

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 Register¹.

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 Register².

¹ 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.

² 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.



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

General Manager Responsible for Review:

Development Assessment

ORIGINALLY ADOPTED: 27/1/2005

COMMENCEMENT: 1/03/2005

CURRENT ADOPTION: 5/12/2012

DUE FOR REVISION: 31/12/2014

REVOKED/SUPERSEDED: