

Planning Scheme Policy

**NOMINATIONS FOR THE INCLUSION OR REMOVAL OF A PLACE FROM THE LOCAL HERITAGE REGISTER**

**Application**

This Policy applies to the whole area covered by the CairnsPlan, Planning Scheme for the City of Cairns.

**Intent**

This Policy is intended to support the local dimension of the Planning Scheme by ensuring that places of cultural heritage significance are nominated to the local heritage register on a continuous basis.

**Objectives**

The objective of this policy are:

- Establish the criteria for entry of a place in the local heritage register;
- Identify the procedure for making a nomination to include a place in the local heritage register; and
- Identify the procedure for removing a place from the local heritage register.

**Definitions**

In this policy the following definitions apply:

“Cultural Heritage Significance” denotes the importance of a Cultural Heritage Place, which may be based on aesthetic, architectural, archaeological, educational, historical, scientific, social, technological or traditional values.

“Owner” of a place means all persons listed as registered owners on the certificate of title of the place, or the land on which the place is situated.

“Place” includes a site, building, structure or item.

“Statement of Significance” is a brief statement detailing the significance of a Cultural Heritage Place.

## Criteria for Entry in Local Heritage Register

In determining if a place is worthy of listing in the Heritage Register it must satisfy one or more of the following criteria:-

- (a) The place is important in demonstrating the evolution or pattern of the City's history; or
- (b) The place demonstrates rare, uncommon or endangered aspects of the City's cultural heritage; or
- (c) The place has potential to yield information that will contribute to an understanding of the City's history; or
- (d) The place is important in demonstrating the principal characteristics or a particular class of cultural places; or
- (e) The place is important in exhibiting particular aesthetic characteristics valued by the community or a particular community group; or
- (f) The place is important in demonstrating a high degree of creative or technical achievement at a particular period; or
- (g) The places has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons; or
- (h) The place has a special association with the life or work of a particular person, group or organisation of importance in the City's history.

A place is not to be excluded from the Local Heritage Register on the ground that a place or places with similar characteristics have already been entered in the Local Heritage Register.

## Making a Nomination

The Local Government may on its own initiative or by written nomination by any person consider whether a particular place should be entered in the Local Heritage Register.

The Local Government may require an applicant who seeks the entry of a particular place in the Local Heritage Register to:

- Describe the nature of the place
- Identify its specific location
- Have a statement of significance prepared by a qualified heritage professional.

The Local Government may invite written submissions in relation to a place that it has under consideration for possible entry to the Local Heritage Register from

- The Owner of the place if the owner was not the person to make the nomination;
- Any person or body with a special knowledge of, or interest in, the place; or

- Any person or body with a special interest in the City's cultural heritage.

If the Local Government is of the opinion that a place is of cultural significance and satisfies one or more of the criteria for entry, the Local Government may resolve to enter the place in the Local Heritage Register<sup>1</sup>.

### **Nomination to Remove a Place from the Local Heritage Register**

The Local Government may, on its own initiative or by nomination by any person consider whether a particular place in the Local Heritage Register should be removed from the Register.

The Local Government may require an applicant who seeks the removal of a particular place from the Local Heritage Register to

- Describe the nature of the place;
- Identify its specific location;
- Provide information to support that the place is no longer of cultural heritage significance.

The Local Government may invite written submissions in relation to a place that it has under consideration for possible removal from the Local Heritage Register from

- The Owner of the place if the owner was not the person to make the nomination;
- Any person or body with a special knowledge of, or interest in, the place; or
- Any person or body with a special interest in the City's cultural heritage.

If the Local Government is of the opinion that a place no longer justifies the retention in the Local Heritage Register, the Local Government may resolve to remove the place from the Local Heritage Register<sup>2</sup>.

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<sup>1</sup> If the Local Government resolves to enter the place in the Local Heritage Register it must:

- A. Give the rateable owner of the place a written notice:
  - a. Stating that the Local Government proposes to enter the place in the Local Heritage Register; and
  - b. Stating the reasons on which the proposal is based (including a statement of the relevant criteria); and
  - c. Explaining the right to lodge a submission in relation to the proposal.

<sup>2</sup> If the Local Government resolves to remove the place from the Local Heritage Register it must:

- A. Give the rateable owner of the place a written notice:
  - a. Stating that the Local Government proposes to remove the place from the Local Heritage Register; and
  - b. Stating the reasons on which the proposal is based; and
  - c. Explaining the right to lodge a submission in relation to the proposal; and
- B. Give the person who made the submission where that person is not the owner of the place, a written notice:
  - a. Stating that the Local Government proposes to remove the place from the Local Heritage Register; and
  - b. Stating the reasons on which the proposal is based; and
  - c. Explaining the right to lodge a submission in relation to the proposal.

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**This policy is to remain in force until otherwise determined by Council.**

**General Manager Responsible for Review:                      City Development**

**ORIGINALLY ADOPTED: 27/1/2005**

**COMMENCEMENT: 1/03/2005**

**DUE FOR REVISION:30/06/2012**

**REVOKED/SUPERSEDED:**