

10. Appendices

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10.1	HCOANZ Supporting Local Government Project Final Brief	3
10.2	State legislative framework.....	9
10.3	Local heritage provisions	44
10.4	21 councils leading local heritage management: summary	54
10.5	Local Heritage Data – 20 local councils heritage results.....	67
10.6	7 councils leading local heritage management: detail	71
10.7	Productivity Inquiry – Local Government Survey results – Summary.....	88

10. Appendices

10.1 HCOANZ Supporting Local Government Project Final Brief

Brief endorsed 19 September 2007

HERITAGE CHAIRS AND OFFICIALS OF AUSTRALIA AND NEW ZEALAND PROJECT BRIEF - SUPPORTING LOCAL GOVERNMENT

BACKGROUND

The Productivity Commission Report “*Conservation of Australia’s Historic Heritage Places*” of April, 2006 made a number of recommendations pertinent to the role of local government in the conservation of Australia’s historic heritage. These include:

Rec 3.1

- *All levels of government should put in place measures for collecting, maintaining and disseminating relevant data series on the conservation of Australia’s historic heritage places.*

Rec 10.1

- *In relation to state, Territory and local listing, state and Territory governments should:*
 - *mandate that statements of significance be prepared at the time that a statutory listing decision is being considered and that these statements should be prepared by the listing authority;*
 - *require that listing authorities directly notify owners of any intention to add their place to the statutory list;*
 - *require that listing authorities make available a preliminary statement of significance to the owner and the public prior to public consultation;*
 - *require that listing authorities follow timely public consultation procedures following a decision to consider a place for statutory listing;*
 - *require that listing authorities, when proceeding with a listing, provide a comprehensive final statement of significance to the owner of the property and make it publicly available;*
 - *implement an additional appeal grounds in relation to listing, based on unreasonable costs; and*
 - *ensure that listing authorities have the authority to negotiate and enter into heritage conservation agreements.*

Rec 11.1

- *state governments should ensure that all local planning instruments include the following information for each heritage zone or area:*
 - *statement of significance applying to the whole area;*
 - *outline of what type of use and development is permitted;*
 - *outline of what type of use and development is prohibited; and*
 - *development standards (or codes) that trigger automatic approval upon proposed developments meeting them.*

Rec 11.2

- *Upon adoption of recommendation 11.1, state and Territory governments should remove the requirement for a Heritage Impact statement for properties not individually listed within a heritage zone.*

Rec 11.3

- *state governments should ensure that state planning policies do not contain local heritage exceptions which could be used to undermine the objectives of the state planning policy.*

Rec 11.4

- *state Heritage Acts should not contain powers to proclaim heritage zones or areas. Heritage zones and areas should only be imposed under the state's planning laws and regulations.*

Rec 11.5

- *state and Territory governments should modify their planning legislation and regulations to remove any requirement to take heritage considerations into account in relation to any individual property not already listed as locally significant, other than those requirements relating to heritage zones.*

In undertaking its inquiry the Productivity Commission surveyed local governments around Australia in order to obtain some basic data about this sector's performance as the key deliverer of heritage conservation services across the country. This survey attracted a strong response with 74% of local councils responding to the survey. This was followed up with 89 councils making written submissions to the Inquiry.

The clear message was that local government carries a great burden in meeting community expectations for historic heritage conservation, particularly through its urban planning role. The further message is that there is an implied obligation on state and Commonwealth governments to provide greater leadership and support to local governments in this role.

The Commonwealth Government [responded](#) to the Productivity Commission's Final Report in May 2007, generally supporting the principles behind the recommendations. The Chairs of the state and Territory Heritage Councils formally [responded](#) to the recommendations in November 2006.

The Heritage Chairs of Australia and New Zealand accept this implied obligation to provide leadership and support to local governments and as a consequence have resolved to develop a national approach to providing such support.

PROJECT AIM

To establish better information on local government capacity, and best practice in heritage protection, and recommend ways of achieving a national approach and using national models to achieve local heritage protection in Australia.

OBJECTIVES

Clarify the scale and scope of the heritage stock for which local government has heritage protection responsibility, in its urban planning role. *In particular, to establish a sense of the type of place being protected planning instruments across Australia and to identify trends in heritage identification studies.*

Develop an improved understanding of the nature of the heritage conservation effort by local government in the various states. *In particular, to establish the common features of the planning mechanisms administered by local government throughout Australia, to identify impediments to achieving conservation as generated by planning legislation and ordinances and to identify the policies and guidelines that are used across the country.*

Identify areas of weakness or pressure in local heritage protection and recommend ways in which these weaknesses or pressures can be addressed. *In particular to develop a detailed understanding of the pressures impacting on local heritage protection and the weaknesses of the systems in addressing those pressures.*

Identify the extent to which state and Commonwealth Governments support local government heritage programs (and make comparisons with government-to-government assistance in comparable public sector areas), in particular giving grant programs, heritage advisor services and support of heritage studies etc.

Prepare a standard set of incentive and support mechanisms available to local government and develop protocols and guidelines for the use of these mechanisms. *In particular to address the disincentives applying to the sector. In order to meet this objective it will be necessary to address the sorts of mechanisms proposed in the “Making Heritage Happen” (National Incentives Taskforce, April 2004) report including grant and loan programs, tax relief, sponsorship, etc.*

Develop a model of heritage assistance for use in local government across Australia. *In particular to establish a ‘best practice’ model for heritage advisory services as well as training and development options for local government staff administering heritage ordinances.*

METHODOLOGY

1. Local heritage planning in Australia and the scale and scope of the local heritage stock

Find out-

- the standard heritage provisions in local planning ordinances in each state;
- identify 6-7 local governments with exemplary heritage planning and other positive services or initiatives such as education, promotion & outreach and document them as case studies (‘which local governments are doing this best and why?’)
- identify the number of places identified in local heritage studies or surveys, broken down by broad Category-
 - Residential
 - Commercial
 - Government owned
 - Places of worship
 - Other community buildings
- And by broad type:
 - Archaeological, maritime
 - Archaeological, historic
 - Complex/Group
 - Precinct/conservation area
 - Built
 - Landscape
 - Movable/Collection

- Identify trends in local heritage studies (frequency of reviews, trends in number of places being added to/removed from local inventories, etc).

How-

Obtain information and listings data from state Government heritage databases. Complete telephone survey work with particular local governments as nominated by state agencies (3 per state).

When-

Prepare a paper for circulation to state Government authorities by November 07 which identifies the nature of the resource and commonalities in approach.

2. Areas of weakness or pressure in local heritage protection

Find out -

The key factors in the operating environment, eg

- Identify the strengths and weaknesses in each model
- Recommend elements of a common standard or benchmark for all local governments to consider. This needs to take into account the differences in legislation across the country and not assume legislative change.
- Identify best practice decision making guidelines in each state, both for heritage places and heritage areas
- demolition, construction industry and other development trends including pressures for new housing types (larger houses + densification demands etc),
- home-owner preferences and the nature of owner-objection pressures
- workload issues (too many applications to permit adequate proactive work, etc)
- skills shortages

Compare the size of the task with the amount of resources devoted to/available for heritage protection in local government and propose options for improving access to resources.

Examine the amount of incentives made available and the types of available financial support by comparison with the extent of demand and the size of the heritage stock.

How-

Obtain information from:

- state Govt heritage agencies
- Selected local governments (approximately 20)
- The Productivity Commission's 2005 local govt survey
- Appeal bodies in each state

When-

Prepare a discussion paper (including Part 1) for circulation to local government (by Feb 08) and consideration by HCOANZ (Mar 08).

3. Decision Making

Find out -

The best local decision making policies and decision guidelines used in Australia and elsewhere (which could be applied to Australian conditions).

How-

Survey state agencies and where appropriate local authorities to assemble a complete collection of decision making policies and guidelines being used to administer heritage conservation ordinances. Prepare a draft model of universal policies and guidelines for consideration by state agencies and local government. *This does not need to get into the detail of development guidelines but rather to focus on the higher order decision guidelines. The preparation of national development guidelines will be a natural progression of this project but is a separate project already identified in the Co-operative National Heritage Agenda.*

When-

For distribution and discussion by HCOANZ members. By June 08

These generic guidelines will need to be endorsed by Chairs and officials before being circulated to local government.

4. Incentives for Heritage Protection

Find out -

Drawing on the range of incentives identified in “*Making Heritage Happen*” and other sources identify a range of practical incentive mechanisms which addresses the processes and procedures to be followed in establishing these mechanisms. *For example, to identify successful arguments used to convince taxing and rating authorities of the value of direct grant and different tax and rate relief mechanisms.*

How-

Prepare a simple guide for local government which outlines various incentive mechanisms along with guidance on implementation procedures

When-

For distribution and discussion by HCOANZ members. By June 08

5. Heritage Advisory Services

Find out -

The most efficient and effective model for the operation of heritage advisory services in Australia.

How to access appropriate skills for the provision of heritage advice.

How-

Assemble details of the nature and operation of heritage advisory services across Australia. *These details should include recruitment and employment arrangements, terms of reference, payment arrangements and reporting arrangements to state and territory governments. Most of these details could be assembled by the state and territory jurisdictions.*

Propose a 'best practice' heritage advisory service model (potentially updating, disseminating and promoting the best practice heritage advisory model prepared by McDougall & Vines in 2000, 'Heritage Advisory Services Handbook: Guidelines for Government, Advisors and the Community') for ultimate distribution to local authorities across Australia.

Propose alternative mechanisms for accessing advice. For example, the NSW Model of levying major developments on the Victorian archaeological bonds program.

When-

For distribution and discussion by HCOANZ members. By Aug 08 and circulation to local government by Dec 08.

10.2 State legislative framework

state	State legislation				
	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
NSW	<p>Environmental Planning & Assessment Act 1979 NSW (P&A Act 1979)</p> <p>Heritage Act 1977 NSW (HA 1977)</p>	<p>P& A Act 1979 objects include following responsibility for Councils: "to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity; To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value' (S.4)</p> <p>The HA 1977 long title is An Act to conserve the environmental heritage of the state.</p>	<p>Local environmental plan prepared by council and approved by the Minister.</p> <p>Planning schemes are made to achieve the objects of the Act which includes heritage (s.24) (P&A Act 1979). Scheme contents may also include protecting the environment and protecting and preserving trees or vegetation. (s. 26). (P&A Act 1979).</p>	<p>Heritage Act establishes separation of state and local significance.</p> <p>Clear distinction of functions between state and local government with the Heritage Council responsible for identifying, assessing and managing places of state significance and local councils responsible for locally significant heritage.</p> <p>The Act enables and the state requires the use of the Standard Instrument by all local councils in preparing local environmental plans.</p> <p>Some devolution of responsibility to local government - in 2002 certain Heritage Act approval functions for minor works may be delegated to local councils. Thus the local authority may be responsible for state significant</p>	<p>s 21 outlines functions of the Heritage Council which broadly encompass both state and local heritage.</p> <p>The review terms of reference include looking at duplicative or overlapping provisions with other legislation.</p>

State legislation					
state	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
				heritage.	
VIC	<p>Planning & Environment Act 1987 Vic (P&E Act 1987)</p> <p>Heritage Act 1995 (HA 1995)</p>	<p>P & E Act 1987 S 4(d) objects include to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.</p> <p>HA 1995 s1 objects include to provide for the protection and conservation of places and objects of cultural heritage significance and the registration of such places and objects.</p>	<p>Planning Scheme prepared by council and approved by Minister.</p> <p>Planning schemes are required to achieve the objectives of the Act which includes heritage (S.6) (P&E Act 1987).</p>	<p>In practice, a separation of functions with Heritage Council responsible for identifying, assessing and managing places of state significance and local councils responsible for locally significant heritage.</p> <p>Local councils may not issue local planning permit where permit has been issued under Heritage Act.</p> <p>Local councils are required to include state-wide consistent provisions, the Victorian Planning Provisions.</p>	<p>Functions of the Heritage Council include to collaborate and co-ordinate with Federal, state and local authorities to conserve places of historic cultural heritage significance. The functions don't distinguish between state and local heritage and broadly encompass both state and local heritage.</p>
QLD	<p>Integrated Planning Act 1997 Qld (IPA 1997)</p> <p>Queensland Heritage Act 1992 (Qld)</p>	<p>IPA 1997 objects include to achieve ecological sustainability defined as, amongst other things, maintenance of the cultural, economic, physical and social wellbeing of people and communities. (S 1.2.1)</p> <p>HA 1992 (long title) is an Act to</p>	<p>Planning Scheme prepared by council and approved by the Minister.</p> <p>A core matter under the IPA 1997 for the preparation of a planning scheme, amongst other things, is 'valuable</p>	<p>Under the IPA 1997 local governments are required to identify valuable features in planning schemes.</p> <p>The Department of Local Government may override local government policies through the identification of codes (IPA s. 3.1.10). There is no clear superiority</p>	<p>Functions of the Heritage Council include to provide advice on local and state matters.</p> <p>The Queensland Heritage and Other Legislation Amendment Act 2007 (Amendment Act 2007) seek to more clearly direct the Heritage Council to strategic matters and managing the</p>

state	State legislation				
	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
	[Queensland Heritage and Other Legislation Amendment Act 2007].	provide for the conservation of Queensland's cultural heritage.	features', defined as 'areas or places of cultural heritage significance (such as areas or places of indigenous cultural significance, or aesthetic, architectural, historical, scientific, social or technological significance, to the present generation or past or future generations) (2.1.3A 4c).	of state policies over local policies although the Minister may so direct consistency (IPA s.2.3.2). A local planning scheme template provides guidance on the form and content of the schemes, its use is not mandatory. There is no legislated content for local government heritage policies. (Productivity Commission Inquiry). The Qld Heritage Council is a concurrency authority for an application involving development in a registered place with the application also involves assessment against a local councils planning scheme.	heritage of the state. The Act seeks to introduce improved protection for local heritage places as the responsibly of local governments.
SA	Development Act 1993 (SA) (DA 1993) Heritage Places Act 1993 (SA) HA 1993	DA 1993: Objects include: to enhance the proper conservation, use, development and management of land and buildings and to facilitate sustainable development and the protection of the environment. HPA 1993: Objects include: to	Development Plan prepared by council and approved by Minister. Councils required to prepare Development Plans. Includes objective for: "management or	Integrated development system with local councils responsible for identifying and development assessment of local heritage places and state government responsible for identifying state heritage. Development assessment for state heritage is responsibility of local councils (exercising provisions of	Functions of the Heritage Council include to collaborate and co-ordinate with Federal, state and local authorities to conserve places of historic cultural heritage significance. The functions don't distinguish between state and local heritage and broadly encompass both state and local heritage.

state	State legislation				
	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
		recognise the importance of South Australia's heritage places, to provide for identification and conservation of places and related objects of state heritage significance; to promote an understanding and appreciation of the state's heritage and to encourage the sustainable use and adaptation of heritage places in a manner consistent with high standards of conservation practice, the retention of heritage significance and relevant development policies" (S.2)	<p>conservation of land, buildings, heritage places and heritage areas' (s 23).</p> <p>Development Act provides for the creation of Local Heritage Places and state Heritage Areas. The Development Act provides the mechanism for development control of state and local heritage places.</p> <p>The Development Act provides for the establishment of Historic (Conservation) Zones or Historic (Conservation) Policy Areas within development plans. Council approval is required to demolish a building located within a Historic (Conservation Zone) whether or not it is listed as local heritage place.</p>	Development Act and Heritage Act) upon advice from the Minister.	

State legislation					
state	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
			Historic zones typically provide provisions related to height, density and townscape.		
WA	<p>Planning and Development Act 1995 (WA)</p> <p>Heritage of Western Australia Act 1990 (WA)</p>	<p>The PDA 1995 Purposes Section 3 (c) promote the sustainable use and development of land in the state. Doesn't include explicit heritage purpose but a general sustainability objective.</p> <p>The HWA 1990 states, the objects of this Act, with due regard to the rights of property ownership, are —</p> <p>(a) to identify, conserve and where appropriate enhance those places within Western Australia which are of significance to the cultural heritage;</p> <p>(b) in relation to any area, to facilitate development that is in harmony with</p>	<p>Local planning scheme prepared by council.</p> <p>The PDA 1995 provides for matters which may be dealt with by planning schemes including " Preservation and Conservation: (1) the preservation and conservation of places and objects of cultural heritage significance including control of the demolition and alteration of any building, structure or works and (2) the conservation of the natural environment of the</p>	<p>Local councils must have due regard to any regional schemes developed by the Western Australian Planning Commission which also issues policies and guidelines (Productivity Commission, 2006:371). WA also has a model text scheme for use by local councils.</p> <p>In preparing (non statutory) municipal inventories prepared under the Heritage of Western Australia Act 1990, local governments must refer the inventory to the Heritage Council for advice. Local councils must 'have regard to advice given". (Section 79. Planning and Development Act 2005).</p>	<p>Functions of the Heritage Council have broad mandate for heritage identification, conservation and management.</p>

State legislation					
state	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
		the cultural heritage values of that area; and (c) to promote public awareness as to the cultural heritage, generally. (HWA 1990, S 4)	scheme area including the protection of natural resources, the preservation of trees, vegetation and other flora and fauna, and the maintenance of ecological processes and genetic diversity" (Schedule 7 [s.69, 256 (1)].		
TAS	<p>Land Use Planning & Approvals Act 1993</p> <p>Historic Cultural Heritage Act 1995 (Tas)</p> <p>Act under Review 2007 based on 2005 Mackay report. September 2007 position paper released supporting final consultation on reform of the Heritage Act Bill</p>	<p>The objects of the LUPAA 1993 include furthering such objectives of the planning process as: "to conserve those buildings, areas or other places which are of scientific, aesthetic or historical interest, or otherwise of special cultural value " (Schedule 1 Part 2(g) of the LUPAA 1993.</p> <p>The objects of the Heritage Act are "to promote the identification, assessment, protection and conservation of places having historic cultural heritage significance and to establish the Tasmanian Heritage Council".</p>	<p>Planning scheme prepared by council and approved by the Resource Planning and Development Commission under the Resource and Development Commission Act 1997.</p> <p>A planning scheme can seek to achieve the objectives outlined in Schedule 1 Part 2(g) of the LUPAA 1993 including heritage conservation (s.20).</p> <p>Reform process includes plans for a standardised</p>	<p>Where inconsistencies between State policy and local scheme, State policy prevails. Planning schemes may be amended by the Resource Planning and Development Commission to remove any inconsistencies. There is no State policy for local heritage or model text scheme (Productivity Commission, 2006:371).</p> <p>The Act and other policy documents (The Guide to the Resource Management and Planning System (2003)) do not distinguish between State and local heritage management. The State heritage register lists places of State heritage significance, but it is</p>	<p>Functions of the Heritage Council have broad mandate for heritage identification, conservation and management. (s 7)</p> <p>Functions require Heritage Council to collaborate with local authorities, to promote tourism and encourage public interest and education of Tasman's historic cultural heritage.</p> <p>In practice, heritage conservation in Tasmania conducted mainly through use of the State Heritage Register (Productivity Commission Inquiry Report, 2006:389).</p>

state	State legislation				
	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
	expected late 2008.		heritage schedule and alignment with LUPAA.	widely recognised that without clear assessment guidelines, some places may be accurately described as being of local. There is at present no formal State policy advice to local government to assist in meeting the cultural heritage objectives (at Part 2(g) of Schedule 1 of the Land Use Planning and Approvals Act 1993) of the Resource Management and Planning System in the preparation of planning schemes. The Position Paper supporting the final consultation on the reform of the Historic Cultural Heritage Act 1995 (September 2007) identifies the need to more clearly define a distinct local and state management model.	
NT	Heritage Conservation Act 1991 (NT) Heritage Conservation Regulations 2007. Review announced	The principal object of this Act is to provide a system for the identification, assessment, recording, conservation and protection of places and objects of prehistoric, protohistoric, historic, social, aesthetic or scientific value, including geological structures, fossils,	No local instrument.	There is no third level for local heritage management in the Northern Territory. Local councils do not have planning or heritage management responsibilities. The Department of Natural Resources, Environment and the Arts administers the Heritage Conservation Act 1991 which has state-wide application for	Not applicable.

State legislation					
state	Legislative Framework				
	Primary state Legislation	Purpose/objects of Legislation	Local government Instrument	state/Local separation of powers & state superiority of policy	Any state legislated responsibility for local government support or obligation to advise, educate or otherwise engage in 'the heritage of the state'
	in 2003, Bill in draft.	archaeological sites, ruins, buildings, gardens, landscapes, coastlines and plant and animal communities or ecosystems of the Territory (s 3).		heritage.	

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
State	Local heritage list	Local standard heritage provisions	Local heritage assessment & listing process	Typology, criteria & thresholds
NSW	<p>Heritage is identified in Schedule 5 to Council's Local environmental plan.</p> <p>Basis of information is:</p> <p>Item number, property description, address, other details (eg. Study place was identified in)</p>	<p>Contained within the Standard Instrument (Local Environmental Plans) Order 2006).</p> <p>Is principle legal document for controlling development and guiding planning decisions. Standard instrument must be used.</p> <p>Includes mandatory Clause 33 heritage provisions. No council discretion to amend or alter these provisions.</p>	<p>Heritage study usually precedes listing.</p> <p>Studies funded by Heritage Office required to use model briefs for study. Form, content of study is not prescribed in delegated legislation.</p> <p>Heritage Study may use state Heritage Inventory database format in identifying heritage – free software provided by NSW Heritage Office. Resultant Council Inventory integrated into NSW state Heritage Inventory central state database of heritage places. Heritage Assessment usually contains statements of significance for each item.</p> <p>Making of local instrument involves public exhibition.</p>	<p>Protects 'an item of the environmental heritage'</p> <p>Heritage is categorised variously as 'heritage items', 'heritage conservation areas', 'archaeological sites', places of Aboriginal heritage significance'.</p> <p>Heritage Act 1977 defines an 'item of environmental heritage' as a place, building, work, relic, moveable object or precinct of state or local heritage significance (s.4).</p> <p>state heritage significance means significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item (s.4A)</p> <p>Local heritage significance means significance to an area in relation to the historical, scientific, cultural, social archaeological, architectural, natural or aesthetic value of the item. (s.4A)</p> <p>The standard instrument (Local Environmental Plans) Order 2006 defines a 'heritage item' as a building, work, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items...described in Schedule 5". The definition of heritage significance is consistent with the Heritage Act definition.</p> <p>The Heritage Act enables the Heritage Council to publish criteria to determine heritage significance (S 4A(3)). The Heritage Council established criteria for listing on the state Heritage Register, published in the Government Gazette.</p> <p>Guidelines for the application of the criteria are published by the Heritage Branch, Department of Planning, NSW 'Assessing Heritage Significance'. These also advise on the test for reaching state and local heritage thresholds. Their use is not mandatory, however criteria for assessing local heritage</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
State	Local heritage list	Local standard heritage provisions	Local heritage assessment & listing process	Typology, criteria & thresholds
				<p>significance (the gazetted state criteria as amended to apply to local area) is:</p> <ul style="list-style-type: none"> (a) an item is important in the course, or pattern, of the cultural or natural history of the local area (b) an item has strong or special association with the life or works of a person, or group of persons of importance to the cultural or natural history of the local area (c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area (d) an item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons (e) an item has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area (f) an item possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area (g) an item is important in demonstrating the principal characteristics of a class of the local area's cultural or natural places or cultural or natural environments. <p>This criteria is consistent with the criteria for listing places of national heritage value through the EPBC Act 1999.</p>
VIC	<p>Identified in Schedule to CI 43 Heritage Overlay, in councils planning scheme.</p> <p>Basis of information is Map reference, heritage place name, yes/no response as to whether:</p>	<p>Contained with in the Victorian Planning Provisions. state mandated local heritage decision guidelines contained within Clause 43. No council discretion to amend this Clause. Local councils may</p>	<p>Heritage study usually precedes listing and can be made a reference document (to the planning scheme which establishes it as a support to the policy but not part of the delegated legislation). Studies funded by Heritage Victoria required to use model briefs for study. Form, content of study is not prescribed in delegated</p>	<p>Protects 'a place of cultural heritage significance'</p> <p>Heritage Act defines heritage as places and objects of cultural heritage significance (s 3). Cultural heritage significance means aesthetic, archaeological, architectural, cultural, historical, scientific or social significance.' (s 3).</p> <p>The Planning and Environment Act defines conservation as "preservation, maintenance, sustainable use, and restoration of the natural and cultural</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
State	Local heritage list	Local standard heritage provisions	Local heritage assessment & listing process	Typology, criteria & thresholds
	<p>external paint controls apply; internal alteration controls apply; tree controls apply; outbuildings or fences not exempt; whether included on the Victorian Heritage Register; Whether prohibited uses may be permitted; whether an incorporated plan is attached and whether it is an Aboriginal heritage place.</p>	<p>prepare local policies and other guidelines which must be consistent with Clause 43.</p>	<p>legislation.</p> <p>No state wide direction on threshold to apply local heritage overlay. Usually contains statements of significance for each item.</p> <p>Making of local instrument involves public exhibition and independent Panel scrutiny.</p>	<p>environment". (S.4). Conservation as a verb is broadly consistent with the Burra Charter definition of conservation, heritage or heritage values are not separately defined.</p> <p>CI 15 of the state Planning Policy Framework cites Objective 15.11 'to assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific and research purposes, as a means of understanding our past..' This Clause forms a part of the state Policy contained in each planning scheme. All local government local heritage policies must be consistent with the state policy.</p> <p>The Heritage Act enables the Heritage Council to publish criteria to determine heritage significance and establishes the framework for the criteria (S 8 1c and 8 2c). The Heritage Council adopted criteria for listing on the state Heritage Register however there is no agreed and set local application of this criteria. The state criteria</p> <p>At the local level in practice, Councils use the Register of the National Estate criteria (as proposed by the VPP Practice Note – Applying the Heritage Overlay; Heritage Council criteria as identified above; their own interpretation of the Burra Charter values; the heritage values enunciated (S 4) by the P & E Act 1987 and those set out in the 1991 Local Government Heritage Guidelines (a reference document to Clause 43). The state Heritage Register criteria prescribed by the Heritage Act is broadly consistent with the EPBC Act criteria for places of national heritage value.</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
State	Local heritage list	Local standard heritage provisions	Local heritage assessment & listing process	Typology, criteria & thresholds
QLD	<p>May be identified in Schedule <i>Identified Cultural Heritage Features</i> to Council planning scheme under the Integrated Planning Act 1997 (IPA 1977).</p> <p>Basis of information is the list of feature by type, the property description or location and the relevant overlay map.</p> <p>The explanatory report for the Amendment Act 2007 noted that many local governments have inadequate or no provision for identifying and protecting heritage places (Explanatory Report, 2007:6).</p> <p>The Amendment Act 2007 introduces local heritage registers, requiring local governments to prepare a register and sets out</p>	<p>There are no state planning policies or state IDAS codes related to local heritage.</p> <p>As prescribed by the IPA, Planning schemes contain:</p> <p>Desired environmental outcomes express purpose of scheme. Zones outline broad land use allocations. The term 'overlay' is used to identify special attributes of sensitive land. Development assessment tables identify the assessment category (assessable, self assessable or exempt) that applies to development in a particular zone or affected by an overlay; the assessment criteria, including applicable codes, that are relevant to particular development; whether code assessment or impact assessment is required for assessable development.</p> <p>Under the IDA 1997,</p>	<p>Heritage study usually precedes listing.</p> <p>Making of local instrument involves public exhibition.</p> <p>The Amendment Act 2007 establishes new processes for the notification, exhibition, consideration of submissions and decisions related to the listing and removal of places from local heritage registers (S68).</p>	<p>Protects 'a place of cultural heritage significance.'</p> <p>HA 1992 defines as 'cultural heritage significance of a place or object' includes its aesthetic, architectural, historical, scientific, social or technological significance to the present generation or past or future generations'. (Schedule to HA S. 4)</p> <p>HA 1992 criteria for entry in the register is</p> <p>(1) a place may be entered in the heritage register if it is of cultural heritage significance and satisfies 1 or more of the following criteria –</p> <ul style="list-style-type: none"> (a) the place is important in demonstrating the evolution or pattern of Queensland's history; (b) the place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage (c) the place has potential to yield information that will contribute to an understanding of Queensland's history (d) the place is important in demonstrating the principal characteristics of a particular class of cultural places (e) the place is important because of its aesthetic significance. (f) the place is important in demonstrating a high degree of creative or technical achievement at a particular period (g) the place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons (h) the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history. <p>(2) a place is not to be excluded from the heritage register on the ground that the places with similar characteristics have already been entered in the register.</p> <p>(3) a place does not satisfy the criteria for entry in the heritage register if there is no prospect of the cultural heritage significance of the place being conserved</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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	<p>provisions for notification, exhibition and appeal. Local governments may apply, adopt or incorporate its local heritage register under the local government's planning scheme (Part 7B).</p>	<p>planning scheme templates determine the structure for local planning schemes but do not prescribe local heritage content.</p> <p>A local council may choose to prepare a Cultural Heritage Features Overlay Code.</p> <p>This may be triggered by a listed place or by merit of being a property adjacent to a listed place.</p> <p>Development is categorised as development that is either making a material change of use or development not associated with a material change of use that the planning scheme makes self-assessable or assessable under a cultural heritage feature overlay.</p> <p>Development assessment tables will contain criteria against which development is assessed. Codes may apply</p>		<p>(4) A place may be entered in the heritage register even if part of the place does not fully satisfy a criterion in subsection (1) but only if it forms part of a streetscape that satisfies a criterion in subsection (1) or is adjacent to a registered place and exhibits the characteristics of the registered place and failure to enter the place would reduce the overall cultural heritage significance of the streetscape or the registered place. (s23).</p> <p>The Queensland Amendment re-affirms the existing criteria which are nationally consistent. The amendment does amend the definition of heritage 'feature to include a 'precinct' and introduces separate concepts of "local heritage place" and "state heritage place" meaning a place entered in the Queensland heritage register as a state heritage place. Cultural heritage significance is defined as " of a place or feature of a place, means its aesthetic, architectural, historical, scientific, social or other significance, to the present generation or past or future generations" (Amendment 2007). Feature is further defined as " in relation to a place, includes the following – a building or structure, or part of a building or structure; an artefact, including an archaeological artefact; a precinct; a natural or landscape feature".</p> <p>The IPA 1997 defines heritage as 'valuable features', a wide definition encompassing ecological values, relevant to cultural heritage, the definition states valuable features includes: (c) areas or places of cultural heritage significance (such as areas or places of indigenous cultural significance, or aesthetic, architectural, historical, scientific, social or technological significance, to the present generation or past or future generations. (2.1.3A)</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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		<p>to a specific type of development or relate to an identified zone or area. The Cultural Heritage Features Overlay code may also contain overall outcomes for all overlays (listed places) or specific outcome (performance criteria) for a specific heritage place.</p> <p>The Guidelines for Cultural Heritage Management produced by the EPA are under review, pending the last set of amendments of the Queensland Heritage Act 1992.</p> <p>Under the Amendment Act 2007, a regulation may prescribe a code for IDAS - the system detailed in the Planning Act for integrating state and local government assessment and approval processes for development. It is anticipated the Integrated Development Assessment System</p>		

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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		assessment code to provide a consistent basic level of protection for local heritage places (Explanatory report, 2007:7). Local councils may seek an exemption from 7B if their planning scheme satisfactorily provides for the conservation of local heritage places.		
SA	Development plan provides for creation of places of local heritage value (Local Heritage Places).	<p>No state mandated provision content for local heritage management in the Local Instrument - Council's Development Plan.</p> <p>Local councils are required to have heritage policies however there is no requirement for consistency across Councils.</p> <p>However there is a state wide planning strategy for SA in three volumes (for metro, outer metro and regional SA) which provide direction for Councils preparing Development Plans, reviews and amendments. When</p>	<p>Assessment for listing is conducted by the local council and the Minister for Urban Development and Planning (MUDP) following a heritage survey.</p> <p>Assessed against criteria set out in S. 23 (4) of the Act.</p> <p>Objections considered by the Local Heritage Advisory Committee and the list subsequently created by the Local Council including them in its Development Plan through a Plan Amendment Report (PAR).</p> <p>Where an objection to a heritage listing is made by a property owner and is unresolved by public consultation process, the Minister makes a final decision on the advice of</p>	<p>Protects 'a place of heritage value' (also referred to as local heritage places).</p> <p>Heritage Places Act 1993 specifies criteria for state heritage significance (S.16).</p> <p>A local heritage place is defined in the Heritage Places Act as a place designated by a Development Plan as being of local heritage value (S.3) S.23(4) of the Development Act contains specific and different criteria for places that may be designated as a place of local heritage value. A place has the same meaning as in the Heritage Places Act (S.3)</p> <p>S.23(4) states that a Development Plan may designate a place as a place of local heritage if it satisfies one or more of the following criteria:</p> <ol style="list-style-type: none"> it displays historical, economic or social themes that are of importance to the local area. it represents customs or ways of life that are characteristic of the local area. it has played an important part in the lives of local residents. it displays aesthetic merit, design characteristics or construction techniques of significance to the local area. It is associated with a notable local personality or event.

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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		Councils prepare Development Plans under the Development Act 1993 they must accord with the objectives in the Planning Strategy. Refer Policy 3.9 Culture, Heritage and the Arts which provides for 'ensure aboriginal cultural heritage is identified and protected, ensure local heritage places and areas of heritage value are identified and incorporated into planning policy.' Policy 3.9.	the public service. Local Councils are required to submit a lodge a Heritage statement of Intent to the Minister, a condition of approval is the use of state templates for the process and form of identifying heritage (through the PAR) and Local Heritage Advisory Committee processes. Planning SA is seeking to compile a central state database of all heritage places in SA.	f. it is a notable landmark in the area. g. in the case of a tree – it is of special historical or social significance or importance within the local area. Guidelines for assessing places of local heritage significance have been prepared by the Government including guidelines for inclusion and exclusion (Planning Bulletin, Heritage, Government of SA, Appendix B Criteria and Guidelines for state and local heritage places'. The criteria defined in the legislation must be used. For the designation of Historic (Conservation) Zones or Policy areas, criteria is developed by Planning SA, this is not prescribed in the Act. Historic (Conservation) Zones or Policy areas should comprise and demonstrate: <ul style="list-style-type: none"> • Significant built form composed of historic elements that contribute to the character of the streetscape • Physical character including natural and cultural landscapes and land division patterns which relate to historic development of the local area and; • Unified, consistent physical form in the public realm with an identifiable historic, economic or social theme associated with an earlier era of development.
WA	A (statutory) Heritage List of those Heritage Places of local heritage significance created under the council's local town planning scheme, (Clause 7.1).	There is a state gazetted 'state Planning Policy 3.5 Historic Heritage Conservation, prepared under Part 3 of the Planning & Development Act 2005 by the WA Planning Commission.	Local councils are required to draw up a Heritage Inventory listing buildings that are or may become of cultural significance. (HWA 1990, S. 45) The list is appended to the model text scheme contained in the Town Planning Amendment Regulations 1999. The standard provisions for the	Protects 'a place of cultural heritage significance'. Cultural significance is defined as the aesthetic, historic, scientific or social significance a place may have for present or future generations (HWA 1990 S 3) At the local level, the terms 'cultural heritage significance' and 'conservation' have the same meaning as in the HWA Act 1990. (MST Schedule 1 –

Key attributes of each state's approach in managing local heritage through the planning system

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	<p>Local council may also designate a 'Heritage Area' (Clause 7.2). This is not included on the Heritage List but is managed through the scheme.</p> <p>The basis of information on the local Heritage List is a description of each place and reasons for its entry (MST Clause 7.1.1)</p> <p>This statutory process is separate from the non-statutory Local Government Inventories (formerly Municipal Inventories) under S.45 of the Heritage of Western Australia Act 1990. Local government inventories are kept under Section 45. of the Heritage of Western Australia Act 1990 and must be reviewed every four years and a copy provided to the Heritage</p>	<p>The state prescribes a Model Scheme Text under the Town Planning Amendment Regulations 1999 which must be used for the development of local schemes. Part 7 of the Model Text Scheme contains provisions applying to the conservation of heritage places and heritage areas. Where a scheme does not include heritage provisions, the model clause set out in the explanatory notes to the MST should be used.</p> <p>The Model Scheme Text enables local government to enter into a heritage agreement for conservation purposes and may involve planning concessions and title covenants (MST Clause 7.3)</p>	<p>compilation of the heritage list are set out in the Model Scheme Text. All local governments are required to apply the scheme and conform to the model heritage provisions.</p> <p>The Heritage List must be compiled with due regard to the local council's Municipal Inventory (MST Clause 7.1.2) but do not have to include all the places identified in the Inventory. The inventories are to be updated annually and reviewed every 4 years. Proper public consultation must inform the compilation of the Register. The municipal inventories have NO statutory implications. In practice, the inventory is the 'heritage study' preceding statutory protection through the planning system. The Heritage List is established under the provisions of the scheme but does not form part of the scheme (avoiding frequent amendments to change it). The listing process requires notification to owner and occupier and may conduct other consultation.</p> <p>Local governments may also designate a Heritage Area and are</p>	<p>Dictionary of defined words and expressions).</p> <p>Conservation means, the management of that place in a manner that will:</p> <ul style="list-style-type: none"> (a) enable the cultural heritage significance of that place to be retained; and (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place. <p>And may include preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting (S 3 HWA 1990).</p> <p>Criteria for the (state) Register of Heritage Places is outlined at S 47(2) of the HWA 1990:</p> <ul style="list-style-type: none"> (a) any distinctive features or scarcity value, the character of the environs of the place, its landscape or townscape value and, in the case of a building, its beauty and proportions, the degree of unity of its materials, design and scale, and any contribution it makes to the significance of any area, precinct, group of buildings, or amenity of which it forms part, or to its setting or the setting of any other place or feature; (b) any strong association which the place has with any historic personage or significant event or discovery or any development or cultural phase, or whether or not the place provides a notable example of a particular period or type important for general educational, architectural or archaeological reasons that distinguish it from other such examples, or has intrinsic merit and is commonly agreed to be —

Key attributes of each state's approach in managing local heritage through the planning system

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	Council. Proper public consultation must occur in preparation of the inventory. (Section 45 HWA 1990).		<p>required with this designation to adopt a local planning policy showing the boundaries of the Area, any places of heritage significance and the objectives and guidelines for its conservation.</p> <p>The procedure for designating a Heritage Area requires public exhibition.</p>	<p>(i) a work of art in itself that enriches the environment; or (ii) held in high public esteem or sentiment; and (c) in the case of places of particular scientific or other special interest, the extent to which the place has contributed, or may be likely to contribute, to knowledge or research, but a place shall not be excluded from the Register on the ground only that like examples are already included.</p> <p>Criteria for inclusion in the local heritage list is published in the Local Government Heritage Working Party findings, common standards and discussion papers, for the Minister for Heritage and Minister for Planning and Infrastructure, April 2005. These do not apply to Aboriginal sites which are registered under the Aboriginal Heritage Act 1972 and guidelines for the use of the criteria including inclusion and exclusion guidelines are also published, in the same approach as NSW. These are not regulations, however the document's recommendations endorses inclusion of the document in an updated Local Government Heritage Manual:</p> <ol style="list-style-type: none"> (1) it is significant in exhibiting particular aesthetic characteristics (2) it is significant in the evolution or pattern of the history of the local district (3) It has demonstrable potential to yield information that will contribute to an understanding of the natural or cultural history of the local district. (4) It is significant in demonstrating a high degree of technical innovation or achievement (5) It is significant through association with a community or cultural group in the local district for social, cultural, educational or spiritual reasons

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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				<p>(6) It demonstrates rare, uncommon or endangered aspects of the cultural heritage of the local district</p> <p>(7) It is significant in demonstrating the characteristics of a class of cultural places or environments in the local district. (pp10 – 27)</p> <p>The Local Government Heritage Working Party Findings, common standards and discussion papers, April 2005 also provides guidance on threshold assessment (pp28 – 29). The Heritage Council of WA has published a guideline on assessing local significance, 'Criteria for the assessment of local heritage places and areas' (2007).</p>
TAS	Inclusion of heritage register in schedule of the local council planning scheme.	<p>There are no state wide local heritage provisions.</p> <p>The current reform process aims to create a more uniform system across the State's 30 planning authorities, through legislative amendment; creation of a local government program within Heritage Tasmania; the adoption of listing and development guidelines; and use of a standardised heritage schedule template.</p>	<p>Local councils are required to prepare planning schemes which conserve those buildings, areas or other places which are of scientific, aesthetic or historical interest, or otherwise of special cultural value (Part 2(g) of Schedule 1 of the LUPAA 1993.</p> <p>Heritage study (or survey) usually precedes listing. Making of local instrument involves public exhibition.</p> <p>Approximately 40% of planning authorities have conducted a heritage survey in the past decade.</p>	<p>Protects a place of historic cultural heritage significance.</p> <p>There is no specific local criteria, local threshold or guidelines. At the state level, the HCHA 1995 definition of historic cultural heritage significance in relation to a place, means significance to any group or community for the archaeological, architectural, cultural, historic, scientific, social or technical value of the place (s 3).</p> <p>The reform process includes an intention to have local and State criteria and listing processes defined in the Heritage Act, supported by listing and development guidelines that cover places of local and State significance.</p> <p>The required criteria for entry into the Register currently is:</p> <p>(a) it is important in demonstrating the evolution or pattern of Tasmania's history;</p> <p>(b) it demonstrates rare, uncommon or endangered aspects of Tasmania's heritage;</p> <p>(c) it has potential to yield information that will contribute to an understanding of Tasmania's history;</p> <p>(d) it is important as a representative in demonstrating the characteristics of a broader class of cultural places;</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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				<p>(e) it is important in demonstrating a high degree of creative or technical achievement;</p> <p>(f) it has strong or special meaning for any group or community because of social, cultural or spiritual associations;</p> <p>(g) it has a special association with the life or work of a person, a group or an organisation that was important in Tasmania's history.</p> <p>(s 16)</p> <p>The legislative reform includes the need to standardise criteria with national counterparts, particularly with regards the inclusion of an aesthetics criteria.</p> <p>The HCHA 1995 defines conservation ' in relation to a place, includes –</p> <ul style="list-style-type: none"> (a) the retention of the historic cultural heritage significance of the place; and (b) any maintenance, preservation, restoration, reconstruction or adaptation of the place. <p>In the Land Use Planning and Approvals Act, Conservation is interpreted as including 'preservation, maintenance, sustainable use and restoration of the natural and cultural environment' (s 3)</p>
NT	The Minister will determine whether or not to declare a place or an object a heritage place or object. Heritage Advisory Council makes recommendation. In the NT the Register lists items that are declared to	Not applicable.	There is no local council register. Under the Heritage Conservation Act 1991, places are declared a heritage place or a heritage object. Any person may nominate a place or object for 'declaration'. The Heritage Advisory Council will assess the place or object against the prescribed criteria (Regulations, clause 5) and make	<p>Protects heritage places and objects.</p> <p>The Heritage Conservation Act protects places and objects of prehistoric, protohistoric, historic, social, aesthetic or scientific value, including geological structures, fossils, archaeological sites, ruins, buildings, gardens, landscapes, coastlines and plant and animal communities or ecosystems (s 3). "heritage place" means a place in the Territory (whether or not covered by water) declared under section 26 to be a heritage place; (s 4(1))</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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	<p>be protected because they are the subject of a declaration – they are not 'listed' on the Register and hence protected. A place is 'declared' a heritage place under S.26.</p> <p>The Act establishes a Register to record the "decisions and actions of the Minister under section 26, details of all interim conservation orders, conservation management plans and heritage agreements, details of heritage places and heritage objects (except to the extent that they are required by Aboriginal tradition to be kept secret) and such other information as is required by or under this Act to be recorded. (s 16).</p>		<p>recommendations to the Minister. The process includes public comment and consultation</p>	<p>The Act requires the establishment of heritage assessment criteria (s 18) for the assessment of places recommended for declaration as heritage places or heritage objects. The heritage assessment criteria are contained within the regulations.</p> <p>The Act (s 18) requires that the draft assessment criteria content is to achieve the identification of heritage places and objects that are:</p> <ul style="list-style-type: none"> (a) of significance in the evolution and pattern of the Territory's natural or cultural history; (b) possessing rare, endangered or uncommon aspects of the Territory's natural or cultural history; (c) demonstrating the prime characteristics of a class of the Territory's heritage places or objects; (d) of significance for their strong association with the life or works of a notable person or persons associated with the Territory; (e) possessing technical, design or aesthetic qualities of significance; (f) of significance because of special association with a Territory community for social, cultural or spiritual reasons; or (g) of significance for their potential to yield information which will contribute to a better understanding of Territory heritage (s 18) <p>The regulations (c 5) prescribe the criteria for assessing whether or not a place or object should be recommended for declaration under Part 4 of the Act as a heritage place or a heritage object</p> <p>"that has special significance in the Territory –</p> <ul style="list-style-type: none"> (a) for the evolution of flora, fauna, landscape or climate; (b) because of the diversity or richness of its flora, fauna, landscapes or cultural features; (c) because it contains rare, endangered or uncommon flora, fauna, biotic

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Identification & Assessment				
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				<p>communities, ecosystems, natural landscapes or phenomena;</p> <p>(d) in demonstrating the principal characteristics of the range of landscapes, environments or ecosystems, the attributes of which identify them as being characteristic of their class;</p> <p>(e) as wilderness;</p> <p>(f) for the maintenance of existing natural processes or systems;</p> <p>(g) because it contributes to a wider understanding of natural history by virtue of its use as a research site, a teaching site, an example of a type of locality or reference area;</p> <p>(h) by virtue of its association with events, developments or cultural phases in human occupation and evolution;</p> <p>(i) by providing information contributing to a broader understanding of the history of human occupation;</p> <p>(k) in demonstrating a way of life, custom, process, land use, function or design no longer practised, in danger of being lost or of exceptional interest;</p> <p>(m) in demonstrating the principal characteristics of the range of human activities which take or have taken place in the Territory, including ways of life, customs, processes, land uses, functions, designs or techniques;</p> <p>(n) by virtue of aesthetic characteristics or through technical, creative, design or artistic excellence, innovation or achievement held in high esteem or otherwise valued by a community;</p> <p>(p) in being highly valued by a community for religious, spiritual, symbolic, cultural, educational or social associations; or</p> <p>(q) through its close association with individuals whose activities have been significant in the history of the Territory. (c 5)</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
NSW		<p>The responsible authority must consider amongst other things the relevant environmental planning instruments and the likely impacts of the development on the natural and built environments and social and economic impacts in the locality S 79C (1)(b). Although the word heritage is not explicit, consideration of heritage provisions would be contained within local provisions and could also be interpreted to be included in the matters for consideration "(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality."</p> <p>The state has mandated the use of standard heritage provisions by local councils.</p> <p>Standard provisions are contained within the Standard Instrument (Local Environmental Plans) Order 2006 under the Environmental Planning and Assessment Act 1979.</p> <p>This is principal legal document for controlling development and guiding planning decisions. Includes compulsory</p>	<p>Under standard provisions in considering a development application a local council may request the applicant prepare a statement of heritage impact or a conservation management plan.</p> <p>At the state level the purpose and status of these documents is also specified in the Heritage Act's Heritage Regulation 2005 which also provides for the preparation of guidelines for the preparation of heritage impact statements or conservation management plans. The Regulations state that the documents must be prepared in accordance with the Heritage Branch, Department of Planning, NSW guidelines.</p> <p>These are applicable to state or locally significant places. The Heritage Branch, Department of Planning, NSW guidelines and policies have been published for both.</p>	<p>The powers under the Heritage Act to make interim heritage orders maybe delegated to local councils.</p>	<p>Appeals of decisions made by Councils heard by Land & Environment Court (any person). (s70,s70A Heritage Act 1977)</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>Clause 33 heritage provisions.</p> <p>The Heritage Branch, Department of Planning, NSW has published Local Government Heritage Guidelines to assist Councils decision making with respect to local heritage, particularly in exercising delegated authority.</p>			
VIC	Heritage places may include individual properties and areas as identified. The permit trigger and decision guidelines are the same for heritage places and heritage areas.	<p>Section 60 of the P&E Act requires that the responsible authority must have regard to, amongst other things the relevant planning schemes, the objectives of planning in Victoria (which obliges conservation and enhancement of cultural heritage – s 4), public submissions and the effect on the environment (s 60).</p> <p>Planning Schemes contain mandatory state policies and decision guidelines. Clause 43 provides for decision guidelines related to the heritage overlay.</p> <p>Local councils may make additional local planning policies which form part of the scheme to guide the exercise of discretion under Clause 43. Local policies must be consistent with state policy.</p>	No standard requirement to prepare statements of heritage impact or conservation management plans.	Maintenance of Heritage Assets: There is no explicit power for local councils to require maintenance or repair of places under threat from 'demolition by neglect'. Heritage Act contains obligations relating to state Heritage.	Appeals of decisions made by Victorian Civil and Administrative Tribunal.

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		Heritage Victoria has published The Heritage Overlay, guidelines for assessing planning permit applications , public draft February 2007. These are written to assist local government assess planning permit applications under the Heritage Overlay in the absence of a local heritage policy. Local heritage policies are not required to be consistent with the state guidelines.			
QLD	The Amendment Act 2007 revokes Section 34(4) of the Queensland Heritage Act 1992 which contained special provisions for heritage precincts, namely, streetscapes and properties adjoining a heritage place. Definition of 'feature' amended to explicitly include a precinct to explain that a precinct can be part of a place	Development is managed under the Integrated Planning Act 1997 and integrated development assessment conducted for places of state significance. The Queensland Heritage Council is concurrence agency for heritage matters under the Integrated planning Act 1997 and determines all development applications for (state) registered places. The Heritage Amendment Act 2007 enables the preparation of a regulation to prescribe a code for development assessment on a local heritage place (S68J). The Amendment Act also proposes the determination of development assessment by the	No standard requirement to prepare statements of heritage impact or conservation management plans. Development applications for development in a state heritage registered place are required to provide a statement of impact on the cultural heritage significance among other things. Provision of a conservation management plan is desirable, not mandatory. The Heritage Amendment Act 2007 requires local government to keep a local heritage register of places of cultural heritage significance. This must include a statement about the cultural heritage significance of the place (68C).		Under the amendments to the Queensland Heritage Act interested persons may appeal a heritage listing to the Planning and Environment Court only on the grounds that the place does not satisfy cultural heritage criteria. The IDAS does not contain this provision.

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
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	and entered into the Register (Explanatory Report Amendment Act 2007).	<p>department (EPA) rather than the Queensland Heritage Council.</p> <p>Development for which an exemption certificate has been issued does not require approval for heritage matters. A General Exemption G1 provides exemption for maintenance and repair, signage, services, temporary structures and safety and security.</p>			
SA	<p>At the state level heritage may be places or areas. At the local level heritage may be places or historic (conservation) zones or policy areas.</p> <p>Heritage zones and areas are created through the Development Act and not the Heritage Places Act 1993.</p>	<p>Development is defined in the DA 1993 as:</p> <p>Development means: (e) in relation to a state heritage place – the demolition, removal, conversion, alteration or painting of, or addition to, the place, or any other work that could materially affect the heritage value of the place; or (f) in relation to a local heritage place – the demolition, removal, conversion, alteration of, or addition to, the place, or any other work (not including painting but in the case of a tree, any tree-damaging activity) that could materially affect the heritage value of the place. DA 1993 S</p>	The state Government's policy, 'Planning Bulletin' states that a conservation assessment may be required depending on the complexity of the development application.	<p>Local heritage places are protected under the Development Act against unauthorised work defined as development in relation to a local heritage place Section 4.</p> <p>Enforcement notices (S 84) and Environment Resources & Development Court orders (S 85) in relation to breaches of the Development Act.</p> <p>Emergency Protection is available for proposed local heritage places during Interim Operation of a heritage PAR.</p>	

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management

State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>4(1).</p> <p>The Development Regulations 1993 outline additional acts and activities which constitute development (Schedule 2) and acts and activities (excluding state heritage) which are not development (ie. not requiring an approval). (Schedule 3)</p> <p>Unless specifically exempted these activities may not be undertaken without approval from the relevant authority. For some minor activities the relevant authority is not given discretion to refuse Development Plan consent (where it is declared by regulation not to be development – in Schedule 3 or to be complying development. Generally, all activities for state Heritage Register listed places require development consent.</p> <p>There are different levels of control for local heritage places compared to Historic (conservation) zones/policy areas. Demolition is a controlled activity for any state Place or area or local heritage place or zone.</p> <p>The local council is approval authority for</p>			

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Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>development for local heritage places and historic (conservation) zones and policy areas. The local council is also approval authority for state Heritage places and areas however refers matter to the Minister for comment. Where council does not totally adopt the recommendations of the Minister, the Development Assessment Commission (independent statutory body established by the Minister) must concur with Councils position. If the DAC does not concur the council must act in accordance with Minister's advice.</p> <p>The relevant policy guiding decision making for development affecting state Heritage are the relevant Development Plans and Heritage SA Guideline documents.</p> <p>The relevant policy guiding decision making for development affecting local heritage is the relevant Development Plan.</p> <p>As noted above, the policy content of the Development Plan is prepared by the local council. While there is no state</p>			

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>mandated content, guidelines including policy content have been produced for use by local councils.</p> <p>The SA Government has also published guidelines on the definition of development and a policy checklist from which are selected the relevant policies for the local area. (Planning Bulletin, Heritage, Government of SA, Appendix C Definition of development and policy checklist). The checklist includes policies relevant to the conservation, adaptation and extension of existing heritage places and buildings and issues relating to new development.</p> <p>When determining applications, local councils must consider the provisions of the relevant Development Plan, among various other heads of consideration (Part 5 IPA 1997).</p>			
WA	In WA the identification of Heritage Places compared to Heritage Areas is managed through	The Western Australia Planning Schemes Manual Model Scheme Text guidelines provides 'advice and information to Local Governments and others preparing or amending Schemes based on the Model Scheme Text'. Local councils may use	Clause 7.4 of the Model Scheme Text enables local council to require a heritage assessment prior to approval of any development proposed in a Heritage Area or a Heritage Place included on the Heritage List.	No obligations for maintenance for heritage purposes.	

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
	<p>different processes in the local government's planning scheme.</p>	<p>the text to prepare new planning schemes.</p> <p>The Model Scheme Text provides that the normally permitted development rights do not apply to place entered in a heritage list, or located in a heritage area.</p> <p>The Model Scheme Text provisions require local governments in considering applications for planning approval to have regard to, amongst other things:</p> <p>The conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under clause 7.1 of the scheme, or which is designated as a heritage area under clause 7.2 of the scheme.</p> <p>The MST prescribes the matters that should be taken into account by a local government in considering an application for planning approval. These matters may not be altered by local councils (Clause 10.2). Relevant to heritage</p>	<p>Clause 9.3 of the Model Text Scheme enables local councils to require additional material for heritage matters. The model text includes requirement to provide street elevation drawings, details of finishes, materials and colours and photographs of any elements to be demolished.</p>		

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management

State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>places, they include amongst other things:</p> <p>the state policy (state Planning Policy 3.5 Historic Heritage Conservation); local heritage policies adopted by the Council; the cultural significance of the place or area affected by the development; the conservation of any place that has been entered in the Register (HWA 1990) or included in the Heritage List under clause 7.1 and the effect of the proposal on the character or appearance of a heritage area and whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development. (MST Clause 10.2).</p> <p>In addition to those matters prescribed in the Model Scheme Text at Clause 10.2, the state Planning Policy 3.5 Historic Heritage Conservation requires that local governments have regard to the following specific matters:</p>			

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>Alterations, extensions, change of use or demolition affecting a heritage place (including a place within a heritage area);</p> <p>The level of heritage significance of the place, based on a relevant heritage assessment, measures proposed to conserve the heritage significance.</p> <p>The heads of consideration in the PDA 2005 do not explicitly mention heritage however S116 provides that the Commission may have regard to the 'preservation of the amenity', the definition of which includes heritage (productivity commission p 381: 2006 and clause 30(2) of the Metropolitan Regional Scheme (Perth and suburbs) and clause 10(2)(n) Model Scheme Text.</p>			
TAS	Heritage areas separately identified and managed under the Historic Cultural Heritage Act 1995. Heritage areas are 'declared' by the Minister.	<p>Local government management provisions for heritage may be in the form of either exempt or permitted works, discretionary decision provisions, provision of set conservation policies or conservation controls (Managing our Heritage, 2007:18)</p> <p>Under the LUPPA Act 1993 (Tas) a planning authority in determining a permit</p>	Not specified but proposed to be prepared as part of the reform process.	Nil.	Merit review through the Resource Management and Planning Appeal Tribunal Act 1993. The applicant or any person who made a representation may appeal against the approval or refusal of a heritage works application. Appeals may also

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>application must seek to further the Act's objectives which include heritage.</p> <p>Approval in form of planning permit required from local council for any proposed 'development' that includes external alteration or decoration but not general maintenance.</p> <p>Development includes:</p> <ul style="list-style-type: none"> (a) the construction, exterior alteration or exterior decoration of a building; and (b) the demolition or removal of a building or works; and (c) the construction or carrying out of works; and (d) the subdivision or consolidation of land, including buildings or airspace; and (e) the placing or relocation of a building or works on land; and (f) the construction or putting up for display of signs or hoardings <p>Works (including development) to places registered on the Tasmanian Heritage Register requires approval from the Heritage Council. Works are defined as:</p> <ul style="list-style-type: none"> (a) any development (b) any physical intervention, excavation or action which may 			<p>be made against entry in or removal from the Heritage Register and a notice to take or to stop specified actions.</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management					
State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		<p>result in a change to the nature or appearance of the fabric of the place</p> <p>(c) any change to the natural or existing condition or topography of land</p> <p>(d) any removal, destruction or lopping of trees otherwise than in accordance with forest practices defined in the Forest Practices Act 1985; and</p> <p>(e) any removal of vegetation or top soil.</p> <p>The Heritage Council may not require an application for some minor works and may grant an exemption from lodging an application for those works.</p>			
NT		<p>There is no local council development assessment process. Where a heritage place or object is so declared under the Act, the Act provides that it is an offence to carry out any work on, or damage, desecrate, or alter, a heritage place or heritage object; to remove from a heritage place a heritage object or an object associated with the place, or to remove a heritage object from the Territory without the consent in writing of the Minister or</p>	<p>No heritage impact assessment documents prescribed – the regulations stipulate that an application, for example to demolish a heritage place may require 'documents or other evidence supporting the application' (c 9).</p>	<p>The HCA 2000 enables the Minister to direct an owner to carry out such work for the purpose of repairing or maintaining the heritage place or object. Where the owner does not comply, the Minister may undertake the works and seek payment from the owner. S 49.</p> <p>The HCA 2000 enables the</p>	<p>Appeal to the local court by a person who has an 'appellable interest' (such as owner) and is aggrieved by an action of the Minister to declare a heritage item, to revoke that declaration, to make a place or object subject to an interim conservation order or to direct the repair or retention of a heritage place or object (ss</p>

Key attributes of each state's approach in managing local heritage through the planning system

Heritage Management

State	Place & Precinct Management	Development Assessment	Documentation required for development assessment	Local Emergency Protection & Maintenance Provisions	Appeal Rights and Provisions
		the Minister's delegate (s 33).		Minister to declare a place or object to be subject to an interim conservation order which applies for 90 days enabling the Council to consider its significance S. 28.	26, 28, 39F, 49). Appeal only on a question of law.

10.3 Local heritage provisions

Local heritage planning – Detail of standard provisions in local instruments

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
New South Wales	Contained within the Standard Instrument (Local Environmental Plans) Order 2006 under the Environmental Planning and Assessment Act 1979. Clause 33 of the Standard Instrument (Local Environmental Plans) Order 2006 provides for:	Local heritage is a planning matter, administered via the Environmental Planning and Assessment Act 1979 (NSW). Environmental Planning Instruments (state environmental plans, regional environmental plans and local environmental plans) are made under this Act and may include heritage provisions. At the local level, the local environmental plan is a Council's principal legal document for controlling development and guiding planning decisions. The NSW	Requirement for consent to: demolish or move heritage*; alter heritage including making changes to the detail, fabric, finish or appearance of exterior; alter heritage by making structural changes to its interior; disturbing archaeological site having reasonable cause to suspect that will result in a relic being discovered, moved etc; disturbing heritage that is a place of Aboriginal heritage significance; erecting a building or subdividing on land where heritage is located. Cl.33(2)	Consent is not required when: approval authority writes to authorise no consent required where the proposed development is of a minor nature for maintenance or would not adversely affect the significance and for certain other exemptions cl.33(3)	Council may require applicant submit a heritage impact statement to be prepared. Document prepared by expert assessing the potential impact of the proposed development & assesses affect on heritage significance. Council may also require submit of conservation management plans, a more comprehensive document to guide management of the place cl.33(4)	Council has discretion to grant consent to development for any purpose normally not allowed if satisfied that: for purposes of conservation; is in accordance with an approved conservation management plan; the proposed development would not affect significance of heritage or would not have any significant affect on amenity of the surrounding area cl.33(9)	Referral to Heritage Council for archaeological heritage; Consent authority must consider Aboriginal heritage; Referral to Heritage Council for demolition of item of state significance (not necessarily state listed)

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
		<p>Government has gazetted the Standard Instrument which must be used by local government in preparing council's local environmental plans.</p> <p>This is the Standard Instrument (Local Environmental Plans) Order 2006 under the Environmental Planning and Assessment Act 1979. The identification of local heritage is usually conducted through a heritage study or survey of a geographical area. Then the statutory recognition of this identified local heritage is via adding the property to a schedule to a local environmental plan.</p> <p>The heritage</p>					

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
		<p>provisions of this instrument are at Clause 33 and includes archaeological provisions and clauses relating to places of Aboriginal heritage significance. Local councils have no discretion to amend these provisions. Clause 32 relates to Preservation of trees or vegetation and is an optional clause – purpose is retention of amenity not heritage. Schedule 5 to the instrument contains the heritage list.</p> <p>Under the Environmental Planning and Assessment Act 1979, the responsible authority must consider amongst other things the relevant</p>					

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
		environmental planning instruments and the likely impacts of the development on the natural and built environments and social and economic impacts in the locality (s 79C)					
Victoria	Contained within local planning schemes made by local government under the Planning and Environment Act 1987. Planning schemes are the principal legal document for controlling development and guiding planning decisions. The Victorian Planning Provisions are a standard set of planning provisions established by the Planning and Environment Act. Relevant provisions include Clause 43.01	Local heritage is a planning matter, administered via the Planning and Environment Act 1987. Local Planning schemes are made under this Act and include standard heritage provisions. It is the principal legal document for controlling development and guiding planning decisions. Standard state policies are contained within every	Requirement for consent to: subdivide or consolidate land; demolish or remove a building; construct a building or carry out works; externally alter a building by structural work, rendering, sandblasting or in any other way; construct or display a sign; externally paint a building where triggered; externally paint an unpainted surface or where constitutes an advertisement; internally alter a building where triggered; carry out	Consent is not required when: development is done in accordance with an approved incorporated document specified in a schedule to the overlay or cemetery works or where permit granted under the Heritage Act 1995 (Vic) or where exempted from permit by the Heritage Act.	Specific decision guidelines apply requiring approval authority to consider any applicable heritage study or conservation policy and consider the impact of proposed building, alterations, works, subdivision, signage etc will affect the significance, character or appearance of the heritage place.	A permit may be granted where otherwise prohibited if use demonstrably applies to the conservation of the place.	Referral to relevant Aboriginal heritage legislation.

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
	Heritage Overlay (of the Victorian Planning Provisions).	<p>local council planning scheme which require the conservation of heritage (CI 15).</p> <p>The permissible use and development of land is controlled by the zoning of the land. An overlay is an additional planning provision. A heritage overlay protects the significance of natural and cultural heritage places. Clause 43.01 of the planning scheme contains the provisions relating to the protection of heritage places. Clause 43 operates concurrently with the relevant zoning.</p> <p>The identification of local heritage is usually conducted through a heritage study or survey of a geographical area. Then the statutory</p>	repairs and routine maintenance changing the appearance of the place; remove, destroy, prune or lop a tree where triggered.				

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
		recognition of this identified local heritage is via adding the property to the schedule to Clause 43.01 of the planning scheme.					
WA	Contained within the Model Scheme Text under the Town Planning Amendment Regulations 1999 which must be used for the development of local schemes. Part 7 of the Model Text Scheme contains provisions applying to the conservation of heritage places and heritage areas. Where a scheme does not include heritage provisions, the model clause set out in the explanatory notes to the MST should be used.	Local heritage is a planning matter, administered by the Planning and Development Act 1995 (WA). Local Planning schemes are made under this Act and may include standard heritage provisions as contained in the Model Scheme Text. The planning scheme is the principal legal document for controlling development and guiding planning decisions. The identification of local heritage is	Requirement for consent from the planning authority for: Commencement or carrying out any development on land zoned or reserved under the scheme. Development is defined as the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works, and, in the case of a place to which a Conservation Order made under Section 59	There is specified development that is permitted and does not require planning approval (Clause 8.2). This includes interior development not affecting the external appearance of a building; the erection on a lot of a single house any extension or ancillary outbuildings; demolition of any structure or building etc. These exemptions do not apply where the place is included in a Heritage List under the planning scheme or in	The Model Text Scheme enables local governments to require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or to a heritage place listed on the Heritage List (Clause 7.4)	The Model Text Scheme enables local governments to enter into a Heritage Agreement for the conservation of a Heritage Place. The Heritage Agreement may include special planning concessions and covenants on the title relating to the use and development of the land (Clause 7.3). The provisions for heritage agreements are guided by the Heritage of Western Australia Act 1990. Clause 7.5 further allows local councils to vary the scheme provisions for a heritage place or heritage area to facilitate:	A separate register of significant trees or vegetation may be kept under Clause 7.6.

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
		usually conducted through a municipal inventory and statutory recognition of this identified heritage achieved via adding the place to the statutory Heritage List appended to the Council's planning scheme. The inclusion of a heritage place triggers statutory controls including the requirement to obtain planning approval.	of the Heritage of Western Australia Act 1990 applies, also includes any act or thing that – <ul style="list-style-type: none"> a) is likely to change the character of that place or the external appearance of any building; or b) would constitute an irreversible alteration of the fabric of any building. (Clause 8.1)	some cases located within a Heritage Area under the scheme. (Clause 8.2). The Model Scheme Text recommends inclusion of the above provisions in schemes, unaltered, where the scheme includes heritage provisions. Local governments can add to the list of permitted development.		<ul style="list-style-type: none"> a) the conservation of a heritage place listed in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List. b) Enhance or preserve heritage values in a designated heritage area, the Council may vary any site or development requirement specified in the scheme or the residential design codes. (Clause 7.5). 	
NT	Not applicable.	All heritage managed by the state.	Requirement for consent where a heritage place or heritage object is so declared to: carry out any work on, or damage,	No consent required under section 39K for minor works – refer to regulations, clause 10. The regulations		Permit exemption provided in regulations where work is carried out only for the maintenance, conservation or protection	

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
			<p>desecrate, or alter, a heritage place or heritage object; to remove from a heritage place a heritage object or an object associated with the place, or to remove a heritage object from the Territory without the consent in writing of the Minister or the Minister's delegate (s 33, 39J).</p>	<p>provide the circumstances where no consent required for minor work where the work is carried out for maintenance, conservation or protection of the place or object and does not adversely affect the heritage value. (clause10(1))</p> <p>Minor work is defined as routine maintenance or cleaning that does not involve damage to or the removal of existing fabric, or the introduction of new material; repair of services and equipment using existing voids; the repair or replacement of deteriorated, damaged or missing fabric by a person who is licensed to carry out the work and has experience in the</p>		<p>of the place or object and does not adversely affect the heritage value of the place or object (clause 10).</p> <p>The registered owner of a property and the NT Government may make a Heritage Agreement concerning the protection of a place or object.</p>	

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
				<p>conservation of heritage buildings and in a way that ensures the repaired or replaced fabric does not involve damage to or the removal of large amounts of fabric; the removal of non significant fabric; painting, using paint of same color and type and is appropriate to the substrate and does not endanger the survival of paint layers; general landscape maintenance without altering layout etc; tree surgery by a qualified horticulturalist or surgeon; erection of a temporary structure that does not damage heritage place or obstruct significant views; erection of a temporary fence; carrying out emergency stabilisation works;</p>			

State	Summary Standard heritage provisions	Status and how it works	Approval required from consent authority.	Exemptions from permits at discretion of consent authority	Assess impact of development	Flexibility - conservation incentives & agreements etc	Misc. elements:
				cemetery works (clause 10).			
TAS	No standard provisions currently. The 'Managing our heritage' position paper supporting the consultation on the reform of the Historic Cultural Heritage Act 1995, September 2007, anticipates that the Heritage Council will publish guidelines that clearly define the principles to be applied in managing places to their level of significance and that the assessment of heritage matters could be subject to specific provisions within the planning scheme or rely on the published standard guidelines in accordance with heritage legislation provisions.						
QLD	No standard provisions currently. The Queensland Heritage and Other Legislation Amendment Act 2007 enables preparation of a regulation in the form of an Integrated Development Assessment System assessment code to provide a consistent base level of protection for local places.						
SA	No state mandated provision content for local heritage management in the Local Instrument - Council's Development Plan.						

10.4 21 councils leading local heritage management: summary

The results of the responses to the questionnaire to the nominated local government contacts and heritage planners is summarised below.

Local heritage case studies				
Attribute	Council			
	NSW			
	Ashfield	Woollahra	Broken Hill	Bathurst
The heritage system and degree of support from the states	Has occasional access to state funding, uses standard state models and guidelines and participates in local government heritage networking.	Uses standard state models and guidelines and participates in local government heritage networking	Uses standard state models and guidelines and participates in local government heritage networking	Uses standard state models and guidelines, receives funding from state, access to training by state, has limited delegated authority for state heritage.
Heritage is resourced	Council funds 2 p/t heritage advisors	Council funds staff resources	Council funds heritage advisory service and staff.	Council funds heritage advisory service and staff.
Council & corporate heritage commitment at strategic, statutory levels. Good asset management own heritage.	Council supports heritage, manages own heritage assets, heritage expertise available. Statutory planners knowledge good.	Council supports heritage, manages own heritage assets, heritage expertise available. Statutory planners knowledge good.	Council supports heritage, manages own heritage assets.	Council supports heritage, manages own heritage assets, trains councillors, heritage expertise available. Statutory planners knowledge good.
Identification & assessment	Last study 2003, uses state models and guidelines, use of community based study, no aboriginal heritage or archaeological heritage in study, some trees.	Current study under review, uses state models and guidelines.	Detailed Heritage Study in 1987 followed by individual heritage assessment for the Argent Street Precinct and an urban design study.	Last study 2007, uses state models and guidelines. Comprehensive study. statements of significance, community based study. Seeking funding to achieve Aboriginal and archaeological studies,
Community Consultation	Good community consultation before listing, most objections resolved.	Good community consultation, not significant numbers of objections, consultation process reduces objections.	Good community consultation and engagement.	Good community consultation, low numbers objections, evidence thorough consultation reduces objections.

Local heritage case studies

Attribute	Council			
	NSW			
	Ashfield	Woollahra	Broken Hill	Bathurst
Promotion, education & interpretation	Range of educational tools and initiatives including online, training, video, heritage walks, heritage awards.	Some promotion & education.	Program of promotion & education, heritage trails, Line of Lode Memorial and Visitors Centre, Voluntary conservation initiatives, heritage awards, heritage tourism and interpretation. Verandah reinstatement program.	Program of promotion and education, range of initiatives including heritage newsletter, brochures, seminars, trails and plaques, heritage tourism, interpretation programs, heritage awards.
Incentives to owners & developers	No grants or loans, range of incentives, waives development fees, advisory service, waive consent for minor works, online resources for owners.	No grants or loans, incentives include advisory service, award program, online resources.	Advisory service, grants and loans, heritage awards, brochures and guidance for owners.	Advisory service, funding, grants and loans, waives development fees, heritage awards, fast tracking for minor developments, brochures for owners, use of heritage incentives.
Strategic heritage management	Has heritage strategy, allocates resources to strategic heritage management, uses strategic heritage assessment tools	Has heritage strategy, allocates resources to strategic heritage management, uses strategic heritage assessment tools.	Has heritage strategy, allocates resources to strategic heritage management, uses strategic heritage assessment tools.	Has heritage strategy, relies on state funding, uses strategic heritage assessment tools.
Statutory heritage management	Access to heritage expertise for development assessment, timely statutory processes, heritage integrated. Local instrument provides flexibility to achieve conservation outcomes.	Access to heritage expertise for development assessment, timely statutory processes, integrated. Local instrument provides flexibility to vary statutory provisions for conservation objective.	Access to heritage expertise for development assessment.	Access to heritage expertise, heritage integrated. Local instrument provides flexibility to vary statutory provisions for conservation objective.

Local heritage case studies

Attribute	Council			
	VIC			
	Whitehorse	Indigo	Hobsons Bay	Melton
The heritage system and degree of support from the states	Uses standard state models and has access to funding from state, participates in training provided by state and heritage networks.	Has limited access to state funding for advisory service (20%), limited use of new 2007 local heritage guidelines for development assessment.	Council not eligible for heritage advisor funding beyond 'seed' funding. (Funding targeted at Councils who had not previously received funding after initial seed funding period). Funded by state to digitise heritage study into state based database.	Uses standard state models, has received good levels of funding from the state and guidelines and participates in regional networks.
Heritage is resourced	Council funds staff and financial resources.	Council funds heritage advisory service, limited funding for staff.	Council funds heritage advisory service, strategic staff manage heritage amendments. 0.55 EFT allocated to heritage.	Council funds heritage strategic planner position and on call heritage advisor. Council allocates financial resources and receives state assistance.
Council & corporate heritage commitment at strategic, statutory levels. Good asset management own heritage.	Council supports heritage, manages own assets, statutory planners good heritage knowledge, heritage expertise available to council.	Council supports heritage, manages own heritage assets.	Council supports heritage, CMPs prepared for council owned assets.	Council supports heritage, manages own assets, good statutory planner knowledge heritage.
Identification & assessment	Last study 2006, uses state models and guidelines. Comprehensive study, statements of significance prepared, places identified subsequently statutory listed.	Last study 2002, uses state model.	Last study 2006, uses state model.	Last study completed and adopted 2007, Comprehensive study, 97% have statements of significance, places of significance subsequently seeking listing.
Community Consultation	Good consultation, low numbers objections, evidence community consultation reduces objections.	Improving community consultation, business community breakfasts in 2007 focus on heritage.	Good community consultation, low numbers objections, evidence good communication and consultation reduces objections.	Good community consultation, low numbers objections.

Local heritage case studies

Attribute	Council			
	VIC			
	Whitehorse	Indigo	Hobsons Bay	Melton
Promotion, education & interpretation	Program of promotion and education to raise awareness, provides advice to owners, brochures, heritage trails and plaques, promotes heritage tourism, interpretation programs, promotional events.	Program in development, annual heritage awards, some brochures, tourist links.	Provides heritage advisory service, a fact sheet on the heritage overlay, heritage walks and plaques, newsletter for local developer, promotes cultural tourism.	Provides advice to owners, seminars and training (for amendment), promotes cultural heritage tourism.
Incentives to owners & developers	Grants and loans, heritage advisory service, heritage award program, plain English guidance for owners.	Low interest heritage loans, heritage advisory service, 50% development fee reduction, annual heritage awards.	No grants or loans, has heritage advisory service,	Provides heritage advisory service, waives minor applications triggered by heritage overlay only, fast tracks minor developments.
Strategic heritage management	Has heritage committee, allocates resources to strategic heritage management and uses strategic heritage documents.	Has heritage committee, The City of Whitehorse has developed a cross Council holistic program of heritage management. The program includes funding a heritage advisor, provide a heritage assistance fund and a program of heritage promotion and education including a local heritage week, historical discovery walks and exhibitions.	Has heritage strategy.	Allocates resources to strategic heritage management.
Statutory heritage management	Access to heritage expertise, heritage integrated with development assessment. Minimum appeals on heritage grounds.	Access to heritage expertise for development assessment, pre application negotiation works. May approve uses not otherwise permitted to achieve conservation outcome, not otherwise.	Access to heritage expertise for development assessment, heritage assessment integrated with development assessment.	Access to heritage expertise for development assessment, undertakes timely and transparent statutory processes, heritage is integrated with development assessment, Council may request additional documentation, pre-application negotiation achieves good results, Council has flexibility to make heritage agreements or vary statutory provisions for conservation objective.

Local heritage case studies

Attribute	Council				
	QLD				
	Ipswich	Brisbane	Gold Coast	Warwick	Cairns
The heritage system and degree of support from the states	Little policy leadership or support from state.	Little policy leadership or support from the state. Brisbane developed own heritage provisions.	Uses standard state model heritage provisions, no funding, participates in training provided by state. Participates in regional networking local government.	Little policy leadership or support from the state.	Cairns utilised similar criteria to state. Received recently re-introduced heritage grants program for owners of state and local heritage. Partnering with state on new heritage study.
Heritage is resourced	Council funds heritage advisory service.	Council funds staff and heritage advisory service.	Council solely funds staff and heritage advisory service. Two full time heritage planners employed and one part time historian.	Council funds heritage consultants for DA advice.	Council staff resources include 1 strategic planner and 1 statutory planner with heritage expertise.
Council & corporate heritage commitment at strategic, statutory levels. Good asset management own heritage.	Council supports heritage, manages its own heritage assets, heritage expertise available, Statutory planners good knowledge heritage.	Council supports heritage, manages own assets.	Council supports heritage, manages own heritage. Heritage expertise available, Statutory planners have good knowledge heritage.	Council supports heritage, manages own assets.	Council supports heritage manages, preparing CMPs for Council owned heritage places.
Identification & assessment	Last study 2001, comprehensive, statements of significance. Statutory heritage list included in 'schedule 2 'character places'.	A number of studies, 3 current, statements of significance, developed own methodology, No state models used, adapt state criteria for local application. Just beginning to consider archaeological heritage, aboriginal heritage managed	Last study 2008. Heritage study based on historic themes and follows state model. Study is comprehensive, does not include archaeological or horticultural heritage. Statutory heritage list not accessible online. Specific Aboriginal heritage studies conducted in some areas.	Last study 1997, 500 places identified and included buildings, places, trees and structures. Some 300 received statutory protection.	Heritage study. Under review in partnership with state. CCC worked with state to develop consultant brief. under review currently. New thematic history commissioned,

Local heritage case studies

Attribute	Council				
	QLD				
	Ipswich	Brisbane	Gold Coast	Warwick	Cairns
		in another section of Council, some trees.			
Community Consultation	Good community consultation, low numbers objections, evidence thorough consultation reduces objections.	Improving community consultation, recent success tapping into another successful council community consultation process and running heritage concurrently.	Good community consultation, not significant numbers of objections to listings, plain English information and advice available to community, evidence thorough consultation reduces objections.	The planning scheme policy adopted by Council was preceded by community consultation. Identified heritage precincts were not protected under planning scheme due to community objections. Since implementation of heritage policy community acceptance of heritage increased,.	Community consultation will be expanded during current heritage review. Heritage study to be community based - workshops will be held for community groups and individuals to identify heritage places. Will also serve to educate community on what listing means and help available.
Promotion, education & interpretation	Program for heritage awareness, brochures, seminars, trails, tourism, interpretation.	Range of promotion and education, online, brochures, seminars, trails, promotes cultural tourism.	<p>Program for promotion and education to raise awareness, provides advice to owners, brochures, online resources. Provides heritage trails and plaques and promotes local tourist/local heritage organisations.</p> <p>Gold Coast currently undertaking the Highway Heritage Oral History Project, which focuses on recording the stories of the people who were involved in the hotel/motel and entertainment industries of the Gold Coast from 1950s to 1970s. Will identify heritage places and</p>	Little in recent past. Heritage advisory service discontinued, previously funded by state and well used. Heritage awards discontinued. Local tourist groups using heritage to promote tourism.	Heritage trails and plaques.

Local heritage case studies

Attribute	Council				
	QLD				
	Ipswich	Brisbane	Gold Coast	Warwick	Cairns
			contribute to future heritage citations.		
Incentives to owners & developers	No grants or loans, has heritage advisory service, waives development application fees, heritage award program, fast tracking for minor developments, guidelines for owners, use of planning tradeoffs.	Grants and loans, has advisory service, introduction of incentives (funding) in last 2 years made marked difference to community attitudes to listing. Would like to offer waived development application fees. May use planning trade offs to achieve conservation outcomes.	Provides grants and loans, has heritage advisory service, fast tracks minor amendments (informally), provides easy access to advice on heritage listing status and planning provisions, guidance for developers, use of planning tradeoffs.	No grants or loans, no advisory service.	New incentives and benefits for owners have been identified in 1999 heritage strategy, most of focus to date has been on statutory provisions
Strategic heritage management	Has heritage strategy, has heritage committee, allocates resources to strategic heritage management, use strategic heritage assessment tools.	Has heritage strategy, has heritage committee, allocates resources to strategic heritage management, use strategic heritage assessment tools.	Preparing a 2008 heritage strategy, allocates resources to undertaking heritage amendments (to list heritage items, make heritage policy etc), thorough community consultation undertaken during heritage amendments, heritage policy uses standard state guidelines, use strategic heritage documents.	Has a local heritage policy.	Has heritage strategy,
Statutory heritage management	Access to heritage expertise, heritage integrated with development assessment, minimal heritage appeals,	Access to heritage expertise, heritage integrated with development assessment, minimal heritage appeals, pre application negotiation	Access to heritage expertise, heritage integrated with development assessment, Council can request additional documentation or impact	Budgets to obtain heritage advice from consultants where DA for heritage building.	Access to heritage expertise, heritage integrated with development assessment.

Local heritage case studies

Attribute	Council				
	QLD				
	Ipswich	Brisbane	Gold Coast	Warwick	Cairns
	pre-application negotiation works, council has flexibility to vary statutory provisions to achieve conservation outcome.	successful. No ability to use exemption certificates (as per state level).	assessment for development assessment, pre-application negotiation achieves good results, under local instrument council has flexibility to make heritage agreements or vary statutory provisions to achieve conservation objective.		

Local heritage case studies

Attribute	Council			
	SA			TAS
	Norwood, Payneham & St Peters	Gawler	Clare & Gilbert Valleys	Southern Midlands
The heritage system and degree of support from the states	Policy and financial assistance from the State.	Policy and financial assistance from the state. Delegated powers from state.	Utilises state model heritage provisions, receives technical advice from state.	Strong and close relationship. Has access to state technical advice and occasional grants for surveys, conservation works and major projects such as the \$1.2m allocated in 2007/02008 to help restore the Callington Mill.
Heritage is resourced	Council allocates financial and staff resources to heritage.		Council allocates financial resources to heritage.	Council funds .4fte staff for heritage, frequent use of consultants. Est expenditure 2006-7 \$100,000 on historic heritage projects.
Council & corporate heritage commitment at strategic, statutory levels. Good asset management own heritage.	Council supports heritage, manages own assets.	Heritage expertise available to Council.	Council supports heritage, manages own assets.	Council supports heritage, takes an active role in planning matters and actively manages and develops its own heritage assets.
Identification & assessment	Has a heritage study, 2002. Based on State model brief, uses State recommended criteria, guidelines, has statements of significance.	Has a heritage study, 2007. Comprehensive, based on historic themes, statements of significance.	Has a heritage study, based on state model brief, uses state recommended guidelines/criteria, statements of significance.	Last study 2006, based on historic themes, follows state model or brief, comprehensive, statements of significance provided. Heritage Study

Local heritage case studies

Attribute	Council			
	SA			TAS
	Norwood, Payneham & St Peters	Gawler	Clare & Gilbert Valleys	Southern Midlands
				intended for statutory protection at a local and State level including the wider adoption of precinct provisions.
Community Consultation	Community consultation, not significant numbers of objections to listing. Plain English information available to community.	Community consultation, not significant numbers objections to listing. Plain English information available to community.	Community consultation reduces objections, plain English information available.	Community consultation was an important part of the development of the heritage survey and a pre-statutory consultation process will be used to help implement the survey.
Promotion, education & interpretation	Has program or strategy to raise community awareness of heritage, provides advice to owners, publishes brochures, runs public seminars, lectures, information sessions and community field days, has heritage trails and plaques, promotes cultural heritage tourism, undertakes heritage interpretation, promotional events days.	Has program or strategy to raise community awareness of heritage, advice to owners, brochures, heritage trails and plaques.	Provides advice to owners on maintenance and repair, partners with tourist/local heritage organisations.	Program of promotion and education to raise awareness of heritage, advice to owners, seminars and training, trails and plaques, promotes cultural heritage tourism, heritage promotional days (festivals, open days)
Incentives to owners & developers	Offers grants and heritage advisory service, waives lodgement development application fees, has heritage award program and provides guidance to developers.		Offers grants and loans, heritage advisory service, waives DA fees, heritage award program, fast tracking for minor developments, guidance for owners and developers.	Offers grants and loans, heritage advisory service.
Strategic heritage management	Has a heritage committee as formal committee of council.	Has heritage strategy.	Has heritage strategy, allocates resources to undertake heritage amendments, uses strategic management documents.	Heritage strategy in development as partnership with state. Use of strategic heritage assessment tools.
Statutory heritage management	Access to heritage expertise, heritage integrated with development assessment,	Access to heritage expertise, heritage integrated with	Access to heritage expertise, integrated with development	No standard state heritage policies in local schemes. Council engages a

Local heritage case studies

Attribute	Council			
	SA			TAS
	Norwood, Payneham & St Peters	Gawler	Clare & Gilbert Valleys	Southern Midlands
	minimal appeals on heritage grounds, pre-application negotiation with applicants achieves good results, council has flexibility under local instrument to vary statutory provisions to achieve conservation outcome.	development assessment. Minimal appeals on heritage grounds, pre application negotiation.	assessment, minimal appeals on heritage grounds, pre application negotiation successful.	consultant as the 'municipal architect'. Pre-application meetings with owners achieves good results.

Local heritage case studies

Attribute	Council			
	WA			
	Vincent	Subiaco	Fremantle	Coolgardie
The heritage system and degree of support from the states	Local provisions pre-date the new state Policy. Little policy leadership from the state to date. No funding assistance.	Utilises state provisions, receives technical advice from state. Little policy direction from state.	Utilises state provisions and standard guidelines and resources prepared for local government by the state. Participates in state training for heritage advisors. Access to lottery west funding.	Utilises state model provisions, participates in regional networks or local government information sharing. Participates in state training for heritage advisors.
Heritage is resourced	Council funds heritage officers.	Heritage Council WA funds heritage advisor position. Constrained funding.	Inadequately resourced, 1 heritage planner and 1 heritage architect.	Is unable to resource heritage staff. Financial resources dependent on whether state funding applications are approved.
Council & corporate heritage commitment at strategic, statutory levels. Good asset management own	Council supports heritage, manages own assets.	Heritage expertise available to Council.	Council supports heritage, heritage expertise available to Council.	Council hires regional heritage advisor.

Local heritage case studies

Attribute	Council			
	WA			
	Vincent	Subiaco	Fremantle	Coolgardie
heritage.				
Identification & assessment	Comprehensive study, including thematic history. Used own methodology. No state models used – Burra Charter for guidance. Study reviewed 2007.	Has a comprehensive heritage study, 2004. Inclusion in statutory heritage list (TPS4 Heritage Register) is voluntary only.	Has a heritage study based on historic themes, follows state model, is comprehensive, uses state guidelines/criteria, has statements of significance, study translated into statutory protection, some inclusion of Aboriginal heritage and trees/horticulture.	Has a heritage study, last review 2005, unable to resource a review or addition.
Community Consultation	Good community consultation, low number objections, found good consultation reduces objections to listings.	200 objections = 200 properties not listed.	Good community consultation, not significant numbers of objections, plain English information and advice available to community.	Good community consultation, low numbers of objections
Promotion, education & interpretation	Program of promotion and education, range of initiatives including heritage, online resources, seminars and training, newsletter, brochures, seminars, trails and plaques, interpretation programs.	Program of heritage promotion to raise community awareness of heritage conservation, provides advice to owners on maintenance and repair.	Program of heritage promotion to raise awareness, provides advice to owners on maintenance and repair, trails and plaques, newsletters, partners with local heritage/tourist organisations, promotes cultural heritage tourism, heritage interpretation, heritage promotional events held. Council has an annual Heritage Festival, provides community participation through archaeological investigations and provides a technical advice service which includes a panel of experts such as architects or stonemasons.	Council publishes brochures, has heritage trails and plaques and promotes cultural heritage tourism.
Incentives to owners & developers	Offers grants and loans, heritage advisory service, plain English guidelines for owners.	Heritage Assistance Fund, participant in the Heritage Loans Scheme (WA), heritage officers provide advice to owners, may waive application fees,	Offers grants and loans, heritage advisory service, waive DA fees, heritage award program, guidance for owners, planning tradeoffs.	Offers grants and loans, heritage advisory service, heritage award program, easy access to advice on

Local heritage case studies

Attribute	Council			
	WA			
	Vincent	Subiaco	Fremantle	Coolgardie
		heritage award program, fast tracking for minor development, plain English guides for owners, use of planning tradeoffs.		property status and planning provisions, guidance for developers on infill development, urban design and adaptive re-use.
Strategic heritage management	Has heritage strategy, has heritage committee, allocates resources to strategic heritage management. Use strategic heritage tools.	Uses state strategic policies, use strategic heritage management tools where state listed.	Has heritage strategy and heritage committee, has resources to undertake heritage amendments, undertakes thorough community consultation during heritage amendments, planning scheme utilises state policies/guidelines, uses of strategic heritage tools.	
Statutory heritage management	Access to heritage expertise, heritage integrated with development assessment, minimal heritage appeals, pre application negotiation successful, flexible planning provisions.	Access to heritage expertise, minimal appeals on heritage grounds, pre application negotiation with owners and developers .	Access to heritage expertise, timely statutory processes, heritage integrated with development assessment, Council may request additional documentation or impact assessment for development assessment, pre-application negotiation with applicants achieves good results, Council has ability under local instrument to make heritage agreements or vary statutory provisions to achieve conservation outcome.	Has flexibility under local instrument to vary statutory provisions to achieve conservation outcome.

10.5 Local Heritage Data – 20 local councils heritage results

In this report statistics on local heritage places for this project were generally sourced direct from the individual council's local planning instrument which, as a legal instrument, has a publicly accessible list of places affected by statutory heritage listing. In most cases this list simply comprises property data, the name of the place and an address. These lists or schedules are contained in various locations within the local planning instrument, often as a schedule or appendix. As the heritage lists conform to statutory format they do not include statements of significance or any other information as to the use or type of heritage place. It is rare for the full heritage study, which precedes the statutory heritage list, to be published online. Thus for an owner or developer to obtain useful advice on local heritage listings and what it means, they need to contact the local council.

To gather statistics for this report, an estimate as to which type of heritage place and category of use was made using the statutory heritage list. It is likely that there is a higher proportion of errors due to assumptions and mis-calculations using this manual method. The uses residential and commercial were grouped together because it was not generally possible to determine the difference from an address. A full list of the exact source for each local government heritage data follows the data.

Local heritage data					
Attribute	Council				
	TAS	NSW			
	Southern Midlands	Ashfield	Woollahra	Broken Hill	Bathurst
Use Type					
Residential & commercial	188	295	264	212	122
Government	12	32	119	24	6
Places of worship	20	19	8	9	10
Community	18	24	8	42	40
	238	370	399	287	178

Attribute	Council				
	TAS	NSW			
	Southern Midlands	Ashfield	Woollahra	Broken Hill	Bathurst
Group Type					
Archaeological – maritime	0	0	0	0	1
Archaeological – terrestrial	3	0	4	0	51
Built/precinct/complex	235	367	374	356	174
Landscape	0	5	71	0	4
Movable/Collection	0	0	0	0	1
	238	372	449	356	231

Local heritage data

Attribute	Council				QLD				
	VIC								
	Whitehorse	Indigo	Hobsons Bay	Melton	Ipswich	Brisbane	Gold Coast	Warwick	Cairns
Use Type									
Residential & commercial	156	678	319	5	428	1966	n/a	31	57
Government	7	33	121	1	34	129	n/a	31	16
Places of worship	11	38	30	2	32	188	n/a	453	4
Community	9	39	81	0	40	78	n/a	42	7
	183	788	551	8	534	2361	n/a	557	84

Local heritage data

Attribute	Council				QLD				
	VIC								
	Whitehorse	Indigo	Hobsons Bay	Melton	Ipswich	Brisbane	Gold Coast	Warwick	Cairns
Group Type									
Archaeological – maritime	0	0	0	0	0	0	n/a	0	0
Archaeological – terrestrial	0	26	0	0	22	0	n/a	0	1
Built/precinct/complex	183	744	546	8	466	2329	n/a	557	84
Landscape	0	18	5	0	46	32	n/a	0	4
Movable/Collection	0	0	0	0	0	0	n/a	0	0
	183	788	551	8	534	2361	n/a	557	89

Local heritage data

Attribute	Council			WA		
	SA					
	Gawler	Clare & Gilbert Valleys	Vincent	Subiaco	Fremantle	Coolgardie
Use Type						
Residential & commercial	655	105	212	167	311	51
Government	10	13	15	15	20	35
Places of worship	5	8	29	8	12	2
Community	13	9	39	19	18	7
	683	135	295	209	361	95

Attribute	Council		WA			
	SA		Vincent	Subiaco	Fremantle	Coolgardie
	Gawler	Clare & Gilbert Valleys				
Group Type						
Archaeological – maritime	0	0	0	0	0	0
Archaeological – terrestrial	0	2	0	1	0	0
Built/precinct/complex	651	131	256	189	327	94
Landscape	4	2	3	0	2	4
Movable/Collection	0	0	0	0	0	0
	655	133	259	199	329	98

Figure 1 20 Councils Local heritage lists

Summary local heritage data results

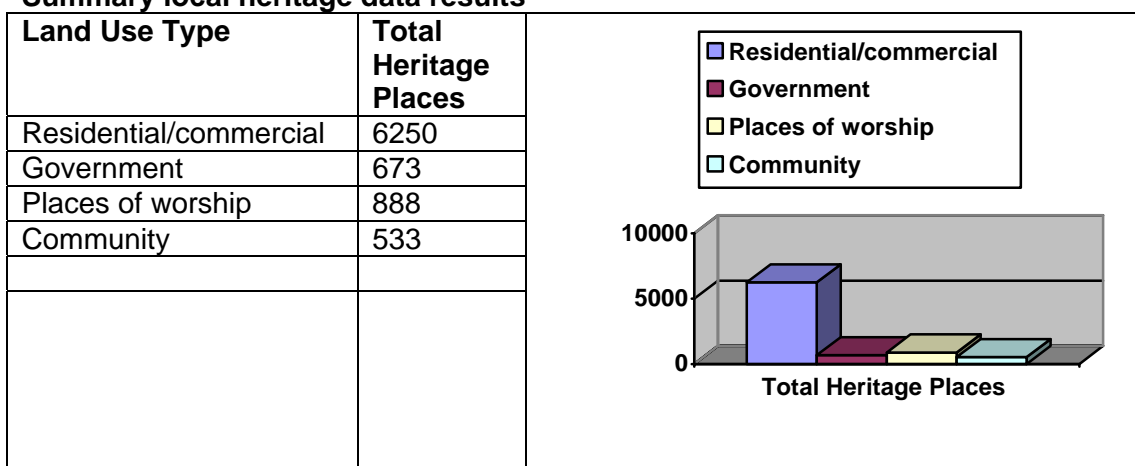


Figure 2 20 local governments statistics - land use type

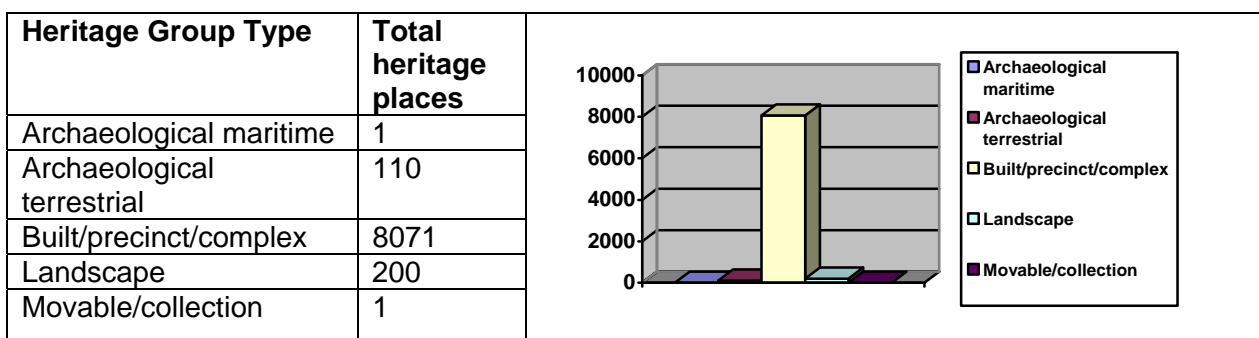


Figure 3 20 local governments statistics - heritage group type

Sources: ¹

Southern Midlands Shire Council is sourced from the local planning scheme, the Southern Midlands Shire Council (1998) Southern Midlands Planning Scheme, Schedule 4, Buildings and Works of Historic Significance published at <http://www.southernmidlands.tas.gov.au/site/page.cfm?u=231>.

Ashfield, Woollahra, Broken Hill and Bathurst is sourced from the Heritage Branch, Department of Planning, NSW state Heritage Inventory database at http://www.heritage.nsw.gov.au/07_subnav_04.cfm, January 2008.

Whitehorse is sourced from the local planning scheme, the Whitehorse Planning Scheme (2006), Section 43, Schedule to the Heritage Overlay at <http://www.dse.vic.gov.au/planningschemes/whitehorse/home.html>

Melton is sourced from the local planning scheme, the Melton Planning Scheme (2006), Section 43, Schedule to the Heritage Overlay at <http://www.dse.vic.gov.au/planningschemes/melton/home.html>

Indigo is sourced from the local planning scheme, the Indigo Planning Scheme (2006), Section 43, Schedule to the Heritage Overlay at <http://www.dse.vic.gov.au/planningschemes/indigo/home.html>

Hobsons Bay is sourced from the local planning scheme, the Hobsons Bay Planning Scheme (2006), Section 43, Schedule to the Heritage Overlay at <http://www.dse.vic.gov.au/planningschemes/hobsonsbay/home.html>

Ipswich is sourced from the Ipswich Planning Scheme, (2006), Schedule 2 – Character Places (Part 1 Historic and Miscellaneous Places, Part 2 Trees and Vegetation and Part 3 Indigenous), at http://www.ipswich.qld.gov.au/business/planning/ipswich_planning_scheme/

Brisbane is sourced from the Brisbane City Council's planning scheme, Brisbane City Plan 2000, Appendix 2, Schedule 2, Heritage Register Planning Scheme Policy, see <http://pdonline.brisbane.qld.gov.au/MasterView/masterplan/enquirer/default.aspx?page=home>

Gold Coast data is n/a. At present there is no statutory heritage list however some heritage places are identified in local area plans which are prepared for some areas of the city (Mudgerraba, Beenleigh and Southport) however these are not set out in a list or schedule to the scheme.

Warwick is sourced from the Shire of Warwick Planning Scheme, Policy No. 1 Cultural Heritage, heritage list contained within the policy see <http://www.warwick.qld.gov.au/utilities/download/PDF%20Files/CulturalHeritage.pdf>

Cairns is sourced from CairnsPlan (2005) Schedule of Heritage Sites, see heritage lists contained in policies for each Individual District http://www.cairns.qld.gov.au/cairns/council/cairns_plan/key_map.htm

Gawler is sourced from the Town of Gawler Development Plan (2008), Table Ga/6 Local Heritage Places, Table Ga/7 Contributory Items, see <http://www.planning.sa.gov.au/edp/pdf/ga.pdf>

Clare and Gilbert Valleys Council is sourced from the Clare and Gilbert Valleys Council Development Plan (2007), Table CGV/5 Local Heritage Places and Table CGV/8 state Heritage Places, see <http://www.planning.sa.gov.au/edp/pdf/cgv.pdf>

Vincent, Subiaco, Fremantle and Coolgardie are sourced from the online database, Heritage Places, published by the Heritage Council of Western Australia at <http://register.heritage.wa.gov.au/>. The list of heritage places used in the tables are those identified in the Municipal Inventory for each of the local governments. The Municipal Inventory does not necessarily result in statutory listing for those places.

10.6 7 councils leading local heritage management: detail

A profile of 7 councils who were nominated by the relevant state agency to be leading local heritage management follows. The profile is derived from the survey completed by local council staff, heritage advisor or planner.

Bathurst (NSW)

The council

Bathurst Regional Council is a Council in regional NSW comprising some 3820sq km and a population of 37,000 in the central west Region of NSW. The Central West encompasses the central Bathurst- Orange area and to the east the Blue Mountains. The Western area extends to the Lachlan river and the town of Condobolin. The region includes the urban areas of Parkes, Forbes and Cowra. The Bathurst Regional Council was established in 2004 amalgamating Bathurst City Council and Evans Shire Council. Bathurst includes the regions of Hill End, Sofala, Wattle Flat, Sunny Corner, Georges Plains, Rockley, Trunkey Creek, Raglan, Perthville and Eglinton and Bathurst City.

The heritage system and support from the state

Bathurst City Council utilises a range of the models and guidelines published by The HeritageBranch, Department of Planning, NSW both in terms of mandatory content (such as reporting on the Heritage Advisory Service) or voluntary guidelines. It also relies on advice from the Heritage Branch, Department of Planning, NSW for some areas such as issuing archaeological permits under delegation from the Heritage Office.

Heritage resourcing

Council budgets for its Heritage Advisory Service and a strategic heritage position. Council funds a range of projects including: Heritage Advisor, Heritage Fund, Heritage Seminar, 100 Lives of the Bathurst Region, Heritage Trails, Heritage Study, Conservation Management Plans and heritage brochures. In funding these projects, Council is assisted by the Heritage Office and Bathurst Region Heritage Fund.

Council and corporate commitment to heritage

Council supports heritage and maintains a heritage asset register, makes training available to Councillors and heritage expertise within Council available.

Heritage identification and significance assessment

Council's heritage study was adopted by Council in March 2007 and a Conservation Area Review adopted in September 2007. The methodology and assessment criteria utilised in the study was, as is required, based on the Heritage Branch, Department of Planning, NSW models.

All 819 heritage places have statements of significance. Council is seeking funding to undertake an Aboriginal heritage study and an archaeological study. Significant cultural landscapes are also identified and the future management of trees within heritage conservation areas assessed.

Council received the Urban Planning Achievement Award from the Planning Institute of Australia (NSW) for providing a 'clear example of Council's experience in working with the community and the Heritage office guidelines for community based heritage studies.'ⁱⁱ

Community consultation

Council consults with the community prior to exhibition of a proposed amendment to instrument (listing heritage places). On the recent consultation on the Bathurst Regional Heritage Study 2007 owners of properties proposed for listing were invited to review the heritage assessment and inventory record for their property. A second formal notification letter was sent to all affected owners at the commencement of formal exhibition. The response rate (25%) was very high and some 50% of these involved provision of additional information or corrections to the inventory record. 14% queried what it meant to be included in the study and 13% confirming the inventory record was correct. Of the 170 listed places, 10 objections were received and these places removed from the proposed list. In doing this Council is considering an additional proposed policy to provide a blanket 'consideration' to places over 50 years of age. This would provide some level of protection for unlisted places. Council considers 15 years of education of the community has delivered a good understanding of heritage by owners, developers, designers and the community.

Heritage promotion, education, interpretation

Council's initiatives include:

- participates in the regional Central West Heritage Network
- Partners with the National Trust on brochures for owners of old buildings
- Heritage newsletter
- Advice to owners through heritage advisory service
- Online resources
- Heritage trail CBD Bathurst, other trails under investigation, Council provides budget for heritage trails.
- Council has for ten years supported the successful multi-council Cobb & Co heritage trail, planning a festival for 2012 to celebrate 150 years.
- Close working relationship with Bathurst Information Centre and National Trust
- Cultural heritage tourism in early stage of development
- Many interpretative signs in Bathurst CBD, Council budgets for signage. Investigation future interpretation programs.
- Heritage Awards held by the National Trust every three years, recognises restoration projects, appropriate additions and infill developments.
- Bathurst's annual Autumn Festival has a significant heritage component including tours of the city and villages, private buildings and cemeteries.

Heritage incentives to owners and developers:

Council provides services to owners including:

- Funding under the Bathurst Region Heritage Fund, \$ for \$ grants to maximum \$2000, with larger grants considered if merited. state listed properties also eligible for state funding and interpretation projects.
- Free Heritage Advisory Service on fortnightly basis for owners, architects, designers and the general public.
- DA fees waived for the painting of commercial buildings within the CBD and for reinstatement of verandahs, as part of the Verandah Reinstatement Programme.
- Heritage Award program for owners

- Fast tracking for minor developments and exemption clause in Standard Instrument (Clause 23(2) enables owners to seek exemption from consent where Council considers of a minor nature not affecting significance of area.

Strategic heritage management

- Council has a heritage strategy, utilising the Heritage Branch, Department of Planning, NSW model (as tied to funding program) and in order to fund projects, partners with the Heritage Branch, Department of Planning, NSW or Department of Planning to achieve projects.
- The Heritage Strategy
- Council interprets standard documents and produces versions most appropriate to local circumstances and in plain English.

Other initiatives in heritage planning, conservation, incentives and education:

Council has a range of other heritage policies which provide guidance to owners and developers including a residential and infill policy which requires the applicant to consider the design of neighbouring buildings and the proposed building to ensure the proposed development complements the streetscape; a photographic record policy; a demolition policy and is developing policies on signage and a development control plan (policy document). The demolition policy requires fees payable for an engineer's condition report and historical assessment to be undertaken for Council to take into consideration when determining a development application.

Council has also prepared a Bathurst Conservation Management Strategy which further refines the level of significance of local heritage beyond the 'local heritage significance' threshold. Every property in the Bathurst Conservation Area is ranked from 3 (lowest) to 9 providing guidance as to the level of importance of a heritage place and so Council's position on future change/demolition.

Key Bathurst documents online

- Current summary [Heritage Strategy](#) for the Bathurst Region
- [Forms and Information Sheets and Policies](#) including brochure 'Heritage Survival Kit'
- [Newsletter](#)
- [Register of Heritage Assets](#) owned or managed by Council
- Bathurst Region Heritage Fund [application form and guidelines](#)

Bathurst's winning ways

The key to their local success according to Bathurst's acting manager of strategic planning is: a team effort utilising the skills of long term experience and results that the community can see and appreciate. Essential are a supportive Council and an experienced heritage advisor with a practical focus and supportive and skilled strategic planning staff and management

Heritage Advisor Barbara Hickson said that educating the community is key as is assessing every case on its merits yet applying consistent policies [transparency and equity].

Broken Hill (NSW)

The Council

Broken Hill is a thriving community on the edge of the New South Wales outback. It has a population over 20,000 and is the economic and cultural hub of far western New South Wales. It has a thriving mining and mineral industry, and caters to over 300,000 tourists per year, showing a rich cultural built and mining heritage dating from the 1880s.

Living Museum Heritage Management

The Broken Hill Heritage and Cultural Tourism Program was initiated in 1986, and the City of Broken Hill positions itself as a 'Living Museum' within the 'Accessible Outback' which is a unique approach in Australia. This allows visitors to experience the whole city of Broken Hill, both the past and present, as a living museum.

Management of Heritage Assets

Comprehensive heritage studies for the city as a whole and for individual buildings, mining relics, and Aboriginal heritage have been undertaken, serving as the basis for decision making for the heritage assets in the city.

Protection of heritage assets

Heritage planning provisions within the Broken Hill Local Environment Plan (LEP) provide a framework for more detailed Development Control Plans and an attached schedule of Heritage Places. This provides statutory protection for residential, commercial and public buildings, as well as Conservation Areas and Precincts. Broken Hill was the first Council in New South Wales to have delegated decision making powers from the New South Wales Heritage Council. There are 356 places listed on the Broken Hill LEP, and three designated Conservation Areas within the City. Council is currently upgrading and reviewing its schedule of heritage assets.

Free Heritage Advisory Service

The Broken Hill City Council has had a Heritage Advisory Service in operation for over 21 years - established in 1987, this service provides free heritage advice and expertise for the community on all areas of heritage conservation.

Broken Hill Heritage Restoration Fund

As an adjunct to the Heritage Advisory Service, a comprehensive Heritage Restoration Fund has been established by Broken Hill Council, which has received the most generous level of start up heritage funding given to any local government authority by the New South Wales Government. This funding is allocated on a grant or loan basis, and has supported the conservation of many key buildings in the city.

Residential paint assistance scheme

In operation since 1992, this scheme provides grants and low interest loans for residential properties focussing on re-painting. More than 600 grants have been allocated and the scheme is recorded onto a custom designed software system in the Council's data base. This has resulted in a marked improvement in residential areas and an increase in home owner pride in their residential properties. The service has been expanded to also include repainting of commercial buildings.

Verandah restoration program

Instigated in 2000, this program is the most ambitious of its kind in Australia, seeded with Centenary of Federation funding by the New South Wales Heritage Office. Design advice is provided by the Heritage Adviser for the reconstruction of

verandahs, particularly in Argent Street. A video was prepared in 2001 'The Broken Hill Verandah Revival Program' to explain the benefits of this initiative.

Promotional strategies

The general promotion of heritage value to the community is undertaken in a variety of ways including annual heritage awards, a comprehensive system of heritage trails, the Line of Lode Miner's Memorial and Visitor's Centre (completed in 2000 and awarded the Walter Burley Griffen Award for Urban Design by the Royal Australian Institute of Architects in 2001 - the highest award in Australia for an urban design project).

Outback Regional Art Gallery - Sully's Building Conservation Program

The Council purchased Sully's Building in the centre of the city, and in October 2005 completed major conservation works and adaptive reuse of this previously derelict building for use as an art gallery. This is now a major draw card for touring art shows, establishing Broken Hill as housing a major regional Art Gallery.

Outback art and film projects

The development of a unique outback art style and strong identification of the community with the Broken Hill landscape is an important part of the artistic endeavours of the city. The historic setting of Broken Hill and its vast dramatic landscape has resulted in the area becoming known as Australia's Outback of Hollywood, as many film companies have used the area for a variety of films, including major features, commercials and wildlife documentaries.

Awards which have recognised Broken Hill's heritage management success

These include the following

- the UNESCO Asia Pacific Heritage Award for the Heritage and Cultural Tourism Program, 2003
- overall winner for New South Wales Tidy Towns, 2004
- Energy Australia NSW National Trust Award 2004 for the Broken Hill Heritage and Cultural Tourism Program
- Year of the Built Environment October 2004 - National Award in Developing Regional Communities Award category for the Broken Hill Heritage and Cultural Tourism Program.
- Energy Australia New South Wales National Trust Heritage Award April 2005 - for the development of the Sullys Emporium as a Regional Art Gallery. Overall winner for the over \$500,000 category.

Testimonials for the project

'Broken Hill City Council provides an exemplar for local government heritage management in Australia. It has surveyed its heritage assets, recording these in detailed conservation reports, protecting them in law and carefully managing their conservation and positive promotion. Broken Hill City Council has achieved this over many years and through ongoing commitment of funds and resources to ensure that best conservation practice is followed. Against the odds, in one of Australia's harshest physical and economic localities, Broken Hill has established itself as a sustainable heritage tourist destination of national significance, now and into the future.' - Mr Reece McDougall, Director, New South Wales Heritage Office

'The Broken Hill Verandah Program has been hugely successful. It combines state and Local Government, and the owner in a partnership to build upon the heritage assets within the community. The owner gets many benefits in that it enhances his business, the community has their heritage assets retained and enhanced. It is also great for local government in that it builds up a productive partnership with the community.' Peter Oldsen, Director Environmental Services, Broken Hill City Council

Source: The above profile was written by Liz Vines, Broken Hill Heritage Advisor.

Vincent (WA)

The council

The Town of Vincent is a Perth, Western Australia, inner city local authority. It has a population of 28,505 comprising 11.3 sq km and includes areas of North Perth, Leederville, Highgate and Mt Hawthorn as well as parts of Perth and other suburbs.

The heritage system and support from the state

The Town of Vincent established its heritage management system prior to the state's recent moves towards standardising local heritage management with amendments to the Act and the release of policies and guidelines. The Town does not receive funding assistance from the state authority. WA Heritage Council provides 3 day training course for local government planners and heritage officers. state funding is restricted to funding for state listed places

Heritage resourcing

Two full time heritage officers and one part time heritage officers are employed by the Town and budgets for the promotion, resourcing and conservation of heritage. In 2007/8 some \$130,000 in funding has been allocated for:

- Building design and conservation awards \$15,000
- Heritage grants \$55,000
- Heritage information talks and workshops \$2000
- Heritage interpretative signage \$15,000
- Research programme for places of historical significance \$30,000
- Local history picture book volume 2 \$12,000

Council and corporate commitment to heritage

Heritage is supported at the strategic and statutory development assessment level, owns nine heritage properties which are identified on the local inventory and 7 listed on the state Heritage Register. Conservation Management Plans have been commissioned on these 7 to guide future management and development.

Heritage identification and significance assessment

The Council has a heritage study forming part of the municipal heritage inventory which comprises a thematic history, style guide, subdivision plans and list of places and associated place record forms. Vincent's heritage inventory is linked to the planning scheme which provides statutory protection for listed places. The Burra Charter guided significance assessment and a statement of significance prepared for each place. Council's online database is published on council's heritage website at www.vincentheritage.com.au

Community consultation

A strategic and comprehensive approach guides community consultation. It was a key element of the review of the municipal inventory in 2006. A communication strategy guided the process and an important element was to engage with the community very early in the process. Consultation methods included community workshops, the media, information talks and individual meetings and site visits. Some 30% of owners of nominated places objected at the time. In 1995 when the first inventory appeared only 10% of owners supported listing.

Heritage promotion, education, interpretation

- Council's heritage strategy seeks to raise awareness of heritage conservation.

- Provides advice to owners on maintenance and repair
- Publishes brochures
- Provides online resources
- Runs seminars and training
- Has heritage trails, plaques and interpretation
- Publishing newsletters
- Has a heritage brand for Council

Heritage incentives to owners and developers:

- Provides grants and loans to locally listed heritage places through Vincent's Heritage Assistance Fund, run twice annually.
- Town participates in the Heritage Loans Scheme established through a partnership between the Heritage Council of WA, Western Australian Local Government Association and other local government authorities. The Heritage Loan Scheme offers loans at reduced interest rates for conservation works.
- Heritage Officers on staff to provide advice to owners and developers.
- Heritage Advisory Group including community members to make recommendations to Council on its strategic heritage management.
- Waives development fees where proposal substantially contributes to the conservation of heritage place.
- Heritage award program held every two years, including cash prize for winners of:
 - Conservation – inventory award (\$2000)
 - Innovation – Building Design
 - Sustainable Design
 - Community Award (\$500)
- As a general principle Vincent fast tracks applications for minor nature development.
- Variation to local planning provisions utilised where the Town of Vincent Town Planning Scheme No. 1 allows for variations to the Scheme Provisions where it is “desirable to facilitate the conservation of a heritage place listed in the Heritage list or to enhance or preserve heritage values in a Heritage Area.” This provides owners of heritage properties some flexibility. In addition, a land density bonus of up to 50% may be provided by the Council if “the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention.” (all places in inventory are considered worthy of retention).

Strategic and statutory heritage management

Local heritage management policies have been adopted in the Town of Vincent planning scheme which guide development assessment. These include:

- Heritage Management – [Development Guidelines Policy No 3.6.1](#)
- Heritage Management – [Assessment Policy 3.6.2](#)
- Heritage Management – [Interpretive Signage Policy No. 3.6.4](#)
- Heritage Management – [Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory Policy No. 3.6.5](#)

Other initiatives in heritage planning, conservation, incentives and education:

Vincent implements an excellent and comprehensive heritage [strategic plan 2007 – 2012](#) based around 5 directions:

- Community and Heritage
- Statutory provisions and Policies

- Funding
- Council property and heritage
- Heritage expertise in Council

Some of the initiatives undertaken by Vincent include:

- A dedicated [heritage website](#) – online resources and information including the inventory published online, awards and incentives information, resources and council contacts.
- A range of plain English brochures for owners including a glossary of terms and covering the basics such as '[what is heritage conservation](#)'.

Some of the more uncommon initiatives underway or proposed in the 2007 – 2012 strategy plan include:

Recognise and reward owners undertaking conservation works with financial and non financial incentives - Vincent Council

- Establishing corporate and commercial sponsorship of heritage programs
- Run joint seminars with real estate professionals and property agents
- Undertake an economic study of property values of listed places
- Seek to increase ratepayer participation in the WA (state) Heritage low interest loan scheme
- Assist owners of properties eligible for state heritage grants
- Identify places 'At Risk' in a register
- Hold regular training days for elected members on heritage
- Establish a local government heritage network forum for officers to share and discuss matters relating to local government heritage management

Vincent's winning ways

Vincent's heritage officers, Tory Woodhouse and Susannah Kendall attribute local success to:

- *A comprehensive approach to heritage management*
- *Clear and concise statutory provisions and policies that are effectively managed and implemented*
- *Commitment to recognising and rewarding owners undertaking conservation works to heritage properties through financial and non financial incentives.*
- *Demonstrating best practice by conserving council owned heritage*
- *Resourcing heritage within Council with skills, knowledge and service*
- *Developing a good working relationship with the neighbouring local government authorities and the state Heritage Council and broader community.*

Southern Midlands Council (TAS)

The Council

Southern Midlands Council is a rural Tasmanian Council established in 1993 through the merge of local municipalities of Oatlands, Green Ponds, Brighton and Central and Northern wards of Richmond. It has a population of 5800 scattered throughout the 2561 square kilometres of the district.

The heritage system and support from the state

While there are no standard state models or guidelines that Councils set by the state, the Southern Midlands Council receives support from the state in the form of assistance with works application assessments and occasional one off grants. The

Council is partnering with the state on several elements of its heritage program, including joint funding and management of a comprehensive heritage survey and educational initiatives such as the Restoration Central community workshop.

Heritage resourcing

Council funds a 0.4FTE staff member dedicated to heritage projects and utilises heritage consultants frequently. Council allocated \$100,000 for heritage in the last financial year (06-07) comprising staff wages and works to Council owned heritage properties. Council also engages a consultant 'municipal architect'.

Council and corporate commitment to heritage

Heritage is supported by Council at the statutory and strategic level – funding a full time heritage project officer dedicated to conservation programs on Council owned heritage buildings.

Council's vision, as contained in the [Southern Midlands Planning Scheme 1998](#) 'Strategic Planning Framework' places heritage conservation as a core objective. The planning scheme contains streetscape development standards; designates precincts or areas as 'historic precinct special areas' and prescribes development standards for these places; contains specific provisions (including for the protection of Aboriginal cultural heritage for those properties listed in Schedule 4 of the Scheme 'Buildings and Works of Historic Significance'. Development is managed by the Council's planners, with support from the municipal architect when it is deemed needed.

Heritage identification and significance assessment

The Council has a heritage study last reviewed in 2006. The Southern Midlands Council heritage study is not yet linked to the planning scheme which would provide statutory protection. Study based upon state recommended model and criteria. The Study includes statements of significance for heritage places. It does not include Aboriginal, archaeological heritage or significant horticulture.

Community consultation

Community consultation was an important part of the development of the heritage study and is about to commence as part of its implementation.

Heritage promotion, education, interpretation

Council has a heritage strategy/program to raise awareness of heritage conservation. Initiatives include providing advice to owners, running seminars and training, heritage open days, provides heritage trails and plaques, partners with tourist/local heritage organisations and promotes heritage tourism and heritage interpretation.

Heritage incentives to owners and developers:

Southern Midlands Council delivers a heritage advisory service and provides guidance to developers. Owners of heritage places on the Tasmanian Heritage Register are able to access grants for urgent and essential works on listed places.

Strategic and statutory heritage management

The Southern Midlands Heritage Strategy 2008 – 2013 is currently in development , pursuant to the Partnership Agreement between Council and Heritage Tasmania. Council uses strategic heritage documents to manage Council owned heritage. A heritage consultant is employed as 'Municipal Architect'. Council's 2006 – 2011 [Strategic Plan](#) identifies heritage and tourism themed objectives including:

- Continue restoration of Callington Mill as a fully operational flour mill (\$1.2million grant from state for restoration announced in July '07)
- Support the development of the Pugin Trail
- Conserve streetscapes of local towns
- Prepare Callington Mill master plan
- Partner with state government to achieve conservation of publicly owned heritage
- Identify and document the heritage of the area
- Seek opportunities to utilise the cultural landscapes of the southern midlands for community benefit.

Current ongoing heritage projects include:

- The Oatlands Supreme Court House Project
- Callington Mill Restoration Project
- Southern Midlands Heritage Project (heritage survey and statutory list update)
- Southern Midlands Cultural Landscapes pilot project
- Development of an archaeological artefact and collections repository
- Oatlands Military Precinct Project
- Southern Midlands Convict Sites Project
- Traditional building skills/conservation workshop program.

Other initiatives in heritage planning, conservation, incentives and education:

- Online resources in plain English on heritage projects, works programs and progress reports on Council's website
<http://www.southernmidlands.tas.gov.au/site/page.cfm?u=280>.
- Published reports and documents include:

Focus on education over enforcement - Southern Midlands Shire Council

- [Report](#) on the status of the Oatlands Supreme Court project, restoration and interpretation plan. Council obtained a grant from the state Arts Department (Arts Tasmania) to interpret the building.
- [Report](#) on the status of the Oatlands Gaol Restoration Project.
- A [Heritage Collections Policy](#) to guide the management of Council owned collections.

- Partnering with Heritage Tasmania, Council recently ran a trade show and free conservation workshop for heritage owners: [Restoration Central](#). The workshop supported local owners to engage with tradespeople, contractors and professionals on practical conservation methods. The Restoration Central event included demonstrations, workshops, guest speakers, trade exhibits, displays, a walking/touring programme and social events. Topics included restoration issues as well as the sustainable adaptation of heritage buildings to suit modern needs. The third year for the community event (previously run as 'Saving our Stone'), this latest event drew locals and participants from across the State and had very positive feedback from the community. It also included a component that provided accredited training in the development of dry stone walls, an important local feature.

Southern Midlands Council's winning ways

The Southern Midlands Council's heritage program is currently focused on educational and promotional initiatives. Brad Williams, Southern Midlands Council's Heritage Project Officer, attributes success to:

- Provision of incentives to property owners
- A state-led consistent approach for local government heritage management.

Pete Smith, Director of Heritage Tasmania attributes Southern Midland Council's success to:

- Council recognising the importance and value of its individual historic heritage assets and precincts as a core appeal to the local community and visitors.
- Actively conserving and working for the long term future of a range of historic places including the significant convict military precinct and the redevelopment of the Callington Mill as a major tourist icon.
- The successful third year of the annual educational initiative for heritage property owners entitled 'Restoration Central' in 2007, which is a jointly managed and funded community initiative with Heritage Tasmania, that included workshop sessions, demonstrations and a trade display of conservation methods.
- A balanced approach to heritage strategy, where Council's focus is on heritage information and education rather than statutory enforcement.

City of Norwood, Payneham & St Peters (SA)

The Council

Norwood, Payneham & St Peters is a South Australian municipal city, with a population of 34,000 people comprising an area of 15.1 square kms.

The heritage system and support from the state

Council utilises the State's model heritage provisions, receives technical and financial assistance from the State.

Heritage resourcing

Heritage is resourced in terms of staff and financial assistance and receives State financial assistance.

Council and corporate commitment to heritage

Heritage is supported by Council at a strategic level and at the statutory development assessment level; good asset management of Council owned heritage; heritage training provided for councillors; good statutory planner's heritage knowledge; heritage expertise available to council.

Heritage identification and significance assessment

The city of Norwood, Payneham & St Peters has a heritage study, last reviewed in 2002. It is a comprehensive study and includes statements of significance for identified places. Heritage studies include identification of aboriginal, archaeological and horticultural heritage.

Council has a joint project in progress between the City of NPSP Cultural Heritage Program & Flinders University Department of Archaeology (2006-2009) investigating Pioneer Park, Kensington site of former Congregational Cemetery. Grant funding was provided by Flinders University.

Community consultation

Council finds evidence of good communications during heritage study & public consultation process reduces objections to heritage amendments.

Heritage promotion, education, interpretation

Council has a program or strategy to raise community awareness of heritage conservation, initiatives include:

- Cultural heritage advisor appointed since 1994 carrying out a range of strategic heritage programs including education services and outreach programs for the community; deliver heritage events; interpretation including signage trails, tourism walks and a heritage public art program;
- Heritage advisory service providing advice to owners of heritage listed properties.
- Advice to owners on maintenance and repair and publications for owners including ['Conserving our city's heritage: A guide for property owners'](#)
- [Publications and brochures.](#)
- Delivers public seminars, lectures, information sessions, community forums and field days offered through public programs by the City's Urban and Strategic Planning and Cultural Heritage staff.

- Extensive network of heritage interpretation projects based on the Burra Charter including the Parade Cultural Walk and the City of NPSP Interpretive Signs Trail.
- Regular residential newsletter features articles on built heritage matters and its cultural heritage program.
- Promotes cultural tourism including historic signposts trail, interpretive signage, the Parade Cultural Walk, heritage plaques, public artwork.

Heritage incentives to owners and developers

Council's incentives include:

- Funding and grants
- Heritage advisory service
- Waives lodgement development application fees
- Heritage award program
- Easy access to advice on property heritage listing status and planning provisions
- Guidance for developers on infill development, urban design and adaptive reuse
- Use of planning tradeoffs

Strategic and statutory heritage management

Council:

- has a heritage committee as a formal committee of council
- allocates resources to undertake heritage amendments (to list heritage places or introduce or amend heritage policy)
- planning scheme/local statutory instrument uses standard State policies/guidelines
- use of planning/conservation agreements

Most important factors to achieving successful local heritage management

For Denise Schumann, Cultural Heritage Advisor, City of Norwood, Payneham & St Peters:

- bridging the gap between the legislative framework and its operation
- education of the community,
- effective management of heritage must not only rely on legislative framework but must encompass much broader goals within local, state and national governments,
- importance of assessing triple bottom line social impact,
- involve the community in negotiating a set of agreed principles and values to clearly define local heritage
- establish transparent governance arrangements that cannot be eroded.

Ipswich (QLD)

The Council

Ipswich Council is a South East Queensland provincial city, with a population of 150,000. Ipswich comprises an area of 1207 square kilometres.

The heritage system and support from the state

Little current support available from the state, seed funding in 1990s contributing to heritage advisor programs and heritage surveys discontinued.

Heritage resourcing

Council officers do not consider heritage to be adequately resourced with staff or financial resources.

Council and corporate commitment to heritage

Heritage is supported by Council at a strategic level and at the statutory development assessment level. Council's heritage program was launched in 1990 and ongoing elements of the program included:

- [Awards for Excellence in Design and Heritage](#) to recognise, promote and reward excellence in the design and construction of new developments and conservation of heritage places.
- A comprehensive Ipswich Heritage Study including the identification of indigenous and industrial heritage.
- Establishment of a [Heritage Consultative Committee](#) including community membership.
- A range of [Heritage Trails](#) booklets available online and in print.

Heritage identification and significance assessment

Ipswich City Council has a heritage study, last reviewed in 2001. It is a comprehensive study and includes statements of significance for identified places. Heritage studies include identification of aboriginal, archaeological and horticultural heritage.

Community consultation

Council comprehensively consults with the community on heritage studies and during amendments and provides plain English information and advice to the public.

Heritage promotion, education, interpretation

Council has a program or strategy to raise community awareness of heritage conservation, initiatives include:

- providing advice to owners,
- publishing brochures on heritage
- delivering heritage seminars and training.
- Heritage trails and plaques
- Promote cultural tourism
- Have interpretation programs and promotional events

Heritage incentives to owners and developers

Council's incentives include:

- a free heritage advisory service,

- may waive development application fees for heritage permits,
- runs a heritage award program
- fast tracks minor developments
- publishes plain English guidelines for owners' including an excellent simple interpretation of the planning scheme's heritage provisions '[Character Provisions](#)', advice on house styles '[House Types](#)', how to find out about the [history of your home](#) and heritage [frequently asked questions](#) about development, restoration and paint colours.

uses planning trade-offs to achieve a conservation outcome.

Strategic and statutory heritage management

Council:

- has a heritage strategy
- has a heritage committee
- undertakes heritage amendments to the planning scheme
- undertakes community consultation during heritage amendments
- utilises strategic heritage documents
- has access to heritage expertise for development assessment
- timely and transparent statutory processes
- integrates heritage management with development assessment
- achieves good results with pre-application negotiation with applicants

Other initiatives in heritage planning, conservation, incentives and education:

Council has a range of successful heritage awareness activities including:

- a free [local heritage education kit](#), provided to all local schools,
- promotional videos and books
- annual heritage awards
- extensive trail of heritage trails and local history brochures

Ipswich's winning ways

John Adams, Planning Manager, Ipswich City Council considers Ipswich's success may be attributed to:

- Doing the 'hard yards' up front to identify significant places/areas,
- Being mindful not to list places where there is no prospect of retention, ensuring that heritage becomes 'mainstream' and integrated into local area planning and development assessment.
- Developing an integrated package of planning scheme and non scheme measures.
- Having a degree of flexibility with the implementation of the statutory provisions and ensuring there is no over regulation.
- Maintaining good communications with the community.

Melton (VIC)

The Council

Melton is a growing municipality on the western fringe, 35 kilometres from the centre of Melbourne. It has a population of 89,000 residents in urban and rural environments, over 530 square kilometres.

The heritage system and support from the state

Melton utilises state model provisions and receives both financial and technical advice assistance from the state heritage authority. Melton use the models and guidelines prepared for local government and participates in heritage advisor training.

Heritage resourcing

Melton has employed a heritage strategic planner at Council and a heritage advisor is on-call. Heritage studies have been adequately funded and has received assistance from the state in the form of funding for completing the heritage study and for heritage advisory services.

Council and corporate commitment to heritage

Heritage is supported by Council at the statutory and strategic level. Council recently adopted the new heritage study which identifies 113 heritage places for local statutory protection. The existing statutory list is nominal and largely includes state listed places.

Heritage identification and significance assessment

Melton has recently completed a heritage study, based on historic themes, which follows the state brief. It is a comprehensive study and 97% of heritage places have statements of significance. It is currently being translated into statutory protection.

Community consultation

Melton has undertaken extensive and effective communication during the heritage study and exhibition process. One meetings were held with affected owners which is thought to contribute to the low levels of objections received. This is a good result for a developing fringe municipality with a character transforming from rural to urban and little prior experience with heritage.

Heritage promotion, education, interpretation

Melton provides advice to owners, has heritage trails and plaques and promotes cultural heritage tourism. Two community workshops on dry stone walls were held.

Heritage incentives to owners and developers:

Melton provides a heritage advisory service and waives development application fees and fast tracking for minor works where the only trigger is the heritage overlay (heritage listing).

Strategic and statutory heritage management

While Council does not have a heritage strategy, Council undertakes strategic work to promote heritage and is currently undertaking a heritage amendment to list heritage places.

Other initiatives in heritage planning, conservation, incentives and education:

A modest fringe municipality, Melton is also home to some of the rarest examples of [dry stone walls](#) in Australia. In 2003 the Shire was successful in securing funding from the state Government's Pride of Place program to identify, conserve and educate the community on dry stone walls. Over 300 dry stone walls were identified and a driving trail and commemorative sculpture in development.

Melton's winning ways

Jennifer Loulie, Strategic Heritage Planner at the Shire of Melton attributes success to:

- Consultation with the community, relevant stakeholders and relevant Shire staff at the early stages of a heritage study or major heritage project.
- Do so in plain English

10.7 Productivity Inquiry – Local Government Survey results – Summary

In relation to local (historic) heritage the report identified that:

Heritage Identification and Assessment

- Of the 74% responding councils, 75% have a statutory heritage list (Productivity Commission, 2006:323). In NSW, this represented 86% of responding councils, 81% in Victoria, 62% in Queensland, 60% in WA, 93% in SA and 76% in Tasmania.
- A heritage study or survey to determine the heritage list was the primary source of identifying heritage places. In New South Wales, Queensland, Victoria and South Australia, a minimum of 80% were identified via a study. 67% in WA were identified by survey and in Tasmania 24.4% were identified by study – the rest was sourced from Tasmanian state government or National Trust lists (2006:326). The average survey date in NSW was 1989, in Victoria 1991 and in Queensland 1999.
- Local governments in most states, excepting Tasmania, reported a high incidence of having ‘some information on heritage values’ available to justify the listing (2006:328).
- Local governments reported low incidences of publishing information on locally significant places on Councils website. Similarly, local governments reported low incidences of publishing information on the state’s heritage database or website. In a vast majority of cases heritage information is made available on request from Council (2006:329).

Table 1: Local Government listed places, by state –survey responses

state	Councils with a heritage list	Individual places	Heritage areas ^a	Council owned places ^b	
				Average	Maximum
	% Respondents	No.	No.	% Listed Places	% Listed Places
NSW	93	25 847	512	8.8	71
Vic	97	19 183	497	9.3	83
Qld	42	9 852	191	19.9	100
WA ^c	84	8 178	391	12.7	100
SA	52	7 489	92	7.9	33
Tas	86	5 804	87	5.6	29
Total	75	76 353	1 770	10.4	100

^a Includes historic conservation zones, heritage precincts, streetscapes and special areas.

^b Includes parks and monuments.

^c May include places in Municipal Heritage Inventories. Source: Productivity Commission 2006, Conservation of Australia’s Historic Heritage Places, Table B.2:324¹

Heritage management

- The Productivity Commission reported that half of local councils surveyed provided some form of assistance to property owners for historic heritage conservation. This was largely in the form of free heritage advice (2006:330)
- In Victoria 84% of responding Councils employ a heritage advisor, in NSW 82% of responding councils employ a heritage advisor (2006:335). In SA 44%, in WA 31%, in Tasmania 32% (2006:335).

Table 2: Employment of heritage advisors – Proportion of responding councils

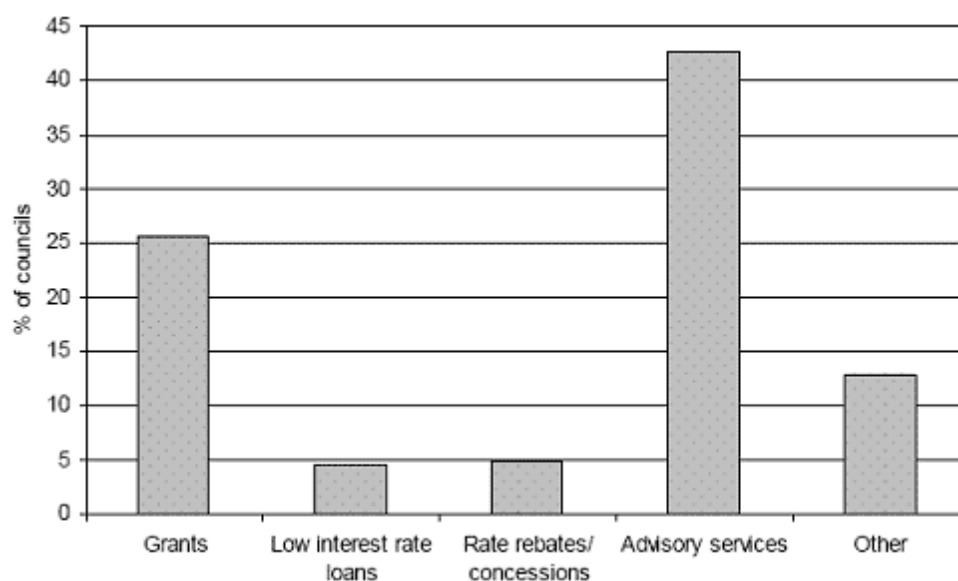
state	Councils who employ a heritage advisor	Proportion of heritage advisors employed on a part-time basis	Average days per month ^a	Access to a heritage advisor employed by another council
	%	%	No.	%
NSW	81.5	85.0	2.1	1.5
Vic	83.9	96.2	2.7	1.6
Qld	9.3	77.8	2.9	4.1
WA	31.4	92.6	3.2	11.6
SA	43.8	92.9	1.9	6.3
Tas	31.8	85.7	5.0	0.0

^a For part-time heritage advisors.

Source: Productivity Commission 2005, Conservation of Australia's Historic Heritage Places, Table B.10:335.

- A quarter of responding councils provided grants for conservation works (2006:330).
- The Productivity Commission survey found that the type of assistance provided to local government varied significantly between the states (Productivity Commission 2006:332). Grants were the most common form of assistance used in New South Wales and South Australia. Low interest rate loans were more typically used in Victoria. Rate rebates and concessions were offered by few councils. In New South Wales a reduced valuation for rating purposes was offered by the Valuer-General for heritage properties (Productivity Commission 2006: 333).

Figure 1: Type of assistance provided - proportion of responding councils



Source: Productivity Commission 2006, Conservation of Australia's Historic Heritage Places, Figure B.3:331

Other forms of assistance provided by local government to owners as identified by Councils in the survey included:

- Assistance with state Government Heritage Assistance Grant applications;
- Running grants on owners behalf;
- Variation to development standards to assist in retaining buildings as part of any development/redevelopment of the site;
- Possible consideration of density bonuses to assist conservation of heritage buildings;
- Heritage floorspace scheme which allows owners to sell unrealised development; potential of a heritage site to other developers;
- Waiving of council development application fees;
- Discount heritage paint scheme;
- Video available to assist people to understand what heritage is about;
- Heritage concession waiving the need for a development application for restoration works and reinstatement of missing detail;
- Colour schemes and construction principles for historic heritage places;
- Heritage awards held every year to encourage and promote conservation of historic heritage places;
- Fast tracking procedure for minor heritage applications;
- Free heritage information kit; free heritage trails; free heritage planning of appropriate places; and
- Free brochures with advice for garages, carports, fences, house extensions

(Productivity Commission 2006:334)

The Productivity Commission's reported survey results included data on obtaining development control. The report noted that a number of Councils indicated that development applications on listed places were often negotiated between the owner and council prior to lodgement to achieve an acceptable solution and reduce later objections and contention (Productivity Commission, 2006: 337). It was reported that on average in 2004-5 a small proportion of development applications for historic heritage places were rejected. In all states, more than half of responding Councils noted that no development applications had been rejected on heritage grounds (Productivity Commission, 2006: 338).

Table 3: Obtaining development approval – proportion of responding councils

state	Development approval ^a required for ALL works on listed places	Development approval required for only those works affecting identified heritage values	Other ^b
New South Wales	<57.7	<18.5	<24.6
Victoria	<53.2	<24.2	<22.6
Queensland	<38.1	<17.5	<12.4
Western Australia	<60.5	<8.1	<14.0
South Australia	<48.4	<17.2	<21.9
Tasmania	<81.8	<9.1	<9.1

^a Applies to state and/or locally listed places. Some councils indicated that modification to items on the Register of the National Estate also required approval.

^b Typically, councils that nominated this category indicated that maintenance, painting and minor renovations did not require approval or that only demolition or changes to the façade required approval. Source: Productivity Commission 2006, Conservation of Australia's Historic Heritage Places, Table B.12:337 as published in Sullivan S 2006, 'Cultural Heritage and Local Government', article prepared for the 2006 Australian state of the Environment Committee, Department of the Environment and Heritage, Canberra, <http://www.environment.gov.au/soe/2006/publications/emerging/local-heritage/index.html>

ⁱⁱ http://www.planning.org.au/index.php?option=com_content&task=view&id=586&Itemid=528 December 4 2007.