efficient compliance with the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines*.

#### **4.11 Contracts**

Contracts for works to heritage assets, including sub-contracts, should:

- require that contractors and workers be made aware of the significance of the asset and the practices required to

conserve the item. This may be done through induction procedures, project drawings or other means;

- require contractors and trades people to have the qualifications, skills and experience needed so that work does not damage the heritage asset, detract from its heritage significance, or result in work which will require later remedial action (due for example to the use of inappropriate construction techniques or materials);
- require that contractors and trades people are aware of, and comply with, the relevant matters arising from the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines*.

### **APPROVALS**

#### **4.12 Approvals for Works to Heritage Assets**

Statutory assessments and approvals should demonstrate compliance with the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines*.

This includes environmental impact statements (parts IV and V), development applications (part IV) and reviews of environmental factors (part V) that impact on a heritage asset, as well as applications for approval under the Heritage Act for items on the State Heritage Register

#### **4.13 Applications to the Heritage Council**

Applications for approval to the Heritage Council for extensive alterations to a heritage asset of State heritage significance should be accompanied by a conservation management plan for the asset.

For heritage assets of State heritage significance or items listed on the State Heritage Register, it is recommended that a

conservation management plan be submitted to the Heritage Council for endorsement prior to the making of an approvals application.

#### **4.14 Referral to the Heritage Council – State Significant Heritage Assets**

Proposals involving the alteration, disposal or demolition of heritage assets of State heritage significance (not listed on the State Heritage Register) should be referred to the Heritage Council for comment.

Note that the Heritage Council will provide comment to the State Agency within 40 days of receipt of the proposal.

### **RESOURCES AND FUNDING**

#### **4.15 Resources**

Budget bids by State agencies should reflect management requirements arising from the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines*. Such proposals will also be made in the context of community expectations for service delivery, and limitations to overall funding available through the Budget process.

#### **4.16 Funding Responsibility**

Maintenance of heritage assets should in general be incorporated into the overall maintenance strategy of the State agency as required by their total asset management policy. Maintenance of heritage assets often requires a mix of capital and recurrent funding. Funds for the maintenance of these assets should be applied for in the appropriate way through budget bids.

#### **4.17 Funding Considerations**

Agencies should seek guidance from Treasury analysts in the Resource Allocation Directorate of Treasury, to comply with the strategic management cycle and timeframe for the planning of activities.

#### **4.18 Funding Priorities**

State agencies should consider the following mix of factors in determining funding priorities:

- the conservation outcomes/objectives outlined in a State agency's heritage asset management strategy;
- the condition of the asset. Priority should be given to assets which will suffer significant deterioration in the short term (one to five years) and therefore risk generating higher relative deferred maintenance costs and reduced potential to conserve heritage significance;
- assets constructed of sandstone. This is due to the fabric typically having a high level of significance and typically generating high deferred maintenance costs;
- assets where adaptive re-use or disposal is unlikely to be viable in the short to medium term (for example, remote or rural areas);
- assets that are highly valued by the community.

#### **4.19 Special Funding Programs**

In preparing applications for funding to Treasury, State agencies could investigate the availability of special funding programs for government heritage assets, including:

- NSW across agency capital programs;
- NSW Department of Commerce Minister's Centenary Stone Conservation Program;
- Commonwealth programs.

## **PUBLIC OUTCOMES**

#### **4.20 Education and Promotion of Heritage Outcomes**

State agencies are encouraged to develop and implement public heritage promotion and education initiatives, highlighting the heritage outcomes achieved.

#### **4.21 Records and Archives**

Records about the history and conservation of a heritage asset should be conserved and made publicly available, where this is culturally appropriate, subject to requirements of security and privacy, and subject to the requirements of the State Records Act.

## **5. Monitor and Report**

### **5.1 Improving heritage management**

State agencies should monitor and report on the relevance, effectiveness and efficiency of their heritage asset management strategy and heritage assets in terms of service delivery and incorporate this feedback in a process of continual improvement.

### **5.2 Monitor Condition**

State agencies need to incorporate into their heritage asset management strategy a system to monitor and report the physical condition of heritage assets listed in a heritage and conservation register, and take prompt action to ensure heritage significance is not eroded.

When assets are added to the heritage and conservation register, the opportunity should be taken to add a condition statement which details recommendations and maintenance priorities.

### **5.3 Reporting**

Reporting is an effective basis for achieving continuous improvement within an agency's heritage asset management strategy and for setting budgetary priorities. State agencies should develop reporting regimes relevant to service delivery requirements, types of heritage assets and staff resources.

### **5.4 Promotion**

State agencies should take every opportunity to celebrate and promote their heritage estate.

### **5.5 Review of State-Owned Heritage Management Principles and Heritage Asset Management Guidelines**

The Heritage Office will carry out a review of the *State-Owned Heritage Management Principles* and *Heritage Asset Management Guidelines* after 12 months, taking into account feedback from State agencies.

## Strategic Asset Management – Individual Heritage Assets

The following matters are key considerations of strategic planning for individual heritage assets, and should be incorporated into site selection, project option assessment and value management exercises.

### 1) Asset Performance

- a) performance required from an asset;
- b) contribution asset is to make to service outcomes;
- c) ability of the heritage asset to deliver this performance;
- d) ability of a heritage asset to deliver an alternative service which has a lesser impact on its heritage significance;
- e) contribution the heritage asset makes to the community and/or the State's economic development;

- f) opportunities to achieve the conservation of the asset through service delivery.

### 2) Statutory Requirements

- a) determine all statutory controls;
- b) consider implications for use and changes;
- c) consider approval timeframes.

### 3) Needs of the Government

- a) interest of the Government in the asset;
- b) effect of Government Policy on re-use of the asset;
- c) current Government policy on heritage assets in a particular area.

## Heritage Asset Management Strategy – Asset Transfer Plan

Asset transfer plans should outline measures to maintain the significance of the heritage asset with transfer of ownership, including the following matters:

- a State agency should seek a compatible use for the heritage asset;
- the transferring State agency should ensure that the recipient is fully informed of, and understands, the heritage significance of the asset, any statutory or non-statutory heritage listings and their effect, and the management policies for the asset;
- a State agency should provide copies of the conservation management plan and any other relevant documents as part of the transfer documentation;
- the plan should include thorough documentation of the asset and management requirements for movable items;
- the plan should include recommendations for the management of land within the curtilage or setting of a heritage asset, where relevant;
- the plan should include recommendations for the treatment of archaeological remains;
- the plan should identify the type and degree of change that could occur;
- the transferring State agency should ensure that the heritage asset is secure and the risk of damage is minimised prior to, and during, the transfer process;
- where applicable (for example, in a lease), requirements are to include an appropriate level of maintenance to conserve heritage significance of the asset;
- where practicable, the transferring State agency should ensure that provision is made for public access and interpretation after transfer;
- consideration should be given to the preparation of individual asset transfer plans for heritage assets or a class of heritage assets.

Note: transfer of ownership, control and/or management includes short, medium or long-term transfer by lease, license or by placement under the care, control and/or management of a local council or community group or Crown Property Portfolio.



## Implementing the State Arms, Symbols & Emblems Act 2004

### Background

The *State Arms, Symbols and Emblems Act 2004* came into effect on 1<sup>st</sup> March 2004. The Act defines Royal Coats of Arms and State Coats of Arms as “part of the constitutional, legal, cultural and artistic heritage of the State”.

The Act prohibits the use of the State Arms or state symbols for commercial purposes without the authority of the Governor or the Attorney General. Use of the Royal Arms is similarly restricted by other protocols.

Many examples of the Royal Arms and State Arms on buildings and seals have been created with a high degree of craftsmanship and artistry, and have high levels of historical, social and aesthetic significance for the people of New South Wales.

### What are the basic requirements of the Act, and what is the role of the Heritage Council?

The Act requires all Royal Arms in State-owned buildings to be replaced, as soon as practicable, by the State Arms or a state symbol. This applies whenever the arms or symbol are being used to signify the authority of the Crown in right of New South Wales or the State of New South Wales. It does not apply where the Royal Arms are used for historical or heritage purposes.

Where the Royal Arms **form an integral part** of a heritage item, the Premier may, after consulting with the Heritage Council, decide that the Royal Arms can remain, but the State Arms must also be displayed in a prominent position.

All Royal Arms are to be removed from seals and documents, where they are used to signify the authority of the Crown in right of New South Wales or the State of New South Wales, and replaced by the State Arms or a state symbol by the 1<sup>st</sup> March 2007.

The Premier may, after consultation with the Heritage Council, decide where and how removed Royal Arms are to be housed and cared for.

### How do you know if a place displaying the Royal Arms, or the Royal Arms is a heritage item?

Check to see whether the place, object, seal or arms is listed in your heritage and conservation register, the State Heritage Register, the National Heritage List, a local environmental plan, or any other statutory heritage list.

Check to see whether the place, object, seal or arms has been identified in a heritage study of any sort, or if any community or

professional representations have been made concerning the heritage values of the place, object or arms.

Check to see whether the place, object, seal or arms has been listed on a community heritage list, such as the National Trust Register, the Royal Australian Institute of Architect's list of twentieth century buildings, the Institution of Engineers heritage list, the Professional Historians' Association heritage register, or has a plaque associated with it on account of its heritage values.

Commission a heritage assessment of the affected place, object, seal or arms.

### **How do you seek advice before removing any Royal Arms?**

Premier's "Circular 2004-23" gives the following guidance to agencies considering the removal of arms:

1. all agencies should review their operations to see whether any arms should be changed;
2. any changes should be introduced gradually to ensure that additional costs are minimised or avoided;
3. replacing Royal Arms in non-heritage places should be undertaken when refurbishments or structural alterations are being made;
4. all costs for changing arms have to be met from existing resources for proposed building works.

The agency CEO needs to advise the Minister where Royal Arms form an integral part of any heritage item controlled by their agency, and to set out reasons for the retention of the

Royal Arms. Such reasons might include the heritage listing of the place, object, seal or arms, or a heritage assessment of the place, object, seal or arms as being of heritage significance.

The Minister is then to advise the Premier in writing so that the Premier may consult with the Heritage Council. No arms should be removed until this advice has been received by the agency.

Prior to removing significant Royal Arms, the agency CEO must advise the Minister how the Royal Arms are to be housed, conserved and interpreted (for any arms in a sculptured, durable or other movable form). The Minister is then to advise the Premier in writing so that the Premier may consult with the Heritage Council as to the most appropriate ways of housing, conserving and interpreting the removed arms. No arms should be removed until this advice has been received by the agency.

### **What is to be done with removed Royal Arms?**

Removed arms are to be properly housed and conserved. They are not to be disposed of in an *ad hoc* manner. Generally, the following prioritisation for housing and conserving removed arms will form the basis of any Heritage Council advice to the Premier on this matter.

If the arms are assessed as being of state or national significance, they should be:

1. retained by the agency as part of its movable heritage collection, managed in accordance with a Heritage Council endorsed collections management policy, and

- housed in the same building for a historical or heritage purpose; or
2. offered to a State collecting institution, as defined in section 3 of the *State Records Act 1998*, or offered to State Records NSW, for inclusion in their collections or holdings; or
  3. offered to a state-wide or peak body of a constitutional, legal, cultural or artistic organisation for historical or heritage purposes including conservation, display and exhibition.

If the arms are assessed as being of local or regional significance, they should be:

1. retained by the agency as part of its movable heritage collection, managed in accordance with a Heritage Council endorsed collections management policy, and housed in the same building for a historical or heritage purpose, or at the least housed under the care and control of the agency in the locality or region to which they are of significance; or
2. offered to a relevant local government authority to conserve and display in premises under their care or control for historical or heritage purposes including conservation, display and exhibition; or
3. offered to a local or regional collecting institution, or to a constitutional, legal, cultural or artistic organisation operating locally or regionally, for historical or heritage purposes including conservation, display and exhibition;
4. in the event that none of the above can be achieved, the arms may be offered for public sale through a reputable auction house with demonstrated experience in dealing with culturally important objects.

If the arms are assessed as having no significance, they should be:

1. offered for public sale through a reputable auction house with demonstrated experience in dealing with culturally important objects.

The disposal of removed Royal Arms should be reported upon in the agency's annual report. The agency should give the Heritage Council not less than 14 days written notice before disposing of removed arms.

#### **General advice on replacement State Arms**

Where Royal Arms are replaced by State Arms, whether in, or on, heritage items or non-heritage places and objects, the replacement arms should be:

- of similar dimensions, materials and craftsmanship to the removed arms;
- fixed using the same fixing points as for the removed arms, and should convey the same sense of dignity and official status conveyed by the removed arms.

Where State Arms are to be installed in conjunction with existing Royal Arms, expert advice on possible installation locations and methods should be sought from the Heritage Office as early as possible during the planning stages, before any decisions are made.

Requirements under the Heritage Act for obtaining approvals from the Heritage Council for any works to an item listed on the State Heritage Register or subject to an interim heritage order are not voided or otherwise overcome by the operation of the State Arms, Symbols and Emblems Act. Similarly, requirements under the *Environmental Planning and*

*Assessment Act 1979* for obtaining approvals from a local council for any works to an item listed on the schedule of a local environmental plan or a draft schedule are not voided or otherwise overcome by the operation of the State Arms, Symbols and Emblems Act.

**Keeping a record of housing, conserving and disposing of removed arms**

A record should be made of all Royal Arms and State Arms identified by an agency for the purposes of the act. This will help the agency respond to points one and three of the Premier's Circular, and can form a component of the agency's heritage and conservation register prepared and maintained under the Heritage Act.

A record of each coat of arms should be made using the heritage data form (available from the Heritage Office), and include at least one photograph of the arms in their location before removal or relocation. Completed heritage data forms for each coat of arms should be lodged with the Heritage Office Library, which will maintain the forms as a record of official arms in New South Wales, and made available in the Library for public inspection. Advice received by the Heritage Council on the conservation, management and disposal of arms will be included in the record as it is received.

Management recommendations, as provided for in the heritage data form, should be carefully considered and completed, and be consistent with this guideline.