

Ms Tammy Dickson
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Dear Tammy,

Report on the On-line Consultation Session Regarding Heritage Curtilages

Held by Extent Heritage on behalf on Heritage NSW 10:30am 07/05/2026

In my role as chair of the heritage committee, I attended the first on-line Consultation Session in relation to the proposed revision of the current Heritage Curtilages guideline. I have summarised the session below. They are holding a repeat session next week after which a survey questionnaire will be distributed to all invited groups.

The Heritage Curtilages document was originally published in 1996 to assist stakeholders in understanding, identifying and assessing heritage curtilages. Heritage NSW intends to update the document to align with current publication standards, contemporary statutory processes and current heritage management frameworks.

The presentation was held to gain stakeholder perspectives. Local government representatives and peak industry and professional groups were invited. {It is noted that the Institute was not initially invited and had to seek out an invitation which implies the institute is not seen as a peak industry or professional group regarding heritage.}

The session explored key challenges, opportunities and priorities, with a particular focus on how curtilages are defined, understood and applied in practice. Suggestions were sought for case studies that could be included in the updated document.

To develop the new document the following steps are being undertaken
Literature review
Stakeholder consultation -the session was part of this step.
Reporting

Presentation began with an examination of the legislation that uses the term 'Curtilage' and the various ways it is defined. These documents included:

- The Standard Instrument
- Heritage Regulation 2012
- Heritage Act 1977
- National Parks and Wildlife Act 1974
- Cemeteries and Crematoria Act 2013, Schedule A
- Very Fast Train (Route Investigation) Act 1989

There are also other definitions e.g. dictionary definition as used in court case. Historic England definition, Heritage Asset Management Guidelines.

The definition in the existing document is;

"heritage curtilage" means the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance. It can apply to either:

- land which is integral to the heritage significance of items of the built heritage; or
- a precinct which includes buildings, works, relics, trees or places and their setting.

The team had also looked at similar terms including: heritage item, heritage conservation area, Aboriginal Area, Aboriginal place, place, boundary, extent of registration.

The team examined how the term is used and reported it was used to identify significance, define a spatial boundary and control development.

After a short break the existing publication was reviewed.

It was first prepared in 1992 and subsequently added to and published in 1996. At this time Interim and permanent conservation Orders could be made under the Heritage Act. LEP heritage schedules had been established via a Ministerial Direction in 1985 and State Agency heritage and conservation registers had been established in 1987. The State Heritage Register was not established until 1999 after the Heritage curtilage guideline had been produced which is interesting as most of the listing documents on the register include a Cartlidge plan.

Items that the existing Guideline includes were identified:

- Types of curtilages
- How to Establish curtilages through historical allotments, design style and taste, functional uses and interrelationships, visual links, scale, significant features, vegetation and archaeological features.
- How to manage curtilages through statutory controls, development control mechanisms, permitted uses, urban consolidation and streetscapes.

Several things were identified that are not included in the current guideline:

- Aboriginal cultural heritage
- Cultural landscapes
- Moveable items
- Intangible values
- Guidance on revising or reviewing curtilages
- Guidance on managing change within curtilages
- Guidance on spatial management tools

The meeting was then opened up for questions and comments. A summary of some of the responses are below:

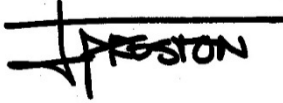
- In Australia important to recognize locations where Natural and Built areas overlap especially in areas of critically endangered ecological communities rare urban forest which is not covered by legislation.
- What about items that are Aboriginal cultural landscapes? Often tricky to define its curtilage. How the curtilage is defined would largely depend on its context. While the basic rule of thumb would be the area of significance or elements associated with the significance. Within a rural landscape, sightlines and viewsheds start to come into play and should be considered when defining curtilage.
- Significant cultural landscapes often extend beyond lot or cadastral boundaries. Grounds have significance for their demonstration of uses, movement and activities across that landscape. Not all heritage is built. Even in urban environments, views can be an important part of an item and its curtilage

- Views and setting form part of the significance of most items therefore a later fence and "non-significant" garden still forms part of the spatial setting of a building. The Lot DP has generally been used for ease of reference but agree that in some cases that the larger area of lot may not have a historical relationship with the building or in some cases the curtilage extends much wider than that lot.
- Redefining curtilage to consider these sightlines or viewsheds might go a long way to addressing "in the vicinity", because this aspect can sometimes be controversial and confusing.
- The curtilage should be determined according to the asset and its listing, as the type of asset—whether it is a built form or a place of significance—will define its setting. The necessary buffer zone must be considered and protected to support the attributes of the listing. this would include view from and to the item or protected by any special zoning in a standard instrument.
- On the question of whether a curtilage should only include fabric or land that "directly" contributes to the significance, as one who answered "no", I think it depends on the definition of "directly". I would say that the immediate (and sometimes wider) setting of an item does contribute "directly" to its significance, but I can see that that would have to be carefully defined so as to avoid misinterpretation by non-experts (and governments).
- For protection of cultural and natural significance and curtilage definition, the NSW Connecting with Country framework recommends valuing people needs and natural systems equally for environmental sustainability
- Have you also considered some definitions in the SEPP Complying Development that talks about works exempt on heritage items where the item is not located on the whole of the relevant land? this may affect associated significant areas outside of a building. This may be missed in your review because the SEPP does not use "curtilage" as a definition.
- cultural landscape is a more expansive area than curtilage which showcases the long term interaction between people and their environment. Cultural landscape should be considered!
- picking up on the current legislation really only applies to buildings, please can consideration be given also to rural settings and landscapes - not just simply urban context.
- the updated doc should consider cross-references to the Assessing Heritage Significance Guidelines so that a formal assessment is made in Heritage Assessments, and they will hopefully inform SHI inventory sheets, which we really rely on when making assessments.
- Maybe the new document should include case studies that explain different scenarios where a curtilage is defined by its stratum or boundary, such as the physical space within a set boundary. It could also provide examples where the curtilage is understood more holistically, with spatial meaning, and is defined by its setting and visual connection to the context.
- it might be useful to review the work undertaken for the Aerotropolis/Bradfield as there was a large focus on the landscape and cultural values associated with Aboriginal Cultural Heritage and its intersection with built heritage
- Defining a significant cultural landscape curtilage begins with a comprehensive heritage assessment. Drawing from its findings, the curtilage can reflect recognised cultural and natural values, visual and spatial values. Good to include guidance on how to define CL in the updates.it might be worthwhile looking at Historic England/English Heritage as they have been strong in protecting landscapes and archaeological areas
- In French planning law they are quite clear: In the absence of a defined perimeter, protection under the heading of surroundings applies to any building, built or unbuilt, visible from the historical monument or visible at the same time as it and located less than five hundred meters from it.

Following the on-line consultation sessions, a survey questionnaire will be distributed to all invited groups.

I would be happy to work further on this if required.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J PRESTON". The signature is stylized with a horizontal line above the letters and a vertical line on the left side.

Dr Jennifer Preston

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