



Consent Requirements

for Heritage Items and Heritage Conservation Areas

This fact sheet provides general information about the consent process when planning changes, alterations or new works to a property which is listed as a heritage item or located within a Heritage Conservation Area.

When is consent required?

Demolition, moving, or altering the exterior of a heritage item or any property in a Conservation Area requires consent under Byron LEP 2014.

Works that require consent

The following works require Consent under Clause 5.10 of Byron LEP 2014:

1. Demolition, moving, altering the exterior, including altering the fabric, finish or appearance of a Heritage Item, Aboriginal object, or building, work, relic or Tree within a Heritage Conservation Area.
2. Altering a heritage item by making structural changes to the interior or changes to anything specified in the heritage listing of the item.
3. Disturbing or excavating an archaeological site or an Aboriginal place of heritage significance.
4. Erection of a building on land on which a heritage item is located or within a Heritage Conservation Area or on which an Aboriginal Object is located that is within an Aboriginal Place of Heritage Significance.
5. Subdivision of land on which a heritage item is located or within a Heritage Conservation Area or on which an Aboriginal Object is located that is within an Aboriginal Place of Heritage Significance.

Exempt development

There are a number of home improvements and minor developments that can be carried out without approval. These are known as 'Exempt Development'. Those that are permissible in relation to Heritage Items or within a Heritage Conservation Area are generally in the rear yard of the property and can include water tanks, access ramps, pergolas, and shade structures. Exempt development can be undertaken if it satisfies the requirements under State Environment Planning Policy (Exempt and Complying Development Codes) 2008 (known as the 'Codes SEPP').

The various types of exempt development, plus the setbacks, size limitations and other criteria that apply can be found at Planning NSW website or the Electronic Housing Code.

The zoning of your property can be found on the [NSW Planning Portal Spatial Viewer](#). Exempt building work must be structurally sound and meet the Building Code of Australia. Exempt buildings cannot be located over a sewer or storm water main, easement or effluent irrigation area. See full copy of the Codes SEPP.

Works of a minor nature and maintenance

Maintenance and work of a minor nature may also be permitted through a no fee, 'Minor Works and Maintenance' Application' under clause 5.10(3) subject to the following:

- The applicant must notify Council in writing of the proposed work, and Council must provide a written reply before work is commenced, advising that it is satisfied that the proposal is for maintenance or of a minor nature, and would not adversely affect the significance of the heritage item or the Conservation Area.
- The Minor Works and Maintenance application should be used to seek prior approval for proposed alterations to Fabric, Finish and Appearance such as re-roofing, and re-painting schemes, removal of any trees, appropriate fences in front setback areas, minor alterations including reinstatement of missing details as evidenced by old photos, and removal of unsympathetic additions such as enclosed elements on verandahs. Appropriate colour schemes must be used for Heritage Items and within Heritage Conservation Areas. Councils Development Control Plan policies restrict the use of bold, vivid, intense and neon colours. For details on heritage colours, see DCP 2014 Chapter C1 – Non Indigenous Heritage.

Advice

You can seek general advice through our website [Development Advice Services](#) page or contact the Development Support Officers on 02 6626 7025..

Heritage advisory service

For more specific questions, heritage advice is available using the [Heritage Advisory Service](#) online form.

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