

FREQUENTLY ASKED QUESTIONS

Standard Exemptions FAQs



Standard Exemptions Frequently Asked Questions

WHAT ARE STANDARD EXEMPTIONS?

The Minister responsible for heritage granted standard exemptions for a range of activities to all State Heritage Register and Interim Heritage Order items. This means that for many simple activities like painting or installing a fire alarm, owners do not need approval from Heritage NSW. The activities must have little to no impact on the significance of the heritage item and must support the items' day to day practical management. For further information on the standard exemptions, refer to the [Heritage NSW website](#).

WHEN CAN I USE STANDARD EXEMPTIONS?

You can carry out activities/works under the Standard Exemptions if:

- your item is listed on the State Heritage Register or subject to an Interim Heritage Order
- your activities/works are listed in the [Standard Exemptions schedule](#), and
- you can comply with all Standard Exemptions general conditions and the relevant standards for the activities/works you propose to do.

WHAT HAPPENED TO THE 2008 STANDARD EXEMPTIONS?

These Standard Exemptions have been repealed. They can no longer be used for activities/works.

DO NEW STANDARD EXEMPTIONS AFFECT EXISTING SITE SPECIFIC EXEMPTIONS?

No. Some heritage items have site specific exemptions or exemptions specific to the agency that manages those items, under the Heritage Act 1977. Some agencies hold delegation under the Act for SHR items. These site-specific exemptions, agency specific exemptions and delegations will continue to operate, remaining unchanged, alongside the new Standard Exemptions and approval pathways.

DO I NEED TO NOTIFY ANYONE OR SEND IN MY RECORD KEEPING DOCUMENTS?

If you are working under the Standard Exemptions, you do not need to notify Heritage NSW. However, you must keep a record of the decision you made when self-assessing if your activities/works could be done under a Standard Exemption and the works undertaken. This record does not need to be sent to Heritage NSW but must be kept for a reasonable period. You may be asked to provide the record later for audit and compliance purposes.

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SO, I DON'T NEED ANY APPROVAL TO WORK UNDER THE STANDARD EXEMPTIONS?

Work exempt from approval under the Heritage Act 1977 might still need approval under other Acts. For example:

- If the activities/works you propose to do are controlled under other legislation, you must seek the approval of the relevant body.
- If your item is listed on the Local Environmental Plan, you may need the consent of Council to proceed with your works.
- If Aboriginal objects are, or are likely to be present, or your works are within a declared Aboriginal Place, you may need an Aboriginal Heritage Impact Permit (AHIP) under the *National Parks and Wildlife Act 1974*.

HOW DO I KNOW WHAT IS SIGNIFICANT AND NON-SIGNIFICANT FABRIC?

Refer to the fact sheet [Significance and Significant Fabric](#) for information on these terms and where to find out the significance of your item and its fabric.

I AM (OR MY FAMILY OR FRIEND IS) A TRADIE, CAN THEY DO THE WORK I NEED?

If the person has skills and experience relevant to the activities/ works needed and can complete the task in accordance with the Standard Exemptions Schedule and relevant guidance, they can undertake the work.

THERE IS OLD FURNITURE IN MY HERITAGE ITEM, DO I NEED APPROVAL TO MOVE IT?

Only furniture and other items/objects specified in the State Heritage Register (SHR) listing or gazetted Interim Heritage Order (IHO) for the item, are controlled under the Heritage Act. Temporary movement of movable heritage specified in an SHR listing or IHO is provided for in the Standard Exemptions; permanent movement requires approval. If your old furniture is not specified in the SHR listing or IHO, you may move it at your discretion.

THE ONLY OPTION FOR ME TO INSTALL MY FIRE SYSTEM IS TO ATTACH IT TO SIGNIFICANT FABRIC – HOW CAN I DO THAT?

You will need to apply for approval through Heritage NSW prior to installing the system. Information on approvals and application forms are available on the website.

THE ORIGINAL PAINT COLOUR/TYPE IS NO LONGER AVAILABLE FOR ME TO REPAINT MY SIGNIFICANT FABRIC – WHAT DO I DO?

You will need to apply for approval through Heritage NSW to use a suitable alternative, prior to commencing work. Information on approvals and application forms are available on the website.

A TREE IS AT RISK OF FALLING ON MY BUILDING AND/OR IS A BUSHFIRE HAZARD. CAN I REMOVE IT?

If the tree is significant or forms part of the significance of the item, we recommend you seek the advice of a horticulturalist with heritage experience, to confirm the risk and advise on suitable solutions for retaining the significance of the heritage item. You cannot remove a significant tree under the Standard Exemptions and would need approval through Heritage NSW for such work.

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I REGULARLY USE TEMPORARY STRUCTURES FOR EVENTS THAT I HOLD AT MY HERITAGE ITEM AND CANNOT COMPLY WITH THE TIME LIMITS IN THE STANDARD EXEMPTIONS, WHAT SHOULD I DO?

We recommend that you seek a site-specific exemption for regular use of temporary structures at your heritage item. Alternatively, you can apply for approval through Heritage NSW for the regular use of the temporary structures. Information on approvals and application forms are available on the website.

DO I NEED APPROVAL TO CHANGE THE USE OF MY ITEM?

If the activities/works meet the following relevant standards it may be considered under the standard exemptions:

- Does not involve the alteration of fabric, layout or setting of the listed item
- Does not involve the cessation of the primary use for which the listed item was erected, a later significant use, or the loss of significant associations with the listed item by current users
- Does not involve a temporary use greater than 90 calendar days (inclusive of set-up and pack-down time).

MY WORKS ARE MINOR BUT DO NOT FIT WITHIN A STANDARD EXEMPTION, HOW DO I OBTAIN APPROVAL?

Activities/work that would have nil, little or a minor impact on the heritage significance of an item, and which are not exempt from approval, may be eligible for fast track approval. This is a shortened assessment and approval pathway, with applications determined within 21 days of acceptance of a complete application. Conditions and examples of types of eligible activities/works are provided on the website.

Image credit:

Aboriginal rock engravings, Finchley Aboriginal Area. Credit - Simone Cottrell.
Greycliffe House and scenic grounds, Nielsen Park. Credit - John Yurasek DPIE.
Heritage Trades workshop. Credit - Bottlebrush Media.

Version no. 2 May 2022

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