

**POLICY NO: 3.6.8**

**DEALING WITH ENQUIRIES REGARDING THE HERITAGE  
STATUS OF PROPERTIES**

**OBJECTIVES**

To provide guidance to the Town of Vincent's Administration for dealing with enquiries regarding:

- 1) the heritage status of properties; and
- 2) partial or full demolition of properties not included on the Town of Vincent's Municipal Heritage Inventory.

**POLICY STATEMENT**

The Town of Vincent Municipal Heritage Inventory (MHI) lists properties and places in Category A - *Conservation Essential* and Category B - *Conservation Recommended*.

Other properties and places which have not been identified as meeting the threshold for inclusion on the MHI have not been listed however it is acknowledged that these properties and places may still have heritage significance.

This Policy and Procedure aim to provide information to property owners and prospective property owners, regarding the heritage status of the property/place and the possible redevelopment. At the same time, it aims to minimise the legal liability which may arise from actions as a result of information provided by the Town of Vincent.

## GUIDELINES AND POLICY PROCEDURE FOR DEALING WITH ENQUIRIES REGARDING THE HERITAGE STATUS OF PROPERTIES – POLICY NO 3.6.8

### 1) Properties Listed on the Town of Vincent Municipal Heritage Inventory:

All properties listed on the Town of Vincent's Municipal Heritage Inventory form the Heritage List. Separate guidelines for redevelopment options and management of these properties are outlined within the Town of Vincent's Policies relating to Heritage Management.

### 2) Properties Not Listed on the Town of Vincent MHI:

i) In accordance with desired urban character and sustainability, demolition of properties within the Town of Vincent will generally be discouraged and alternatives to demolition will be discussed with the owner/applicant, prior to a recommendation being made.

ii) To ensure accuracy and consistency in its advice, the Town will provide only very basic verbal information and will require most enquires to be put in writing as follows:

#### a) Verbal (telephone/counter/on-site/other) Enquiries

- With reference to the Town of Vincent's Municipal Heritage Inventory Database Officers will only provide a preliminary 'yes' or 'no' answer as to whether or not a particular property is listed on the Town of Vincent's Municipal Heritage Inventory.

Enquirers are to be advised that:

- All other enquiries must be made in writing - and this includes any further information relating to heritage considerations within a development application - and that an appropriate fee will be charged; and

- The Enquirer needs to make their own assessment of the importance and seriousness of the enquiry, and that if the Enquirer considers that it is of sufficient concern to them then the Enquirer should proceed with a written enquiry. Further, the Enquirer should be advised that the Town of Vincent/Officers are not in the position to assess the importance or seriousness of any particular enquiry and will not embark on that exercise. If no subsequent written enquiry is made then the Town of Vincent will assume that the enquiry was of little to no importance or significance to the Enquirer (**'the Self Assessment Warning'**).

The Town of Vincent Officer providing the verbal advice is to then immediately, and preferably during the course of the enquiry itself, record:

- The Enquirer's names and contact details;
- The address of the subject property;
- The date and time of the enquiry;
- Whether the Officer advised that the property was or was not on the Municipal Heritage Inventory;
- Whether or not the Officer gave the required standard advice concerning the need to put requests in writing and/or gave the required Self Assessment Warning and Disclaimer; and
- The Officer's name and position

b) Written Enquiries

- Are to be encouraged at every opportunity;
- Must be accompanied by the payment of an appropriate fee; and
- A written response is to be provided in accordance with the Town of Vincent Enquiry procedures and the Town of Vincent's Customer Service Charter and must include a Disclaimer.

iii) In the event of the submission of a development application involving demolition of a property not included on the Town of Vincent Municipal Heritage Inventory the following procedures apply;

a) The development application involving demolition will be advertised in accordance with the Town of Vincent Policy 4.1.12 - Community Consultation.

b) The Town of Vincent Officers may negotiate with the property owners(s)/ applicant(s) to seek retention of all or part of the property, such negotiations to potentially include the provision of development bonuses or concessions on other planning and development requirements that would not otherwise be available for the proposed development, where the building contributes to a streetscape that is valued by the community.

c) The development application involving demolition will be the subject of a report to the Council for consideration and determination, unless the application can be dealt with in accordance with the approved delegated authority from the Council.

- d) In considering and determining a development application involving demolition, the Council is not limited to heritage as a factor in refusing demolition and can rely upon and cite other factors detailed within Clause 38 (5) and Clause 41 (a) and (b) of the Town of Vincent's Town Planning Scheme No. 1, the Residential Design Codes of Western Australia and relevant Town of Vincent Policies.
- e) A Heritage Assessment and/or Heritage Impact Statement can be undertaken on the subject property in accordance with the Town of Vincent Policy 3.6.2 Heritage Management - Assessment at the discretion of the Executive Manager Environmental and Development Services and/or Manager Planning, Building and Heritage Services to identify the heritage values of the place.
- f) If a Heritage Assessment and/or Heritage Impact Statement is undertaken in accordance with sub clause (e) above and it is found that the place does not meet the threshold for entry onto the Town of Vincent's Municipal Heritage Inventory in accordance with the Town of Vincent Policy 3.6.2 Heritage Management - Assessment the procedures outlined in Town of Vincent Policy 3.6.5 Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) should apply.
- g) Nothing in the Policy is to negate or adversely affect the Town of Vincent's statutory responsibility to periodically review its Municipal Heritage Inventory.
- iv) All information provided as part of the Town's Property Enquiry procedures carries the following disclaimer:

**DISCLAIMER**

*The Town of Vincent does not accept any responsibility for any verbal advice given to you.*

*If you choose to act on verbal advice despite this warning then you do so at your own risk.*

*If you suffer any loss as a result you will be responsible for it and not the Town of Vincent.*

*In particular, please note that any consent or approval that you need from the Town of Vincent must be obtained in writing otherwise it will not be valid."*