

**ITEM NO. 3**

**FILE NO: 23/354124**  
**EDRMS NO: PSC2013-00406-0067**

**POLICY REVIEW: HERITAGE POLICY**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the revised Heritage Policy as shown at **(ATTACHMENT 1)** to be placed on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted, without a further report to Council.
  - 2) Revokes the Heritage policy dated 13 July 2021, Minute No. 247 should no submissions be received.
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**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2024**  
**MOTION**

<b>005</b>	<p><b>Councillor Jason Wells</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the revised Heritage Policy as shown at <b>(ATTACHMENT 1)</b> to be placed on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted, without a further report to Council.</li><li>2) Revokes the Heritage policy dated 13 July 2021, Minute No. 247 should no submissions be received.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Heritage Policy **(ATTACHMENT 1)**.

## MINUTES ORDINARY COUNCIL - 13 FEBRUARY 2024

The policy provides an overarching commitment to recognise, protect, and promote Aboriginal and non-Aboriginal heritage in Port Stephens.

The review of the policy is consistent with Council's 3 yearly policy review cycle. The review of the Heritage Policy results in no fundamental changes to the existing policy as there have been no major legislative changes during the period. The amendments are administrative corrections and terminology updates to achieve consistency with other Council documentation.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Recognised traditions and lifestyle	Support the preservation of Port Stephens heritage

### FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial / resource implications, as the policy will continue to be implemented as part of ongoing operations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in reviewing and updating existing policies to assist in facilitating more accurate and robust decision making.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have an up-to-date policy approach to heritage matters.	Low	Accept the recommendation.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The policy recognises the importance of heritage for Port Stephens and its communities. The policy seeks to recognise, protect and promote heritage in the Port Stephens local government area.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

### Internal

Internal consultation was undertaken with the Development Planning and Communications and Engagement units. Minor modifications have been incorporated into the revised policy.

The Executive Team has been consulted to seek management endorsement.

### External

In accordance with local government legislation, the revised Heritage Policy would be placed on public exhibition for 28 days.

The revised policy is to be presented to the Heritage Advisory Group at the February meeting for awareness and discussion.

## **OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

## **ATTACHMENTS**

- 1) Revised Heritage Policy.

## **COUNCILLORS' ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ITEM 3 - ATTACHMENT 1 REVISED HERITAGE POLICY.

## Policy



**FILE NO:** PSC2016-02097

**TITLE:** HERITAGE POLICY

**OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of the Heritage Policy (the policy) is to state Port Stephens Council's commitment to ensuring systems are in place to assist in the recognition, protection, and promotion of Aboriginal and non-Aboriginal heritage in the Port Stephens Local Government Area (LGA).

### 2. CONTEXT/BACKGROUND:

- 2.1 Heritage is a key element of Australia's identity. It reflects our Aboriginal and non-Aboriginal spirit and ingenuity through our cultural, built and unique, living landscapes. Heritage is a legacy from our past, informing present and future generations.
- 2.2 The Port Stephens LGA encompasses a rich Aboriginal and non-Aboriginal history. It is the land of the Worimi people with the area being first noted by Europeans in May 1770. Considerable Aboriginal and non-Aboriginal terrestrial and maritime history has been documented in the region, ranging from a vibrant fishing industry, trade, and establishment of towns, villages and agricultural activity.
- 2.3 Port Stephens Council supports opportunities to retain local history in a way that positively influences social connections and place making in communities and also recognises the positive economic benefit gained from cultural heritage tourism.

### 3. SCOPE:

- 3.1 The policy is a commitment to:
- a) assist in the conservation, education, protection and interpretation of local and State heritage
  - b) recognise and respect heritage, both Aboriginal and non-Aboriginal
  - c) celebrate places, buildings, landscapes and stories of our local communities that provide a link to our nation's heritage
  - d) develop partnerships and provide initiatives that enable practical actions to protect and manage heritage places
  - e) establish consistent methods of managing heritage matters between Council and the community that are in line with local, State and Federal legislation

## Policy

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ITEM 3 - ATTACHMENT 1 REVISED HERITAGE POLICY.

## Policy



- f) ~~consult~~ **engage** with relevant Aboriginal and non-Aboriginal communities ~~Engage with the diverse communities~~ of Port Stephens to preserve and celebrate heritage.
- 3.2 This policy applies to land and infrastructure owned by Council or where Council has been appointed **trustee or** Crown land manager. It also recognises Council's role in supporting the preservation of significant heritage, including those privately owned, through Council's Local Environmental Plan.

### 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Heritage: Places, buildings, landscapes and stories related to the history of our community.

### 5. STATEMENT:

- 5.1 Port Stephens Council supports heritage activities in the Port Stephens LGA. This includes the environmental heritage of Port Stephens, conserving heritage items and heritage conservation areas (including associated fabric, settings and views), archaeological sites and Aboriginal objects and places of heritage significance.

### 6. RESPONSIBILITIES:

- 6.1 Executive Team: Leadership and strategic direction.
- 6.2 Senior Leadership Team: Leadership through ensuring staff understanding of and compliance with provisions outlined in this policy and associated documentation.
- 6.3 Strategy and Environment Section Manager: policy implementation and process owner.
- 6.4 Development Assessment and Compliance Section Manager: Planning compliance.
- 6.5 Civil Assets Manager: Asset Custodian.
- 6.6 Heritage Advisor: Provide professional advice to Council.
- 6.7 ~~355c Heritage Advisory Committee:~~ **Heritage Advisory Group:** Provide community advice to Council.
- 6.8 355c Aboriginal Strategic Committee: Provide community advice to Council.

### 7. RELATED DOCUMENTS:

- 7.1 Port Stephens Signage Style Guide (2020) and Port Stephens Brand Identity Style Guide (2019).
- 7.2 Port Stephens Local Environmental Plan 2013.
- 7.3 Port Stephens Development Control Plan 2014.

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## ITEM 3 - ATTACHMENT 1 REVISED HERITAGE POLICY.

## Policy



- 7.4 Our incredible place; a strategy for events, the arts and culture in Port Stephens.
- 7.5 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth).
- 7.6 Environmental Planning and Assessment Act 1979 (NSW).
- 7.7 Environment Protection and Biodiversity Conservation Act 1999 (Cth).
- 7.8 Local Government Act 1993 (NSW).
- 7.9 National Parks and Wildlife Act 1974 (NSW).
- 7.10 Heritage Act 1977 (NSW).
- 7.11 Crown Land Management Act 2016 (NSW).
- 7.12 The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013.
- 7.13 Design Guide for Heritage 2019 (Heritage Council of NSW and Government Architect NSW).
- 7.14 Yabang Gumba-Gu: Road to Tomorrow 2020-2023

## CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2016-02097	<b>EDRMS record No.</b>	21/12604
<b>Audience</b>	Council Staff and the Community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Strategy and Environment Section Manager		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	28 September 2024
<b>Adoption date</b>	25 March 2015		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	24/03/2015	Strategy and Environment Section Manager	N/A	056
2.0	11/04/2017	Strategy and Environment	Transfer to new corporate policy template.	086

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## Policy



Version	Date	Author	Details	Minute No.
		Section Manager	<p>The policy purpose is a transfer of the objectives from Version 1.0.</p> <p>The policy scope is a transfer of the principles and part of the policy statement from Version 1.0.</p> <p>The policy responsibilities is a transfer of the implementation responsibility from Version 1.0.</p> <p>The policy responsibilities has been amended to include ELT, SLT and Development Assessment &amp; Compliance Section Manager.</p> <p>The related documents section is a transfer of the relevant legislative provisions from Version 1.0.</p> <p>The related documents has been amended to include the Port Stephens Heritage Signs and Trails Guidelines 2015, Local Environmental Plan 2013, Draft Port Stephens Council Heritage Strategy, Development Control Plan 2013, Port Stephens Cultural Plan 2015-2018 and Crown Lands Act 1989</p>	
3.0	23/07/2019	Strategy and Environment Section Manager	<p>Reformatted the policy into the new policy template.</p> <p>1.1, 2.1, 2.2, 3.1(b), 3.1(f) and 3.2 - Administrative amendments to update references to legislation, other relevant documents, grammar, and align the policy with other Council policies.</p>	165

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