

Myths about Heritage Listing

The benefits of Heritage Listing can far outweigh any perceived negatives.

- Listing places no legal restriction on the sale or leasing of properties.
- Heritage buildings are best cared for when they are lived in and loved. This means they must be useable. Houses may need new bathrooms and kitchens; commercial buildings may need new services and fire protection.
- Listing does not exclude changes or additions or new buildings on the site, provided that these do not detract from the heritage significance of the listed items. This is consistent with what most owners want for their heritage properties. It is also consistent with advice from real estate agents that well looked after heritage properties are among the easiest to sell and can bring the highest prices.
- Listing does not exclude the adaptive re-use of a heritage item. Sometimes this is a sensible way of ensuring the future use of an important place. Examples include the conversion of a warehouse to residential use or the adaptation of a house to offices.
- Other than normal maintenance, it is not expected that owners take any additional measures or undertake restoration work. Action against owners is only pursued in situations where an owner is deliberately allowing a property to deteriorate and where discussions have failed to resolve the issue.
- Maintenance of heritage items and gardens does not require formal approval, though, as for all buildings, Council approval is necessary for certain works (refer to Council guidelines for further information).
- Some owners occasionally open their heritage properties to the public, usually on an entry fee basis, either for them selves or charity. However, as with all private property, heritage listing does not allow the general public the right to visit the property without the owner's permission.

** Not all information can be provided in this brochure. For further information and consultation please contact Council to arrange an appointment with the Heritage Advisor.

It is necessary to check with the Council before proceeding with any development or change of use. Information is available that may be applicable to assist in your submission.

Listing effects in brief:

- Heritage significance is recognised by law.
- Listing brings greater certainty that future changes will be sympathetic.
- Physical changes may need approval: check with Council before proceeding.
- Conversion to new uses can be considered.
- Complete demolition is generally prohibited for listed items.
- Maintenance is required for listed items.
- Does not alter ownership.
- Does not oblige owners to restore or open their place to the public.
- No approval is needed to sell or lease the place.
- Owners can apply for heritage grants.

Further information can also be found at:
The NSW Office of Environment & Heritage:
www.environment.nsw.gov.au and the National Trust of Australia (NSW): www.nationaltrust.org.au



PORT STEPHENS
COUNCIL

116 Adelaide Street Raymond Terrace NSW 2324

www.portstephens.nsw.gov.au

Ph: 4980 0255

Heritage in Port Stephens

Understanding Heritage Listing



Glen Oak School of Arts

This brochure has been produced to provide a brief guide to those managing physical change, to or near heritage places and items

Technical series Brochure 1 of 2

What is Heritage?

“Heritage” is the collective environment, traditions and assets that we inherit from the past and preserve for the use and inspiration of future generations. Heritage is linked with culture, which frames our understanding of the past and influences the decisions we make about what should be preserved. “Heritage” can be interpreted differently by people and groups with different cultural backgrounds.

The term ‘heritage’ is often misused or misunderstood. To many people, owning or having property near a heritage building or within a heritage place or precinct would seem an unnecessary burden, preventing them from doing the things that they want to do with their property. This is not necessarily so.

The process of heritage identification aims to ensure that special places in our area are able to remain occupied, maintained and well managed so that they may be appreciated now and in the future as “looking glasses” into our past.

Heritage need not necessarily be picturesque nor beautiful, but VALUED or of IMPORTANCE to identifiable groups or cultures, including indigenous as well as non indigenous peoples and can include:

- ☛ Places and event sites
- ☛ Environments and habitats
- ☛ Buildings and trees
- ☛ Moveable items or artefacts
- ☛ Archaeology

Port Stephens LEP 2013 (Schedule 5 - Environmental Heritage) identifies items of heritage significance and heritage conservation areas. A list of the heritage items within the Port Stephens Local Government Area is available from Council or can be downloaded from the NSW Legislation website:

www.legislation.nsw.gov.au

Heritage Listing Criteria

Property owners often express concerns that they are unsure if their property should be heritage listed and what rights do they have to object? Heritage listing of a property follows a legislated process outlined in the NSW Office of Environment & Heritage document:

Assessing Heritage Significance. See www.environment.nsw.gov.au/Heritage/publications/

A study which looks at heritage listing of items, is required to consider seven assessment criteria:

1. An item is important in the course, or pattern, of NSW's cultural, natural or local history;
2. An item has strong or special association with the life or works of a person, or groups of persons, of importance in NSW's cultural, natural or local history;
3. An item is important in demonstrating aesthetic characteristics and/ or a high degree of creative or technical achievement in NSW;
4. An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;
5. An item has potential to yield information that will contribute to an understanding of NSW's cultural, natural history.



Wallalong House at Wallalong

Heritage Listed? How to find out.

In NSW there are two types of statutory heritage listing:

- ☛ A property is a heritage item if it is listed in the Heritage Schedule of the local council's Local Environmental Plan (LEP); or
- ☛ The State Heritage Register (SHR), which provides a list of places and items of particular importance to the people of NSW.

There are also many non-statutory heritage lists, such as the National Trust Register and the Royal Australian Institute of Architects' Register of 20th Century Buildings. Although these registers do not provide legal protection, they help to alert the community to the intrinsic heritage value of particular places. To find out if a property is heritage listed, access the NSW Office of Environment and Heritage website:

www.environment.nsw.gov.au

Alterations & Additions

Changes are assessed on their merits when owners submit development applications. In this assessment, the relevant government agency decides whether the proposed works will have an acceptable impact on the heritage significance of the place.

Upgrading kitchens, bathrooms and services and rear extensions to meet contemporary standards are commonly approved changes.

For pre application advice contact:

Local: for places listed on the Local Environmental Plan, call council's Heritage Advisor.

State: for places listed on the State Heritage Register call the NSW Heritage Council on (02) 9873 8500.

Federal: for places listed on the National or Commonwealth Heritage Lists: call the Department of Environment on 1800 803 772 or www.environment.gov.au