

INTRODUCTION

The purpose and intent of this Local Planning Policy is to provide guidance on development assessment matters for those places listed on the Shire of Capel Heritage Survey, Heritage List and the State Register of Heritage Places.

OBJECTIVE

1. Provide clarity in the process of assessing development applications of places with heritage value.
2. Facilitate efficient and effective assessment of applications for development approval involving the demolition of places of heritage value.
3. Inform landowners, developers and builders that heritage is an issue considered by the Shire of Capel when determining applications for development approval in accordance with the Shire of Capel Town Planning Scheme No. 7 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

DEFINITIONS

The following definitions apply to this policy:

Burra Charter means a charter adopted by Australia in 1979 (and since revised), which defines heritage terms and establishes the nationally accepted standard for the conservation of built places of cultural significance.

Cultural Heritage means evidence of the past - places, buildings, structures and sites. It can also refer to objects and artefacts, documentary records, works of art, and furniture.

Cultural Heritage Significance means the value of a place in terms of its aesthetic, historic, research and social significance for the present community and future generations. Rarity, representativeness, condition, integrity and authenticity determine the place's degree of significance.

Fabric means all the physical material of a place.

Heritage Area means an area which has a distinctive character of heritage significance and which is desirable to conserve.

Heritage List means a list to identify places within the Town Planning Scheme No. 7 area that are of cultural heritage significance and worthy of built heritage conservation.

Heritage Survey means the list of heritage places and structures prepared in accordance with the *Heritage of Western Australia Act 1990* which, in the opinion of the local government, are, or may become, of cultural heritage significance.

Level of Significance means how important a place is to the heritage of the Shire of Capel. For the purpose of the Heritage Survey, each place will be graded as being exceptional, considerable, moderate or little significance with reference to its rarity, representativeness, integrity and authenticity.

Place means a surveyed area of land, foreshore, estuary or watercourse. A place may be a site, area, group of works or landscape, together with its associated structures, contents and surrounds.

Register of Heritage Places means a statutory list of places which are of significance to Western Australia; maintained by the Heritage Council of Western Australia. Places of cultural heritage significance may be entered in the Register of the advice of the Heritage Council or at the direction of the Minister for Heritage.

POLICY STATEMENT

1. Development Assessment - Places on the Shire of Capel Heritage Survey

- 1.1 With the exception of an application for demolition, applications for development approval for places included only on the Shire of Capel Heritage Survey shall be assessed as for other places within the Shire.
- 1.2 Applications for development approval for demolition of a place included only on the Shire of Capel Heritage Survey shall be assessed as for other places within the Shire, but shall require at the applicant's cost that an archival record be prepared and submitted by a suitably qualified and experienced heritage professional to the Local History Collection of the Shire of Capel Library. The archival record is to be in accordance with the State Heritage Office's standard for archival recording.

2. Development Assessment - Places on the Shire of Capel Heritage List

- 2.1 Development of places included on the Shire of Capel Heritage List shall require an application for development approval. For the purposes of this Policy '*development*' means the development or use of any land, including:
 - a. Any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - b. The carrying out on the land of any excavation or other works;
 - c. In the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that –
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration to the fabric of any building.

- 2.2 Submitted applications for development approval may be forwarded to a

Heritage Advisor or suitably qualified and experienced heritage professional for assessment at the applicant's cost, having due regard to the principles of the Burra Charter, current best practice, the assigned level of significance as detailed in the Shire of Capel Heritage Survey.

- 2.3 Prior to processing the application for development approval further, Shire officers or a Heritage Advisor may require the submission of an independent heritage assessment (Heritage Impact Statement) in accordance with clause 7.14.4.3 of the Shire of Capel Town Planning Scheme No 7 and clause 11, Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 2.4 Except in the case of proposed demolition, if the application for development approval is assessed as being consistent with the principles of the Burra Charter, current best practice, any relevant design guidelines and the assigned level of significance, the application may be determined under Delegated Authority unless objections are received following any required advertising, whereby the application shall be referred to Council for determination.
- 2.5 If the application for development approval proposes demolition or part-demolition that is not consistent with the principles of the Burra Charter, current best practice, any relevant design guidelines and the associated level of significance, the matter shall be referred to Council for determination.
- 2.6 If the application for development approval is not consistent with the principles of the Burra Charter, current best practice, any relevant design guidelines and the assigned level of significance the application shall be referred to Council for determination.
- 2.7 Building permits and demolition approvals for places on the Heritage List cannot be issued until development approval has been obtained and any relevant conditions of the planning approval have been complied with.

3. Development Assessment - Places on the State Register of Heritage Places

- 3.1 The *Heritage of Western Australia Act 1990* requires local governments to seek the advice of the Heritage Council of Western Australia (HCWA) when an application for development approval for a place entered on the State Register of Heritage Places is received. Consequently, all such applications shall be referred to the State Heritage Office for advice prior to determination.

4. Additional material for Heritage matters

- 4.1 In accordance with clause 7.14.5 of the Shire of Capel Town Planning Scheme No. 7 the Council may require an applicant to provide one or more the following (in addition to the requirements set out in clauses 7.14.4 and 8.1.2 of the Scheme) to assist in the determination of an application for development approval:
 - (a) street elevations drawn to a scale not smaller than 1:100 showing the

proposed development and the whole of the existing development on each lot immediately adjoining the subject land, and drawn as one continuous elevation.

- (b) In addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan:
- (c) a detailed schedule of all finishes, including materials and colours, for the proposed development and, unless Council exempts the applicant for the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

4.2 In addition, or in support of 4.1(a) above, the Council may require an applicant to provide photographic montages of street elevations showing the proposed development and the whole of the existing development on each lot immediately adjoining the subject land.

5. Preparation of a Heritage Impact Statement

When required under clause 7.14.4.3 of the Shire of Capel Town Planning Scheme No. 7, heritage assessments (Heritage Impact Statements) are to be prepared at the applicant's cost by a suitably qualified heritage professional in accordance with *Heritage Impact Statements – A Guide*, published by the State Heritage Office.

6. Preparation of a Heritage Record

A heritage record must be prepared, when required, in accordance with the *Guide to Preparing an Archival Record*, published by the State Heritage Office.

POLICY APPLICATION

This Local Planning Policy applies to any place included on the:

- a. Shire of Capel Heritage Survey;
- b. Shire of Capel Heritage List established under Clause 7.14 Heritage – Precincts and Places of Cultural Significance of the Shire of Capel Town Planning Scheme No 7;
- c. Any place listed on the State Register of Heritage Places; and
- d. Any other place considered to have cultural heritage significance in accordance with the *Heritage of Western Australia Act 1990*.

Procedure:	
Originating Section:	Relevant Legislation: <i>Planning and Development Act 2005;</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015;</i> <i>Town Planning Scheme No. 7.</i> <i>Heritage of Western Australia Act 1990</i>
Reviewer:	Delegated Authority: Delegation 143
Adopted: Minute OCxxxx, dd.mm.yy	Other References: Heritage Impact Statements – A Guide (State Heritage Office). Guide to Preparing an Archival Record (State Heritage Office). Shire of Capel Heritage Survey Shire of Capel Heritage List
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