



Local Planning Policy No 3

Heritage Places

Adopted 21st June 2022

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 West Arthur 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 listed in Table 1.
- b) The Deemed Provisions apply to the either property, or to the curtilage around the nominated Heritage object as referenced in Table 1.
- c) The Deemed Provisions do not apply to the interior of any building listed in Table 1. The intention is that no development approval is required for internal building work that does not materially affect the external appearance of the building.

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.

Curtilage

For the purpose of this Policy the curtilage means a 20m radius around the nominated Heritage object.

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.

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 are 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

As defined in Section 7(1) of the Heritage Act being:

- (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.

R-Codes

Means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time.

4 Policy Statement

The Local Planning Strategy for the Shire of West Arthur 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. The Heritage List identified in the Local Heritage Survey calls for the conservation and protection of those 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 West Arthur 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 West Arthur's 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 Bush Fire Prone Land

5.3.1 Non Residential Buildings

Development of a Heritage building which is located on bushfire prone land may be required to provide a bushfire assessment and/or bushfire management plan as directed by the Shire.

5.3.2 Residential Buildings

The development of Class 1, 2 or 3 buildings or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in a bushfire prone area, the bushfire construction requirements of the Building Code of Australia will be applied at the building permit stage irrespective of the planning assessment process. This will require:

- A Bushfire Attack Level (BAL) Assessment to be prepared; and/or
- A bushfire management plan as directed by the Shire.

5.4 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 be accompanied by a statement identifying existing relevant heritage fabric of the place, and how the proposed development responds to the heritage values of the place.
- b) Works including new development within a heritage area, or that otherwise propose changes that will be substantially visible from the public domain, may be required to provide street elevations.

- c) Minor works will 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.

5.5 Heritage Impact Statement (HIS)

If a development proposal is substantial, to determine the potential impact on the heritage place a Heritage Impact Statement may be required. 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?

5.6 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 at the applicant's expense.

5.7 Proposed demolition

A structural condition assessment is 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.

5.8 Archival recording in the case of demolition

If the proposed demolition application of a place in 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 West Arthur in electronic format and will form part of the local government historical records.

5.9 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.

5.10 Shire owned/managed property

The Shire of West Arthur 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

Review to be authorised by the Chief Executive Officer each five years. The next review will be in 2027.

6.3 Associated Documents

Burra Charter 2013.

Heritage Act 2018

The Burra Charter 2013

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

Adoption Date:

Adoption Reference: Council Meeting Agenda Item

Review Date:

Maintained By: Chief Executive Officer

Document Reference: C:\Users\User\Documents\ 2016 Files\16-002 WEST ARTHUR GENERAL\05 Heritage List\Advertising LPP 3\LPP3 Heritage Places Final.docx

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7 Adoption

Adopted by the Shire of West Arthur at its Meeting of the 21st June 2022.

Table 1 - Category 1 and 2 Places

Denotes private land
The curtilage is 20m unless otherwise noted.

No	Cat	Address					Curtilage Or Property	Description
		No	Street	Lot	Plan	Reserve		
2	2	29	Burrowes St	201	410870		Curtilage	Darkan Road Board Office
9	2		Coalfields Hwy	500 502	55441 55441	49175 49176	Curtilage	War Memorial and gates
10	2		Coalfields Hwy					Darkan Railway Station Precinct
a				500	55441	49175	Curtilage	Station office
b				501	55441	49176	Curtilage	Station Master's House
c				502	55441	49176	Curtilage	Railway Crane & Loading Ramp
12	2	9873	Coalfields Hwy	10	11576		Curtilage	CWA meeting rooms
16	2	9889	Coalfields Hwy	4	2560		Curtilage	Darkan Hotel
17	2		Coalfields Hwy	420	77655	37824	Property	Aboriginal Reserve and Nissan Hut (caravan park)
18	2	1	Burrowes St	184	170348	10340	Curtilage	Darkan School 1908 and 1950s sections only.
20	2	76	Moodiarrup Road	147	130048	11741	Property	Darkan Cemetery
22	2	32	Hillman St	25	222360	11299	Property	Darkan Town Hall
23		32	Hillman St	25	222360	11299	Property	Darkan Pioneer Hall
36	2	3094	Darkan-Quindanning Rd	1	9770		Curtilage	Six Mile Cottage
38	1	17053	Albany Hwy	13914	205606		Property	The Arthur Wool Shed group
39	1	16882	Albany Hwy	803	302487		Property	St Paul's Anglican Church, Graveyard & Sandalwood Trees
40	1		Albany Hwy					Arthur River Precinct
a				2	75533		Curtilage	Mount Pleasant Inn Kitchen
b				201	65470	21211	Curtilage	Arthur River Hall
c				2	75533		Curtilage	Arthur River Post Office (fmr)
44	2	17961	Albany Hwy	503	72421		Curtilage	Woagin Farm out buildings

Table 1 - Category 1 and 2 Places

No	Cat	Address					Curtilage Or Property	Description
		No	Street	Lot	Plan	Reserve		
70	2		Coalfields Hwy			A Railway	Curtilage	Bowelling Railway Station
71	2		Coalfields Hwy	3	129064		Property	Bowelling Station Masters House (fmr) Phone exchange
89	2		Farrell St			A Railway	Curtilage	Duranillin railway siding & ramp
90	2	35	Farrell St	6	141056		Property	Duranillin Store
91	2	39	Farrell St	7 & 8	141056		Property	Duranillin Garage (fmr)
93	2	27	Horley St	37	403107	21612	Property	Duranillin School
97	2					A Railway	Curtilage	Duranillin Railway Bridge over Arthur River
98	2		Hughes Mill Road			VCL	Curtilage	Duranillin Road Bridge ruins
109	2	139	Glenorchy Rd			21786	Property	Glenorchy School
113	2		Hillman-Dardadine Rd			A Railway	Curtilage	Hillman railway bridge ruins
117	2		Hillman-Dardadine Rd	2594	5741	16904	Curtilage	Hillman Dam, channels and catchment
120	2		Bokal East Arthur Rd			A Railway	Curtilage	Kylie Railway Siding water tower
121	2		Bokal East Arthur Rd				Curtilage	Kylie Dam, 3 kms from the siding.
128	2		Boyup Brook Arthur Rd				Curtilage	Moodiarrup Hall
133	2		Lake Towerrinning Rd	50	4750 32648	24917	Curtilage	Lake Towerrinning
138	2		Trigwell Bridge Rd	1299	106510		Curtilage	Haddleton Shearing Shed
139	2		Trigwell Bridge Rd				Curtilage	Trigwell Bridge ruin
140	2		Trigwell Bridge Rd	1299	106510		Curtilage	Trigwell Bridge School