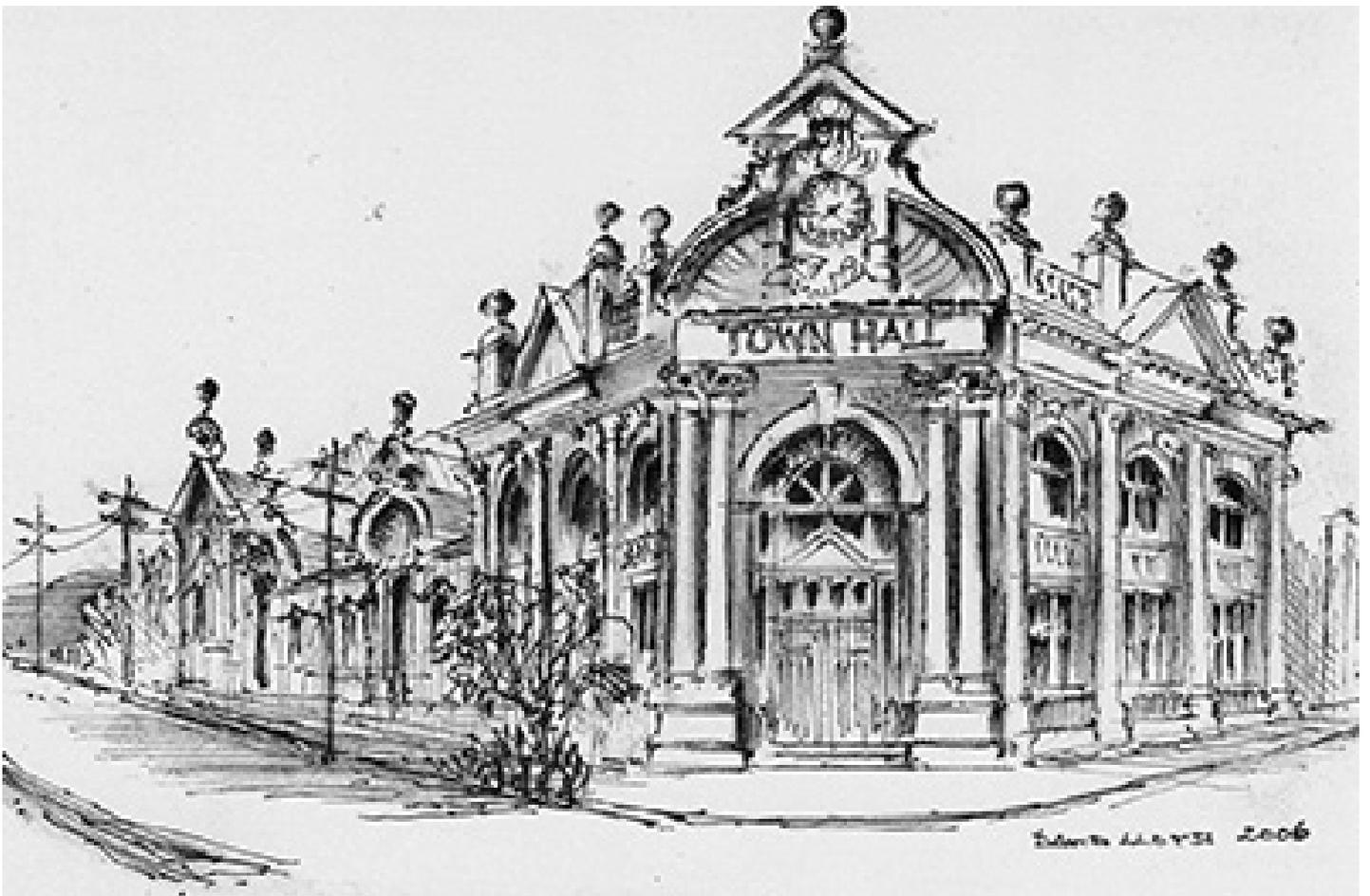




LOCAL HERITAGE SURVEY, HERITAGE LIST & HERITAGE AREAS REVIEW



Frequently Asked Questions

July 2019

What is a Local Heritage Survey?

A Local Heritage Survey (LHS) (updated term for Municipal Heritage Inventory in the *Heritage Act 2018*) is a survey of places within its district that in the opinion of the local authority, are or may become of cultural heritage significance.

All local authorities in Western Australia are required under Part 8 of the *Heritage Act 2018* (Act) to prepare a LHS and update the document on a regular basis.

The Act provides that the purposes of an LHS includes:

- *Identifying and recording places that are, or may become of cultural heritage significance in its district; and*
- *Assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- *Providing a cultural and historical record of its district; and*
- *Providing an accessible public record of places of cultural heritage significance to its district; and*
- *Assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.*

The Local Heritage Survey (LHS) is a starting resource for local heritage planning and in itself has no statutory role. The LHS helps local governments make decisions that reflect local heritage values and supports the creation of a heritage list or heritage areas, which identify places to be protected under the local planning scheme.

What is a Heritage List or Heritage Area?

Places which are considered as having cultural heritage significance and worthy of built heritage conservation can be included on a Heritage List or within a Heritage Area adopted under a local planning scheme, which provides a statutory requirement for consideration of heritage for proposed development.

A heritage area is a collection of places with shared cultural heritage significance. Declaring an area as a 'heritage area' provides some protection to the character and streetscape of that area focused on its heritage values and significance. For example, development proposals for places in heritage areas are assessed on the standard planning requirements and their impact on the heritage significance, streetscape and character of the area. A Local Planning Policy is required to be adopted for any heritage area setting provisions to guide development in a manner which will be compatible and sympathetic with the cultural heritage significance of the area.

The Heritage List and Heritage Area are compiled giving regard to the Local Heritage Survey.

What types of Heritage Listing can apply to places?

The Local Heritage Survey, Heritage List and Heritage Areas identify the cultural heritage significance of places within its district.

Heritage identification also occurs at the national and state levels. The Commonwealth Government lists places as having outstanding significance to Australia under the 'National Heritage List'. The Western Australia State Government lists places having state significance under the Heritage Council of Western Australia's 'State Register of Heritage Places'. Places included on a National or State list will also commonly be identified on a local heritage survey or list

Other heritage lists, such as the classification system used by the National Trust, also provide community recognition of heritage value, although do not have statutory implications for development.

Does being listed impact on what I can do with my property?

Listing in the LHS does not affect what you can do with your property as it is not a statutory listing – it is a survey of places and sites with local heritage value within the Shire of York.

Places which are worthy of built heritage conservation and protection may be listed on the Heritage List or within a Heritage Area pursuant to a local planning scheme, which does provide a statutory basis for consideration of heritage values as part of development.

Development on a property on the Heritage List or within a Heritage Area in most instances will require a development application to be submitted and approved prior to works commencing. Development applications will be considered giving due regard to any local planning policies, the level of significance of a place and impact of development on heritage values of that property. The carrying out of internal building work which does not materially affect the external appearance of the building is exempt from development approval, except where the place is subject of a heritage agreement, listed on the State Heritage Register, or included on a Heritage List and identified on that list as having an interior with cultural heritage significance.

A level of significance has been identified for all places within the Local Heritage Survey, Heritage List and places within a Heritage Area:

Heritage Places:

Grade A *A place of exceptional cultural heritage significance to Shire of York and the state of Western Australia, that is either in the Heritage Council of Western Australia's State Register of Heritage Places, or worthy of consideration for entry into the State Register.*

*A place worthy of recognition, **built heritage conservation** and protection through provisions of the Shire of York's Local Planning Scheme.*

Development application needs to be submitted to Shire of York for any proposed development.

The development application needs to be submitted to State Heritage Office (SHO) for approval for any proposed development, and Shire of York cannot approve contrary to SHO recommendation.

It is likely that a Heritage Impact Statement will be required by the owner as part of the development application process for both the State Heritage Office, and the Shire of York. An impact statement assesses the impact of the proposal on the significance of the place, including original fabric, aesthetic, streetscape values in consideration of

the level of significance, heritage listings, conservation policies and other relevant information.

Recommend: Maximum encouragement to owners to retain and conserve the place. Full consultation with property owner prior to making the recommendation.

IMPLICATIONS of REGISTRATION:

A Memorial is lodged on the Certificate of Title of the Registered place under the provisions of the Heritage Act 2018. By virtue of the Heritage Act 2018, the owner is bound to conserve the place.

ALL development (including demolition) MUST be referred to State Heritage Office for consideration PRIOR to undertaking any works.

The Shire of York cannot approve anything contrary to State Heritage Office recommendations.

Grade B *A place of considerable cultural heritage significance to Shire of York that is worthy of recognition, built heritage conservation and protection through provisions of the Shire of York's Local Planning Scheme.*

Development application needs to be submitted to Shire of York for any proposed development.

A Heritage Impact Statement may be required by the owner as part of the development application.

Recommend: Retain and conserve the place. Undertake photo record of the place prior to any development.

IMPLICATIONS:

Development applications must be submitted to Shire of York for approval prior to undertaking any works.

Grade C *A place (including a site with no built remains) of some cultural heritage significance to Shire of York.*

No constraints.

Recommend: Encourage retention of the place, or where there are ruins, archaeological findings or no built remains: Interpret the place.

IMPLICATIONS:

There are no statutory requirements pertaining to heritage issues.

Places identified with Grade A and B significance have been identified as worthy of built heritage conservation and have been included within the Shire of York Heritage List. Heritage Areas are generally identified as a Grade B.

Heritage Areas

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance	Essential to the heritage of the locality/area. Rare or outstanding example.	Register of Heritage Places (existing) Retain and conserve the place. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan (if one exists). Prepare a Heritage Impact Statement for any additions or proposed impact to original fabric.
Considerable significance	Very important to the heritage of the locality/area. High degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place. Minimal impact to original fabric and/or form. Prepare a Heritage Impact Statement for any additions or proposed impact to original fabric.
Some significance	Contributes to the heritage of the locality/area. Has some altered or elements, not necessarily detracting from the overall significance.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible. Interpret an existing site, ruin or archaeological remnants.
Little/No significance	May have some elements of historical interest but otherwise minimal contribution.	Any development, demolition, or new build must respond to the immediate historical context and overall heritage significance of the precinct.

State Planning Policy 3.5 is also given due regard which sets the following criteria for development:

- To conserve places and areas of historic heritage significance.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

There are specific provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015*, which provide the local government with the ability to vary any site or development requirement in a Scheme if it will facilitate the built conservation of a place entered in the Register of Heritage Places under the Heritage of Western Australia or listed in the Heritage List or enhance or preserve heritage values in a heritage area. Subdivision incentives may also be available to properties on the Heritage List (dependent on zoning) which will enable conservation of the place. These incentives are only afforded to places in the Heritage List.

Why is Cultural Heritage Significance Important?

Places having cultural heritage significance are important to the community as tangible expressions of their history and identity. They include a diverse range of places (such as buildings, groups of buildings or precincts, structures, landscapes, cemeteries or archaeological and historical sites) that can both

individually and collectively tell us about the past that has helped to form the local and broader community.

Typically, they relate to places that have been developed or significantly modified by human activity but may also include natural landscapes or features where these have been associated with significant historical activities or events (such as local picnic sites, water holes and temporary settlements, etc).

Heritage matters as it represents the kind of community we live in; what it was in the past; what is distinctive about the area and its people; and because it gives the community a sense of identity.

How is a place identified as having cultural heritage significance?

Cultural heritage significance is assessed on the aesthetic, historic, social and scientific values of a place. The rarity, representativeness, condition, integrity and authenticity of a place is also considered. The Heritage Council of Western Australia has developed criteria which was used by the Shire in the review to assess the heritage significance of places at a local level.

Places with cultural heritage significance have been assigned a Level of Significance based on their contribution to the heritage of the locality.

Why is a review of the Municipal Heritage Inventory (LHS), Heritage List & Heritage Precincts (Heritage Areas) and Local Planning Policy Heritage Precincts and Places being undertaken?

The Shire's current Municipal Heritage Inventory was adopted in 2008 and identifies 145 places as having cultural heritage significance to its district and two heritage precincts containing a further 69 places identified as having significance (216 places in total). Local Planning Policy: Heritage Precincts and Places was also adopted at this time to provide development standards and guidance for appropriate development of heritage places and heritage areas. The 2008 inventory replaced the 1995 inventory which identified 142 places and 'Objectives and Guidelines' established in 2000 identifying five heritage precincts covering a much larger area than the two precincts adopted in 2008.

A review of the inventory and associated documents (heritage list, heritage area and local planning policy) is being undertaken to:

- Ensure it is an up to date document which reflects the community aspirations for heritage conservation;
- Ensure that the document is consistent with current standards of the Heritage Council;
- Identify changes that may have occurred since 2008 and ensure that the document is based on current and best available information; and
- Ensure that the documents reflect best practice and current planning practices.

What will the review process involve?

Council, at the 25 June 2018 Ordinary Council Meeting adopted a Consultation and Engagement Plan to guide the process of the LHS, Heritage List, Heritage Areas and Policy review. The review is being undertaken in 3 main stages:

1. Preliminary consultation & seeking of Information to inform review

Public and Stakeholder consultation was undertaken seeking new information to be submitted to identify changes to existing places or new information to better inform the Local Heritage Survey. Nominations for new places with cultural heritage significance was also sought.

2. Draft Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy: Heritage Conservation and Development

Information and/or nominations from stage 1 consultation will inform the review. A draft Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy: Heritage Conservation and Development will be presented to Council to consider and adopt for the purposes of public advertising. Once adopted by Council the documents will be publicly advertised for a period of 42 days inviting submissions to be made.

3. Final Adoption by Council and Notification.

The draft LHS, Heritage List, Heritage Areas, Local Planning Policy Heritage Conservation and Development and submissions received will be presented to Council for further consideration where Council will determine to either adopt the documents with or without modification, or not adopt the documents.

The review is currently at **stage 2**. Council resolved at its Ordinary Meeting 29 July 2019 to adopt the draft Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy Heritage Conservation & Development for consultation <https://www.york.wa.gov.au/council-meetings/ordinary-meeting-of-the-council-29-july-2019/268>. Submissions are currently being invited on the draft documents, which will be presented back to Council for consideration before formal adoption.

How do I know if my property is listed on the Local Heritage Survey, Heritage List or within a Heritage Area?

A copy of the current inventory, heritage list and heritage areas is available on the Shire of York's website and at the Shire Offices. Data from the Shire's existing MHI and heritage listings of a property can also be found by searching the database on the State Heritage Office's website (www.inherit.stateheritage.wa.gov.au/public).

Please note that the 'inherit' database requires updating and may not contain information which is not consistent with the Shire's records. Please contact the Shire of York for an accurate status of the local heritage listing of your property.

Will listing on the Local Heritage Survey, Heritage List or within a Heritage Area affect my ownership?

The identification of a place on in the LHS, Heritage List or a Heritage area does not affect ownership or permit public access to a property.

Can a property be nominated for inclusion in the LHS?

Yes, the Shire during stage 1 consultation invited nominations from the community for any new places which should be considered for inclusion on the LHS and sought information on existing places to be provided. Stage 1 consultation has ended. Stage 2 consultation is seeking information on draft

documents adopted by Council for consultation and allows for new or further information to be submitted on a place.

New nominations and information can still be submitted outside of the review for consideration by Council. In these instances, Council will determine the appropriate process/timing for consideration of this information.

What assistance is available for owners of heritage places?

At the current time, the Shire has no financial incentives offered to property owners, although does engage a heritage advisor who is able to provide advice to property owners on the LHS, Heritage List or within a Heritage Area who require conservation and development advice.

For the Heritage Council of WA grants and other assistance please see:

- State Heritage Grants Program (<https://www.dplh.wa.gov.au/information-and-services/historic-heritage/heritage-grants-and-incentives>)
- Other grants and incentives (<https://www.dplh.wa.gov.au/information-and-services/historic-heritage/heritage-grants-and-incentives/heritage-grants-directory>)

Can I object if my property is nominated for inclusion on the Local Heritage Survey, Heritage List or within a Heritage Area?

Yes, there are two opportunities for submissions to be made during the review process. Stage 1 is seeking additional information on places to inform the review, and stage 2 will involve the draft Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy: Heritage Conservation and Development being publicly advertised for comment.

Submissions should be based on the cultural heritage significance of a place and factors which contribute to this.

Are indigenous sites included on the Local Heritage Survey?

Indigenous sites are protected under the Aboriginal Heritage Act 1972. However, if a place has multiple layers of history including local cultural significance then it may be included on the Local Heritage Survey.

Further Queries:

All queries regarding the Local Heritage Survey, Heritage List, Heritage Area review should be directed to Carly Rundle, Senior Planner on 9641 0510 or email planning@york.wa.gov.au.

Additional Information regarding Local Heritage Surveys, Heritage Lists and Heritage Areas and Policy can also be found on the State Heritage Office's website (<https://www.dplh.wa.gov.au/information-and-services/historic-heritage> and <http://inherit.stateheritage.wa.gov.au/Public/>).