

## WHAT IS A HERITAGE AGREEMENT ?

A Heritage Agreement is a legally binding legal contract intended to ensure the long-term conservation of a heritage place. It is usually entered into by the owner of such a place and the Heritage Council.

## WHY SHOULD OWNERS CONSIDER HERITAGE AGREEMENTS ?

By entering into a Heritage Agreement, you signal your desire to conserve the heritage place you own. Incentives such as rate remissions, land tax reductions, grants, planning concessions and plot ratio transfer may also be given to owners who guarantee to undertake conservation works. This may also apply when a heritage building restricts future site development.



Victoria Park Police Station

## HOW LONG DOES A HERITAGE AGREEMENT LAST?

Heritage Agreements are generally signed "in perpetuity." Once accepted, the document becomes binding on current and future owners. However, it can be renegotiated at any time in the future if both the Heritage Council and the owners agree.

Old York Hospital



## WHAT DOES A HERITAGE AGREEMENT CONSIST OF?

The main elements of a Heritage Agreement are:

- Requirements on the owner such as short, medium and long-term conservation works.
- The Incentives, describing those benefits which may be provided to the owner.
  - Recitals, interpretations and other miscellaneous clauses.
  - A Conservation Plan (if required) which documents the significance of the place, assesses its condition and makes recommendations about conservation works.

It also links the value and duration of any incentives to the value of the conservation measures taken.

## WHO DRAWS UP THE AGREEMENT ?

A company of commercial lawyers has prepared a model document which forms the basis of most Heritage Agreements. Once the owner and representatives of the Heritage Council have reached a mutually acceptable position, a draft is developed and circulated to all interested. After further negotiations, the final agreement is considered by the Heritage Council and recommended for ministerial signature.

## DO I, AS AN OWNER, HAVE TO ENTER AN AGREEMENT ?

No. Heritage Agreements are entered into by mutual agreement.

## HOW LONG DOES IT TAKE?

It often takes several months to ensure that all parties are satisfied with the details of a Heritage Agreement.

## HOW MUCH DOES IT COST?

An owner will be responsible for the cost of his own legal advice. Costs associated with a Heritage Agreement will depend on the complexity of the individual agreement and the amount of time spent by a legal adviser on drafting and discussions. The Heritage Council does not charge for providing advice and there is no stamp duty payable.

## WHO KEEPS COPIES OF A HERITAGE AGREEMENT ?

The Heritage of Western Australia Act requires that copies be provided to the Valuer-General and the Registrar of Titles. Copies are also provided to the owner, the Local Government and retained by the Heritage Council. Heritage Agreements are public documents and are available to people with a potential interest in the property.

Nulsen Haven ~ Redcliffe



## HOW CAN OWNERS OF HERITAGE PLACES ASSIST WITH CONSERVATION?

*Many places of special historical interest in Western Australia are privately owned. By entering into a Heritage Agreement with the Heritage Council, owners of such places show their willingness to be responsible for certain aspects of conservation and site management.*

*In return, they may apply for incentives such as rate remissions, grants and land tax reductions.*

*This brochure answers many commonly asked questions about Heritage Agreements. For further information, contact the Heritage Council of Western Australia or consult Section 29 of the Heritage of Western Australia Act 1990 which is available through most libraries.*

*If you believe you own, or are about to purchase, a heritage place you may wish to consider entering into a Heritage Agreement. It could be of benefit to Western Australia's heritage as well as to you.*

*An example of the model Heritage Agreement is available from the Heritage Council.*



Claremont Fire Station (fmr)



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## HERITAGE AGREEMENTS

*What they are and what they aim to achieve*



Grand Central Hotel ~ Bunbury



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