

Policy Name:	5.4 Local Planning Policy for Heritage Places
Department:	Health, Building and Planning
Date Adopted:	20 July 2023
Last Reviewed:	20 July 2023

Statutory Background

This policy is adopted under Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, which enable the Shire of Bruce Rock to prepare local planning policies for any matter related to the planning and development of the Scheme area. The local planning policy can only have effect where consistent with the Deemed Provisions and local planning scheme.

Purpose

To provide guidance on the assessment of development proposals that affect heritage protected places.

Definitions

Unless otherwise defined, terms used in this policy have common meanings, and include those defined in the Planning and Development Act 2005, the Planning and Development (Local Planning Schemes) Regulations 2015, and the Heritage Act 2018.

Term	Definition
Deemed Provisions	Provisions contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2014.
Heritage Agreement	A contract under Part 7 of the Heritage Act 2018 undertaken on a voluntary basis by owners of a heritage place.
Heritage Area	An area designated as a Heritage Area under clause 9 of the Deemed Provisions.
Heritage Assessment	An assessment that describes a place and its setting, and states its significant heritage value as per criteria adopted by the Heritage Council of Western Australia.
Heritage Impact Statement	Describes and evaluates any potential impact of a proposed development to the significance of a heritage place or area.
Heritage List	A list of heritage places adopted under the Local Planning Scheme, included within the Local Heritage Survey and assessed as being worthy of conservation.
Heritage Place	A site, area, space, building, structure, precinct, landscape, or garden that has been assessed to have natural or cultural heritage value.
Local Heritage Survey	A document adopted by Local Government that identifies and records places that are, or might become, of cultural heritage significance.
Local Planning Scheme	A document adopted by Local Government that sets out the way land is to be used and developed, classifies areas for land use and includes provisions to coordinate infrastructure and development within the Local Government area.

Objectives

The objectives of the policy are to:

1. Conserve and protect places of cultural heritage significance that are identified on the Heritage List.
2. Ensure that developments do not adversely impact the significance of heritage places identified on the Heritage List.
3. Ensure that heritage significance is given due weight in local planning decision making.
4. Provide certainty to landowners and community about the planning processes for identification and protection of places identified in the Heritage List.

Application

1. The policy applies to any places in Categories 1 and 2 (A and B) as identified in the Heritage List in the Local Heritage Survey.
2. The Deemed Provisions apply to the property, or portion thereof, as defined in the Heritage List in the Local Heritage Survey.
3. The Deemed Provisions do not apply specifically to the interior of the buildings identified in the Heritage List in the Local Heritage Survey.

Development Control Principles

When considering any planning applications in relation to a place identified in the Heritage List, the Shire of Bruce Rock will apply, and have regard to, the development control principles listed in sections 6.5 and 6.6 of The State Planning Policy 3.5 Historic Heritage Conservation (2000), and in particular:

- a. whether any proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the locations, bulk, form or appearance of the proposed development;
- b. measures proposed to conserve the heritage significance of the place and its setting; and
- c. the structural condition of a place, and whether a place is reasonably capable of conservation.

Levels of Significance

The level of heritage significance of a place is one of the matters considered in determining an application. One of the following levels of significance is applied to each place identified in the Local Heritage Survey and the Heritage List.

This policy is relevant to places of Exceptional Significance (Category 1- State Register) and Considerable significance (Category 2), as identified in the Heritage List in the Local Heritage Survey (LHS).

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance HERITAGE LIST <u>Category 1 (LHS)</u>	Essential to the heritage of the locality. Rare or outstanding example.	The place should be retained and conserved, unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists).

Considerable significance HERITAGE LIST <u>Category 2 (LHS)</u>	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.
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Applications for Planning Approval – Accompanying Material

Minor works may need to demonstrate that the development will not have an adverse effect on the cultural heritage significance of the place, but may not require submission of all accompanying material, at the discretion of the Shire of Bruce Rock.

An applicant may be required to provide one or more of the following reports to assist in the determination of a development application. This is additional to the requirement for accompanying material set out in the Local Planning Scheme and the Model Scheme Text.

a. **Heritage Impact Statement**

If a proposal will have a substantial impact on the exterior fabric or form of a place in the Heritage List, a Heritage Impact Statement may be required. It should address three main questions:

- How will the proposed development affect the significance of the place?
- What alternatives have been considered to minimise any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

b. A schedule identifying existing relevant heritage fabric of the place, and how the proposed development responds to the heritage values of the place.

c. Street elevations, where works include a new development within a heritage place, or that otherwise propose changes that will be substantially visible from the public domain.

A determination of the proposed development will be a Shire of Bruce Rock decision with regard to the impact on the cultural heritage significance of the place.

Register of Heritage Places

If a proposal affects a place that is entered in the Register of Heritage Places (State Heritage listed), the Shire will refer the development application to the Heritage Council of Western Australia. A Heritage Impact Statement may be required at the applicant's expense.

Proposed Demolition

A structural condition assessment can be requested in the case of proposed demolition, if structural failure is cited as a justification for the demolition of a place in the Heritage List. The structural evidence should be provided by a registered structural engineer to substantiate that the structural integrity of the building has failed and cannot be rectified without removal of a majority of its original fabric that would impact the significance of the place.

Archival Recording in the Case of Demolition

If the proposed demolition application of a place in the Heritage List or Local Heritage Survey is approved, a condition of approval may require the applicant to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the Heritage Council's standard for archival recording.

Conditions of Approval

Where a development application for a heritage place is approved with conditions, those conditions may be used to secure positive heritage outcomes, in addition to any standard condition. Any condition of approval must have planning purpose, and be relevant and reasonable, and may include an archival record or entry into a heritage agreement.

Amendments to the Heritage List

The procedures for adding, deleting, or amending entries to the Heritage List are set out in the Local Planning Scheme.

The Heritage List should include, as a minimum, all those places identified in the Local Heritage Survey as being of Exceptional Significance: Category 1 (Register of Heritage Places) or Considerable Significance: Category 2.

The Shire of Bruce Rock may amend the Heritage List in the following situations:

- Consider inclusion of a place in the Heritage List, if the findings of a reviewed Local Heritage Survey support it.
- A place is nominated for inclusion by the owner or a member of the public, if assessment documentation to the required standard is provided by the nominator.
If not, consideration will be deferred until a review of the Heritage List is scheduled.
- The inclusion of a place may be considered if a heritage assessment is prepared as part of a Heritage Impact Statement submitted by an applicant.
- Consider removing a place from the Heritage List, if it is demolished or is damaged or destroyed, to the extent that its significance is significantly impacted or lost.
- The Shire will retain a record of all places destroyed, demolished and/or removed from the Heritage List, to monitor the rate of losses over time.

Shire Owned Property

The Shire of Bruce Rock will seek to lead by example by conserving and managing its own property in accordance with this policy.

Reference documents

The Local Heritage

Survey 2022 Heritage

List 2022

State Planning Policy 3.5 Historic Heritage

Conservation Heritage Act 2018