



GUIDELINES FOR LOCAL
HERITAGE SURVEYS

DISCUSSION PAPER

MARCH 2019



OVERVIEW

The *Heritage Act 2018* requires that guidelines on the preparation of local heritage surveys are issued by the Heritage Council of Western Australia and include:

- (a) criteria for the inclusion of places in the survey;
- (b) assessment processes;
- (c) processes for consultation with interested parties and with the public;
- (d) processes for reviewing and updating the survey, and the frequency of reviews;
- (e) processes and mechanisms for making surveys available to the public;
- (f) any other matter the Council considers appropriate.

Common standards for local heritage were published in 2007 and have had minor updates since that time. These are articulated in a short document entitled, 'Basic Principles for Local Government Inventories', supported by more detailed guidelines on 'Criteria for the Assessment of Local Heritage Places and Areas'.

'Guidelines for Local Heritage Surveys' updates and expands on the 'Basic Principles' document. Changes have been developed by the Department of Planning, Lands and Heritage in consultation with representatives from the local government sector.

This discussion paper highlights some of the areas in which community and stakeholder input are sought, particularly when change from past practice is proposed. Submissions are, however, welcome on any element of the guidelines to assist in providing clear information, or to suggest material that should be added or removed.

It should be noted that the *Heritage Act 2018* requires that, in conducting a review of their local heritage survey (LHS), a local government is to have 'due regard' to the guidelines. The Act also notes the need for application of discretion and consideration of matters not covered in the guidelines.

For a copy of the draft guidelines, or for further information, please visit www.StateHeritage.wa.gov.au

Submissions should be made via email to heritageact2018@dplh.wa.gov.au

1. Definition of place

The *Heritage Act 2018* adopts the following definition in relation to cultural heritage significance:

“place means a defined or readily identifiable area of land and may include any of the following things that are in, on or over the land —

- (a) archaeological remains;*
- (b) buildings, structures, other built forms, and their surrounds;*
- (c) equipment, furniture, fittings and other objects (whether fixed or not) that are historically or physically associated or connected with the land;*
- (d) gardens and man-made parks or sites;*
- (e) a tree or group of trees (whether planted or naturally occurring) in, or adjacent to, a man-made setting.*

While this generally supports the continuation of adopted practices, there may be enhanced community expectation for the application of local heritage. The guidelines aim to manage some of this expectation and give practical guidance to local government on what to include in a LHS.

The *Heritage Act 2018* also confirms that it “does not apply to a place (a) that comprises only the natural environment; or (b) that has cultural heritage significance solely on account of its connection with Aboriginal tradition or culture.”

Item 1.4 of the guidelines could be seen as a duplication of Item 5.1, as both identify cultural heritage significance as the basis for inclusion in the LHS. This was, however, considered a useful clarification that may assist in guiding public understanding of how trees may be included in the LHS.

The exclusion of places that are ‘solely’ of heritage significance for Aboriginal people recognises that WA has specific legislation for that purpose – the *Aboriginal Heritage Act 1972*. It does not, however, mean that places that have significance to both Aboriginal and non-Aboriginal communities, whether for similar or different reasons, should be excluded.

It should also be recognised that all community members should be able to contribute to the development or review of the LHS.

Discussion 1

- What role should the guidelines give local governments in respect of moveable heritage? Are there examples of existing policies or practice that could be applied?
- Are there other matters relating to the definition of place that should be covered in the guidelines, or could be excluded?

2. Updates and reviews

There has previously been little commentary on the difference between a review and an update, which the draft guidelines now address. This section aims to provide a practical mechanism to maintain data in the short term, allow for ad hoc addition or removal of places, and seek community input to a full review.

The *Heritage Act 2018* does not legislate the frequency at which reviews of the LHS should take place. The guidelines note that, in common with other strategic documents, the information in the LHS will remain valid for different periods for different local governments, depending on the rate of change of their community and the built environment.

The requirement to identify a review period in the LHS intends to encourage consideration of the local conditions and give a public commitment to the review.

Discussion 2

- Is there sufficient distinction between, and guidance for, administrative updates, ad hoc changes and the review of the LHS?
- Are the local planning strategy and strategic community plan appropriate to reference in terms of both purpose and period of review?
- Are the indicated timeframes realistic and practical, both in terms of achievability and providing current information?

3. Consultation

The consultation process received little coverage in the existing document and is an area in which some local governments have requested additional guidance. Much of this section is therefore new. Feedback from local government indicates that the sector has established processes and policies for community consultation and that it is not necessary to prescribe this in detail.

It would be possible to include further detail about the treatment of nominations, including requests for anonymity, conditions under which nominations can be rejected and the form of nominations. These, however, are matters that may be covered in existing policies on consultation and engagement, or could be developed by a local government if there was specific concern in this area.

Discussion 3

- What standards are appropriate for community consultation? Should the guidelines be more prescriptive?
- Is there relevance in identifying external standards (for example those set by the International Association for Public Participation) for local governments who have not adopted an appropriate policy?

4 Assessment Processes

The *Heritage Act 2018* lists a series of factors to be considered in determining cultural heritage significance for inclusion in the State Register. These reflect the 'HERCON' factors, which have been adopted as the standard by Australian heritage agencies.

As a long term objective it is intended that the assessment of local heritage also adopt this approach, it is accepted that this needs a substantial period of transition. It is also not intended that existing records require review solely for application of new criteria. Both HERCON and Burra Charter criteria are therefore noted as acceptable guides for assessment.

Reference to the thematic history notes the body of work undertaken to prepare these guides. It is hoped that they contribute to the understanding of heritage, although it is acknowledged that the review and application of thematic histories is inconsistent. The guidelines flag the potential for a thematic history to cover a region, which recognises that original settlement patterns did not follow current local government boundaries.

The contribution of a heritage professional reflects current practice, and the approach recommended to provide an informed decision. Given the implications for assigning the classification of each place, this task is singled out as requiring expert assistance.

One area in which discussion is encouraged is how to succinctly and clearly describe the intent of each of the categories of classification. It is noted that the current version in which Category 3 places are identified as having 'some altered or modified elements' has led to arguments in favour of downgrading places from higher categories. It may also imply that Category 1 and 2 places do not have altered or modified elements, which is clearly not the case.

Discussion 4

- How do we best describe each of the categories of classification?
- Is it necessary or desirable for the guidelines to identify that heritage precincts and groups can be included as a place in the LHS?
- Do thematic histories still provide relevant guidance, and should they remain a recommended part of the survey?
- Is the inclusion of a qualified and experienced heritage professional (who may be a local government officer) necessary and relevant?

5. Criteria for Inclusion

There is some overlap between the criteria for inclusion and the assessment process, but it has been taken that this section relates to the overall coverage and content of the survey, while assessment covers the mechanisms of assessing a place.

This section retains guidelines from the existing Principles document, but excludes the requirement for places to 'retain significant physical fabric from the past'. This statement did have an exception, noting that places with 'historic associations of major importance to the locality' could be included.

While it is still intended that the focus of historic heritage will be places that incorporate physical fabric, it was considered unnecessary to retain this statement.

Discussion 5

- Is it necessary for places to retain 'significant physical fabric'?
- Are the statements relating to covering all the district's towns, and all place types, necessary and relevant?

6. Public access

As 'an accessible public record' there is clearly an intent that LHS information is available for general use. It is suggested that, while a paper copy may be useful, it is no longer acceptable as the only means of accessing the survey.

The use of inHerit as a central database ensures that all of the State's heritage information is available in one place, and can be distributed through the State's mapping systems. It is therefore proposed that inHerit be defined as the place for local governments to record change to their LHS.

Discussion 6

- Is there sufficient awareness of, and confidence in, inHerit as the State's heritage database?
 - Are there any identified issues in maintaining or accessing data?
 - Would there be any substantial changes required to enable/encourage use of inHerit for recording data as part of the review process?
 - What are the alternatives?
- As access to information is covered in other legislation and local government policy, is it necessary to state the need for the LHS to be made available at nominated public offices?

Any other matters

Overall, the guidelines are intended to be a concise statement of best practice for management of the local heritage survey. It is proposed that the LHS Guidelines adopt a short, simple format with the potential for more detailed technical practice notes on matters such as the application of assessment criteria.

- Do the draft guidelines address the basic requirements to an adequate level of detail?
 - If not, what should be added?
 - Are there elements that are unnecessary as a basic requirement?
- Are there further matters that are not specifically required by the Act but relevant to include in the guidelines?
- What further practice notes would be necessary to guide local governments in developing a LHS?
- Should the guidelines include practical elements (such as working with consultants) or focus only on the technical requirements of a survey?

Thank you for contributing to the drafting of the Guidelines for Local Heritage Surveys. Consultation will continue until 26 April 2019, with a final draft to be adopted prior to the proclamation of the *Heritage Act 2018*.

Once adopted, training and information sessions will be available from the Department of Planning, Lands and Heritage.

For a copy of the draft guidelines, or for further information, please visit www.StateHeritage.wa.gov.au

Submissions should be made via email to heritageact2018@dplh.wa.gov.au

Submissions must be received by 5pm on Friday 26 April 2019.



The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

Disclaimer

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