



ABOVE: The former Royal WA Institute for the Blind now the Western Australian Ballet Centre, Maylands. Photography, Jon Green

LOCAL GOVERNMENTS AND THE HERITAGE BILL 2015 (EXPOSURE DRAFT)

The *Heritage Bill 2015 (Exposure Draft)*, or Green Bill, will result in modern heritage legislation that is open, transparent, simple to operate and easy to understand, and reflects best practice in the recognition and protection of heritage places.

Informed by the feedback received in the two phases of public consultation conducted in 2011, the Green Bill retains features of the current Heritage Act that have served heritage well during the past 25 years. However, it addresses the shortcomings of the Act by introducing new features that reflect contemporary heritage management principles and practice.

The Green Bill strikes a necessary balance between recognising local heritage places without interfering with local planning schemes and policies.

WHAT'S NEW IN THE GREEN BILL FOR LOCAL GOVERNMENTS?

Part 8. Identifying local heritage places

The Green Bill retains the local heritage 'inventories' required under Section 45 of the current Act, but renames them 'Local Heritage Surveys'.

This is to promote a move from the common name of 'municipal inventory' which was removed from the current Act by amendments in 1996. The term 'survey' better describes the intent of this document information as a resource based on input from the local community.

Local Heritage Surveys may include places rather than just buildings. As requested by local governments in submissions to the 2011 Heritage Act review, the purposes of Local Heritage Surveys are expressly stated:

- Identifying places of cultural heritage significance to the local district
- Assisting the local government in making and implementing decisions that respect cultural heritage values
- Providing a cultural and historical record of the district
- Providing an accessible public record of places of cultural heritage significance to the district
- Assisting a local government in preparing a heritage list or list of heritage areas under a local planning scheme.

The Heritage Council will publish guidelines to assist local governments in compiling and updating surveys. Statutory timeframes for review and update have been removed to allow local governments to maintain the survey in line with their own needs and practices.

To ensure continuity through the transition to a new Act, an existing Section 45 inventory is deemed to be a Local Heritage Survey.

Part 5. Development referrals

The Green Bill retains the current Act's Section 11 referral provisions, revised for clarity. A new feature allows regulations to exempt certain places and works from referral where appropriate.

As with the current Act, local governments are required to refer planning applications and other proposals that 'may affect' a registered place to the Heritage Council, and the Heritage Council must provide its advice. In recognition of the statutory time constraints within the planning process, the Green Bill requires that Heritage Council advice is given within a time period prescribed in the Regulations.

The final decision on the proposal remains with the local government but must be 'consistent' with the Heritage Council's advice, unless there is 'no feasible and prudent alternative'. This aspect of the referral process remains unchanged from the current Act.

Regulations may also be used to establish a variety of matters associated with referrals, such as forms and cover sheets to be used when making referrals, particular issues and sources of information the Heritage Council is to consider when assessing referrals, issues to be addressed in the Heritage Council's advice, and so on.

Other features

The objectives of the Green Bill continue to encompass all of the State's cultural heritage places, not just places of 'State' cultural heritage significance, although the primary responsibility of the Heritage Council continues to be the State Register of Heritage Places.

As with the current Act, local governments continue to be recognised as key stakeholders in the process of assessing places for potential inclusion in the State Register.

Experience of working in local government will remain an area of expertise that qualifies a person for membership on the Heritage Council, per Clause 12(3)(b).

The Heritage Council's functions expressly include providing advice and assistance to local governments, per Clause 13(j). The Heritage Council will also have more flexibility in providing financial assistance to local governments for heritage purposes, per Clause 75, which will assist in the administration of current programs such as the Heritage Advisory Service Subsidy.

The current Act's provisions regarding heritage agreements are retained in Part 7 of the Green Bill. Local governments will continue to be able to enter into heritage agreements in respect of local heritage places.

HOW TO GET INVOLVED

The 'Heritage Bill 2015 (Exposure Draft) Information Paper' provides a comprehensive summary of all the new features of the Green Bill. The Information Paper is available on the State Heritage website at stateheritage.wa.gov.au

The feedback received from this Information Paper will inform the final draft of the *Heritage Bill 2015* that will be introduced to Parliament.

How to participate:

Submissions to the Green Bill may be made public. When making a submission, please indicate the issue and what part/s of the Green Bill you are commenting on.

Comments under 500 words can be submitted through an easy online portal on the State Heritage website: stateheritage.wa.gov.au

More detail submissions should be sent via

Email: info@stateheritage.wa.gov.au
Please use the words 'Heritage Green Bill' in the Subject field

Post: The Executive Director
State Heritage Office
PO Box 7479
Cloisters Square
PO WA 6850

In Person: State Heritage Office
Bairds Building
Level 2, 491 Wellington Street
PERTH WA 6000

Submissions close 5pm, Friday 25 September 2015.