

## FREQUENTLY ASKED QUESTIONS

### *What is a Local Heritage Survey (LHS) and why does it matter?*

A Local Heritage Survey or LHS (previously known as a Municipal Heritage Inventory or MHI) is a list of places, which in the view of the local government are, or may become, of cultural heritage significance. The LHS is important as a first point of identification that may guide the development of the Local Planning Scheme Heritage List. Though mandated by State legislation, it is developed and managed by the local government. The Town of East Fremantle has had a LHS since 1995 and it was last revised in 2015.

### *How is a LHS formed and on what basis?*

Local government decides on the formation method, but the State Heritage Office provides some guidance on how the subject might be approached. Two informative publications provide guidance: -

Basic Principles for Local Government Inventories;

Criteria for Assessment of Local Heritage Places and Areas;

Visit: <https://www.dplh.wa.gov.au/about-inherit>

In summary, for a place to be considered for the LHS or local government inventory it needs to have aesthetic, historic, social and or scientific value. A relative weighting of importance can be gained by examining rarity, its representative value, condition, integrity and authenticity.

Inclusion in an LHS is a reflection of what the community would generally regard as being part of its heritage, which in its turn contributes to sense of place and character.

### *Where does the LHS sit in the scheme of heritage lists?*

The LHS is simply a list that identifies places that are, or may become, of cultural heritage significance. It has no specific planning or legal weight, but is an indicator of what the community believes has heritage value. The LHS provides assistance in the development of the Local Planning Scheme Heritage List, an instrument that makes Council's consideration of heritage an integral part of the planning process.

The State Register of Heritage Places has the force of State Legislation to identify and assist in the protection of heritage places, and some places in East Fremantle are included in the State Register.

Similarly the Federal Government's National Heritage List provides for Federal identification and protection for places of national cultural heritage significance. There are no places in East Fremantle on the National Heritage List.

### *What does being on the LHS mean?*

The LHS has no statutory implications, unless it is tied to the Local Planning Scheme. The LHS is an indication to the Town of the relative importance of a place and may assist in guiding other planning processes as noted elsewhere. The LHS will have degrees of significance listed, which also includes a recommended management category. Inclusion on the inventory does not imply any right of access and the place included remains the sole property of the registered owner.

### ***What is a LHS management category and what does it mean?***

Having a management category is an indication of the level of significance and the amount of care that should be taken in considering future development of a place or places. To establish consistency, management categories will be developed along the following lines: -

#### Category A Conservation Essential

This would only apply to places of the highest heritage value that either are, or could be on the State Heritage Register.

#### Category B Conservation Recommended

This category would apply to places that are clearly of high value to the Town of East Fremantle.

#### Category C Conservation Encouraged

This category identifies places that would generally be regarded as important, but where a review of the nature of an LHS is unable to establish the degree of importance. This would mean that if a significant alteration were to be proposed or demolition was being requested, a more detailed assessment would be required to ascertain whether the place should be elevated to Category B or reclassified to a lower category.

#### Category D Recording Required

This category identifies places of limited heritage value where conservation might be inappropriate and for which an archive photographic recording might be required prior to significant development or demolition.

### ***Can a place included in the LHS be changed or demolished?***

Inclusion on the LHS neither prevents change nor necessarily precludes demolition. In both cases, it is considered on the basis of cultural heritage significance and a professionally prepared heritage assessment and impact statement. Council will consider this information, together with other planning issues in making an assessment of development proposals.

### ***Can a place be removed from the LHS?***

Where conclusive information or changed circumstances given as evidence to Council that a place should not be listed on the LHS, due consideration will be given to its removal.

Depending on the circumstances, a professionally prepared heritage assessment may be required as part of the process to assist Council in its deliberation.

### ***Can I object to inclusion in the LHS?***

Most places have been on the LHS since 1995 and having survived a number of reviews were included on the basis of cultural heritage value. Objections would need to be on the same basis and may include an objection to the assessed cultural heritage significance of the place, recommended management category, or specific factual information. Council would need to consider in light of the objection whether or not the place has sufficient heritage value to remain on the list and at what management category level, or whether the place has no cultural heritage value.

### ***What is the Local Planning Scheme Heritage List?***

To effectively manage the places that are important to the Town of East Fremantle, one of the key tools is the Town Planning Scheme 3 Heritage List. The LHS is simply a list, whereas the Scheme Heritage List is a development tool that allows the most important local heritage places to be managed with heritage as one of the important considerations in the planning process. Local Planning Scheme No. 3 sets out a process for proceeding with the inclusion of places in the Heritage List that involves notification of owners/occupiers, invites comments and considers submissions. Following this, Council resolves to adopt a list. In considering future development applications, the Heritage List is used to ensure that development occurs with due regard to heritage values. This process is largely in effect already, with the adoption of the Heritage List formalising a current practice.

### ***Can development or demolition occur at a property in the Local Planning Scheme Heritage List?***

In similar fashion previously described, change may occur and demolition is not necessarily precluded. However, the scope for either is cultural heritage significance dependent and the particular circumstances at hand. Change needs to be managed to retain significance and demolition will be considered in terms of its cultural heritage impact. Supporting information in the form of a heritage assessment and heritage impact statement will assist Council to make determinations.

### ***What is a Heritage Area?***

Heritage areas are select areas with special qualities and will generally be quite rare in the context of the Town as a whole, but it may not require every place within the precinct to be significant. A Heritage Area describes a collective cultural heritage value. Heritage Areas don't require a level of significance to be assigned to them. However, the places within a Heritage Area should be described in terms of their contribution to the Area (exceptional, considerable, some/moderate, or intrusive).

A Heritage Area may be of aesthetic value, historic value, have research or social value and demonstrate a cohesive physical form in the public realm, which is a distinguishing characteristic when compared to individual heritage places.

Heritage Areas may contain a number of places, buildings or properties and planning policies around them are aimed at ensuring the totality of the Heritage Area is not diminished by development.

### ***Can development or demolition occur at a property in the Heritage Area?***

In similar fashion previously described, change may occur and demolition is not necessarily precluded. However, the scope for either is cultural heritage significance dependent and the particular circumstances at hand.

Change needs to be managed to retain significance and demolition will be considered in terms of its cultural heritage impact on the Heritage Area as a whole.

In some cases, demolition and compatible redevelopment may actually be desirable. If a place within in a precinct is described as intrusive, compatible redevelopment may well be a desirable outcome.

### ***Are there any benefits for a property on a Heritage List or located in a Heritage Area?***

Under the provision of Local Planning Scheme No. 3, the Council may enter into heritage agreements, require heritage assessments for new developments and make variations to the scheme provisions for a heritage place to facilitate its conservation and enhance and preserve its values. This can be done by means of varying site or development requirements specified in the scheme or the Residential Planning Codes. The waiving of scheme provisions requires a substantial heritage outcome in return.

***Are there any specific issues arising out of current good practice?***

As with most development proposals, early consultation is highly beneficial. In early consultation, a determination can be made as to whether a specific proposal has a heritage dimension.

Developing an early understanding of the property and its possibilities is highly beneficial and obtaining heritage advice early in the process is useful.

A preliminary discussion with proposals and an assessment of the likely outcome on heritage is a good starting point after establishing sensitivities.

Council can advise whether or not heritage assessments and heritage impact statements are required, once the significance of the place and the nature of change is understood.

The more important the place, the more likely it is that much of it will need to be retained. In general terms, the least alteration to significant parts of a place is a sound principal. More heavily serviced elements are better placed in new additions if new additions are part of proposals, as they are the most destructive.

***How does past change impact on heritage value and the prospect of further change?***

It will depend on the impact of past change. Some types of past change devalue the place as a whole, but often past change is readily recognisable and may not be of any heritage value, and may even be intrusive. Places of higher significance need to be changed with care, but later changes may provide the opportunity for further adaptation and change, without harming the significance of the place. Early consultation will help identify the opportunities.

***What impact will past additions have on the assessment?***

It depends on the nature of the additions, where they are located and what impact they have on heritage values. Additions do not necessarily impact adversely on heritage value. In some instances, cumulative change is part of heritage value. A very large-scale example of this is Fremantle Prison, where 139 years of penal history is recorded in the fabric of the Prison.

***Does inclusion in a LHS, Heritage List or Heritage Area impact on property value?***

Inclusion on a list does not impact on property value. However, there may be property value implications in particular circumstances, such as an incompatibility with zoning or density at a place where development is proposed. Being in a Heritage Area indicates that new development when it does occur needs to be sympathetic to ensure that heritage values and 'character' are retained. In many instances heritage values and character are strong contributors to the financial value of that location.

Council may be able to offer development concessions as provided for in the Town Planning Scheme to mitigate potential diminished value.

### ***Does listing impact property insurance?***

Generally any place can be insured providing it is in sound condition and occupied. Some companies do not insure heritage places, but most companies do. In common with any property owner, heritage property owners insure their place in a private contract arrangement and should ensure they have adequate cover for their particular risk. The common practice of insurers replacing property or material damage on a like for like basis is coincidentally good heritage conservation practice. In the event of total destruction of a property, the replacement property would not be required to replicate the property lost, but would need to be contextually compatible as any new development would. A total reconstruction of a heritage place is not generally considered to be a good heritage outcome, since authenticity is a component of heritage value.

### ***Is there any funding available for conservation?***

At the present time there is funding available for heritage places that are privately owned and that are included on the State Register of Heritage Places on an annual grant round application basis. Similarly, there is conservation funding available through LotteryWest for heritage places owned by not-for profit organisations, also on an annual grant round application basis.

### ***What are the maintenance implications?***

General maintenance is no different to maintenance requirements on any building, other than it is good practice to do maintenance on a like for like basis on the significant parts of an important place. Apart from the general liability of property ownership, there are no additional implications associated with being on an LHS, Heritage List, or in a Heritage Area.

### ***Do additions cost more on heritage places?***

Generally they do not. Additions do not need to match the existing property and it is preferable that they don't. Providing additions are sympathetic and do not overwhelm identified cultural heritage values, the manner of construction is quite flexible.

### ***When is a development application required?***

All places in the Heritage List and within a Heritage Area require a development application including demolition.

### ***Are Certificates of Compliance and Building Permits required?***

This is purely a matter of the nature and value of the work and applies to heritage places in equal measure to any building. There are no special requirements other than to comply with development approvals and conditions, to obtain Certificates of Design Compliance and obtain Building Permits as required.

### ***Where do I get advice?***

The first call is to the Town of East Fremantle to discuss what is being considered with Council planning officers. Expert advice can be obtained through the State Heritage Office's Heritage Consultant List.

<https://www.wa.gov.au/service/environment/built-environment/find-heritage-specialist>