

## 5.05 Heritage Items

### Amendment history

| Version Number | Date Adopted by Council | Commencement Date | Amendment Type |
|----------------|-------------------------|-------------------|----------------|
| 1              | 15/11/2011              | 15/06/2012        | New            |

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to:

- land shown as a heritage item on the Heritage Map of Newcastle Local Environmental Plan (LEP) 2012 and described in Schedule E of the Newcastle LEP 2012.
- land in the vicinity of a heritage item on the Heritage Map of Newcastle LEP 2012 and described in Schedule E of the Newcastle LEP 2012.

### Development (type/s) to which this section applies

This section applies to all development requiring the consent of Council.

### Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- 5.04 Aboriginal Heritage
- 5.06 Archaeological Management
- 6.02 Heritage Conservation Areas.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- *NSW Heritage Act 1977*.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Associated technical manual/s

- *Technical Manual Heritage*, 2005, Newcastle City Council.

## Additional information

- *Altering Heritage Assets*, 1996, Heritage Office and Department of Urban Affairs & Planning, Sydney.
- *Architecture Newcastle: A Guide*, Barry Maitland and David Stafford, 1999, University of Newcastle and RAI.
- *Assessing Heritage Significance*, 2001, Heritage Office.
- *Burra Charter of Australia ICOMOS*, 1999, Australia ICOMOS, A.C.T.
- *California Bungalow in Australia*, Graeme Butler, 2003, Lothian Books.
- *Conservation Plan*, J.S. Kerr, 2001, National Trust of Australia (NSW).
- *Design in Context; Guidelines for Infill Development in the Historic Environment*, 2005, Heritage Office & RAI NSW Chapter.
- *EPBC Act Policy Statement 1.1 Significant Impact Guidelines - Matters of National Environmental Significance*, May 2006, Department of the Environment, Water, Heritage and the Arts.
- *Federation Architecture Guidelines*, 1982, Trevor Howells for Heritage Council of NSW.
- *Photographic Recording of Heritage Items Using Film or Digital Capture*, 2001 - Revised 2004, 2006, Heritage Office.
- *Commercial Limewashes Technical Notes*, 2007, Heritage Council of NSW.
- *Salt Attack and rising damp: A guide to salt damp in historic and older buildings*, 2008, NSW Heritage Council, with Heritage Victoria, South Australian Department for Environment and Heritage and Adelaide City Council.
- *Statements of Heritage Impact*, 1996, Revised 2002, Heritage Office & Department of Urban Affairs & Planning.
- *Repointing Lime Mortar Joints - some important points*, November 2006, Revised April 2009, Heritage Council of NSW:
- *Treating Biological Growths on Historic Masonry*, April 2005, Heritage Council of NSW.
- *Cracking of Buildings Due to Shrink/Swell in Clay Soils*, May 2004, Heritage Council of NSW.
- *Drought Related Cracking to Buildings*, January 2007, Heritage Council of NSW.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.0 - Glossary of this plan, and include:

- **Building elements** – doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs, stairs.
- **Building envelope** - the volume of the building on the site of the heritage item.
- **Bulk** – the total effect of the arrangement, volume, size, and shape of the building.
- **Character** – the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.
- **Conservation** - all of the processes of conserving a place to retain heritage significance.

- **Conservation Management Plan** – a document prepared to conform with the publication *The Conservation Plan; A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, 1990, J.S.Kerr.
- **Contributory building** – a building that is associated with a significant historical period, substantially intact; and a building associated with a significant historical period, altered yet readily identifiable.
- **Curtilage** – the area of land surrounding a heritage item that is essential in retaining the heritage significance of the item.
- **Demolition** – in whole or in part, the damaging, defacing, destruction, removal, pulling down of the heritage item, building or work, in whole or in part.
- **Fabric** – the physical material of the place (including the building, site or area).
- **Facade** – the exterior walls of a building.
- **Facadism** – the practice of demolition of a building, retaining only the facade.
- **Form** – the overall shape and parts of the building.
- **Heritage buildings, sites and elements** – heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation areas and heritage streetscapes.
- **Heritage impact statement** has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

- **Heritage item** has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

- **Heritage significance** has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

- **Host building** – the existing building on the land that is the subject of an alteration or addition.
- **In the vicinity** – the surrounding context, environment or setting of a heritage item.
- **Infill development** – a new building in an established neighbourhood or precinct.
- **Intactness** – the degree of original elements, or elements from a significant period of development, which demonstrate the heritage significance of the building or group of buildings.
- **Internal fabric** – the interior fittings such as fireplaces, ceilings, joinery, walls, lifts, galleries, stairs, hardware and moveable items.

- **Intrusive building** – a building that has a negative effect on the character or heritage significance of a heritage conservation area.
- **Maintenance** – the ongoing protective care of the existing fabric, finish, appearance or setting of a heritage item or a building, work, tree, or place within a heritage conservation area or streetscape within a heritage conservation area. It does not involve the introduction of new materials or technologies.
- **Massing** – the size and volume of a building.
- **Scale** – the size of a building in relation to its surroundings.
- **Setbacks** – the horizontal distance from the building to a boundary or the building line in the case of houses in a street.
- **Setting** – the context within which a building or structure is situated in relation to the surroundings. Components that may be part of a setting includes nearby buildings, roof scapes, chimneys, valleys, ridges, view corridors, trees and parks, view corridors, vantage points and landmarks.
- **Verandahs** – located on the ground floor. Commonly seen on terrace houses and bungalows.

### **Aims of this section**

1. To provide controls based on best practice that support the adaptation, alteration and modification of structures and buildings that are listed as heritage items in Schedule 5 of Newcastle Local Environmental Plan 2012.
2. To ensure that development has a positive effect on the heritage significance of each heritage item.
3. To support development activity that is commensurate with the heritage significance of heritage items and produces good design and liveable streetscapes.
4. To maximise the adaptive re-use of heritage items.

## **5.05.01 General principles**

### ***Objectives***

1. Encourage the retention of existing heritage items.
2. Demonstrate an understanding of the heritage significance of items.
3. Encourage heritage items to be used for purposes that are appropriate to their heritage significance.
4. Maintain a suitable setting for the heritage item.
5. Encourage the removal of unsympathetic alterations and additions and reinstatement of original features and details.

6. Support ongoing maintenance, care and use of heritage items.
7. Encourage the whole of the building to be re-used.

### **Controls**

#### General controls applying to all development on land consisting of a heritage item

1. Any development application for works to a heritage item is accompanied by a Heritage Impact Statement, Conservation Management Plan, or Conservation Management Strategy, as required by the Newcastle Local Environmental Plan 2012.
2. Development of a heritage item:
  - (a) is consistent with the Heritage Impact Statement, Conservation Management Plan or Conservation Management Strategy
  - (b) is consistent with the Statement of Heritage significance for the item
  - (c) protects the setting of the heritage item
  - (d) retains the significant internal and external spaces and to recycle, re-purpose and re-use fabric and building elements
  - (e) avoids “facadism” by using all of the components of the building including, but not limited to, the structure, floor, roof, floor and wall framing, fittings and finishes, fabric and materials
  - (f) removes alterations and additions that are unsympathetic to the heritage significance of the heritage item
  - (g) reinstates missing building elements and details
  - (h) uses materials, finishes, and colours that are appropriate to the architecture, style and age of the heritage item
  - (i) reinforces the dimensions, pattern and style of the original window and door openings of the heritage item
  - (j) maintains and repairs building elements in order to retain the heritage item in a serviceable condition commensurate with its heritage significance.

## **5.05.02 Integrating heritage items into new developments**

### **Objectives**

1. Ensure the heritage significance of heritage items is the starting point of design development.
2. Support innovation in the design process.

3. Minimise insensitive contrasts between new development and heritage items by encouraging customised solutions that integrate old and new.
4. Ensure that new work provides for the long term preservation of the heritage item.

### **Controls**

1. Where a conservation management plan or conservation management strategy, prepared for a heritage item, supports the incorporation of a development proposal with a heritage item, the design of the proposal includes appropriate measures to:
  - (a) ensure the heritage significance of the item is conserved. A written statement outlines how the proposal achieves the conservation of the item's heritage significance
  - (b) retain a suitable setting for the heritage item that enables the continued appreciation and integrity of the heritage item
  - (c) ensure that repair and stabilisation treatments to heritage items identified in the conservation and design process are carried out to promote the conservation of the item
  - (d) ensure that interventions do not affect the long term preservation of the fabric and construction of the heritage item.

## **5.05.03 Changing the use of a heritage item**

### **Objectives**

1. Ensure the heritage significance of heritage items is the starting point for the change of use and design development.
2. Support innovation and new ideas in the selection of an appropriate use for a heritage item.
3. Encourage recycling of heritage items and significant internal fabric where the original design use is redundant.
4. Ensure heritage items may be utilised for a range of uses to promote occupation and ownership of heritage items.
5. Ensure heritage significance is retained while ensuring compliance with the *Building Code of Australia*.

### **Controls**

1. Any proposal for a change of use, including the adaptive reuse of a heritage item, demonstrates the following:
  - (a) compliance with the *Building Code of Australia* addressing the performance-based design solutions if necessary
  - (b) the new use minimises alteration of significant fabric and detailing, and incorporates existing fabric into the development proposal

- (c) alterations to the interior spaces minimise the effect on the exterior of the heritage item and promotes the integrity of the heritage item
  - (d) the significant original use of the heritage item is interpreted
  - (e) ensures that original crests, dates, logos, and building names are retained in situ
  - (f) minimises the impacts from the introduction of new services into the interior and the exterior of the heritage item.
2. The history of uses of a building is interpreted on the site in the form of interpretation panels, artefact and photographic displays, in situ retention of machinery and signage, and or artistic interpretation.

#### **5.05.04 Conserving significant elements of adjoining public domain**

##### ***Objectives***

1. Ensure street furniture and other public domain items are sympathetic to the heritage item and landscape elements in the streetscape.
2. Conserve and retain significant historic features and treatments within the public domain.
3. Ensure work associated with either private development or public infrastructure does not have a negative impact on the heritage significance of public domain elements that have heritage significance.

##### ***Controls***

1. Original paving treatments are retained and replicated in the repair and reinstatement of paved surfaces.
2. Timber post and rail ordnance fencing is repaired and reinstated in public domain projects.
3. Original or significant signposts, lamp posts, boundary markers, survey marks, flush-pavement street names, are retained in situ.
4. Sandstone steps, and sandstone kerb and gutter, are maintained in good order and kept throughout the local government area.
5. Masonry structures, including retaining walls are maintained in good order and kept throughout the local government area.
6. Where practical, new kerb and gutter, and/or new pram ramps are sited away from significant sandstone kerb and gutter and minimise the removal of historic concrete and linear sandstone.
7. Evidence of early road surfaces and concrete kerb and gutter are retained in situ.
8. Footway paving is selected to match the existing palette of paving materials in a precinct, and reconstructed to match the original pavement where it is missing or damaged.

9. Landscaping, including trees, gardens and horticultural elements of heritage significance are retained. Replacement species are to be selected based on the heritage significance of the heritage item.

### **5.05.05 Subdividing or amalgamating land on which a heritage item is situated**

#### ***Objectives***

1. Ensure that subdivision and amalgamation of land involving a heritage item is commensurate with the heritage significance of the item and conserves the important characteristics of the subdivision pattern and allotment layout.
2. Ensure that subdivision and amalgamation of land involving a heritage item is appropriate with the setting of a heritage item.
3. Ensure that subdivision and amalgamation of land involving a heritage item maintains an appropriate curtilage for the conservation of heritage significance of the item.
4. Allow for the interpretation of the original pattern of the subdivision pattern in any development proposal.

#### ***Controls***

1. Lot boundary changes not proposed where it is part of the heritage significance of the heritage item.
2. Lot boundary changes to heritage items retains significant features such as trees, gardens, and outbuildings associated with the heritage item.
3. Lot boundary changes to large allotments enables the continuation of the significant building pattern in the precinct or associated with the heritage item.

### **5.05.06 Development in the vicinity of a heritage item**

#### ***Objectives***

1. Ensure development in the vicinity of heritage items is designed and located in such a way that the heritage significance of the heritage item is conserved.



## **Controls**

1. New development and alterations and additions in the vicinity of heritage items respects and enhances the setting and significance of the heritage item with regard to the following elements:
  - (a) building envelope
  - (b) proportions
  - (c) setbacks
  - (d) material and colours.
2. Development in the vicinity of heritage items respect the heritage item by:
  - (a) retaining adequate space around the heritage item to enable its interpretation
  - (b) conserving significant landscaping including horticultural features, trees, and outbuildings
  - (c) enabling archaeological sites to be conserved in accordance with relevant approvals
  - (d) retaining significant views and lines of sight to the heritage item.

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