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## ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

### CCL 22/11/2022 – SUPPLEMENTARY REPORT - ADOPTION OF NEWCASTLE HERITAGE POLICY

<b>PAGE 3</b>	<b>ITEM-98</b>	<b>Attachment A:</b>	Adoption of Newcastle Heritage Policy
<b>PAGE 19</b>	<b>ITEM-98</b>	<b>Attachment B</b>	Summary of Submissions – Newcastle Heritage Policy

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# Ordinary Council Meeting

22 November 2022



City of  
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**CCL 22/11/2022 – SUPPLEMENTARY REPORT - ADOPTION OF  
NEWCASTLE HERITAGE POLICY**

**ITEM - 98 Attachment A Newcastle Heritage Policy**

Page 2 Attachment A.1: Summary of Policy and tracked changes

Page 3 Attachment A.2: Newcastle Heritage Policy  
(tracked changes)

Page 16 Attachment A.3: Newcastle Heritage Policy  
(clean version)

# Ordinary Council Meeting

22 November 2022



City of  
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## **Attachment A.1**

**POLICY TITLE:** Newcastle Heritage Policy

**POLICY OWNERS:** Executive Director Planning and Environment / Manager  
Planning, Transport and Regulation

### **SUMMARY OF POLICY**

1. The Newcastle Heritage Policy (the Policy) was last adopted on 22 June 2013. The purpose of the Policy is to outline CN's commitment to heritage conservation through the identification, preservation, conservation, celebration and promotion of the city's rich cultural heritage.
2. The Policy has been updated to ensure alignment with the new Heritage Strategy 2020-2030, adopted in October 2020.

### **SUMMARY OF PROPOSED CHANGES TO POLICY**

3. The proposed Policy (with tracked changes) is set out at **Attachment A.2** and a clean version is at **Attachment A.3**.
4. The key differences between the revised Policy and CN's current Policy are as follows:
  - i. A strengthened commitment to recognise, acknowledge and celebrate Aboriginal culture and heritage (cl. 3.1.a);
  - ii. The research and publication of cultural knowledge and date is Indigenous-led, ethical and responsible, ensuring it has a positive impact on and for Indigenous people (cl. 3.1.b)
  - iii. The contribution of heritage to environmental sustainability and curtailing climate change (cl. 3.1.c);
  - iv. CN decision making and activities informed by CN engagement with local communities (cl. 3.1.e);
  - v. Maintaining a comprehensive inventory of moveable cultural heritage assets on the Collections Database (cl. 4.1.i); and
  - vi. Providing guidelines that encourages the on-going and adaptive reuse of heritage places that includes sensitive interventions to facilitate equitable access and onsite production of renewable energy (cl. 5.1.e).

# Newcastle Heritage Policy

July 2022

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City of  
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## INTRODUCTION

### 1 Purpose~~Background~~

1.1 The purpose of the Policy is to provide a statement of commitment by the City of Newcastle (CN) to the principles of heritage conservation.

~~4.1.2~~ The Policy underpins the identification, preservation, conservation, celebration, and promotion of the City's rich cultural heritage, based on the principles and processes of the Burra Charter and best practice.

~~4.2.1.3~~ The Policy recognises the importance and diversity of heritage, including Aboriginal cultural heritage; buildings; structures; precincts; streetscapes; monuments; memorials; moveable heritage; industrial and maritime relics; trees; archaeological sites and artefacts; objects and stories recorded~~items~~ in institutional collections; and the cultural landscapes that comprise the environment of the Newcastle Local Government Area (LGA).

~~4.3.1.4~~ The Policy is aligned with the Newcastle 2030 Community Strategic Plan, the Heritage Council of NSW Local Government Heritage Guidelines 2002, the NSW Heritage Office Recommendations for Local Council Heritage Management 2001 (revised 2009) and the Department of Environment and Climate Change NSW Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW 2010.

#### **Purpose**

~~4.4.1.1~~ The purpose of the Policy is to provide a statement of commitment by the City of Newcastle (CN) to the principles of heritage conservation.

### 2 **Scope**

2.1 The Policy applies to ~~the City of Newcastle~~ all CN Officials, and all works and activities of CN.

### 3 **Principles**

3.1 ~~Council will be guided by~~ CN commits itself to the following principles:

a) **Aboriginal culture and heritage** – Recognise, acknowledge, and celebrate Aboriginal peoples past and present as the first people of Australia and the Traditional Custodians of the land and waters of the Newcastle LGA, their Council acknowledges and respects local Aboriginal history, languages, spiritual beliefs, cultural heritage, and peoples, past an present and enduring reciprocal relationship with the land.

b) **Indigenous cultural heritage research** – the research and publication of cultural knowledge and data is Indigenous-led, ethical and responsible, ensuring it has a positive impact on and for Indigenous people. Cultural knowledge gathered from Aboriginal and Torres Strait Islander peoples must only be obtained with free, prior and informed consent. Indigenous Cultural and Intellectual Property (ICIP) rights are respected, with the rights of Aboriginal and Torres Strait Islander peoples to own and control their cultural heritage recognised and protected.

~~b)c)~~ **Contribution of heritage** – The heritage of the Newcastle LGA contributes to a liveable and distinct built environment, sustainable and inclusive global city, with protected and enhanced built and natural environment, great spaces and well-designed places, a connected and inclusive community, environmental sustainability and curtailing climate change.

~~c)~~ The heritage of the Newcastle local government area contributes to a protected and enhanced built and natural environment.

~~d)~~ The heritage of the Newcastle local government area contributes to a caring and inclusive community.

~~e)d)~~ **Sense of identity and place** – The heritage of the Newcastle LGA provides local



- character and enhances our distinctive sense of identity and place and reflects the rich history and cultural diversity of the Newcastle LGA.
- f) **Decision making and activities** – Newcastle’s culture, heritage and place are strengthened by CN Council decision making and activities and informed by CN engagement with local communities.
- g) **Heritage is evolving and dynamic** – The heritage of the Newcastle LGA and the different components of a place that may contribute to its heritage significance is evolving and dynamic, it may change over time and with use.
- h) **Long-term planning** – Newcastle’s heritage is considered in long-term planning for the Newcastle LGA.
- i) **Heritage management** – The principles and processes of the Burra Charter and best practice in heritage conservation underpin CN Council’s approach to heritage management including a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its heritage significance is retained. An understanding of heritage significance comes first, then development of Policy and finally management of the place in accordance with the Policy.
- j) ~~Council’s heritage program aligns with the Newcastle 2030 Community Strategic Plan, and relevant guidelines of the Office and Environment and Heritage and the Heritage Council of NSW.~~
- k) ~~Council’s heritage management framework is underpinned by best practice in heritage conservation.~~
- l) **CN’s heritage management framework** – The framework includes this Policy, CN’s Heritage Strategy 2020-2030, CN’s Heritage Strategy 2020-2030 Action Plan, CN’s Aboriginal Heritage Management Strategy 2018-21, CN’s Newcastle Archaeological Management Strategy, CN’s Heritage Places Strategic Plan and Plans of Management, Aboriginal Heritage Study: Newcastle Local Government Area 2005, Newcastle Archaeological Management Plan 1997, Newcastle Archaeological Management Plan Review 2013, Newcastle City Wide Heritage Study 1997, Newcastle Local Environmental Plan 2012, Newcastle Development Control Plan 2012 and Heritage Technical Manual. It is underpinned by the principles and processes of the Burra Charter and best practice in heritage conservation.
- m) **Alignment with CN strategies** – The Policy aligns with CN priorities outlined in the Newcastle Community Strategic Plan, CN’s Heritage Strategy 2020-2030, CN’s Heritage Strategy 2020-2030 Action Plan, CN’s Aboriginal Heritage Management Strategy 2018-21, CN’s Newcastle Archaeological Management Strategy and CN’s Heritage Places Strategic Plan and Plans of Management. It is recognised the Heritage Strategy 2020-2030 Action Plan is a live document, which aligns with CN’s delivery plan and is regularly reviewed as actions and tasks are completed and to reflect changes in Federal, State or Local priorities as well as resources and budgets.

## **APPROACH STRATEGIES**

### **4 Knowing our heritage**

#### 4.1 CN Council is committed to the following approach:

- a) Recognising, documenting and presenting the indigenous heritage of the city in partnership consultation with the Guraki Aboriginal Advisory Committee and the local Aboriginal and Torres Strait Islander communities.
- b) Engaging Actively consulting with the Guraki Aboriginal Advisory Committee and the local Aboriginal community, Local Aboriginal Land Councils, and other interested members of local Aboriginal and Torres Strait Islander communities,

- recognising the continuation of a vibrant and living indigenous heritage for future works and projects.
- c) Working with the Guraki Aboriginal Advisory Committee and the local Aboriginal communities to achieve the dual naming of sites and places across the Newcastle LGA as required.
  - d) Ensuring an on-going process for the identification and recording of all items and places of heritage significance across the Newcastle LGA, including historic streetscapes, village centres, heritage parks, natural areas, and residential areas.
  - e) Ensuring that the diversity of the city's heritage is recognised and represented in statutory heritage listings covering the spectrum of heritage items and places: including Aboriginal cultural heritage; buildings; structures; heritage parks; natural areas; precincts; streetscapes; monuments; memorials; industrial and maritime relics; trees; archaeological sites and artefacts; heritage items in institutional collections; and the cultural landscapes that comprise the environment of Newcastle.
  - f) Working with the community and stakeholders to obtain information that adds value to the process of identifying and assessing the heritage significance of new heritage items and places and heritage conservation areas.
  - g) Maintaining a comprehensive inventory of heritage items on CN Council's website, including current condition and heritage significance of heritage items and places.
  - h) Acknowledging the heritage value of objects in institutional collections such as libraries, galleries, and museums.
  - i) Maintaining a comprehensive inventory of moveable cultural heritage assets on the Collections Database.
  - j) Engaging with local communities at the concept design stage of CN assets projects and works, to identify cultural significance and incorporate where appropriate, high quality interpretative treatments of CN owned or managed sites that increase understanding of the heritage significance of such places in development projects.

## 5 Protecting our heritage

### 5.1 CN Council is committed to the following approach:

- a) Ensuring an on-going process for the statutory listing of items or places that have been assessed as having heritage significance.
- b) Ensuring that the diversity of heritage is represented in the statutory listing of heritage items and places.
- c) Ensuring that sites and places of Aboriginal cultural significance are statutorily protected.
- d) Providing guidelines for the management of heritage places that supports the conservation and preservation of heritage items and places including retaining the character of historic streetscapes, distinct village centres and residential areas.
- e) Providing guidelines that encourages for the on-going use and sympathetic recycling or adaptation of heritage items and places, including sensitive interventions to facilitate equitable access and on-site production of renewable energy.
- f) Producing guidelines that are based on the principles of the Burra Charter and world's best practice and technical expertise.
- g) Providing guidelines which facilitate effective due diligence assessment to identify and investigate known and potential Aboriginal cultural heritage affected sites.
- g) Maintaining an effective development assessment service to ensure heritage conservation and sites with archaeological and Aboriginal cultural heritage potential is-are given appropriate consideration in the development assessment process, and development is sympathetic to the heritage significance of the item or place. This includes those heritage items and places privately owned and listed in the heritage

schedule of the Newcastle Local Environmental Plan 2012 and the Newcastle Archaeological Management Plans of 1997 and 2013.

- i) The assessment of proposed maintenance, infrastructure and landscape works under CN's care and control gives appropriate consideration to heritage conservation, including heritage items and heritage conservation areas, heritage road assets, archaeological sites, and Aboriginal objects.
- ~~h)j)~~ Providing leadership and training so CN Officials ~~our employees~~ can implement policy and continuing to build the capacity of our workforce to protect and respect the city's heritage.
- ~~i)k)~~ Maintaining an effective compliance service to ensure heritage items and places are ~~is~~ protected and conserved ~~enhanced~~.

## 6 Supporting our heritage

6.1 ~~CN Council~~ is committed to the following approach:

- a) Providing incentives to support the restoration and repair of heritage items and places in private ownership.
- b) Providing technical expertise to assist with the conservation and longevity of heritage items and places.
- c) Ensuring zoning and other regulatory incentives are in place to enable the on-going use and occupation of heritage items.
- d) Providing the knowledge and resourcing ~~Building~~ capacity in the organisation to achieve positive heritage outcomes.
- e) Leading by example by sensitively maintaining and carefully managing heritage buildings and structures, parks and landscapes, heritage conservation areas and archaeological sites listed in the heritage schedule of the Newcastle Local Environmental Plan 2012 and the Newcastle Archaeological Management Plans of 1997 and 2013, heritage road assets, and heritage related collections under C ~~N Council's~~ care and control using the processes of conservation as defined in the Australia ICOMOS Burra Charter.
- f) Encouraging innovation in the business sector, art, and creative communities to enable the interpretation and adaptive re-use of heritage items.
- g) Seeking external sources of funding for heritage projects across ~~CN Council~~.
- h) Providing advice and support to the private sector and heritage property owners in attracting funding for the management of heritage items.
- i) Providing support to Local Aboriginal Land Councils and other interested members of the local Aboriginal communities to respectfully repatriate ancestral human remains, objects, artefacts and relics back to Country.
- j) Ensure that works to CN owned or managed sites with Aboriginal cultural heritage potential proceeds with caution, with any unexpected Aboriginal objects discovered during works (which are additional to the assessment or approval), are identified by the works team and the National Parks and Wildlife Act 1974 followed to cease work in the immediate vicinity of the discovery and notify the Heritage Council of NSW, to determine appropriate course of action before recommencement of work in the area of the discovery.
- ~~i)k)~~ Ensure that works to CN owned or managed sites with archaeological potential proceeds with caution, with any unexpected archaeological deposits or relics discovered during works (which are additional to the assessment or approval), are identified by the works team and the Heritage Act 1977 followed to cease work in the immediate vicinity of the discovery and notify the Heritage Council of NSW, to determine appropriate course of action before recommencement of work in the area of the discovery.

## 7 Promoting our heritage

### 7.1 Council is committed to the following approach:

- a) Working with local ~~the~~ Aboriginal communities esy to raise awareness of the indigenous history, sites, languages, and cultures of the Newcastle LGA.
- b) Engage with local Aboriginal communities to incorporate Aboriginal cultural information and content in CN asset projects and works where appropriate.
- c) Work with local Indigenous communities to co-curate exhibitions, shows and performances for public consumption at CN's cultural institutions which includes Aboriginal and Torres Strait Islander narratives and culture.
- b)d) Encouraging, sharing, and promoting the value of heritage items and places to the environmental, social, and economic wellbeing of the Newcastle LGA.
- e)e) Encouraging high quality interpretative treatments and archival record of heritage items and places, and archaeological sites that increases understanding of the heritage significance of such places in development projects ~~and supporting community events that promote Newcastle's heritage.~~
- d)f) Raising awareness of the contribution of heritage in achieving environmental sustainability by conserving the embodied energy in buildings and reducing building waste sent to landfill.
- e)g) Promoting the heritage of Newcastle as a drawcard for tourism ~~and film activity~~, creativity, and design innovation, and as a generator of economic development.
- f)h) Collaborating with stakeholders in activities that celebrate and increase awareness of Newcastle's heritage including heritage groups, business incubation bodies, collection and education institutions, and the wider community.
- g)i) Promoting the invigoration of heritage places and items as a potential stimulator of economic activity across all sectors of the city.
- h)j) Promoting the benefits of owning heritage items to relevant property owners.
- h)k) Promoting the value of and collecting stories and oral histories that present a lived historical experience.
- j)l) Promoting the services Council provides for family and local studies, photographic collections, historical data, artwork, and reference material that demonstrate local heritage value and supports the community's desire for heritage information.
- m) Supporting community events that promote Newcastle's cultural heritage.

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## ROLES AND RESPONSIBILITIES

### 8 Leadership Team

8.1 The Leadership Team are responsible for:

- a) Supporting Council Officials to apply the principles and approach of this Policy.
- b) Ensuring compliance with this Policy.
- c) Implementation of the actions and tasks identified in the Heritage Strategy 2020-2030 Action Plan.

### 9 CN Officials

9.1 CN Officials are responsible for:

- a) Familiarising themselves with this Policy.
- b) Consideration of heritage in decision making, and day-to-day operations.
- c) Integrating the principles and the approach of this Policy into day-to-day operations and decision-making processes.

## COMPLIANCE, MONITORING AND REVIEW

### 10 Reporting

10.1 No reporting is required.

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## ANNEXURE A - DEFINITIONS

**Aboriginal cultural significance** means the living, traditional and historical practices, representations, expressions, beliefs, knowledge, and skills (together with the associated environment, landscape, places, objects, ancestral remains and materials) that Aboriginal people value as part of their cultural heritage and identity, an item, place or object that has special meaning to Aboriginal and Torres Strait Islander people or persons.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Archaeological Site** means a place that contains one or more relics. Relic means any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance.

**Burra Charter** means the publication - Australia ICOMOS the Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013.

**CEO** means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

**City of Newcastle (CN) Council** means Newcastle City Council.

**CN Official** means a Councillor, CN employee (including part-time, temporary or casual staff), individuals engaged by CN under a contract (including consultants and contractors); or individuals who have public official functions.

**Collections Database** means a digital inventory of moveable cultural heritage assets of significance to the people of Newcastle and the Hunter Region, acquired by and under the custodianship of City of Newcastle's collecting institutions, including works of art, ceramics, museum artefacts, natural history, archaeological material, Aboriginal objects, paper-based records, newspapers, archives, books, maps, photographs, plans, family history research, and oral history.

**Conservation** means all of the processes of looking after a place so as to retain its heritage significance caring for heritage items as defined by the Burra Charter including retention or reintroduction of use, retention of associations and meanings, maintenance, stabilisation, preservation, restoration, reconstruction, adaptation, and interpretation.

**Heritage Conservation Area** means an area of land containing a group of buildings and elements that has been identified collectively as having heritage significance and is listed on the heritage schedule of the Newcastle Local Environmental Plan 2012 or the State Heritage Register.

**Heritage Item** means a place, building, work, relic, tree, moveable object, archaeological site, precinct, or other item of the environment that has been identified as having heritage significance and is listed on the heritage schedule of the Newcastle Local Environmental Plan 2012 or the State Heritage Register.

**Heritage Road Asset** means an infrastructure asset located in the public domain under the care and control of City of Newcastle which is of heritage significance. Includes cross hatch and rising sun pavers, concrete flagstone paving, etched concrete footways and driveways, sandstone culverts and brick surface drains, sandstone walls and steps, and sandstone kerbs and gutters.

**Heritage significance** means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. It is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

**Indigenous Cultural and Intellectual Property (ICIP)** means the rights that Indigenous

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people have and want to have to protect all aspects of Indigenous peoples' cultural heritage, including the tangible and intangible. It includes, but is not limited to, traditional knowledge and stories, traditional cultural expression, performances, cultural objects, human remains, the secret and sacred material and information, and documentation of Indigenous peoples' heritage in all forms of media.

**Leadership Team** means the CEO, Directors, and Service Unit Managers of CN.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

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**ANNEXURE B - POLICY AUTHORISATIONS**

Title of authorisation	Description of authorisation	Position Number & Title
Nil.		

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**DOCUMENT CONTROL**

Policy title	Newcastle Heritage Policy
Policy owner	Manager Planning, Transport and Regulation
Policy expert/writer	Heritage Planner
Associated Guideline or Procedure Title	Nil.
Guideline or Procedure owner	N/A
Prepared by	Planning, Transport and Regulation
Approved by	Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next review date	To be completed by Legal
Termination date	To be completed by Legal (one year post revision date)
Version #	Version number 3
Category	Planning, Development and Local Approvals
Details of previous versions	Version #2 – ECM: 4356404
Keywords	Conservation, preservation, heritage, heritage management, heritage assets, Aboriginal cultural heritage, culture, best practice, Burra Charter
Relevant strategy	Newcastle Community Strategic Plan Heritage Strategy 2020-2030 Heritage Strategy 2020-2030 Action Plan Aboriginal Heritage Management Strategy 2018-21 Newcastle Archaeological Management Strategy Heritage Places Strategic Plan and Plans of Management
Relevant legislation/codes (reference specific sections)	This Policy supports CN's compliance with the following legislation: <ul style="list-style-type: none"> <li>– <i>Environmental Planning and Assessment Act 1979</i></li> <li>– <i>National Parks and Wildlife Act 1974</i></li> <li>– <i>Heritage Act 1977</i></li> <li>– <i>Local Government Act 1993</i></li> <li>– Australia ICOMOS The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013</li> <li>– Department of Environment, Climate Change &amp; Water NSW Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW 2010</li> <li>– NSW Heritage Office Local Government Heritage Guidelines 2002</li> <li>– NSW Office of Environment &amp; Heritage Recommendations for Local Council Heritage</li> </ul>

	Management 2013
Other related documents	Aboriginal Heritage Study: Newcastle Local Government Area 2005 City of Newcastle Reconciliation Action Plan 2021-2024 Newcastle Archaeological Management Plan 1997 Newcastle Archaeological Management Plan Review 2013 Newcastle City Wide Heritage Study 1997 Newcastle Local Environmental Plan 2012 Newcastle Development Control Plan 2012 & Heritage Technical Manual
Related forms	Nil.
Required on website	Yes
Authorisations	Functions authorised under this Policy at Annexure B

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# Newcastle Heritage Policy

July 2022

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## INTRODUCTION

### 1 Purpose

- 1.1 The purpose of the Policy is to provide a statement of commitment by the City of Newcastle (CN) to the principles of heritage conservation.
- 1.2 The Policy underpins the identification, preservation, conservation, celebration, and promotion of the City's rich cultural heritage, based on the principles and processes of the Burra Charter and best practice.
- 1.3 The Policy recognises the importance and diversity of heritage, including Aboriginal cultural heritage; buildings; structures; precincts; streetscapes; monuments; memorials; moveable heritage; industrial and maritime relics; trees; archaeological sites and artefacts; objects and stories recorded in institutional collections; and the cultural landscapes that comprise the environment of the Newcastle Local Government Area (LGA).

### 2 Scope

- 2.1 The Policy applies to all CN Officials, and all works and activities of CN.

### 3 Principles

- 3.1 CN commits itself to the following principles:
  - a) **Aboriginal culture and heritage** – Recognise, acknowledge, and celebrate Aboriginal peoples past and present as the first people of Australia and the Traditional Custodians of the land and waters of the Newcastle LGA, their local Aboriginal history, languages, spiritual beliefs, cultural heritage, and enduring reciprocal relationship with the land.
  - b) **Indigenous cultural heritage research** – the research and publication of cultural knowledge and data is Indigenous-led, ethical and responsible, ensuring it has a positive impact on and for Indigenous people. Cultural knowledge gathered from Aboriginal and Torres Strait Islander peoples must only be obtained with free, prior and informed consent. Indigenous Cultural and Intellectual Property (ICIP) rights are respected, with the rights of Aboriginal and Torres Strait Islander peoples to own and control their cultural heritage recognised and protected.
  - c) **Contribution of heritage** – The heritage of the Newcastle LGA contributes to a liveable, sustainable and inclusive global city, with protected and enhanced built and natural environment, great spaces and well-designed places, a connected and inclusive community, environmental sustainability and curtailing climate change.
  - d) **Sense of identity and place** – The heritage of the Newcastle LGA provides local character and enhances our distinctive sense of identity and place and reflects the rich history and cultural diversity of the Newcastle LGA.
  - e) **Decision making and activities** – Newcastle's culture, heritage and place are strengthened by CN decision making and activities and informed by CN engagement with local communities.
  - f) **Heritage is evolving and dynamic** – The heritage of the Newcastle LGA and the different components of a place that may contribute to its heritage significance is evolving and dynamic, it may change over time and with use.
  - g) **Long-term planning** – Newcastle's heritage is considered in long-term planning for the Newcastle LGA.
  - h) **Heritage management** – The principles and processes of the Burra Charter and best practice in heritage conservation underpin CN's approach to heritage management including a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its heritage significance is retained. An understanding of heritage significance comes first, then development of Policy and finally management of the

place in accordance with the Policy.

- i) **CN's heritage management framework** – The framework includes this Policy, CN's Heritage Strategy 2020-2030, CN's Heritage Strategy 2020-2030 Action Plan, CN's Aboriginal Heritage Management Strategy 2018-21, CN's Newcastle Archaeological Management Strategy, CN's Heritage Places Strategic Plan and Plans of Management, Aboriginal Heritage Study: Newcastle Local Government Area 2005, Newcastle Archaeological Management Plan 1997, Newcastle Archaeological Management Plan Review 2013, Newcastle City Wide Heritage Study 1997, Newcastle Local Environmental Plan 2012, Newcastle Development Control Plan 2012 and Heritage Technical Manual. It is underpinned by the principles and processes of the Burra Charter and best practice in heritage conservation.
- j) **Alignment with CN strategies** – The Policy aligns with CN priorities outlined in the Newcastle Community Strategic Plan, CN's Heritage Strategy 2020-2030, CN's Heritage Strategy 2020-2030 Action Plan, CN's Aboriginal Heritage Management Strategy 2018-21, CN's Newcastle Archaeological Management Strategy and CN's Heritage Places Strategic Plan and Plans of Management. It is recognised the Heritage Strategy 2020-2030 Action Plan is a live document, which aligns with CN's delivery plan and is regularly reviewed as actions and tasks are completed and to reflect changes in Federal, State or Local priorities as well as resources and budgets.

## APPROACH

### 4 Knowing our heritage

#### 4.1 CN is committed to the following approach:

- a) Recognising, documenting and presenting the indigenous heritage of the city in partnership with the Guraki Aboriginal Advisory Committee and the local Aboriginal and Torres Strait Islander communities.
- b) Engaging with the Guraki Aboriginal Advisory Committee, Local Aboriginal Land Councils, and other interested members of local Aboriginal and Torres Strait Islander communities, recognising the continuation of a vibrant and living indigenous heritage for future works and projects.
- c) Working with the Guraki Aboriginal Advisory Committee and the local Aboriginal communities to achieve the dual naming of sites and places across the Newcastle LGA as required.
- d) Ensuring an on-going process for the identification and recording of all items and places of heritage significance across the Newcastle LGA, including historic streetscapes, village centres, heritage parks, natural areas, and residential areas.
- e) Ensuring that the diversity of the city's heritage is recognised and represented in statutory heritage listings covering the spectrum of heritage items and places: including Aboriginal cultural heritage; buildings; structures; heritage parks; natural areas; precincts; streetscapes; monuments; memorials; industrial and maritime relics; trees; archaeological sites and artefacts; heritage items in institutional collections; and the cultural landscapes that comprise the environment of Newcastle.
- f) Working with the community and stakeholders to obtain information that adds value to the process of identifying and assessing the heritage significance of new heritage items and places and heritage conservation areas.
- g) Maintaining a comprehensive inventory of heritage items on CN's website, including current condition and heritage significance of heritage items and places.
- h) Acknowledging the heritage value of objects in institutional collections such as libraries, galleries, and museums.



- i) Maintaining a comprehensive inventory of moveable cultural heritage assets on the Collections Database.
- j) Engaging with local communities at the concept design stage of CN assets projects and works, to identify cultural significance and incorporate where appropriate, high quality interpretative treatments of CN owned or managed sites that increase understanding of the heritage significance of such places in development projects.

## **5 Protecting our heritage**

### **5.1 CN is committed to the following approach:**

- a) Ensuring an on-going process for the statutory listing of items or places that have been assessed as having heritage significance.
- b) Ensuring that the diversity of heritage is represented in the statutory listing of heritage items and places.
- c) Ensuring that sites and places of Aboriginal cultural significance are statutorily protected.
- d) Providing guidelines for the management of heritage places that supports the conservation and preservation of heritage items and places including retaining the character of historic streetscapes, distinct village centres and residential areas.
- e) Providing guidelines that encourages the on-going use and sympathetic recycling or adaptation of heritage items and places, including sensitive interventions to facilitate equitable access and on-site production of renewable energy.
- f) Producing guidelines that are based on the principles of the Burra Charter and world's best practice and technical expertise.
- g) Providing guidelines which facilitate effective due diligence assessment to identify and investigate known and potential Aboriginal cultural heritage affected sites.
- h) Maintaining an effective development assessment service to ensure heritage conservation and sites with archaeological and Aboriginal cultural heritage potential are given appropriate consideration in the development assessment process, and development is sympathetic to the heritage significance of the item or place. This includes those heritage items and places privately owned and listed in the heritage schedule of the Newcastle Local Environmental Plan 2012 and the Newcastle Archaeological Management Plans of 1997 and 2013.
- i) The assessment of proposed maintenance, infrastructure and landscape works under CN's care and control gives appropriate consideration to heritage conservation, including heritage items and heritage conservation areas, heritage road assets, archaeological sites, and Aboriginal objects.
- j) Providing leadership and training so our CN Officials can implement policy and continue to build the capacity of our workforce to protect and respect the city's heritage.
- k) Maintaining an effective compliance service to ensure heritage items and places are protected and conserved.

## **6 Supporting our heritage**

### **6.1 CN is committed to the following approach:**

- a) Providing incentives to support the restoration and repair of heritage items and places in private ownership.
- b) Providing technical expertise to assist with the conservation and longevity of heritage items and places.
- c) Ensuring zoning and other regulatory incentives are in place to enable the on-going use and occupation of heritage items.
- d) Providing the knowledge and resourcing capacity in the organisation to achieve positive heritage outcomes.

- e) Leading by example by sensitively maintaining and managing heritage buildings and structures, parks and landscapes, heritage conservation areas and archaeological sites listed in the heritage schedule of the Newcastle Local Environmental Plan 2012 and the Newcastle Archaeological Management Plans of 1997 and 2013, heritage road assets, and heritage related collections under CN's care and control using the processes of conservation as defined in the Australia ICOMOS Burra Charter.
- f) Encouraging innovation in the business sector, art, and creative communities to enable the interpretation and adaptive reuse of heritage items.
- g) Seeking external sources of funding for heritage projects across CN.
- h) Providing advice and support to the private sector and heritage property owners in attracting funding for the management of heritage items.
- i) Providing support to Local Aboriginal Land Councils and other interested members of the local Aboriginal communities to respectfully repatriate ancestral human remains, objects, artefacts and relics back to Country.
- j) Ensure that works to CN owned or managed sites with Aboriginal cultural heritage potential proceeds with caution, with any unexpected Aboriginal objects discovered during works (which are additional to the assessment or approval), are identified by the works team and the National Parks and Wildlife Act 1974 followed to cease work in the immediate vicinity of the discovery and notify the Heritage Council of NSW, to determine appropriate course of action before recommencement of work in the area of the discovery.
- k) Ensure that works to CN owned or managed sites with archaeological potential proceeds with caution, with any unexpected archaeological deposits or relics discovered during works (which are additional to the assessment or approval), are identified by the works team and the Heritage Act 1977 followed to cease work in the immediate vicinity of the discovery and notify the Heritage Council of NSW, to determine appropriate course of action before recommencement of work in the area of the discovery.

## **7 Promoting our heritage**

### **7.1 CN is committed to the following approach:**

- a) Working with local Aboriginal communities to raise awareness of the indigenous history, sites, languages, and cultures of the Newcastle LGA.
- b) Engage with local Aboriginal communities to incorporate Aboriginal cultural information and content in CN asset projects and works where appropriate.
- c) Work with local Indigenous communities to co-curate exhibitions, shows and performances for public consumption at CN's cultural institutions which includes Aboriginal and Torres Strait Islander narratives and culture.
- d) Encouraging, sharing, and promoting the value of heritage items and places to the environmental, social, and economic wellbeing of the Newcastle LGA.
- e) Encouraging high quality interpretative treatments and archival record of heritage items and places, and archaeological sites that increases understanding of the heritage significance of such places in development projects.
- f) Raising awareness of the contribution of heritage in achieving environmental sustainability by conserving the embodied energy in buildings and reducing building waste sent to landfill.
- g) Promoting the heritage of Newcastle as a drawcard for tourism, creativity, and design innovation, and as a generator of economic development.
- h) Collaborating with stakeholders in activities that celebrate and increase awareness of Newcastle's heritage including heritage groups, business incubation bodies, collection and education institutions, and the wider community.

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- i) Promoting the invigoration of heritage places and items as a potential stimulator of economic activity across all sectors of the city.
  - j) Promoting the benefits of owning heritage items to relevant property owners.
  - k) Promoting the value of and collecting stories and oral histories that present a lived historical experience.
  - l) Promoting the services CN provides for family and local studies, photographic collections, historical data, artwork, and reference material that demonstrate local heritage value and supports the community's desire for heritage information.
  - m) Supporting community events that promote Newcastle's cultural heritage.

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## ROLES AND RESPONSIBILITIES

### 8 Leadership Team

8.1 The Leadership Team are responsible for:

- a) Supporting Council Officials to apply the principles and approach of this Policy.
- b) Ensuring compliance with this Policy.
- c) Implementation of the actions and tasks identified in the Heritage Strategy 2020-2030 Action Plan.

### 9 CN Officials

9.1 CN Officials are responsible for:

- a) Familiarising themselves with this Policy.
- b) Consideration of heritage in decision making, and day-to-day operations.
- c) Integrating the principles and the approach of this Policy into day-to-day operations and decision-making processes.

## COMPLIANCE, MONITORING AND REVIEW

### 10 Reporting

10.1 No reporting is required.

## ANNEXURE A - DEFINITIONS

**Aboriginal cultural significance** means the living, traditional and historical practices, representations, expressions, beliefs, knowledge, and skills (together with the associated environment, landscape, places, objects, ancestral remains and materials) that Aboriginal people value as part of their cultural heritage and identity.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Archaeological Site** means a place that contains one or more relics. Relic means any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance.

**Burra Charter** means the publication - Australia ICOMOS the Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013.

**CEO** means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

**City of Newcastle (CN)** means Newcastle City Council.

**CN Official** means a Councillor, CN employee (including part-time, temporary or casual staff), individuals engaged by CN under a contract (including consultants and contractors); or individuals who have public official functions.

**Collections Database** means a digital inventory of moveable cultural heritage assets of significance to the people of Newcastle and the Hunter Region, acquired by and under the custodianship of City of Newcastle's collecting institutions, including works of art, ceramics, museum artefacts, natural history, archaeological material, Aboriginal objects, paper-based records, newspapers, archives, books, maps, photographs, plans, family history research, and oral history.

**Conservation** means all of the processes of looking after a place so as to retain its heritage significance as defined by the Burra Charter including retention or reintroduction of use, retention of associations and meanings, maintenance, preservation, restoration, reconstruction, adaptation, and interpretation.

**Heritage Conservation Area** means an area of land containing a group of buildings and elements that has been identified collectively as having heritage significance and is listed on the heritage schedule of the Newcastle Local Environmental Plan 2012 or the State Heritage Register.

**Heritage Item** means a place, building, work, relic, tree, moveable object, archaeological site, precinct, or other item of the environment that has been identified as having heritage significance and is listed on the heritage schedule of the Newcastle Local Environmental Plan 2012 or the State Heritage Register.

**Heritage Road Asset** means an infrastructure asset located in the public domain under the care and control of City of Newcastle which is of heritage significance. Includes cross hatch and rising sun pavers, concrete flagstone paving, etched concrete footways and driveways, sandstone culverts and brick surface drains, sandstone walls and steps, and sandstone kerbs and gutters.

**Heritage significance** means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. It is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

**Indigenous Cultural and Intellectual Property (ICIP)** means the rights that Indigenous people have and want to have to protect all aspects of Indigenous peoples' cultural heritage,

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including the tangible and intangible. It includes, but is not limited to, traditional knowledge and stories, traditional cultural expression, performances, cultural objects, human remains, the secret and sacred material and information, and documentation of Indigenous peoples' heritage in all forms of media.

**Leadership Team** means the CEO, Directors, and Service Unit Managers of CN.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

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**ANNEXURE B - POLICY AUTHORISATIONS**

Title of authorisation	Description of authorisation	Position Number & Title
Nil.		

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## DOCUMENT CONTROL

Policy title	Newcastle Heritage Policy
Policy owner	Manager Planning, Transport and Regulation
Policy expert/writer	Heritage Planner
Associated Guideline or Procedure Title	Nil.
Guideline or Procedure owner	N/A
Prepared by	Planning, Transport and Regulation
Approved by	Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next review date	To be completed by Legal
Termination date	To be completed by Legal (one year post revision date)
Version #	Version number 3
Category	Planning, Development and Local Approvals
Details of previous versions	Version #2 – ECM: 4356404
Keywords	Conservation, preservation, heritage, heritage management, heritage assets, Aboriginal cultural heritage, culture, best practice, Burra Charter
Relevant strategy	Newcastle Community Strategic Plan Heritage Strategy 2020-2030 Heritage Strategy 2020-2030 Action Plan Aboriginal Heritage Management Strategy 2018-21 Newcastle Archaeological Management Strategy Heritage Places Strategic Plan and Plans of Management
Relevant legislation/codes (reference specific sections)	This Policy supports CN's compliance with the following legislation: <ul style="list-style-type: none"> <li>– <i>Environmental Planning and Assessment Act 1979</i></li> <li>– <i>National Parks and Wildlife Act 1974</i></li> <li>– <i>Heritage Act 1977</i></li> <li>– <i>Local Government Act 1993</i></li> <li>– Australia ICOMOS The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013</li> <li>– Department of Environment, Climate Change &amp; Water NSW Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW 2010</li> <li>– NSW Heritage Office Local Government Heritage Guidelines 2002</li> <li>– NSW Office of Environment &amp; Heritage Recommendations for Local Council Heritage</li> </ul>



	Management 2013
Other related documents	Aboriginal Heritage Study: Newcastle Local Government Area 2005 City of Newcastle Reconciliation Action Plan 2021-2024 Newcastle Archaeological Management Plan 1997 Newcastle Archaeological Management Plan Review 2013 Newcastle City Wide Heritage Study 1997 Newcastle Local Environmental Plan 2012 Newcastle Development Control Plan 2012 & Heritage Technical Manual
Related forms	Nil.
Required on website	Yes
Authorisations	Functions authorised under this Policy at Annexure B

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## Attachment B – Summary of Submissions – Newcastle Heritage Policy 2022

A total of five submissions were received: one organisation submission and four individual submissions

No.	Ref. No.	Issues raised	CN comment
1	7524458 Individual	Concern with Council's piecemeal approach.	Concerns are noted. No change.  The purpose of the updated Heritage Policy is to provide a strengthened and rational set of rules made by City of Newcastle (CN) for rational decision-making with regards to Newcastle's heritage.
2	7524443 Individual	Concern that the policy does not do enough to meet climate change goals. Suggest a clause that allows council to balance heritage issues with other issues like climate change. For example, allowing installation of solar panels in heritage conservation areas.	Concerns are noted. No change.  The updated Heritage Policy facilitates and supports CN decision-making and drafting of detailed design guidance which advocate practical measures for curtailing climate change, such as the installation of solar panels in heritage conservation areas. <ul style="list-style-type: none"> <li>• Clause 3.1.c - acknowledges the contribution of heritage to environmental sustainability and curtailing climate change as one of the key principles of the updated policy.</li> <li>• Clause 5.1.e - encourages guidelines which include sensitive interventions to facilitate on-site production of renewable energy at heritage items and places.</li> <li>• Clause 7.1.f - acknowledges the contribution of heritage in achieving environmental sustainability by conserving the embodied energy in buildings and reducing building waste sent to landfill.</li> </ul>
3	7525488 Individual	Concern that the policy does not include preservation of Newcastle's colonial, convict, industrial agricultural, architectural, and maritime past.	Concerns are noted. No change.  The updated policy includes and identifies individual components of Newcastle's heritage to be preserved.

			<ul style="list-style-type: none"> <li>• Clause 4.1.e - ensures the diversity of the city's heritage is recognised and represented in heritage listings covering the spectrum of heritage items and places including buildings and streetscapes, structures, industrial and maritime heritage, archaeological sites and relics.</li> </ul> <p>The Heritage Policy is a high-level document to direct detailed CN guidance. It sets the focus for identifying and analysing components or key themes of Newcastle's heritage to be investigated, protected, supported, and promoted in greater detail in CN's Heritage Management Framework documents such as the Heritage Strategy 2020-2030 and the Newcastle City Wide Heritage Study 1997.</p>
4	7546085 The National Trust	Supports the proposed update to the policy. It is comprehensive and the additional emphases adds to the new policy.	Noted, no change.
5	7537072 Individual	Concern that more effort should be made to restore and retain the street frontage of houses in Newcastle's suburbs such as Mayfield. We choose to live in these suburbs because we admire the architecture, and it is disappearing too often.	<p>Concerns are noted. No change.</p> <p>The updated policy includes the following:</p> <ul style="list-style-type: none"> <li>• Clause 3.1.d – acknowledges the heritage of the Newcastle LGA provides local character and enhances our distinctive identity.</li> <li>• Clause 4.1.d &amp; 5.1.a – ensuring an on-going process for the identification and recording of all items and places of heritage significance across the Newcastle LGA.</li> <li>• Clause 4.1.e &amp; 5.1.b – ensuring the diversity of the city's heritage is recognised and represented in statutory heritage listings covering the spectrum of heritage items and places.</li> </ul>