



HERITAGE
COUNCIL



STATE REGISTER OF HERITAGE PLACES

THIS BROCHURE PROVIDES INFORMATION ON
THE STATE REGISTER OF HERITAGE PLACES,
HOW PLACES ARE ADDED TO IT AND
WHAT THIS MEANS FOR OWNERS



HOW PLACES ARE ENTERED IN THE STATE REGISTER OF HERITAGE PLACES

NOMINATION AND ASSESSMENT

A place is nominated to State Register of Heritage Places, which is managed by the Department of Planning, Lands and Heritage on behalf of the Heritage Council.

The Heritage Council decides if the place should be assessed for State cultural heritage significance.

If it is decided that it should be assessed, a draft assessment is completed.
If the place seems to have State cultural heritage significance, the draft assessment is sent to the owner(s), local government and any other stakeholder that has an interest in the place.

The department consults with stakeholders.

The Heritage Council considers the draft assessment together with comments received from the consultation process. Changes to the draft assessment can be made at this time.

If the Heritage Council decides the place has State cultural heritage significance, it is recommended to the Minister for Heritage.

The Minister considers the Heritage Council's recommendation and stakeholder comments and decides if the place should be interim registered.

INTERIM REGISTRATION

The department publicly advertises the interim registration, with a six-week period for public comments on permanent registration.

The Heritage Council again considers the assessment together with any comments received.

If the Heritage Council decides the place should be permanently entered in the State Register it is recommended to the Minister for Heritage.

The Minister considers the Heritage Council's recommendation and stakeholder comments, and decides if the place should be permanently registered.

PERMANENT REGISTRATION

The department publicly advertises the permanent entry of the place in the State Register.

A memorial is recorded on the Certificate of Title for the State Registered place.

Please note: if at any point during this process, the Heritage Council considers that the assessment of the place does not or no longer make(s) a case for State Registration, the process is stopped and all stakeholders are advised of the decision.

WHY HERITAGE IS IMPORTANT

Heritage is important in understanding the story of Western Australia – its history, identity and its people.

Heritage can incorporate both the tangible and the intangible. It is present in many forms such as landmarks, places, buildings and contents, spaces, views and the stories associated with them.

As a community, we share the responsibility to identify and respect what is important, and pass on these places to future generations so they will understand what came before them.

The retention and management of heritage places has an important role to play in protecting the environment, creating vibrant communities and sustaining local economies.

Retaining heritage places amounts to a substantial environmental and financial saving in embodied energy. It avoids the creation of waste and the need for replacement building materials.

Heritage places also contribute to the quality of life and cultural identity of our communities. Many heritage places, such as halls, churches, gardens, schools, and hotels, are the focal point for community gatherings. Privately-owned heritage places and heritage precincts contribute to streetscapes and our sense of belonging.

Utilising and revitalising our heritage places can also assist local economies through employment opportunities and by generating additional revenue, particularly through tourism.

State Government, local governments, property owners and members of the community all have a role to play in ensuring that the valuable asset of our heritage is recognised, respected and promoted.

An important tool in the recognition and protection of our important heritage sites is the State Register of Heritage Places.

The State Register ensures that places of State significance are recognised and any proposed changes respect the heritage values of the place.

LEFT: Bairds Building, Perth (1906)



THE STATE REGISTER OF HERITAGE PLACES

The State Register of Heritage Places is a statutory list of places that represent the story of Western Australia's history and development.

Places include buildings, structures, gardens, cemeteries, memorials, landscapes and archaeological sites.

Entry in the Register is reserved for places of State cultural heritage significance and is the highest recognition afforded at the State level.

The State Register of Heritage Places was established by the *Heritage of Western Australia Act 1990* to ensure that places are recognised for their value and importance to the State, and to promote their conservation into the future.



ABOVE: Broome Cemetery – Japanese, Chinese, Muslim Section (1890)

This does not mean a place cannot be adapted or changed to meet contemporary needs. The department and the Heritage Council encourage sensitive development and new compatible uses of heritage places because this is the best way of assuring their future.

There are many examples of heritage buildings that have been adapted to meet contemporary needs on the Heritage Council website www.stateheritage.wa.gov.au. For more information on developing State Registered places, see the Frequently Asked Questions section of this brochure or download the publication 'Guide to Developing Heritage Places'.

The department's Heritage Development team can assist owners with feedback on ideas and advice on any proposed development.

Sensitive development that respects a place's identified heritage significance will ensure that it keeps its property value, and in most cases, will increase its value.



TOP: Soldiers' Park, Collie (1921)

The State Register is managed by the Heritage Council of Western Australia with the assistance of the Department of Planning, Lands and Heritage (the department).

Entry in the State Register means that any changes or works proposed for the place need to be referred, usually by the responsible local government, to the Heritage Council for advice.

OPPOSITE: No 1 Fire Station, Perth (1901), FESA Education & Heritage Centre



FIRE STATION

WHO WE ARE

HERITAGE COUNCIL

The Heritage Council is a statutory authority established by the *Heritage of Western Australia Act 1990*.

The Council is a body corporate and accountable for the finances and performance of the organisation under the Financial Management Act.

The Council comprises nine persons appointed by the Governor of Western Australia on the advice of the Minister for Heritage.

The Heritage Council is responsible for fulfilling a range of functions under section 7 of the *Heritage of Western Australia Act 1990*, including in summary to:

- Advise the Minister for Heritage on heritage-related matters.
- Maintain the State Register of Heritage Places.
- Provide heritage advice to referring parties and agencies.
- Provide or facilitate financial or technical assistance.
- Prevent the destruction, deterioration of, or damage to, heritage places.
- Undertake the recording, conservation and presentation of heritage places.
- Encourage public interest in, and understanding of, the cultural heritage of the State.
- Promote or provide education or training.

HOW WE WORK TOGETHER

The Heritage Council is supported by the State Government's Department of Planning, Lands and Heritage in carrying out its statutory functions.

The department also supports the Minister and is accountable to both. The department carries out the statutory day-to-day operations, projects and service-delivery on the Council's behalf.

Delegation of responsibilities from the Council to the department occurs within the framework of a formal delegation policy that is reviewed annually. Together, we contribute to the Government Goal of Better Places: A quality environment with liveable and affordable communities and vibrant regions.

Only places of State cultural heritage significance are entered in the Register.

State significance is assessed by considering various values. Each place has its own unique combination of values, which together make up its State cultural heritage significance.

A simple explanation of these values is:

Aesthetic value

Is the place important for the way it looks or its physical characteristics?

Historic value

Is the place important as part of the story of Western Australia's history and development?

Scientific value

Can the place provide information of an archaeological nature or on a technical achievement in construction?

Social value

Is the place important to a community for social, cultural, educational or spiritual reasons?

Rarity

Is the place rare for any reason?

Representativeness

Is the place typical of anything – what does it represent?

Three other factors are also taken into account in determining State significance:

- physical condition
- integrity (whether the place's original function/use is clear)
- authenticity (the level of original fabric that remains).

It is possible for a place in poor condition, or one that has been substantially changed or modified, to be entered in the State Register where other values, such as historic or rarity values, are strong. It is also possible for a place to meet only one of the values and still be entered in the State Register.

ENTERING A PLACE IN THE STATE REGISTER

NOMINATION

Any member of the public, an organisation or local government can nominate a place to the State Register. Nomination forms are available from the department's website

www.stateheritage.wa.gov.au

The Heritage Council reviews all nominations to determine if a full assessment should be carried out. This is based on whether it is likely that place will meet the threshold for entry in the State Register.

Not all places nominated to the State Register are assessed or become registered.

ASSESSMENT

If the Heritage Council decides a place is likely to be of State significance then the department advises the place's owner(s), the local government and the nominator that a full assessment will be carried out. The length of time before a place can be assessed varies depending on the number of places already being assessed.

When an assessment is scheduled, the department advises the owner(s) the assessment is about to be compiled. This will include a site visit to the nominated place.

The Heritage Council considers the assessment documentation and decides whether the place is likely to be of State significance. If it is likely, the documentation is sent to the owner(s) and those with an interest in the place for comment.

The Heritage Council takes into account all comments before considering the possible entry of a place in the State Register. In some cases, it is necessary to deal with matters raised in this process before proceeding.

If the Heritage Council decides that a place is of State significance, a recommendation is made to the Minister for Heritage, who makes the final decision on whether the place is entered in the State Register.

INTERIM AND PERMANENT REGISTRATION

At the Minister's direction, places are entered in the State Register on an interim basis. Before a place can be considered for entry in the State Register on a permanent basis, the proposal is publicly advertised for six weeks.

The Heritage Council considers any comments received after the six-week period and recommends to the Minister whether the place should be permanently entered in the State Register. The Minister decides whether the interim registration should be made permanent.

Permanent entry in the State Register needs to occur within 12 months of the interim registration, unless a place is owned by the Crown (the State). Interim registrations are indefinite for Crown-owned places.

For all practical purposes, there is no difference between interim and permanent registration in terms of protecting what is important about a place.

LEFT: Point Cloates Lightstation (Ruin), Ningaloo (1910)



ABOVE: Seven Terrace Houses, Fremantle (1886)

HISTORIC PRECINCTS

A historic precinct is where the combination of landscapes, buildings, streets and spaces of an area has State significance because of their grouping and relationship to each other.

Entering a historic precinct in the State Register means that changes to any of the individual places within the precinct, including vacant land and recently built structures, need to be referred to the Heritage Council for advice. This ensures that any changes respect the heritage importance of the precinct, and the existing scale and proportions of buildings and streetscapes.

New development in a precinct should aim to maintain and enhance the precinct's character.

STATE GOVERNMENT-OWNED PROPERTIES

It is a requirement for State government agencies considering disposing or leasing a property out of Government that could be of heritage value to follow the Government Heritage Property Disposal Process. Details are available from the Heritage Council website www.stateheritage.wa.gov.au

HERITAGE LISTS

There are many different heritage listings that recognise and celebrate cultural heritage places in Western Australia.

Places entered in the State Register are protected under the *Heritage of Western Australia Act 1990* which ensures any development respects their identified heritage significance.

Other types of heritage, such as Aboriginal, maritime and natural, are protected by different legislation.

Local governments are responsible for heritage places that are significant to their local communities. These are listed in their Municipal Inventories and Heritage Lists.

The Australian Heritage Council and the Department of the Environment and Energy are responsible for places of national and commonwealth significance.

There are a number of other heritage groups, such as the National Trust Australia (WA), which compile their own lists, however these lists do not offer legal protection for heritage places.

AREA	ORGANISATION	LEGISLATION	WHAT IS PROTECTED
State	The Heritage Council (assisted by the Department of Planning, Lands and Heritage)	<i>Heritage of Western Australia Act 1990</i>	Places of State heritage significance included in the State Register of Heritage Places
	Department of Planning, Lands and Heritage	<i>Aboriginal Heritage Act 1972</i>	Aboriginal heritage
	Western Australian Museum	<i>Maritime Archaeology Act 1973</i>	Shipwrecks and associated maritime heritage
	Department of Biodiversity, Conservation and Attractions	<i>Conservation and Land Management Act 1984</i> <i>Biodiversity Conservation Act 2016</i>	Natural heritage
Local	Local Governments	<i>Planning and Development Act (2005); Planning and Development (Local Planning Schemes) Regulations 2015</i>	Places of local heritage significance
Federal	Australian Heritage Council	<i>Australian Heritage Council Act (2003); Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>	National Heritage List; Commonwealth Heritage List
World	UNESCO World Heritage Centre	<i>World Heritage Convention 1972</i>	World Heritage List
Other	The National Trust of Australia (WA)	<i>The National Trust of Australia (WA) Act 1964</i>	List of Classified Places (no statutory protection)

Each agency has its own set of criteria for entry on its lists. More information on the different heritage lists is available from the Heritage Council website www.stateheritage.wa.gov.au



ABOVE: Fremantle Prison, Fremantle (1852) - World Heritage Listed site



RIGHT: Pemberton Swimming Pool, Pemberton (1929)

FREQUENTLY ASKED QUESTIONS

What are the benefits of State Registration?

Owning a State Registered place means that you are a custodian of a place that is important to the history and development of Western Australia. As part of the registration process, you are provided with a concise history of your property and its role in the development of this State.

State Registration can be an important marketing advantage if you operate a business from your property. A number of businesses, particularly in the tourism and hospitality sector, successfully use State Registration as a point-of-difference between themselves and their competitors.

Entry in the State Register also ensures that you have access to a range of services and information provided by the Department of Planning, Lands and Heritage.

Heritage Officers in the Development team can provide practical advice and feedback on any proposed changes to your property. Information is also available on maintaining your heritage property.

Private owners are also eligible to apply for grants through the Heritage Council's Heritage Grants Program, which provides financial assistance to undertake conservation work, such as structural repairs. Grants are available through an annual competitive program.

Our Grants Administrator can also provide information on a range of incentives provided by Federal, State and local governments, including development bonuses, relaxation of building controls, and relief from taxes and charges.

Further information on incentives and case studies on the value of conserving heritage places is available from the Heritage Council website.

If my place becomes State Registered, can I still carry out maintenance and other work?

Yes. Maintaining your property to a good standard will ensure it retains its value.

Entry in the State Register does not mean a place cannot be changed to meet contemporary needs or adapted for new use. The Heritage Council encourages sensitive development and new compatible uses of heritage places because this is the best way of ensuring their future.

If development or change to a State Registered place is proposed, it is referred to the Heritage Council for advice, usually by the responsible local government.

In most cases, the Department of Planning, Lands and Heritage, under authority from the Heritage Council, will deal with the referral. Major developments are referred to the Heritage Council.

The Heritage Council provides statutory advice on proposed works to ensure they are done with care and sensitivity to the heritage significance of the place.

Owners of heritage places are encouraged to contact the department to discuss any changes they are considering.



Does the Department of Planning, Lands and Heritage or the Heritage Council have ownership rights over State Registered Places?

No. A State Registered place remains the sole property of the owner(s) and all normal private property rights apply.

Do I have to open my State Registered Place to the public?

No. Your place remains your private property and there is no requirement for a State Registered place to be open to the general public.

Will the value of my property be affected by registration?

Studies around Australia and overseas have found that generally heritage listing has no negative impact on property values. These studies have found that heritage listing can improve a property's value, particularly in areas that have a high concentration of heritage places.

Is it difficult to insure State Registered places?

Generally, you are able to insure *any* place that is in sound condition and occupied. However some insurance companies have a policy of not insuring heritage listed buildings. Contact your insurance company or broker for more information.

Like all property owners, owners of heritage properties should make sure they have adequate coverage. The common insurance industry standard

of replacing materials that are damaged or partially lost on a like-for-like basis is also good heritage conservation practice.

The Heritage Council offers a Fact Sheet on insuring your heritage-listed property at www.stateheritage.wa.gov.au

Is the land on which the place is located also State Registered?

Yes. State Registration covers the land, all structures on it and any material below it. The whole place is generally considered to have heritage significance. State Registration is rarely limited to the building footprint or a structure.

Can I subdivide the registered area?

Subdivisions of a registered area (known as a curtilage) can occur as long as the heritage values and settings of the place are respected. The Heritage Council has supported many subdivisions. Contact the department for more information.

What happens if I don't support State Registration?

Once the stakeholder consultation process is completed, the Heritage Council considers all comments received when deciding if a place is of State significance. It is the Heritage Council's responsibility to recommend places that meet the level for State Registration to the Minister, even if the stakeholders do not support registration.

The Minister makes the final decision about State Registration and will take into account all stakeholder comments, including any objections.

Can places be State Registered without the owner's agreement?

Yes. While the Minister will consider the owner's views, if the Minister considers the place is sufficiently important then the place can be entered in the State Register without the owner's agreement.



TOP RIGHT: Dempster Homestead, Esperance (1873)

BOTTOM RIGHT: Marsala House, Dianella (1976)

FAR LEFT: Former Marvel Bar Hotel, Coolgardie (1897)



LEFT TO RIGHT: Cygnet Cinema, Como (1938),
Main Pump Station, Kununurra (1963)
now PumpHouse Restaurant, photo courtesy
of PumpHouse Restaurant



Disclaimer: This document has been published by the Heritage Council of WA as an information guide only. The State of Western Australia and Heritage Council of WA do not represent that this publication is error-free, comprehensive or suitable for the reader's purpose and therefore disclaims all liability for any loss, damage or liability suffered by the reader directly or indirectly.

FRONT COVER: Busselton Jetty, Busselton (1865) Photo: Geoff Bickford

Contact us

© State of Western Australia

Published by the Heritage Council of WA
Bairds Building
491 Wellington Street Perth
PO Box 7479
Cloisters Square PO
WA 6850

Published August 2018

website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001
National Relay Service: 13 36 77
infoline: 1800 626 477

The Heritage Council of WA owns all photography in this document unless otherwise stated.

This document is available in alternative formats on application to the Communication Branch.