

HERITAGE

FREQUENTLY ASKED QUESTIONS

Included in this fact sheet are answers to the following frequently asked questions:

1. Heritage Listings
2. What are heritage items?
3. What is a heritage conservation area?
4. Do I need Development Application consent for works to a heritage item or building within a heritage conservation area?
5. When can I use a Minor Works or Maintenance Heritage Notification Form rather than a Development Application?
6. I would like to remove a tree from my property. My property is a heritage item, or in a heritage conservation area. Do I need consent?
7. Isn't heritage listing restrictive and expensive for owners?
8. Do I have to use a Heritage Architect?
9. Where can I find tradespeople that will do restoration work?
10. Do I have to submit a Heritage Impact Statement with my Development Application?
11. Can I demolish a heritage item?
12. How do I find out if my property is a Heritage Item, or in a heritage conservation area or a listed archaeological site?
13. How does Council determine if a place has heritage significance?
14. I want to purchase a house in a Heritage Conservation Area. Can I demolish it? Are there restrictions on development?
15. I live in a Heritage Conservation Area and want to repaint my house. Do I have to use heritage colours? I'd prefer a more contemporary look.
16. Are there public archives for researching my home's history?
17. Does Council have a heritage grant scheme?

1. Heritage Listings

Heritage listings can apply to single buildings or structures (Heritage items) or it can apply to whole streets or suburbs (Heritage Conservation Areas). The terms Heritage Item and Heritage Conservation Area are defined in the [Dictionary](#), their locations listed in [Schedule 5](#) and shown on accompanying [Heritage Map](#) of the Newcastle Local Environmental Plan 2012.

Note Please contact the Heritage Division of the NSW Office of Environment and Heritage (OEH) on 9873 8500 or at heritagemailbox@environment.nsw.gov.au for any enquiries regarding a State Heritage policy or works to a heritage item of 'State' significance.

2. What are heritage items?

Heritage listings can apply to single buildings or structures (Heritage items) or it can apply to whole streets or suburbs (Heritage Conservation Areas). The terms Heritage Item and Heritage Conservation Area are defined in the [Dictionary](#), their locations listed in [Schedule 5](#) and shown on accompanying [Heritage Map](#) of the Newcastle Local Environmental Plan 2012.

Heritage items are diverse and reflect our history and culture. They can be anything from buildings, to monuments, sandstone kerb and guttering, gardens and parkland, industrial machinery, structures, farm buildings and whole streetscapes. Heritage items are listed for three main reasons:

- i) to safeguard their significance through regulatory control
- ii) to promote their long term conservation; and
- iii) to provide incentives for their survival, occupation and use.

All development proposals are required to meet the heritage conservation objectives set out in [Clause 5.10](#) of the Newcastle Local Environmental Plan 2012.

This means that Council MUST consider the heritage significance of a heritage item when assessing a development application involving a heritage item and consider how the proposal conserves the heritage item. Council must also look at how negative impacts are to be mitigated. Furthermore, Council must consider what impacts might arise when a development is proposed near to the location of a heritage item.

If you own a heritage item and you wish to change it, think about what the significant attributes of the item are. City of Newcastle has provided a statement of heritage significance for most heritage items - you can download information on individual heritage items from the [State Heritage Inventory](#) website, an external database of all heritage items in NSW.

Once you know what's significant about your heritage item you can then look at what options are available for recycling and upgrade, knowing what it is you need to keep and conserve.

It is advisable to discuss your proposal with City of Newcastle's Duty Officer before you lodge a development application. This free advisory service is provided either over the phone or in person at Council's Offices. We encourage you to make an appointment with the Duty Officer by phoning 4974 2000.

Note: Please contact the Heritage Division of the NSW Office of Environment and Heritage (OEH) on 9873 8500 or at heritagemailbox@environment.nsw.gov.au for any enquiries regarding a State Heritage policy or works to a heritage item of 'State' significance.

3. What is a Heritage Conservation Area?

Heritage Conservation Areas are similar to heritage items except that it can apply to whole streets or suburbs. The term Heritage Conservation Area is defined in the [Dictionary](#), and their locations listed in [Schedule 5](#) and shown on accompanying [Heritage Map](#) of the Newcastle Local Environmental Plan 2012.

All development proposals are required to meet the heritage conservation objectives set out in [Clause 5.10](#) of the Newcastle Local Environmental Plan 2012.

This means that Council MUST consider the heritage significance of a building site and its streetscape when assessing a development application located within a heritage conservation area and consider how the proposal is commensurate with the heritage significance and has a positive effect on the protected character of the area. Council must also look at how negative impacts are to be mitigated.

If you own a property within a heritage conservation area and you wish to change it, think about what the significant attributes of the property and the area within which it is located. Council has provided a statement of heritage significance for each heritage conservation area - you can download this information from the [State Heritage Inventory](#) website, an external database of all heritage items in NSW including Newcastle and its eight Heritage Conservation Areas.

Once you know what's significant about your property and the heritage conservation area within which it sits you can then look at what options are available for recycling and upgrade, knowing what it is you need to keep and conserve.

It is advisable to discuss your proposal with City of Newcastle's Duty Officer before you lodge a development application. This free advisory service is provided either over the phone or in person at Council's Offices. We encourage you to make an appointment with the Duty Officer by phoning 4974 2000.

4. Do I need Development Application consent for works to a heritage item or property within a heritage conservation area?

With regards to any proposed future work, development application consent is required unless it falls into a category of exempt or complying development. Exempt or complying development is required to meet the prerequisite legislation.

You or an accredited certifier must determine if your proposal meets either of these requirements. Further details provided in City of Newcastle's website page: <http://www.newcastle.nsw.gov.au/Development/Application-Guide/Development-types>

5. When can I use a Minor Works or Maintenance Heritage Notification Form rather than a Development Application?

If Council is satisfied a development is of a minor nature or maintenance which would not adversely affect the heritage significance of the item or property within a heritage conservation area, development consent is not required.

An example of Minor Work would be reinstatement of an original window to replace an aluminium window, a sympathetic colour scheme, or the re-opening of an enclosed front verandah where there is evidence of the earlier form of verandah. Details need to be supplied with the [Minor Works or Maintenance Heritage Notification Form](#).

For further assistance, please discuss your proposed works with City of Newcastle's Duty Officer before you lodge a Minor Works or Maintenance Heritage Notification application. This free advisory service is provided either over the phone or in person at Council's Offices. We encourage you to make an appointment with the Duty Officer by phoning 4974 2000.

6. I would like to remove a tree from my property. My property is a heritage item, or in a heritage conservation area. Do I need consent?

Private trees very often provide an important contribution to the heritage significance and streetscape character of a heritage conservation area or setting of a heritage item, and some private trees are even listed as heritage items.

If Council is satisfied the proposed private tree removal works is of a minor nature or maintenance which would not adversely affect the heritage significance of the item or property within a heritage conservation area, development consent is not required.

Details of the proposed works need to be supplied with the [Minor Works or Maintenance Heritage Notification Form](#). This application will need to be lodged with an arborist report. The report must demonstrate that one of the four tests have been met and also that removal is the only option having considered all reasonable options, other than tree removal – refer to section 3.4.4 of the [Urban Forest Technical Manual](#). The arborist report must be completed by an arborist with AQF Level 5 qualification or higher.

For further assistance, please discuss your proposed works with City of Newcastle's Duty Officer before you lodge a Minor Works or Maintenance Heritage Notification application. This free advisory service is provided either over the phone or in person at Council's Offices. We encourage you to make an appointment with the Duty Officer by phoning 4974 2000.

7. Isn't heritage listing restrictive and expensive for owners?

To find out more about the benefits and effects of listing, the facts versus the myths, and for a practical insight into how to make sympathetic changes, download '[Heritage listing explained – What it means for you](#)' produced by the NSW Heritage Council.

8. Do I have to use a Heritage Architect?

It makes good sense to use building and design professionals who have experience in heritage conservation work.

Heritage consultants, heritage builders and heritage architects are trained to offer a high degree of expertise in historic buildings and traditional construction. This is an especially important consideration if the building you are altering is a heritage item.

The Heritage Division of the NSW Office of Environment & Heritage (OEH) keeps a database of conservation architects, builders, and suppliers of heritage services for you to find the right heritage expert.

Browse the [Heritage Consultant's Directory](#)

9. Where can I find tradespeople that will do restoration work?

A comprehensive [Products & Services Directory](#) has been put together by the NSW Heritage Branch to assist people in finding heritage tradespeople and products.

Maitland City Council's Heritage Group has produced a list of heritage tradespeople and suppliers in the Hunter region which is published as the [Maitland Heritage Trades Directory and Maitland House Style Guide](#). This is a terrific resource for us to use in Newcastle as well.

10. Do I have to submit a Heritage Impact Statement with my Development Application?

When you submit a DA for work to a heritage item or for work requiring consent in a heritage conservation area, you need to submit a heritage impact statement.

The complexity of the Heritage Impact Statement should be tailored to the nature of the development proposal. For alterations and additions to a Heritage Item or for extensions in a heritage conservation area that are likely to affect the external appearance of the building, we strongly recommend that a heritage practitioner be consulted early in the design development period and before the DA is lodged.

In some cases, it is acceptable for home owners to prepare their own reports, where the work is minor or not likely to affect the heritage item in a negative way.

A template has been prepared for these situations to assist you in formulating your statement: [Heritage Impact Statement template](#)

In some circumstances, a Conservation Management Plan may be required for major or complex development proposals, or for state significant heritage items.

Heritage impact statement guidelines are contained in the [Newcastle Development Control Plan](#).

11. Can I demolish a heritage item?

Demolition of a heritage item is generally not permitted - however all development proposals will be looked at on their merits.

Demolition of a heritage item would only be approved where irrefutable evidence is provided that the significance of the item has been lost; or where there is demonstrated overwhelming structural instability that cannot be rectified (an example would be major damage caused by an earthquake).

The reason we list heritage items is to encourage their care, and to support the conservation of those items through their ongoing maintenance and adaptation. Our heritage items reflect our local history and give a sense of character to the city. Heritage items are evidence of our cultural heritage and have intrinsic value for everyone.

We encourage owners of heritage items to make sure the building has a viable use and to carry out frequent maintenance inspections including doing repairs in a timely manner. Unoccupied buildings face a much greater risk of damage than those that are used and maintained.

The City of Newcastle Heritage Policy supports creative and innovative solutions when adapting heritage items to new or different uses. Heritage items provide the talented designer with a rich canvas by which to achieve exemplary design.

For further building advice please contact City of Newcastle's Duty Officer. This free advisory service is provided either over the phone or in person at Council's Offices. We encourage you to make an appointment with the Duty Officer by phoning 4974 2000.

12. How do I find out if my property is a Heritage Item, or in a heritage conservation area or a listed archaeological site?

Heritage items, heritage conservation areas and known archaeological sites are identified in [Schedule 5](#) of the Newcastle Local Environmental Plan 2012 and shown on accompanying [heritage maps](#). The Newcastle Local Environmental Plan 2012 is the legal instrument and is updated as amendments are made.

If your property is included in the Schedule 5 as either a heritage item, a heritage conservation area or an archaeological site, then we mean it is heritage listed.

Heritage Items are arranged alphabetically by suburb, street, then street number. If you know the Lot and DP you can use it to check you are looking at the right property.

Similarly, you can also check to see if the property you own or are considering purchasing is located in the vicinity of a heritage item.

The Heritage Conservation Areas are listed at the end of Schedule 5 - and you can also search the Heritage Maps in this same website to locate your street and property.

The [State Heritage Inventory](#) is an external database of all heritage items in NSW including Newcastle and its eight Heritage Conservation Areas. Search it to find information about the heritage significance of an item or heritage conservation area, its history and obtain images of the item or area.

13. How does Council determine if a place has heritage significance?

Heritage significance is determined by applying the standard and rigorous '[State Heritage Inventory Criteria](#)' developed by the Department of Planning - Heritage Branch.

Determining heritage significance is a complex and lengthy process conducted by experts in heritage conservation. Only when there is clear evidence of heritage significance can a place be considered for heritage listing.

The decision to heritage list a property is not taken lightly. City of Newcastle has conducted several heritage studies to try to identify the best examples of important heritage places in our local area; places considered significant to the people of Newcastle for their ability to reveal aspects of our history.

The most recent heritage study was undertaken by council in 1996. It offers a city wide survey of Newcastle's heritage and was put on public exhibition for community comment between 1996 and 1997. The heritage items identified were later included in the Newcastle Local Environmental Plan after exhibition and consultation. Further information on the heritage significance of individual items can be obtained by searching the [State Heritage Inventory](#).

14. I want to purchase a house in a Heritage Conservation Area. Can I demolish it? Are there restrictions on development?

There are eight Heritage Conservation Areas in Newcastle: Cooks Hill, Glebe Road Federation Cottages, Hamilton Business Centre (Beaumont Street), Hamilton Residential Precinct, Hamilton South 'Garden Suburb', Newcastle City Centre, Newcastle East and The Hill. Guidelines on the types of alterations and additions appropriate in these areas are contained in the [Newcastle Development Control Plan](#).

You can also find information about these eight areas in the [State Heritage Inventory](#) by searching under your suburb of interest. As a general rule of thumb, houses in Heritage Conservation Areas will be part of the character of the area and should be kept and maintained, just as heritage items are.

Generally speaking, most types of development in a heritage conservation area will need to be approved through a development application process. To make this process easy and streamlined, we have collaborated with the local architectural industry to establish design guidelines that will protect the charming streetscapes and significance of our heritage conservation areas.

The guidelines are contained in our [Heritage Technical Manual](#), which is part of the Newcastle DCP. Following the guidelines ensures a sense of the past continues to be reflected in our living streets and makes the job of assessing development applications efficient and speedy.

We assess development applications using the [Newcastle Local Environmental Plan](#), the Newcastle Development Control Plan, the Heritage Technical Manual and the State Heritage Inventory. This ensures development fits into our heritage conservation areas.

If you live in a house that is contributory or neutral to the heritage conservation area you will need to care for it and make sure any changes you make comply with the LEP, DCP and Heritage Technical Manual. We do not support the demolition of contributory buildings and it is preferable to retain and restore neutral buildings. Contributory building maps are in the Heritage Technical Manual.

For further heritage conservation area advice please contact City of Newcastle's Duty Officer. This free advisory service is provided either over the phone or in person at Council's Offices. We encourage you to make an appointment with the Duty Officer by phoning 4974 2000.

15. I live in a Heritage Conservation Area and want to repaint my house. Do I have to use heritage colours? I'd prefer a more contemporary look.

Traditional colour palettes were designed for a particular period and architectural style specific to a building. Heritage houses look best in colours matching the age and style of the building.

Ultimately the colours you choose are an individual choice. A [Traditional Finishes and Colour Schemes](#) guide (including colour palette) is provided on Council's website in the Heritage and History pages.

Restrictions apply in the following circumstances:

- i) Painting over face brick or natural stone or new cement rendering not present originally IS NOT permitted.
- ii) Roof materials must not be changed without the prior approval of Council. Changing the colour of original roof tiles is not supported outside of a DA.
- iii) Masonry wall surfaces such as face brick can be maintained by a gentle clean or by re-pointing the joints where significant deterioration is evident. Taking care of masonry surfaces is the best way of maintaining the beauty of historic buildings.

You will need to notify council of your proposed colour if you live in a Heritage Conservation Area or you own a Heritage item, and you intend on changing the external colours. Do this via a [Minor Works or Maintenance Heritage Notification Form](#).

If you do not intend to change the external colours (you are simply re-painting in the same colour scheme), you are not required to notify council.

16. Are there public archives for researching my home's history?

Yes. The City of Newcastle and the University of Newcastle each hold significant collections of research material obtained from around the Hunter region. The [University of Newcastle Cultural Collections](#) is located at the main campus library. Contact the University Archivist for more information about the collection and the level of public access available.

The [Newcastle Region Library](#) has a significant collection of cultural materials such as maps, plans, photographs, newspapers and manuscripts that may be used for research.

Council staff do not have access to archive materials so if your question is about the age of your house or related to its history, please contact the sources suggested above.

You can view the [catalogue on-line](#), see the pages on local history, or visit Local Studies, Level 2, Newcastle Region Library, Laman Street Newcastle.

17. Does Council have a heritage grant scheme?

There is no existing or proposed heritage grant scheme provided by City of Newcastle for the foreseeable future.

The Heritage Division of the NSW Office of Environment and Heritage (OEH) has a Heritage Grants programme for 2020-21 and this can apply to all heritage items (both of Local and State significance) identified on the State Heritage Register.

OEH Heritage Grants webpage:

<http://www.environment.nsw.gov.au/Heritage/funding/index.htm>