
HERITAGE

HR401

HERITAGE ACT 2018

INSTRUMENT OF DELEGATION—CITY OF FREMANTLE

Pursuant to section 19 of the *Heritage Act 2018* (Act), the Heritage Council of Western Australia resolved to—

1. To revoke the delegation instrument as published in the *Government Gazette* on 3 June 2022 at page 3221;
2. To delegate the provision of advice under section 74 of the Act to the Manager Strategic Planning and City Design (delegate) of the City of Fremantle (City) for proposals as defined under section 71 of the Act that if implemented would, or would be likely to, affect P25225 *West End, Fremantle* (West End) as defined by the Council.
3. To require that the delegate refer proposals for the classes and in the locations specified in Schedule 1 to the Council for determination.
4. To require that the delegate has due regard to the Heritage Council Delegation Framework dated July 2023 as published by the Council on its website when exercising this delegation.
5. To declare that this resolution take effect when notice of it is published in the *Government Gazette*.

This delegation shall come into operation on 22 August 2023.

VAUGHAN DAVIES, Assistant Director General, Heritage and
Property Services, Department of Planning, Lands and Heritage.

Schedule

This is the Schedule to the instrument of delegation as authorised by the Heritage Council of Western Australia pursuant to section 19 of the *Heritage Act 2018* (Act).

Schedule 1

1. Other registered places

Proposals that would also affect, or be likely to affect, any registered place as defined in section 4 of the Act, other than West End.

2. Places owned or occupied by the City

Proposals related to a place owned or occupied by, or where the management body is, the City.

3. Contentious issues

Proposals where, in the opinion or understanding of the delegate—

- (a) the impacts on the cultural heritage significance of a place are assessed as ‘major’ on the Impact Rating provided at Schedule 1 of the Heritage Council Delegation Framework dated July 2023;
- (b) there is substantial public, community commentary or media activity;
- (c) the Minister for Heritage is, or is likely to become, involved or interested;
- (d) there are significant stakeholder objections or concerns;
- (e) the recommended response would conflict with the direction or activity of any statutory authority or State agency;

- (e)
- (f) the recommended response conflicts or is inconsistent with a previous Council resolution, or an adopted Council policy;
- (g) there is no consensus between the delegate and their reporting/supporting officer(s) or professional advisers;
- (h) a decision may have a negative impact on the reputation of the Council, the Minister or cultural heritage in general.

4. State-wide interest

Proposals for—

- (a) any State-wide or regional activity, policy, guidelines or strategy where there is an identified heritage matter to be raised
- (b) State legislation or policy that may impact on heritage places
- (c) projects that will have a broad impact on the economy or cultural heritage of the State or a region.

5. Heritage Agreements

Proposals that would result in the delegate exercising their delegated powers in a way that would commit the Council to entering a heritage agreement; unless it can be clearly demonstrated as being consistent with the Council's policy 'Heritage agreement as a condition of Heritage Council support'.

6. Places of strategic priority

Proposals that relate to a place for which the delegate has received notice that, in the opinion of the Council, is a strategic priority.
