

# Local Planning Policy 1.7: Amending the Local Heritage Survey, Heritage List and Heritage Areas

**ADOPTION DATE:** 27 August 2019 (DV19.115)

**AMENDED DATE:**

**AUTHORITY:** *Heritage Act 2018*

*Planning and Development (Local Planning Schemes) Regulations 2015*

## PURPOSE AND APPLICATION

The purpose of this Policy is to support the local government to meet its responsibilities relating to the preparation, amendment and review of the:

- Local Heritage Survey (LHS) in accordance with Part 8 of the *Heritage Act 2018*;
- Heritage List in accordance with Schedule 2, Part 3, Clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- Heritage Areas in accordance with Schedule 2, Part 3, Clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This policy is part of a statutory framework for identifying and recording places of cultural heritage significance within the Town of Cambridge. It is to be read in conjunction with Part 8 of the *Heritage Act 2018*, Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Heritage Council of Western Australia's Guidelines for Local Heritage Surveys, State Planning Policy 3.5: Historic Heritage Conservation, and the Heritage Council's other local heritage publications.

Note: the Town's Local Government Inventory which was adopted under the *Heritage of Western Australian Act 1990* is taken to be a Local Heritage Survey for the purposes of the *Heritage Act 2018*.

## DEFINITIONS

In this policy, the following words have the following meanings. Refer to the Deemed Provisions and Heritage Act for further definitions.

<b>Burra Charter</b>	The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013, and the supporting practice notes.
<b>Deemed Provisions</b>	Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
<b>Guidelines</b>	Guidelines for Local Heritage Surveys published in accordance with s.105 of the Heritage Act.
<b>Heritage Act</b>	<i>Heritage Act 2018</i> .
<b>Heritage Assessment</b>	Assessment of a place describing a place, its physical characteristics, condition, setting and history and identifying its heritage values in accordance with the criteria published by Heritage Council of Western Australia which informs the cultural heritage significance of a place.
<b>Heritage Consultant</b>	Suitably qualified and experienced heritage professional commissioned for the purpose of providing expert advice on the cultural heritage significance of local places and area. The Heritage

Council of Western Australia provides a 'Heritage Specialist Directory'.

<b>Heritage List</b>	Heritage List prepared under cl.8 of the Deemed Provisions.
<b>Heritage Area</b>	Heritage Area prepared under cl.9 of the Deemed Provisions.
<b>LHS</b>	Local Heritage Survey prepared under Part 8 of the Heritage Act.
<b>State Register</b>	State Register of Heritage Places established and maintained under s.35(1) of the Heritage Act.

## **POLICY**

### **1. RELATIONSHIP OF LHS, HERITAGE LIST AND HERITAGE AREAS**

- 1.1. The preparation, review and updates of the LHS are to be undertaken in accordance with the Guidelines and this Policy and formally adopted by the local government.
- 1.2. A heritage assessment prepared as part of a LHS review or update constitutes an assessment of cultural heritage significance for the purpose of the Heritage List and Heritage Areas.
- 1.3. The procedures for adding, removing or amending LHS, Heritage List and/or Heritage Area records are to be carried out concurrently where possible.
- 1.4. The local government may identify places for assessment and/or seek information from the following sources:
  - State Register of Heritage Places;
  - Heritage Council of Western Australia inHerit database;
  - Recommendation as part of a development application determination;
  - Cambridge Library - Local History Studies;
  - Heritage Consultant during a review;
  - Aboriginal Heritage Council; or
  - Heritage agreement or a protection order made under the Heritage Act.

### **2. UPDATES AND REVIEW SCHEDULE**

- 2.1. Administrative updates to existing LHS, Heritage List and Heritage Area records will be carried out on an annual basis. The local government may:
  - update address, land description, name, or other particulars sufficient to identify a place and its location;
  - correct administrative, textual or formatting errors;
  - add images (both historical and new); and
  - note relevant development approvals, works, awarded heritage grants, conservation plans or heritage agreements.

- 2.2. Requests for place specific reviews of existing LHS, Heritage List and Heritage Area records will be considered by the local government on a biennial basis. The outcome of a place specific review may result in the local government deciding to:
- Amend the classification or statement of significance of a place;
  - Remove a place from the LHS;
  - Add or remove a place from the Heritage List; and/or
  - Amend or revoke a Heritage Area.
- 2.3. General reviews are to be completed every six years after the adoption of the LHS or its last general review. As part of a general review, the local government may seek further information and review the:
- LHS Thematic History;
  - Existing LHS and Heritage List places;
  - Nominations for new places to be considered for inclusion;
  - Deferred matters/requests; and
  - Potential Heritage Areas.
- 2.4. Requests may be accepted for ad hoc review outside the scheduled review periods if:
- New verified information becomes available regarding the cultural heritage significance of a place with little or no active protection;
  - The request is accompanied by a Heritage Assessment undertaken by a Heritage Consultant that demonstrates the classification or statement of significance of an existing LHS, Heritage List or Heritage Area record is based on inaccurate information; or
  - A new Heritage Area nomination demonstrates general interest of owners and occupiers within the proposed area to pursue heritage and character protection.
- 2.5. The local government may direct for an update, place specific review or ad hoc review to be deferred until the next general review if insufficient information or no new evidence is provided with the request, or, if an assessment or review relating to the place was considered in the past 12 months.

### **3. CONSULTATION**

- 3.1. Any person or organisation may nominate or request a place or area to be considered for inclusion, removal or amendment in the LHS, Heritage List, or a Heritage Area.
- 3.2. Nominations and requests may be lodged at any time, but will be dealt with in accordance with the update and review schedule under provision 2.
- 3.3. Nominations and requests are to be submitted using the Appendix 1 Form accompanied by supporting information to identify the place and evidence to demonstrate the reasons for the nomination or request.
- 3.4. Nominations and requests for Heritage Areas are to include the boundaries of the proposed area and a list of places considered to contribute to the cultural heritage significance of the area.

- 3.5. In addition to the consultation requirements of the Deemed Provisions, Guidelines and this Policy, the consultation process is to be consistent with provisions 12 to 18 of Local Planning Policy 1.2: Public Notification of Planning Proposals.
- 3.6. The local government will notify and invite submissions from the owners and occupiers of a place in respect to any update or review matter under Part 2 of this Policy.
- 3.7. Public consultation will be undertaken as part of place specific, general, and ad hoc reviews. Public consultation involves publishing a notice of the proposed matter in a local newspaper and on the local government's website, and inviting submissions on the proposed matter.
- 3.8. The duration of the consultation period will be at least 21 days, concluding at 5pm on the date shown in the advertising material. Submissions received after this date may not be included in the assessment or any report.
- 3.9. Owners and occupiers, the nominator and submitters will be notified of the outcome of local government's decision.

#### **4. ASSESSMENT**

- 4.1. Heritage assessments will employ the criteria defined under the Burra Charter and guided by the local thematic history.
- 4.2. The local government will engage a Heritage Consultant to undertake heritage assessments and further historical research as part of place specific, general and ad hoc reviews. Different heritage consultants may be engaged at different times and on different matters.
- 4.3. Administrative updates do not require heritage assessment, but the local government may require heritage assessment (and public consultation) be undertaken to ensure the cultural heritage significance of a place is prioritised and the proposed amendment is accurate.
- 4.4. The local government may determine a heritage assessment is not required in cases where sufficient heritage assessment was recently undertaken as part of a development application, planning proposal or was submitted with the nomination.
- 4.5. The existing LHS contains places classified as Category 5 - Historic Site. This classification will be phased out and places will be reassessed and reclassified in accordance with Guidelines, as part of the next general review.

#### **5. CRITERIA FOR INCLUSION**

- 5.1. Inclusion in the LHS and/or Heritage List is recommended to be based on the assessed classification as indicated in Table 1, and where an area is assessed as having cultural heritage significance, it will be recommended for designation as a Heritage Area.
- 5.2. Removal from the LHS is only recommended where it is demonstrated that the place does not hold cultural heritage significance. Removal from the Heritage List may be appropriate where it is demonstrated that the cultural heritage significance of the place has altered to the extent that it is no longer considered worthy of built heritage conservation and it is reclassified below the threshold for inclusion shown in Table 1.

- 5.3. If a review or assessment finds there that a place has no cultural heritage significance, or there is no change to the classification of an existing place, the place may be re-nominated or reassessed as part of a future general review.
- 5.4. Notwithstanding the statutory obligations under the Deemed Provisions and Heritage Act, the Council may have regard to the matters listed below:
- Outcomes of consultation and the submissions received;
  - Any available information relevant to the cultural heritage significance of a place or area, including previous heritage assessments, heritage studies and/or conservation plans; and
  - Any advice received from heritage bodies such as the Department of Planning, Lands and Heritage, Heritage Council of Western Australia, Aboriginal Heritage Council.

**Table 1: Classification of Significance and Threshold for Heritage Listing.**

<b>Level of Significance and Classification Category</b>	<b>Heritage List</b>
Category 1 - Exceptional Significance Essential to the heritage of the locality. Rare or outstanding example.	Include in Heritage List.
Category 2 - Considerable Significance Very important to the heritage of the locality.	Include in Heritage List.
Category 3 - Some/Moderate Significance Contributes to the heritage of the locality.	Include in Heritage List.
Category 4 - Little significance Has elements or values worth noting for historical interest but otherwise makes little contribution.	Do not include in Heritage List.

## Appendix 1 Nomination and Request Form

Please provide as much information as you possible. Fields marked with (required) are compulsory.

Nomination of new place or area

Review of LHS or Heritage Listed Place

Nominator Details (required)

Name:

Address:

Phone:

Email:

Place Details.

Name (if any):

Address and Land Description (required):

Physical Description (including construction dates, materials, features and colour schemes, modifications undertaken since construction etc) (required):

Historical Information (original and/or past owners and occupiers, original and/or contributing designers and builders, other heritage listings: e.g. National Trust, Heritage Council etc):

Reasons for Nomination / Request (required)

Please describe why the place or area is (or is not) significant to the history of the Town of Cambridge (in your opinion)?:

Please explain which of the following values are (or are not) demonstrated by the place or area?:

*New nomination: please provide comment for at least one of the following values. Requests for review of an existing place or area: must provide comment and evidence against all relevant values identified in the recorded statement of significance.*

Aesthetic value:

Historic value:

Research value:

Social or spiritual value:

Scientific value e.g. rarity, quality of representativeness:

Other comments:

Supporting documents (required)

Plans

Photographs/Images

Heritage Assessment (required if requesting consideration outside the scheduled review periods)

Supporting evidence (required)

Evidence of owner support of Heritage Area (required if requesting consideration outside the scheduled review periods)