

LOCAL PLANNING POLICY: AMENDING THE LOCAL HERITAGE SURVEY, HERITAGE LIST AND DESIGNATING HERITAGE AREAS



Legislation / local law requirements	<i>Heritage Act 2018</i> <i>Planning and Development Act 2005</i> This policy has been prepared under the provisions of Schedule 2, Part 2 and 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Relevant delegations	16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme
Related policies, procedures and supporting documentation	City of Vincent Local Planning Scheme No.2 Local Planning Policy: Assessing Cultural Heritage Significance Local Planning Policy: Development Guidelines for Heritage Places

PART 1 - PRELIMINARY

INTRODUCTION

Under section 103(1) of the *Heritage Act 2018* (Act), the City of Vincent (City) must prepare a Local Heritage Survey (LHS) comprising places within its area that in the opinion of the City, are or may become of cultural heritage significance. In preparing and amending its LHS the City must have regard to the Guidelines of Local Heritage Places published under section 105 of the Act.

Schedule 2 Part 3 of *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires the City to establish and maintain a Heritage List and to designate Heritage Areas. The Regulations establishes the requirements for public consultation.

PURPOSE

The purpose of this Policy is to provide clear direction on the process for amending the Local Heritage Survey, Heritage List and Designating Heritage Areas (Policy).

OBJECTIVES

The objectives of this Policy are to:

1. provide clear procedures for adding, deleting or amending the Local Heritage Survey and Heritage List, and the designation and revocation of heritage areas; and
2. ensure that decisions regarding additions, removals and amendments to the Local Heritage Survey, the Heritage List and heritage areas follow due process, and that these decisions are based on consideration of the cultural heritage significance of a place or area.

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SCOPE

This Policy covers the procedures and criteria for adding, deleting or amending places on the Local Heritage Survey, Heritage List and heritage area.

PART 2 - POLICY PROVISIONS

DEFINITIONS

All terms used in this Policy are defined in the *Planning and Development Act 2005*, the Regulations, State Planning Policy 7.3 Residential Design Codes and the City's Local Planning Scheme No. 2 (Scheme), unless stated otherwise below.

Burra Charter means the document providing guidance for the conservation and management of places of cultural heritage significance and sets standards of practice for those who provide advice, make decisions about, or undertake works to places of cultural heritage significance, including owners, managers and custodians. The charter is adopted by the Australian International Council on Monuments and Sites (ICOMOS).

contributory place means places and structures that make a positive contribution to the cultural heritage significance of the City of Vincent.

heritage area means a grouped of properties which are recognised to collectively form a streetscape, townscape or cultural environment with significant characteristics, which may include architectural style, town planning or urban design excellence, landscape qualities, or strong historic associations.

heritage assessment is a systematic assessment that describes a place and its setting and states the cultural heritage significance of the place based on the criteria outlined in the Burra Charter, and in accordance with the Heritage Council of Western Australia (HCWA) Guidelines for the Assessment of Local Heritage Places 2022, Guidelines for Local Heritage Surveys 2022, Guidelines for Establishing a Heritage List 2021 and Guidelines for Heritage Areas 2023.

Heritage List means a list of places within the City of Vincent, considered by the City to be of identified cultural heritage significance and worthy of conservation pursuant to Regulation 8 in Schedule 2 Part 3 of the Regulations.

Local Heritage Survey (LHS) means a list of places with the City of Vincent, assessed by the City as having identified cultural heritage significance pursuant to the Act.

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POLICY

1. Amendments to the Local Heritage Survey, Heritage List or Heritage Area

1.1 Assessing places

Places are assessed for cultural heritage significance in accordance with the standard heritage assessment criteria outlined in Local Planning Policy: Assessment of Cultural Heritage Significance.

1.2 Management Categories

The following Management Categories listed in Table 1 below are assigned to places included in the LHS and Local Heritage List:

1.3 Amendment Process

Amendments to the LHS and Heritage List or the designation of a Heritage Area are made in accordance with the procedures outlined in **Part 3 - Policy Guidelines**.

Table 1: Heritage Significance and Inclusion in the LHS and Heritage List

Level of Significance	New Classification	Previous Classification	Description	Heritage list
Exceptional	Category 1	Category A	Essential to the heritage of the locality. Rare or outstanding example	All places to be included in the heritage list
Considerable	Category 2	Category A	Very important to the heritage of the locality	All places to be included in the heritage list
Some/moderate	Category 3	Category B	Contributes to the heritage of the locality	Places may be included in the heritage list
Little	Category 4	No category	Has elements or values worth noting for community interest but otherwise makes little contribution	Below the threshold for inclusion into the heritage list

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PART 3 - POLICY GUIDELINES

The City of Vincent has a rich and diverse heritage demonstrated within its built and natural environment.

In accordance with the Regulations, the City is required to establish and maintain a Heritage List. The purpose of the Heritage List and Heritage Areas is to identify places within the scheme area that are of cultural heritage significance and worthy of built heritage conservation.

The City first released its Municipal Heritage Inventory in 1995 (MHI). Now known as a Local Heritage Survey (LHS), it is a guiding document describing places that have cultural heritage significance. These places tell the story of the local government area. A heritage place can take many forms - buildings, parks, memorials, trees, landscapes and archaeological remains.

In accordance with the Act, the City must maintain a LHS and issue guidelines about the preparation, review and periodic updating of the LHS.

The LHS has no statutory significance under the City's Scheme. Its purpose is to identify and record places that are or may become of cultural heritage significance, assisting in decision making and in the preparing a heritage list or heritage area in the future.

Places included on the LHS may also be recommended for inclusion on the Heritage List or for designation as a Heritage Area. In other cases, owners may nominate a place or area for consideration of inclusion on the Heritage List or Heritage Area.

Places can only be included or removed from the LHS, Heritage List or designated Heritage Area where due process has been followed in accordance with these guidelines.

1. The Heritage List

The Heritage List contains places which are of cultural heritage significance and deemed worthy of built heritage conservation. Inclusion on the Heritage List does have implications on the development of a property over and above the requirements that are already in the Planning Framework.

1.1 Purpose:

- required under the Regulations; and
- identifying places within the Scheme area that have cultural heritage significance and worthy of built heritage conservation.

1.2 Process:

- places identified by the LHS or nominated by owner, community or the City;
- consultation in accordance with the Community & Stakeholder Engagement Policy;
- inclusions, major updates and deletions require formal adoption by Council; and
- the timing for major amendments is generally immediately following or concurrently with amendments to the LHS.

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1.3 Outcomes:

- demolition is not permitted without planning approval;
- various levels of development permitted with and without approval based on Heritage Significance and local planning policy provisions;
- subject to adopted **Local Planning Policy - Development Guidelines for Heritage Places**; and
- potential variation to site and development standards in accordance with the Regulations.

1.4 Updates and Nominations

- following amendments to the LHS, the City will consider whether any of the places included or removed from the LHS should also be considered for inclusion in or removal from the Heritage List; and
- places may also be considered for inclusion on the Heritage List as a result of a nomination by the owner, the City or any other person or organisation.

1.5 Heritage List Consultation

- Having determined which places are to be considered for inclusion in or removal from the Heritage List or which entry on the Heritage List is to be modified, the City will comply with Regulation 8(3)(a), undertake the consultation requirements outlined in Regulation 8(3)(b) in the Deemed Provisions and pursuant to Regulation 8(3)(c) invite public submissions in respect of the matter.
- The period for consultation under Regulations 8(3)(b) and (c) shall be no less than twenty one (21) days.

1.6 Addition of places to the Heritage List

- Places identified as having exceptional (Category 1) or considerable significance (Category 2) will automatically be referred to Council to be considered for inclusion on the Heritage List.
- Places identified as having some significance (Category 3 and 4) will only be referred to Council for consideration for inclusion in the Heritage List upon the receipt of a written request from the property owner.

1.7 Removal of places from the Heritage List

- Places will only be removed from the Heritage List if it can be demonstrated that their previous assessment of cultural heritage significance was erroneous or that they have subsequently lost their significance.
- The poor state of a place should not in itself be a reason for removal from the Heritage List. Deletion of a place from the list will only be considered if a structural condition report conducted by a registered structural engineers states that the structural integrity of the place has failed to the point where it cannot be rectified without the removal of a majority of its significant fabric.

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2. The Local Heritage Survey

The LHS comprises a list of places which in the opinion of Council are, or may become, of cultural heritage significance. The LHS provides a cultural and historic record of the district and assists a local government in preparing a Heritage List or heritage areas under a local planning scheme.

Inclusion on the LHS does not have implications for the development of a place over and above the requirements that are already in place as part of the local planning framework.

2.1 Purpose

- required under the Act;
- identifies and records places of cultural heritage significance;
- assists the City in making and implementing decisions in line with heritage values; and
- assists in informing places/areas for inclusion on the Heritage List and heritage areas.

2.2 Process:

- a general review should be consistent with major reviews of the The Scheme or the Strategic Community Plan 2022-2032 (SCP) or ad hoc additions following a nomination;
- places are assessed in accordance with **Local Planning Policy: Assessment of Cultural Heritage Significance**; and
- reviews and updates require resolution by Council.

2.3 Outcomes:

- provides a comprehensive assessment of places of cultural heritage significance;
- identifies Category 1, 2, 3 and 4 places;
- informs recommended inclusions onto the Heritage List for Category 1 and 2 places; and
- category 3 and 4 places may be considered for inclusion onto the Heritage List at owners request

2.4 Reviews

- The City will from time to time review and assess places for inclusion in or removal from the LHS in accordance with these Guidelines. A major review of the LHS will generally be undertaken at intervals consistent with a major review of the Local Planning Strategy or the SCP.

2.5 Nominations

- Any person, association or organisation may nominate a place to be considered for inclusion in the LHS outside of an official review. A nomination is to be in writing, including information contained within the Nomination form included in these Guidelines.

2.6 Amendments

- Amendments or revisions to the LHS to the extent that alter the classification of a place or the statement of significance require a resolution of Council. Administrative updates to the LHS that do not alter the classification and/or statements of significance for places can be undertaken without a resolution of Council.

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2.7 Consultation

- Any proposed addition, removal or amendment to the LHS are undertaken with public consultation.
- Submissions shall be invited from the owner/s and occupier/s of the place. The invitation to make a submission will be made in writing and include information on the heritage significance/values of the place.
- In addition, submissions from the public shall be invited through public advertising of the proposal with information of the heritage significance/values of the place and access to any report being provided via the City's website.
- The submission period will not be less than twenty one days.

2.8 Removal from Local Heritage Survey

- Places will only be removed from the LHS if it can be demonstrated that their previous assessment of cultural heritage significance was erroneous or that they have subsequently lost their significance.
- Where the Council is to consider the removal of a place from the LHS, if that place is also included in the Heritage List, consideration of its removal from the Heritage List may be undertaken concurrently.
- In some cases a place may have unintentionally been added incorrectly to the LHS. Where such an error can be clearly identified and verified, the entry may be removed by a resolution of the Council without a review of the heritage assessment and without prior public consultation.

3. Heritage Areas

Heritage areas are areas which have been assessed as having cultural heritage significance and cohesive character and, in the opinion of the City, require special planning controls to conserve and enhance the cultural heritage significance of the area.

When the City designates a heritage area it must also adopt a local planning policy for that area.

Inclusion in a heritage area does have implications on the development of a property over and above the requirements that are already in place as part of a local planning framework.

3.1 Purpose

- required under the Regulations; and
- identifying areas within the Scheme area that have cultural heritage significance and worthy of built heritage conservation.

3.2 Process

- places identified by the LHS or nominated by owners; and
- inclusions, updates and deletions require formal adoption by Council.

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3.3 Outcomes

- no demolition is permitted without a development application;
- various levels of development permitted with and without approval based on specific development guidelines for the area; and
- subject to the adopted **Local Planning Policy - Development Guidelines for Heritage Places** and the area specific guidelines.

3.4 Heritage Area Nomination

- Following amendments to the LHS or should an heritage assessment of an area occur, the City may consider whether any areas identified should also be considered for heritage area consideration.
- Areas may also be considered for designation through a nomination by owners. Where it can be determined in writing that a minimum of forty percent (40%) of owners in the designated area support the area being considered as a heritage area, the City will undertake an assessment of the area to determine its significance.

3.5 Heritage Area Consultation

- Before determining whether an area should be designated a heritage area or an amendment should be made to an existing heritage area, the City will undertake consultation in accordance with Regulations 9(3) and (4) of the Deemed Provisions.

3.6 Heritage Area Guidelines

- When designating a heritage area, the city will undertake an assessment of the built form within the area. The purpose of this assessment will be to inform the development of area specific guidelines;
- Following advertising, Council will be required to approve, refuse or approve with modifications; and
- the guidelines, which once adopted, will be used to inform development of the specific designated heritage area.

3.7 Revocation of a Heritage Area

- Heritage areas will only be revoked where it can be demonstrated that their previous assessment of cultural heritage significance was erroneous or that they have subsequently lost their significance.

4. Matters To Which Council Will Consider

In considering the inclusion or removal of a place from the LHS and/or Heritage List or the designation of a heritage area, or any amendments regarding an existing listing, Council will have regard to:

- any submissions received during the public consultation period, with particular regard to be given to the submissions of property owner/s of the place or in the area;
- any heritage assessment report and/or other heritage studies relating to the place or area;
- any advice received from the Heritage Council of Western Australia; and
- any other matter it considers necessary.

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5. Council Determination

The decision to amend the LHS and Heritage List or to designate a heritage area can only be made by a resolution of Council in accordance with the provisions of the Act and the Regulations.

Following the heritage assessment and consultation procedures outlined above, the Council may, depending on the circumstances of each case:

- include, not include or remove a place on the LHS;
- amend the existing LHS place entry;
- declare or refuse to declare a place as significant and worthy of built heritage conservation for recording in the Heritage List;
- designate or not designate an area to be a heritage area;
- include or amend an existing entry in the Heritage List;
- amend a heritage area; or
- a. remove a place from the Heritage List or revoke a heritage area.

6. Final Notification

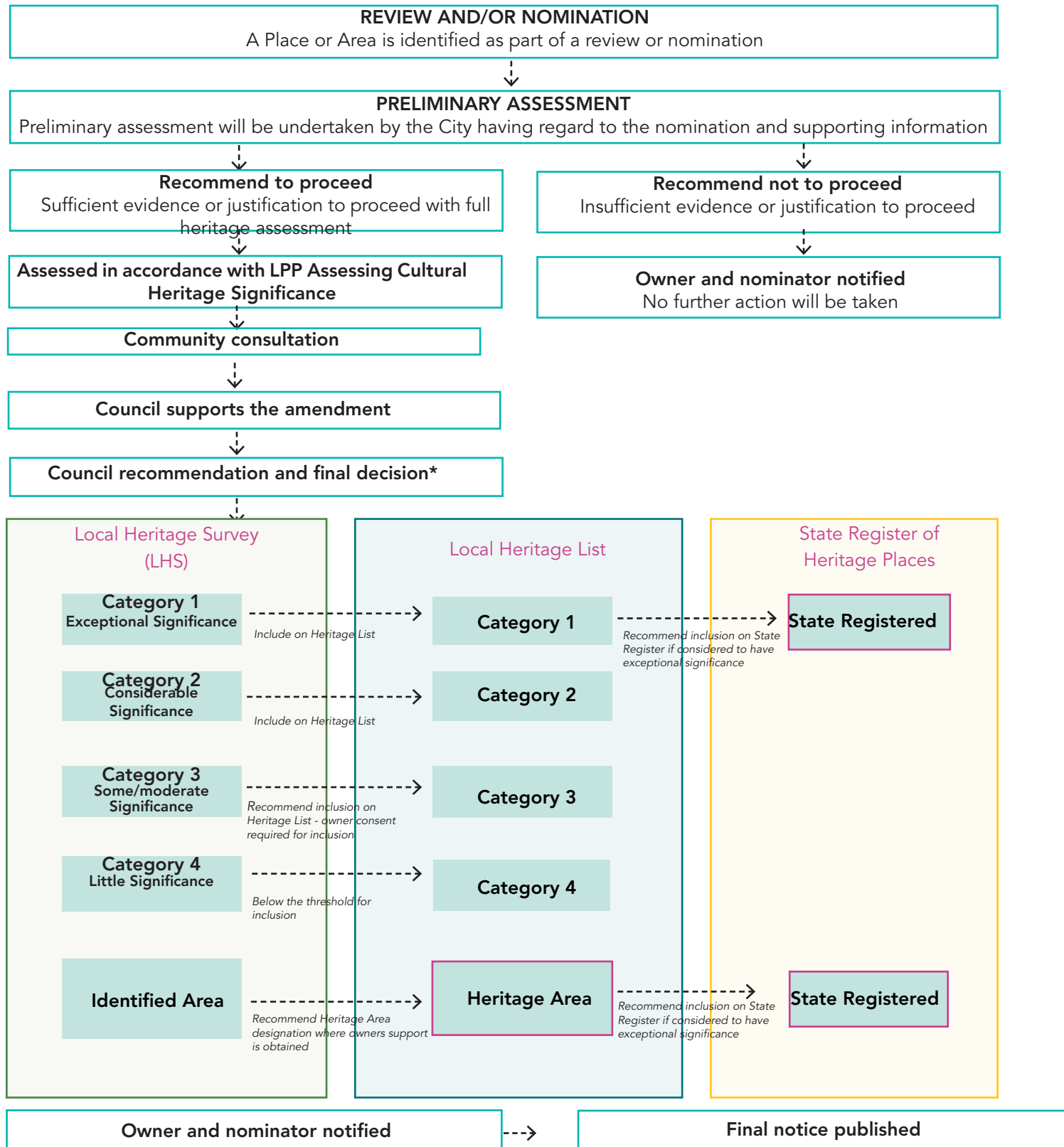
Owners, occupiers and all parties who made a written submission on the proposal before Council will be notified in writing of the meeting at which Council will consider the proposal and will also be notified in writing of the Council's determination.

The HCWA will be notified of any resolutions regarding the LHS, Heritage List or heritage areas.

OFFICE USE ONLY	
Responsible Officer	Executive Manager Urban Design and Strategic Projects
Initial Council Adoption	2/06/2006
Previous Title	Local Planning Policy 7.6.5: Heritage Management - Amendments to the Municipal Heritage Inventory
Reviewed / Amended	22/07/2008; 13/07/2010; 10/07/2012; 20/06/2015; 18/06/2024
Next Review Date	06/2028

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APPENDIX 1 - POLICY SUMMARY



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APPENDIX 2: LOCAL HERITAGE SURVEY/HERITAGE LIST NOMINATION FORM

Instructions

It is not necessary to fill in all the information requested on this form, but all fields marked with an asterisk (*) MUST be filled in or nominations cannot be considered. To help us assess your nomination, please provide as much additional information as possible.

If you need more space, please feel free to attach additional pages, but please make sure the extra pages are securely attached to this form and have the address of the place at the top, in case the pages get separated.

Contact Details

In case we need to contact you to clarify information, please give us your contact details. This information will remain confidential and will not be used for any other purpose.

Your Name* _____

Your Address* _____

Daytime Phone* _____

Email Address* _____

The Place Being Nominated

Name of Place (if any) _____

Address / Location* _____

Suburb* _____

Title Details _____

Materials – Walls _____

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Materials – Roof _____

Materials – Other _____

Physical Description _____

Construction Date _____

Modifications made since construction _____

Original Owner _____

Other Owners _____

Original Designer _____

Original Builder _____

Other Information

How does this place relate to the history of the City of Vincent (in your opinion)?*

What is significant about this place that it should be entered on the Local Heritage Survey and/or Local Heritage List or be designated as a Heritage Area (in your opinion)?*

Other Heritage Listings (e.g.: National Trust, Heritage Council, other group)

References (e.g.: book titles, Library references etc.)

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Other Comments

*Please check that you have filled in all fields marked with *.*