Local Planning Policy 2.0 – Heritage List

Title	Policy Name	
2.0	LPP 2.0 – Heritage List	

1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Regulations'). This Policy may be cited as Local Planning Policy 2.0 – Local Heritage List.

2.0 Introduction

The heritage list identifies places that are of cultural heritage significance and worthy of built heritage conservation, so that development can, as far as possible, be consistent with the Shire's heritage conservation values and objectives.

The Shire will not enter a place in the heritage list without first consulting affected owners and occupiers of the place and considering any submissions received on the proposed listing.

Inclusion of a place in a heritage list does not limit the ability of a property owner to propose any works or other development, nor does it expect or require the Shire to determine an application solely on heritage grounds. However, proposals that respect and retain the heritage values of the place are likely to be encouraged and may, where appropriate, be required.

3.0 Objectives

The objectives of the policy are to:

- achieve transparency and consistency in the designation of places on the heritage list.
- provide clear guidance on how objections to a proposed inclusion on the heritage list will be assessed.
- ensure that the heritage list is maintained in a manner and form that is consistent with the local planning scheme.
- provide clear guidance on the criteria for including and excluding a place from the heritage list.

4.0 Application of this Policy

This policy applies to the administration and operation of the heritage list established pursuant to clause 8, Schedule 2 of the Regulations and associated with the local planning scheme.

Note that the heritage provisions of the local planning scheme may be applied to some places that are not included in a heritage list but are considered to have cultural heritage significance.

5.0 Policy Provisions

5.1 Format of the heritage list

The definitive version of the heritage list is the most recent dated document that has been adopted by a resolution of Council. The heritage list is available on the Shire's website.

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The heritage list will set out a description of each place and the reason for its entry in the heritage list, and be presented in a format consistent with the template at Schedule 1 of this policy.

5.2 Threshold for inclusion in the heritage list

Level of significance to local area	Category	Description	Heritage list
Exceptional significance	1	Essential to the heritage of the locality. Rare or outstanding example	All places included in the heritage list
Considerable significance	2	Very important to the heritage of the locality	All places included in the heritage list
Some / Moderate significance	3	Contributes to the heritage of the locality	All places included in the heritage list
Little significance	4	Has elements or values worth noting for community interest but otherwise makes little contribution	All places included in the heritage list

Establishment and maintenance of the heritage list is a requirement of the deemed provisions contained in the Regulations. Inclusion in the heritage list will be based on an assessment of cultural heritage significance of a place and the Shire's opinion as to whether it is worthy of built heritage conservation.

The designation of cultural heritage significance for local heritage places will be taken from the Shire's Local Heritage Survey (LHS). The assessment and designation of significance will be carried out in line with the Guidelines for Local Heritage Surveys (Heritage Council of Western Australia, July 2019).

A place may be considered worthy of built heritage conservation irrespective of its current state of repair; ongoing requirements for conservation, care and maintenance; or economic worth. The Shire is of the opinion that all places included in the State Register of Heritage Places have cultural heritage significance and are worthy of built heritage conservation, and will be added to the heritage list.

The Shire is of the opinion that all places designated as having 'exceptional' or 'considerable' significance to the local area (Category 1 or 2) are worthy of built heritage conservation and should in all cases be included in the heritage list.

The Shire's opinion as to whether places designated as having 'some/moderate' significance (Category 3) are worthy of built heritage conservation will be formed in consultation with the property owner.

Places designated as having little significance to the local area (Category 4) are not considered to be worthy of built heritage conservation and will not be included in the heritage list. A place that is not individually considered to be worthy of built heritage conservation may still be included in a heritage area adopted under the local planning scheme.

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5.3 Changes to the heritage list

5.3.1 Consultation

Consultation on changes to the heritage list, including addition, variation or removal of any entry, will meet or exceed the minimum requirements of the local planning scheme.

Consultation in relation to specific actions is identified in the relevant section of this policy.

The Shire will give written notification of any changes to the heritage list to the Heritage Council of Western Australia and the affected owner and occupier.

5.3.2 Entry of a place in the heritage list

The LHS prepared by the Shire will be used as the basis for establishing cultural heritage significance for each place. Accordingly, requests for the assessment of heritage values of a place shall be processed as a nomination for the LHS. The request should provide a sufficient description to enable accurate identification of the place, and give reasons why the nominee believes the place is of cultural heritage significance.

If a place is adopted in the LHS by resolution of Council and its assigned level of significance meets the threshold for possible inclusion in the heritage list as defined in Table 1, and the Shire considers that the place is worthy of conservation, the Shire will begin the consultation process to consider inclusion of the place in the heritage list.

An objection to the level of cultural heritage significance identified for a place should be accompanied by supporting material to clearly articulate any errors or omissions in the assessment documentation that may indicate why a different conclusion on the significance of the place should be reached.

5.3.3 Modifying an entry in the heritage list

Changes to an entry in the heritage list may be initiated by the Shire as part of the administration of the list, or by nomination using the form in Schedule 2 of this policy. The Shire will consider all requests for change, but is not obliged to make such a change.

A decision on progressing the change will take into account the relevance, necessity and benefits of updated information and the administrative requirements of the consultation process. In general, minor and inconsequential changes to the heritage list will not be progressed immediately, but may be deferred for later consideration as part of a broader update.

5.3.4 Removing an entry from the heritage list

Removal of a place from the heritage list may be appropriate where the Shire considers that the cultural heritage significance of a place has substantially changed, to the extent that it no longer displays the values for which it was included in the heritage list and/or is no longer considered worthy of built heritage conservation. This may be the result of substantial demolition of, or damage to, a place, or presentation of new evidence about the place.

A proposal to remove a place may be made by the Shire's Council or its officers, or by the owner or occupier of a place. If proposed by an owner or occupier, the onus will be on them to demonstrate that the cultural heritage significance of the place and/or the extent to which it is considered worthy of built heritage conservation is below the threshold for inclusion in the heritage list.

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In addition to consultation with owners and occupiers for each place for which removal is requested, consultation on such an action may be carried out by inviting comment:

- from the general community through the Shire website;
- from the local historical society;
- as part of a community forum or workshop held for that purpose or
- in any other manner that may reasonably result in providing relevant information on the cultural heritage values of the place.

The Shire's opinion as to the cultural heritage significance of a place is determined solely by a resolution of Council at a properly convened meeting.

Substantial development, demolition or loss of fabric will not automatically result in removal from the heritage list, as the place may still retain sufficient cultural heritage significance to support inclusion in the heritage list, particularly if the heritage values relate to social or historical significance.

The Shire will retain a record of all places removed from the heritage list.

5.4 Specifying an interior as not of cultural heritage significance

Development approval for internal building works to a place on the heritage list is required unless the place is designated in the heritage list as having 'an interior that is not of cultural heritage significance'.

The determination as to whether any interior is of cultural heritage significance will be based on the assessment of significance associated with the place, and will be noted as part of the entry of the place in the heritage list. The entry will describe which interior elements or objects, if any, have been assessed as contributing to the cultural heritage significance of the place, and will therefore be considered when determining proposals relating to the place. However, the absence of such description should not be taken as specification that the interior is not of cultural heritage significance.

Where an assessment of the interior of a place has been prevented through refusal of access, or other action or inaction by or on behalf of the property owner, an application for development approval for interior building work may require the applicant to provide a heritage assessment from a competent heritage professional. Such an assessment will be required only where there are reasonable grounds to consider that the interior may be of cultural heritage significance.

Adding the designation that 'the interior is not of cultural heritage significance' constitutes a modification to the place's entry in the heritage list and must therefore follow the consultation process set out in this policy.

6.0 Definitions

Unless otherwise noted, terms used in this policy have common meanings and include those defined in the Regulations, and the *Heritage Act 2018*.

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Local Planning Policy – Document Control	
Version	Decision to Adopt/Amend
1	
Public Consultation (Yes)	
Document Reference	
Next Review Date	

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Schedule 1. Heritage List

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Schedule 2. Heritage List change request form template

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