

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

### 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 all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

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

This section applies to all development consisting of excavation or site disturbance.

### Related sections

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

- 5.04 Aboriginal Heritage
- 5.05 Heritage Items
- 5.07 Heritage Conservation Areas.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments and legislation 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: Section 74E (3) of 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, The City of Newcastle
- *Newcastle Archaeological Management Plan*, 1997, Newcastle City Council.

## Additional information

- *Assessing Significance for Historical Archaeological Sites and 'Relics'*, 2009, Heritage Branch NSW Department of Planning.
- *Burra Charter of Australia ICOMOS*, 1999, Australia ICOMOS, ACT.
- *Guidelines for the preparation of Archaeological Management Plans*, 2009, Heritage Branch NSW Department of Planning.
- *Historical Archaeology Code of Practice*, 2006, Heritage Office, Department of Planning.
- *Historical Archaeological Sites: investigation and conservation guidelines*, 1993, Department of Planning Heritage Council New South Wales.
- *Revealing the Past: an Introduction to Historical Archaeology*, 2005, NSW Heritage Branch.
- *Skeletal Remains; Guidelines for Management of Human Skeletal Remains*, 1998, Heritage Office.

## 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 9.00 - Glossary, of this plan, and include:

- **Archaeological Assessment** – a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment & Heritage.
- **Archaeological site** – (or site) a site identified in the Newcastle Archaeological Management Plan 1997; or the place or site of a relic or relics as defined in the *NSW Heritage Act 1977* as amended.
- **Conservation** - means 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, J.S.Kerr, 1990.
- **Curtilage** – the area of land surrounding a heritage item or archaeological site 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.
- **Excavation Permit** – a permit provided under Section 140 or Section 60 of the *NSW Heritage Act 1977*.
- **Exemption Notification Form s57(2)** – a permit provided under Section 57 of the *NSW Heritage Act 1977*.
- **Heritage Impact Statement** – also includes “Statements of Heritage Impact” – a document that conforms to the standards contained in the NSW Heritage Branch publication “Statements of Heritage Impact”, current version.

- **Heritage items, heritage buildings, sites and elements** – heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation area and heritage streetscapes.
- **Heritage Significance** – historical, social, aesthetic, cultural, social, archaeological, architectural, scientific or natural significance.
- **In the vicinity** – the surrounding context, environment or setting of a heritage item or archaeological site.
- **Infill development** – a development proposal in an established neighbourhood.
- **Interpretation Plan** – a plan that presents the significant archaeological heritage of a site or property that is the subject of a development application.
- **Potential Archaeological site** – a place or site suspected of having a relic or relics present.
- **Preliminary Archaeological Assessment** – a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.
- **Relic** – the same as in the *NSW Heritage Act 1977* (as amended).
- **Research Design** – refers to the set of research questions and methodology developed for a site within a wider research framework.
- **Significance assessment** – an assessment of the heritage significance of predicted or known archaeological features.

### Aims of this section

1. To conserve the archaeological heritage of The City of Newcastle.
2. To apply world's best practice to the management of archaeological heritage.
3. To provide an integrated statutory process for managing the archaeological sites of the City of Newcastle.
4. To ensure that archaeological sites are considered during the development assessment process.

## 5.06.01 Archaeological management

### A. Predictive modelling

#### Objectives

1. Provide for the timely identification of potential archaeological sites.
2. Ensure that the findings of the Newcastle Archaeological Management Plan are considered when planning development in the city centre.
3. Ensure that high quality archaeological interpretation is an outcome of development activity.
4. Comply with the relevant provisions of the *NSW Heritage Act 1977*.

## **Controls**

1. Establish potential archaeological significance and location of archaeological sites or potential archaeological sites during the design development process.

Note: In the Newcastle City Centre refer to the Newcastle Archaeological Management Plan.

2. Assess archaeological significance of the potential or known archaeological site during the design development process.

## **B. Managing archaeological resources**

### **Objectives**

1. Ensure archaeological sites are managed in accordance with the requirements of the NSW *Heritage Act 1977*.
2. Manage archaeological sites in accordance with the assessed levels of heritage significance.

### **Controls**

1. Adhere to the recommendations of any archaeological assessment or preliminary archaeological assessment.
2. Manage archaeological sites in accordance with the requirements of the NSW *Heritage Act 1977*.

## **C. Conserving archaeological resources**

### **Objectives**

1. Conserve archaeological sites in accordance with the assessed levels of heritage significance.

### **Controls**

1. Adhere to the recommendations of any archaeological assessment or preliminary archaeological assessment.