



HERITAGE LIST

LOCAL PLANNING POLICY

1 Introduction

1.1 Statutory Background

This policy is adopted under deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which enables the Shire of Mingenew 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.

1.2 Purpose

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

1.3 Objective

The objectives of the policy are:

- To conserve and protect places of cultural heritage significance that are identified on the Heritage List.
- To ensure that developments do not adversely impact the significance of heritage places on the Heritage List.
- To ensure that heritage significance is given due weight in local planning decision making.
- To provide certainty to landowners and community about the planning processes for identification and protection of places identified in the Heritage List.

2 Application

- a) This Policy applies to any places of Exceptional Significance (Category 1- the Heritage Council of Western Australia's Register of Heritage Places) and Considerable significance (Category 2) as identified in the Heritage List in the Local Heritage Survey (LHS) as adopted by Council.
- b) The Deemed Provisions apply to the property, or portion thereof as defined in the Local Heritage List. Where this refers to a specific object then the Deemed Provisions apply only to that object.
- c) The Deemed Provisions do not apply specifically to the interior of the buildings listed in the Local Heritage List as they are integral to the relevant places.

3 Definitions and Terms

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

Deemed Provisions

Are the -provisions contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Heritage Area

Means an area designated as a heritage area under clause 9 of the Deemed Provisions.

Heritage Agreement

A contract under Part 7 of the *Heritage Act 2018* is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. The purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place.

The Heritage Agreement can be terminated or varied in accordance with s.94 of the *Heritage Act 2018*.

Heritage Assessment

A systematic assessment that describes a place and its setting and states its significant heritage values in terms of the criteria adopted by the Heritage Council of Western Australia (HCWA). These criteria are the aesthetic, historic, social and scientific values of the place.

Heritage Impact Statement

A Heritage Impact Statement (HIS) describes and evaluates any potential impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measures by which any detrimental impact may be minimised. The Heritage Council of Western Australia (HCWA) provides guidelines for the preparation of Heritage Impact Statements.

Heritage List

A list of heritage places that has been adopted under the Local Planning Scheme includes places of the highest levels of cultural heritage significance (Categories 1 and 2) that have been included within the Local Heritage Survey and assessed as being worthy of conservation, by inclusion on the Heritage List.

Heritage Place

The Burra Charter (Article 1 Definitions)

- 1.1 states **Place** means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 states **Cultural significance** means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.
- Places may have a range of values for different individuals or groups.

4 Policy Statement

The Local Planning Strategy for the Shire of Mingenew highlights the importance of heritage places to the amenity of the Shire's built environment.

The Shire has a significant collection of heritage assets as identified in the Local Heritage Survey (LHS). The Heritage List identified in the Local Heritage Survey calls for the conservation and protection of those identified heritage assets.

This policy:

- Builds on the heritage conservation objectives in the Heritage List.
- Applies the development control principles contained in the State Planning Policy 3.5 Historic Heritage Conservation.
- Provides guidance for the proposed development of places in the Heritage List.
- Details procedures for making applications for approval of heritage-related developments.

5 Development control principles

5.1 Development Application

In considering any planning applications in relation to a place in the Heritage List, the Shire of Mingenew will apply and have regard to the development control principles set out in sections 6.5 and 6.6 of *State Planning Policy 3.5 Historic Heritage Conservation (2007)* and in particular:

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

5.2 Levels of Significance

The level of heritage significance of a place is one of the matters considered in determining an application.

The following levels of significance (Categories 1 and 2) have been assessed as the most significant in the Shire of Mingenew Local Heritage Survey, and therefore form the Heritage List.

This Policy is relevant to places of Exceptional Significance (Category 1- Register of Heritage Places) 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</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</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.

5.3 Applications for development approval – accompanying material

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) Where an application relates to a place on the Heritage List, it must make a response to the heritage values of the place.
- b) Minor works will need to demonstrate that the development will not have an adverse effect on the cultural heritage significance of the place, at the discretion of the Shire.

5.4 Register of Heritage Places (Category 1)

If a proposal affects a place that is entered in the Register of Heritage Places, the Shire will refer the development application to the Heritage Council of Western Australia, together with a Heritage Impact Statement at the applicant's expense.

5.5 Heritage Impact Statement (HIS)

A Heritage Impact Statement (HIS) describes and evaluates the likely impact of a proposal. It is a clear and concise account of the proposed work that addresses three basic 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?

A determination of the proposed development, supported by a Heritage Impact Statement, will be a Shire Council decision with regard to the impact on the heritage place.

5.6 Proposed demolition

A structural condition assessment may be required 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.

5.7 Archival recording in the case of demolition

If a demolition application is proposed for a place included on the Heritage List 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. Completed archival records are to be submitted to the Shire of Mingenew in electronic format and will form part of the local government historical records.

5.8 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.

5.9 Shire owned/managed property

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

6 Review

6.1 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 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.

6.2 Review Position and Date

A review of the Heritage List is to be undertaken as a minimum, every four years or as otherwise prescribed.

6.3 Associated Documents

- Local Heritage Survey 2022
- Heritage List 2022
- Burra Charter 2013
- Burra Charter Practice Note (2013)
- Heritage Act 2018
- State Planning Policy 3.5 Historic Heritage Conservation
- Heritage Council's 'Criteria for the assessment of local heritage places and areas'
- Heritage Impact Statement - a guide 2019
- Guide to preparing an Archival record