

Introduction

Places with identified cultural heritage significance within the Shire of Capel are listed on the Local Government Heritage Survey, Heritage List and/or State Register of Heritage Places.

The purpose and intent of this Local Planning Policy is to provide guidance on development assessment processes for these places of cultural heritage significance.

This Local Planning Policy has been adopted by the Shire of Capel in accordance with the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Purpose

The objectives of this Policy are to:

1. To appropriately conserve and protect places of cultural heritage significance within the Shire of Capel.
2. Ensure that all works, including conservation, alterations, additions and new development, respect the cultural heritage significance of places listed on the Shire of Capel Local Heritage Survey.
3. Provide clarity in the process of assessing development applications of places with cultural heritage significance.

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 8 of the Deemed Provisions for local planning schemes in Schedule 2 Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015;
- 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 state Heritage Act 2018.

Definitions

The following definitions apply for the purposes of 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 as defined in Section 5 of the Heritage Act 2018 means aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia.

Fabric means all the physical material of a place.

Heritage List means a heritage list established under Schedule 2 Part 3 Clause 8(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

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.

Local Heritage Survey means the list of heritage places and structures prepared in accordance with Part 8 of the Heritage Act 2018 which, in the opinion of the local government, are, or may become, of cultural heritage significance.

Place has the meaning given in Section 7 of the Heritage Act 2018, namely it is a defined or readily identifiable area of land and may include any of the following things that are in, on or over the land –

- a) archaeological remains;
- b) buildings, structures, other built forms, and their surrounds;
- c) equipment, furniture, fittings and other objects (whether fixed or not) that are historically or physically associated or connected with the land;
- d) gardens and man-made parks or sites;
- e) a tree or group of trees (whether planted or naturally occurring) in, or adjacent to, a man-made setting.

Register means the State Register of Heritage Places which is a comprehensive register of places of cultural heritage significance that make an important contribution to understanding the heritage of Western Australia established under Section 35 of the Heritage Act 2018.

Policy Statement

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

1.1 Applications for development of places included only on the Shire of Capel Heritage Survey shall be assessed as for other places within the Shire.

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

2.1 In accordance with the Shire of Capel Local Planning Scheme No 8, development of places included on the Shire of Capel Heritage List may require an application for development approval;

2.2 Table 1 below provides guidance on when development approval is required in accordance with the assessed level of significance.

Table 1 - Requirements for Development in Heritage Places

Management Category	Description	Requirements
Category A - Exceptional Significance	<p>Listed on the State Register of Heritage Places and/or the highest level of local significance.</p> <p>Included on the Shire of Capel Heritage List.</p>	<p>The following proposed works require development approval from the Shire of Capel:</p> <ul style="list-style-type: none"> • Demolition, or movement of, part of a heritage place; • Alteration of, or addition to, a heritage place; • Erection of a structure on land on which a heritage place is located; • Works (excluding routine repairs or maintenance) to the interior of a heritage place; • Disturbance or excavation of an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. <p>The following proposed works DO NOT require development approval from the Shire:</p> <ul style="list-style-type: none"> • Routine repairs or maintenance that demonstrate replacing material with like for like that do not change the appearance of a heritage place, such as general repainting, redecoration, re-roofing and repair of existing roof coverings. • Essential or emergency maintenance of public utility infrastructure. <p>There is a general presumption against full demolition.</p> <p>A Heritage Impact Statement is to be submitted with the Development Application if works are not detailed in, and consistent with, a Conservation Plan.</p> <p>Applications for places included on the State Register of Heritage Places must also be referred to the Department of Planning, Land and Heritage for comment.</p>
Category B – Considerable Significance	Included on the Shire of Capel Heritage List.	<p>The following proposed works require development approval from the Shire of Capel:</p> <ul style="list-style-type: none"> • Demolition, or relocation/movement of, all or part of a heritage place; • Alteration of, or addition to, a heritage place; • Erection of a structure on land on which a heritage place is located; • Disturbance or excavation of an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. <p>The following proposed works DO NOT require development approval from the Shire:</p> <ul style="list-style-type: none"> • Routine repairs or maintenance that do not change the appearance of a heritage place, such as general repainting, redecoration, re-roofing and repair of existing roof coverings. • All works to the interior of a heritage place; • Essential or emergency maintenance of public utility infrastructure. <p>A heritage impact statement may be required for Development Applications for major works or substantial redevelopment.</p>

- 2.3 Submitted applications for development approval may be forwarded to a Heritage Advisor or suitably qualified and experienced heritage professional for assessment, 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 and any relevant design guidelines.
- 2.4 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).
- 2.5 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.
- 2.6 If the application for development approval is assessed as 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 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.
- 2.8 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.

Procedure

The Shire may require an applicant to provide one or of more the following 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 the Shire 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.

Heritage Impact Statements are to be prepared by a suitably qualified heritage professional and in accordance with relevant guidance from the Heritage Council of WA.

An archival record may be required as a condition of approval when the development proposes significant redevelopment, or demolition, of all or part of a heritage place. The archival record shall be prepared in accordance with the relevant guidance from the Heritage Council WA.

Prior to the commencement of development works, land owners and applicants are encouraged to discuss all development proposals with Shire officers to determine whether the terms and requirements of this policy apply.

Before carrying out any development, any other licences, permits or approvals required must be obtained in accordance with any other law.

Department:	Development Services	Next review:	
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