



State Register of Heritage Places

The Heritage Council of Western Australia is responsible for establishing and maintaining a State Register of Heritage Places. This brochure details the purpose of the State Register, how places are added to the Register, and what this means for owners and decision making authorities.





The State Register of Heritage Places



The State Register of Heritage Places is a statutory list of places that are considered to have cultural heritage significance for present and future generations of Western Australians and may include buildings and structures, gardens, cemeteries and archaeological sites.

The establishment and maintenance of a State Register is a function of the Heritage Council of Western Australia under the *Heritage of Western Australia Act 1990* (the Heritage Act).

Under the Act, those places entered in the State Register are given legal protection. Places are entered following an extensive identification, assessment and consultation process.

THE PURPOSE OF THE STATE REGISTER

The State Register provides official recognition of a place's cultural heritage significance to Western Australia, and assists the Heritage Council to identify, provide for and encourage the conservation of heritage places.

The State Register also legally protects a place's cultural heritage significance by ensuring that any proposed demolition, relocation, subdivision, amalgamation, alteration, addition or new development is in harmony with its cultural heritage values. Protection is achieved through the requirement under the Heritage Act that all development proposals regarding a registered place be referred to the Heritage Council for advice.

The State Register of Heritage Places is publicly accessible. The list of registered places and documentation specific to each place is available on the Heritage Council's website, www.heritage.wa.gov.au. The Heritage Council's *Places Database*, also available on the website, contains information on places listed in local government Municipal Inventories, the Commonwealth Government's Register of the National Estate and the National Trust of Australia's (WA) List of Classified Places.

CULTURAL HERITAGE SIGNIFICANCE

Cultural heritage significance is determined through an assessment of a place's aesthetic, historic, scientific, social, rarity and/or representativeness. These values are identified in the Heritage Act and are determined by applying the Heritage Council's criteria (see "*Criteria*" section on page four).

OTHER HERITAGE LISTS IN WESTERN AUSTRALIA

The State Register is just one of a number of heritage lists existing in Western Australia. However it is the only list that can legally protect both government and non-government owned places in Western Australia. Local government Municipal Inventories, the National Trust's List and the Commonwealth Government's Register of the National Estate also provide recognition of a place's heritage significance.

Entry into each list is determined by the relevant agencies according to their own pre-determined criteria.

More information regarding the various heritage agencies and heritage lists can be obtained from the Heritage Council's website.

Nomination, Assessment and Registration

NOMINATION

Places can be referred to the Heritage Council for consideration for entry in the State Register through a referral under Section 9 of the Heritage Act, through the Municipal Inventory process and through the Government Heritage Property Disposal Process.

Referrals can be made by any interested party. Referral forms, available from the Heritage Council or via the website, set out the information required to allow the place to be considered for further assessment.

ASSESSMENT

Once a place has been referred to the Heritage Council, the following process takes effect:

- The referral of a place is considered by a sub-committee of the Heritage Council called the Register Committee. The Register Committee meets fortnightly.
- If the place is considered likely to be of cultural heritage significance, it is prioritised by the Register Committee for assessment. The referring party, owner and relevant local government are advised of the decision. The length of time before a place can be assessed varies according to available resources. In some cases it is necessary to assess a place immediately if it is under imminent threat of demolition.
- The owner and local government are advised when a heritage assessment has been commissioned, and are asked to provide access to the place.
- The heritage assessment involves the compilation of documentary and physical evidence relating to the place, which is usually undertaken by professionals such as a historian and a heritage architect. The preparation of the physical evidence section of the heritage assessment involves an on-site inspection. If an owner refuses entry to the place, the Heritage Act allows for the Heritage Council to appoint an inspector.
- A statement of cultural heritage significance is developed by assessing the evidence against the Heritage Council's pre-determined criteria (see "*Criteria*" section on page four). The final report, including the statement and gathered evidence, is called the assessment documentation.
- The Register Committee considers the assessment documentation and decides whether it makes a sufficient case for cultural heritage significance and the protection of the Heritage Act is appropriate. If the assessment documentation meets Heritage Council requirements, it is provided to the owner and the local government for comment on the possible registration, as well as the content of the documentation. In some cases the Heritage Council staff will contact owners again prior to the documentation being forwarded.
- The Heritage Council considers all responses received. In some cases, Heritage Council officers will liaise with owners or other relevant parties to discuss their response to registration, prior to consideration of the place for entry in the State Register.
- The Register Committee considers the assessment documentation and any comments made by owners, local governments or interested parties before making a final recommendation on whether the place should be entered in the State Register.





The Register Committee can recommend to the Director the entry of the place in the State Register on an interim basis under delegated authority from the Minister for the Environment and Heritage, if the owner supports registration.

If the owner objects to registration, the Minister for the Environment and Heritage determines whether the place will be registered.

Figure one on page nine outlines the process through which places are nominated, assessed and entered in the Register.

INTERIM AND PERMANENT REGISTRATION

Once it has been decided that a place be entered in the State Register on an interim basis, an advertisement is placed in the *Government Gazette* and *The West Australian*, or other relevant newspapers.

The Heritage Act requires, at this time, that a public submission period of a minimum of six weeks take place. This period allows owners and the local government a further opportunity to provide comments before consideration of the permanent registration of the place. Entry in the State Register on a permanent basis needs to occur within a 12 month period of the initial interim registration notice.

Any submissions, supporting or objecting to permanent registration, are considered by the Register Committee before a recommendation on permanent entry in the State Register is made. If there are any objections to permanent registration, the Minister for the Environment and Heritage determines whether the place will be registered on a permanent basis.

The process for advertising permanent registration is the same as for interim registration.

The provisions of the Heritage Act, notably those related to development and incentives, apply to a place from the date of the interim registration entry.





CRITERIA USED TO ASSESS CULTURAL HERITAGE SIGNIFICANCE

The cultural heritage significance of a place is determined through the assessment of aesthetic, historic, scientific or social value, rarity and/or representativeness. Assessment of these values is in accordance with the principles of the Heritage Act and the internationally accepted guiding document for best practice in the heritage and conservation fields, the Australia ICOMOS' *The Burra Charter*. The assessment of cultural heritage significance, together with the documentary and physical evidence, comprises the assessment documentation which is used to decide whether or not a place warrants entry in the State Register.

A simple explanation of the application of the assessment criteria is as follows:

- **Aesthetic value**
Is the place significant in exhibiting particular aesthetic characteristics?
- **Historic value**
Is the place significant to the history of Western Australia?
- **Scientific value**
Has the place the potential to yield information that will contribute to an understanding of the natural or cultural history of Western Australia?
- **Social value**
Is the place significant through its association with a community or cultural group in Western Australia for social, cultural, educational or spiritual reasons?
- **Rarity**
Is the place rare, uncommon or endangered in the context of the cultural heritage of Western Australia?
- **Representativeness**
Is the place typical of a type of place or environment in the State?

The physical condition, integrity and authenticity of places are also taken into account in the assessment of cultural heritage significance. It is possible for a place of poor condition or integrity to be entered in the Register where other values, such as historic or rarity values, are high. It is also possible for a place to be assessed as having only one of the above values to be entered in the State Register.

Information for Owners

Outlined below are some commonly asked questions and answers.

WHY IS THE REGISTER NEEDED?

The State Register of Heritage Places is a continually developing list of identified places important to present and future generations of Western Australians. Entry in the State Register provides recognition of the heritage value of a place and assists in its conservation in the longer term.

WHAT ARE THE BENEFITS OF REGISTRATION?

Owners of registered places are given preference when applying for heritage funding. Funding for heritage conservation is available from a number of sources including the Heritage Council of WA, Lotteries Commission of Western Australia and the Commonwealth Department of the Environment and Heritage.

In addition, owners committed to the conservation of their registered place may be eligible for incentives under the Heritage Act. Such incentives may include development bonuses, relaxation of local government building controls, or relief from taxes and charges.

The maintenance of the heritage qualities of a property are generally considered a positive attribute by real estate agents, developers and investors in property and have the potential to increase the value of the place, varying on a case-by-case basis.

Further information on incentives and case studies of the value of the conservation of places can be obtained from the Heritage Council's website.

CAN OWNERS OBJECT TO REGISTRATION?

Yes. Owners are consulted at all stages of the assessment and registration process, and their comments are considered when making decisions on registration. Any objections to registration can only be taken into account in this decision making process, within the parameters of the Heritage Act, if the objection shows there is no cultural heritage significance attributable to the place. Other matters such as development potential or property value are not able to be considered in determining the cultural significance of a place.

CAN PLACES BE REGISTERED WITHOUT OWNER CONSENT?

Yes. Where the place is determined to have cultural heritage significance to the broader Western Australian community, it can be entered in the State Register on an interim or permanent basis without the owner's consent. In such cases, the Minister for the Environment and Heritage determines whether the place will be registered.



CAN OWNERS CARRY OUT WORK ON REGISTERED PLACES?

Work can be undertaken on registered places, subject to statutory requirements under the Heritage Act. This includes the need to refer any proposed development to the Heritage Council for advice.

Examples of the kind of works that must be referred include:

- Alterations and additions
- Construction of new buildings
- Demolition
- Relocation
- Excavations
- Re-roofing
- Changes of exterior colour schemes
- Signage
- Interior works
- Subdivision/Amalgamation
- Change of use



The Heritage Council's advice on the above type of work is binding. Unauthorised work on a registered place may attract a penalty.

Where owners submit a development proposal to a decision making authority, such as a local government or State Government agency, under the Heritage Act the authority is required to seek advice from the Heritage Council (see *"Information for Various Levels of Government"* on page eight).

The Heritage Council assesses all development proposals in accordance with the principles of *The Burra Charter* and the requirements of the Heritage Act with due regard for the established cultural heritage significance of the place. New work is permissible if the original fabric is easily identifiable and complements the building's original scale, form and massing. New work that mimics the original should be avoided.

More information on the development referral process is detailed in the *Guide to Development* brochure available on Heritage Council's website or by phoning the Heritage Council.





CAN NORMAL MAINTENANCE BE CARRIED OUT ON REGISTERED PLACES?

Normal maintenance is defined in *The Burra Charter* as 'the continuous protective care of the fabric, contents and setting of a place'.

Normal maintenance can be undertaken without approval provided it does not affect the significant fabric of the place. However, owners are strongly encouraged to contact the Heritage Council for advice should they be considering any works to a place entered in the State Register.

When undertaking maintenance, it is in the owner's interest to use experienced professionals to safeguard both the property's financial value and lifespan.

WHAT DOES IT MEAN WHEN PROPERTIES ARE REGISTERED AS PART OF A HERITAGE PRECINCT?

A heritage precinct is where the relationship between a number of buildings, streets and spaces together form an area of cultural heritage significance worthy of recognition and conservation.

Registration of a precinct means that proposed development of any places within the precinct, including vacant land and recently built structures, must be referred to the Heritage Council for advice. This ensures that any development is compatible with the significance of the area, and respects the existing scale and proportions of buildings and streetscapes.

IS THE LAND ON WHICH THE PLACE IS LOCATED REGISTERED ALSO?

The entry in the State Register of Heritage Places is memorialised on the land title for a place. The registered place is the land, all structures on it and any archaeological material below it.

DOES THE HERITAGE COUNCIL HAVE OWNERSHIP RIGHTS OVER REGISTERED PLACES?

No. A registered place remains the sole property of the owner, and right of access remains with the owner.

IS IT DIFFICULT TO INSURE REGISTERED PLACES?

Heritage is not normally a barrier to insurance. Property owners, regardless of their place's heritage status, will usually experience difficulty insuring places that are not well maintained.

Normal insurance is usually sufficient for registered places, as reconstruction of severely damaged places, whilst desirable in circumstances where sufficient fabric remains, is not a requirement of the Heritage Council. Replacement in compatible and modern materials can be undertaken. See "Insurance" section of website for more detailed information or call the Insurance Council of Australia (WA) on 9325 6033.

Information for Various Levels of Government

Any proposed development to a registered place is required to be referred to the Heritage Council for advice prior to planning approval or the issuing of building licences.

Where places are State Government owned, Heritage Council advice on proposed development is required to be sought prior to government approval and the finalisation of contract documents for development.

All proposed developments should be discussed with Heritage Council staff at the concept stage. Further details on development referral requirements can be obtained from the Heritage Council's website.

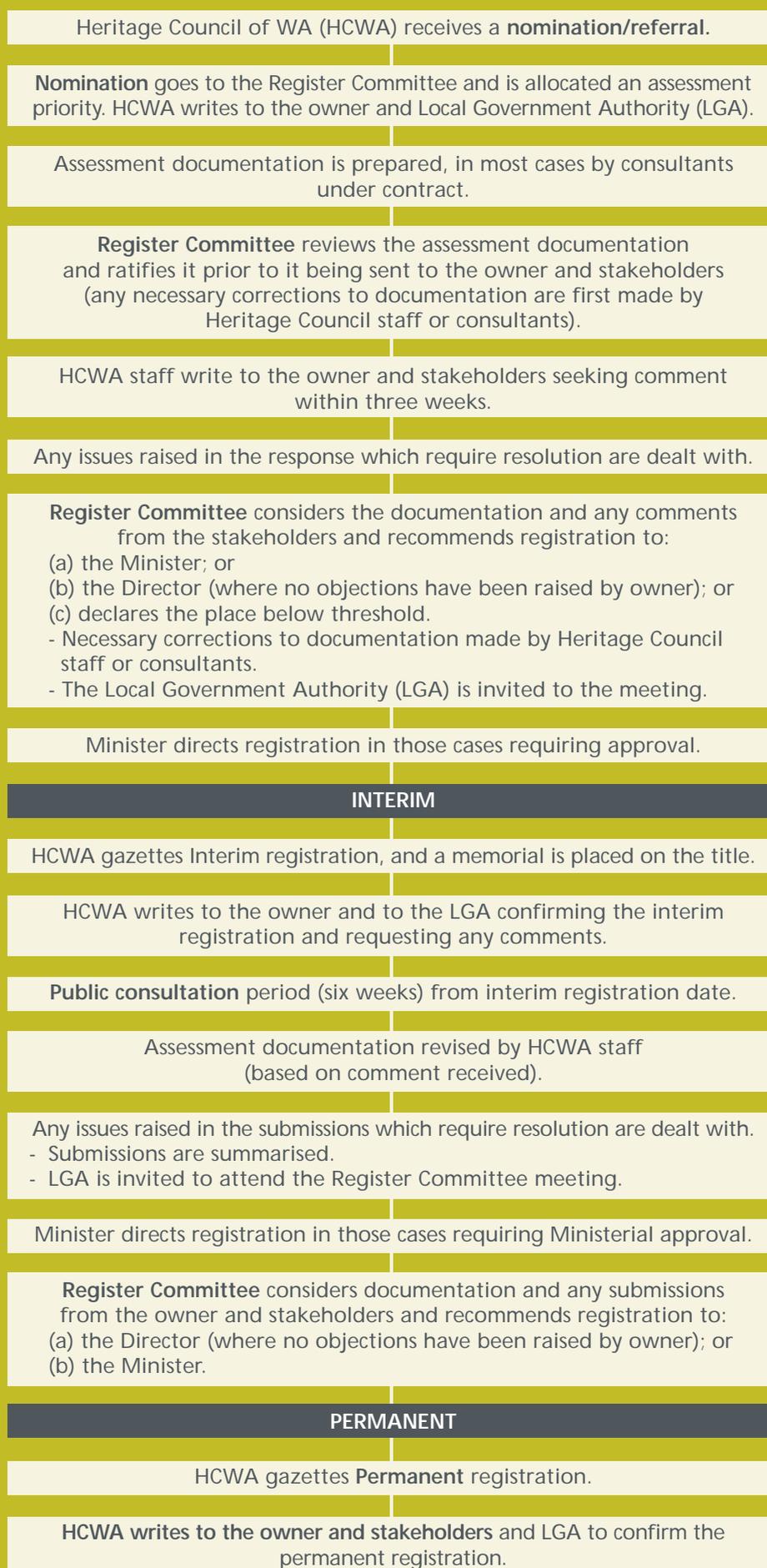
Where a State Government owned place is to be demolished, sold, transferred or leased outside of the State Government sector for more than 10 years, it is subject to a policy known as the Government Heritage Property Disposal Process.

This policy states that properties more than 60 years old, listed on an existing heritage list or displaying other evidence of potential significance must be referred to the Heritage Council for consideration of the Council's requirements at least four months prior to disposal. The Council may require a heritage assessment as described above, a conservation plan and/or a heritage agreement to be entered at the time of disposal.

Further information on this policy can be obtained from the Heritage Council by calling 9221 4177 or see our website - www.heritage.wa.gov.au.



FIGURE 1. A SUMMARY OF THE REGISTRATION PROCESS





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