

Municipal Heritage Inventory

Schedule of Submissions

No.	Name	Place Record Form	Details of Submission	MHI Review Working Group Recommendation
1 & 2	Mr & Mrs Hockley 49 Strickland Street DENMARK WA 6333	Strickland Street Heritage Precinct	Object to the Strickland Street Heritage Precinct as their no's 49 and 53 Strickland Street are both modern construction and design and don't come any near a Heritage Listing.	<p>The Strickland Street Precinct is an area where the relationship between various elements creates a special sense of place which is of cultural heritage value. Each precinct has various places/elements as follows:</p> <ul style="list-style-type: none"> • Places of heritage value - individually listed in the MHI • Places of some heritage significance or contributing to the precinct • Places that do not contribute or are intrusive. <p>49 and 53 Strickland Street are places which do not contribute to the heritage value of the precinct, however have been designed in accordance with Council's Townscape Policy and is therefore in keeping with the character of the precinct.</p> <p>The heritage value of 49 and 53 Strickland Street has no implication on the value of the Strickland Street Heritage Precinct.</p>
3	Debbie & Trevor Howlett	Nockold's Strore	Incorrect property details. Incorrect historic details. Questions that 6677 (Lot 4) South	Delete this place record form and place on the review list to allow for historic research to

No.	Name	Place Record Form	Details of Submission	MHI Review Working Group Recommendation
	4 Fern Street BUNBURY WA 6230	6677 South Coast Highway Nornalup	Coast Highway was Nockold's store.	be undertaken.
4	Peter Morrison 32 South Coast Highway DENMARK WA 6333	Nockolds' Second Building (Morrison's News Agency) 30 South Coast Highway Denmark	<p>The original verandah was replaced with a cantilever style. At this stage the cantilever is proving in bad need of being replaced. The building is made of cement and stone, areas are subject to crumbling. There is a problem with dampness under the shop.</p> <p>Thus under consideration, I would suggest that heritage listing is not warranted.</p>	<p>The MHI is a record of places which the community considers contributes to the Shire's heritage. There is no statutory implication of listing of a property on the MHI.</p> <p>Nockolds' Store has aesthetic, historic and social heritage significance and the condition of a place is not a consideration in the listing thereof.</p> <p>It is therefore recommended that the listing remain on the MHI.</p>
5	Gladys and Susy Lourvanij 23 Crocus Road Kalamunda WA 6076	Mambray Park	Incorrect property details and historic information contained in MHI.	<p>The correct address details, and historic information have now been recorded for Mambray Park.</p> <p>Mrs Lourvanij property is therefore not on the MHI.</p>
6	R & D Buchanan 10 Goldsmith Way DARCH WA 6065	Wilkie's 26 Riverside Drive Nornalup	<p>Place record form – not a wide verandah (2.2m) and not a “high degree of integrity” as stated e.g. plastic gutters, trimdeck roof etc.</p> <p>Existing structure 54m², design and structure of no use for extensions. The average house is 254m² and the house is therefore totally</p>	<p>The MHI is a record of places which the community considers contributes to the Shire's heritage value. There is no statutory implication of the listing of a property on the MHI.</p> <p>Wilkie's has heritage and social significance in</p>

No.	Name	Place Record Form	Details of Submission	MHI Review Working Group Recommendation
			<p>inadequate to be used as a permanent dwelling.</p> <p>The property was purchased as a retirement investment. The shack has no commercial value. The only way the property can be used would be to demolish the existing shack.</p> <p>Oppose the property being Heritage listed as to do so would render the property valueless to us.</p>	<p>Nornalup as it its representative of buildings its time in Nornalup and associated with the first settlers in Nornalup.</p> <p>It is therefore recommended that the listing remain.</p>
7	Gordon Harris PO Box 771 DENMARK WA 6333	Various	Provides additional information and corrections throughout the MHI.	<p>That the MHI where relevant:</p> <ul style="list-style-type: none"> • be updated with correct information • be updated with additional historic information. • That place record form for Thorn's Farm House be deleted and placed on the review list to allow for additional information historic information to be received.
8	Water Corporation PO Box 100 Leederville WA 6902	Greenbelt Reserve # 36260	<p>This land as been set aside for the treatment of the town's wastewater not as a greenbelt reserve. The listing potential restricts any future expansion of the town's water and wastewater infrastructure within this parcel of land.</p> <p>Water Corporation objects to the inclusion of Reserve 36260 on the revised MHI and</p>	<p>The land has been set aside as a buffer to the wastewater treatment plant, not future extension thereof.</p> <p>The MHI is a record of places which the community considers contributes to the Shire's heritage. There is no statutory implication of listing of a property on the MHI.</p>

No.	Name	Place Record Form	Details of Submission	MHI Review Working Group Recommendation
			request that the boundaries of the Greenbelt Reserve be amended to exclude this land parcel.	It is therefore recommended that the listing remain on the MHI.
9	Peter & Mary Olden PO Box 216 Denmark WA 6333	Mambray Park	Provide additional information and correction on the history of Mambray Park. Provide additional information on description of house. Provide information on integrity and authenticity as it relates to changes made to the house.	That the Mambray Park place record form be updated and corrected with the information received under the submission and the level of significance be changed from 'considerable' to 'some/moderate'.
10	Country Women's Association of WA (Inc) 20A Rockford Street Denmark WA 6333	Country Women's Association Rest Rooms	Support the inclusion of the Country Women's Rest Rooms in the MHI.	Noted, no changes to the MHI required.
11	Denmark Historical Society PO Box 54 Denmark WA 6333	Complete MHI	Provide information on the preparation and importance of the MHI. Support the MHI.	Noted, no changes to the MHI required.
12	Julie Ross	Tree Top Walk	Provide updated information and photo's on	That the place record form be updated in

No.	Name	Place Record Form	Details of Submission	MHI Review Working Group Recommendation
	Valley of the Giants Tree Top Walk c/- Dept Environment & Conservation South West Hwy Walpole WA		the Tree Top Walk place record form.	accordance with the information received.
13	Ian Weir Architect PO Box 922 Fremantle WA 6959	Bernard Bellanger Home	<p>Incorrect property details.</p> <p>Information with regards to the design of a new home which will require demolition of the house.</p> <p>Explanation of structural issues with the house.</p> <p>Provision of measured drawings and photographic record consistent with the 'architectural standard' specified in the Heritage Council WA publication "Guide to preparing and archival record 2010".</p> <p>Plan of proposed house with photographs of a model of the new house showing how it addresses Riverside Drive.</p>	<p>Correct property details.</p> <p>The building is of historic significance as Bernard Bellanger, the owner of the house, was the son of the first settler of Nornalup and one of the earliest babies born in the district (1917).</p> <p>The MHI is a record of places which the community considers contributes to the Shire's heritage. There is no statutory implication of listing of a property on the MHI.</p> <p>It is therefore recommended that the listing remain on the MHI.</p>
14	Wallace Greenham 53 Anning Road	Stone Cottage on Lot 3 Scotsdale Road	Provide description of the Stone cottage, construction date and architect.	That the Stone Cottage be placed on the review list to allow for future historic research to determine the level of heritage significance

No.	Name	Place Record Form	Details of Submission	MHI Review Working Group Recommendation
	Denmark WA 6333		States that the building is a good representative example of structures that were built by the new wave of resident craftsmen who migrated to Denmark in the late 1970's and 1980's.	and possible inclusion in MHI.
15	Fay Malcolm 11 Price Street Denmark WA 6333	11 Price Street & Wynella	Provide additional information and corrections for both place record forms.	That the place record forms be updated in accordance with information received.
16	Gastev Pty Ltd 63 Powell Street Joondanna WA 6060	Denmark Hotel	<p>Object to the heritage listing for the following reasons:</p> <ul style="list-style-type: none"> • Has never considered keeping the hotel in its original character. • Renovations undertaken over the last 40 years were never done in keeping with heritage value. • Rising damp through the walls of the original hotel due to constant stream of water which flows underneath the hotel. It may loose its sound structure. 	<p>The Denmark Hotel has historic and social significance. It has a long association with the town and its contribution to recreation and entertainment for both residents and visitors alike contribute to the story of the development of Denmark.</p> <p>The MHI is a record of places which the community considers contributes to the Shire's heritage value. There is no statutory implication of the listing of a property on the MHI.</p> <p>It is therefore recommended that the listing remain on the MHI.</p>
17	M.J. Cronshow 9 McKenna Place Bunbury WA	Mrs Smith Haberdashery Store 6683 South	<p>Object to heritage listing for the following reasons:</p> <ul style="list-style-type: none"> • Presence of asbestos. • Poor state or repair. 	The building is of historic significance as it was one of the oldest commercial establishments in Nornalup when the settlement was founded. It also has social

No.	Name	Place Record Form	Details of Submission	MHI Review Working Group Recommendation
	6230	Coast Highway Nornalup	<ul style="list-style-type: none"> • Not liveable and needs to be demolished. 	<p>significance as it represents a small commercial enterprise that provided the lifeblood of the young community of Nornalup.</p> <p>The MHI is a record of places which the community considers contributes to the Shire's heritage value. There is no statutory implication of the listing of a property on the MHI.</p> <p>It is therefore recommended that the listing remain on the MHI.</p>



The draft Municipal Heritage Inventory (MHI) has been copied to Councillors under separate cover & is not included in the public Agendas due to its size.

A full copy of the draft MHI is available for public inspection at the Shire of Denmark Administration Office or at the Denmark Library.



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WESTERN AUSTRALIAN PLANNING COMMISSION

STATE PLANNING POLICY 3.5

HISTORIC HERITAGE CONSERVATION

Prepared under Part 3 of the
Planning and Development Act 2005
by the Western Australian Planning Commission

Attachment 8.1.6 c)

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7. IMPLEMENTATION

1 CITATION

This is a State Planning Policy made under part 3 of the *Planning and Development Act 2005*. This policy may be cited as State Planning Policy 3.5 Historic Heritage Conservation.

2 INTRODUCTION AND BACKGROUND

This policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage.

Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972*. This policy does not apply to the conservation of Aboriginal heritage except in cases where Aboriginal heritage places or areas are entered in the state register, a local heritage list or are located within a designated area.

The conservation of natural heritage is protected by other Acts. This policy does not apply to the conservation of natural heritage except in cases where natural heritage forms part of a place of historic cultural heritage significance.

This policy applies principally to historic cultural heritage including heritage areas, buildings and structures, historic cemeteries and gardens, man-made landscapes and historic or archeological sites with or without built features, such as Cape Inscription at Dirk Hartog Island. This policy applies to places and areas of significance at both State and local level.

Western Australia has a rich historic heritage that is a significant asset for the State. The protection and management of that heritage is important to our social, environmental and economic prosperity.

Heritage supports urban and rural amenity by providing familiarity and the presence of landmarks, by underpinning our 'sense of place', and by enhancing the quality of our built environment generally.

Heritage conservation can aid economic prosperity by contributing to the attractiveness of the living and working environment, and encouraging investment in a locality or region from homeowners, investors and tourists. The avoidable loss of buildings through demolition and neglect is a waste of economic as well as environmental resources.

As set out in the State Sustainability Strategy, heritage conservation and sustainable economic development should be seen as complementary rather than conflicting objectives. Most heritage places can be put to good economic use for commercial, residential or other purposes. Adaptation of buildings for new uses will often be the key to conservation of heritage places that no longer serve their original function, and will often require imagination and flexibility. Exercising effective controls over land use, density and plot ratios through town planning schemes and other planning controls is an important practical way in which the planning system can contribute to heritage conservation outcomes.

Tensions between those committed to retaining the best from the past, and those committed to building the new or optimising property investments, are common to most modern societies. The planning system provides one of the mechanisms by which those tensions can be resolved.

Effectively conserving, using and managing State and local heritage assets, therefore, requires a balanced, integrated and imaginative approach which properly takes into account the views of landowners, the community, and State and local governments. The Historic Heritage Conservation policy promotes and facilitates such an approach.

3 APPLICATION OF POLICY

The policy applies throughout Western Australia.

4 OBJECTIVES

The objectives of this policy are—

- To conserve places and areas of historic heritage significance.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

5 THE STATUTORY FRAMEWORK

The identification, conservation and protection of places and areas of State heritage significance are provided for in the *Heritage of Western Australia Act 1990*. The Act provides for the compilation of the state heritage register by the Heritage Council and Heritage Minister.

Any development to a state-registered place requires approval from the responsible planning authority, usually the Western Australian Planning Commission (WAPC) or a local government, on the advice of the Heritage Council.

The identification of places and areas of local heritage significance is provided for in the *Heritage of Western Australia Act 1990*, which requires all local governments to identify heritage places in local government inventories (formerly 'municipal inventories').

The conservation and protection of places and areas of local heritage significance is provided for in the *Planning and Development Act 2005*, which enables local governments to protect heritage places and objects in local planning schemes.

Model provisions for local heritage are set out in the Model Scheme Text contained in the *Town Planning Amendment Regulations 1999*. All new schemes or amendments prepared since gazettal of the Model Scheme Text are required to conform to the model provisions, including those for heritage. Schemes that predate the Model Scheme Text may contain heritage provisions that vary from the standard model.

The Model Scheme Text provides that the normal permitted development rights do not apply in respect of a place entered in a heritage list, or located in a heritage area. This means that planning approval is required for the demolition of, or in specific circumstances internal alterations to, a place entered in a heritage list or in the state register. Planning approval is also required for the demolition of any building, or the erection or extension of a single house within a heritage area.

Also, additional information may be required by a local government to accompany applications that relate to a place entered in a heritage list or located within a heritage area. The additional information may include street elevations, details of building materials and other finishes, and details of adjacent buildings. The effect of a proposal on a heritage place or heritage area becomes a relevant matter to be considered by a local government in considering an application for planning approval.

6 POLICY MEASURES

6.1 Identification and assessment

The Heritage Council is responsible for the identification, assessment and registration of places of State significance.

Local governments should identify places of local significance through the compilation and review of local government inventories, in accordance with assessment criteria and other relevant guidelines published by the Heritage Council. The local government inventory is a survey that may be used to identify places for inclusion in heritage areas and a heritage list under the local planning scheme. The inventory does not have statutory force and effect in terms of planning controls.

6.2 Designation of heritage areas

Heritage areas are designated under local town planning schemes.

A heritage area should always be designated on the basis of a clear statement of significance, and a clear identification of the significant physical fabric in the area. This information may be provided within a local government inventory or in other supporting assessment documentation.

In designating a heritage area, the local government is required to adopt a local planning policy that sets out the objectives and guidelines for conserving the significant heritage fabric of the area.

6.3 The difference between heritage areas and urban character areas

It is important to distinguish between "historic heritage significance" and "urban or neighbourhood character". Not all areas of urban or neighbourhood character have a level of historic heritage significance which warrants protection.

Urban character is essentially identified by built form and age, topography, open space, streetscape, land use and activity, and all areas exhibit some form of urban character. However planning controls in urban character areas do not necessarily require restrictions on demolition or building design.

6.4 Establishment of heritage lists

A heritage list established pursuant to a local planning scheme should be compiled having regard to the places identified in the inventory. A local government may elect to include all of those places in its heritage list, or may include a smaller sub-set of places.

The standard procedures for the compilation of a heritage list are set out in the Model Scheme Text.

The inclusion or exclusion of places from a heritage list should be based on their degree of historic heritage significance, supported by the findings in the inventory, irrespective of whether they are privately or publicly owned.

6.5 Relevant considerations for development assessment

The Model Scheme Text provisions require local governments in considering applications for planning approval to have regard, amongst other things, to—

- The conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under clause 7.1 of the scheme, or which is designated as a heritage area under clause 7.2 of the scheme.
- 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.

In addition to these broad considerations, local governments should also have regard to the following specific matters.

Alterations, extensions, change of use or demolition affecting a heritage place (including a place within a heritage area)

- The level of heritage significance of the place, based on a relevant heritage assessment.
- Measures proposed to conserve the heritage significance of the place and its setting.
- The structural condition of the place, and whether the place is reasonably capable of conservation.
- Whether the place is capable of adaptation to a new use which will enable its retention and conservation.

Development within a heritage area

- Whether the proposed development responds sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development.
- Whether the siting, scale, style and form, materials and finishes of the proposed development responds sympathetically to the heritage values of the area.
- The local planning policy for the heritage area including any places designated of heritage significance and the objectives and guidelines for conservation and enhancement of the heritage area.

6.6 Development control principles

The following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.

The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.

Alterations, extensions or change of use affecting a heritage place

- Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.
- Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.
- In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use should be supported in such cases.
- Development should be in accordance with any local planning policies relating to heritage.

Demolition of a heritage place (including a place within a heritage area)

- Demolition of a State heritage place is rarely appropriate and should require the strongest justification. Demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification for it.
- Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; the extent to which the community would benefit from the proposed redevelopment; and any local planning policies relating to the demolition of heritage places.

Development within a heritage area

- Development within a heritage area should respect and complement the heritage significance of the area as identified in the local planning policy. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration.
- Alterations and additions to existing buildings should be designed and sited in a manner that respects and complements the heritage significance of the area.
- A general presumption should apply in favour of retaining buildings that make a positive contribution to the significance of the area.
- Approval for demolition, if granted, may be accompanied by a requirement for an acceptable redevelopment proposal to avoid gap sites. If redevelopment is likely to be delayed, consideration should be given to the interim use of the land including a

requirement for sympathetic treatment such as facade retention, landscaping or boundary treatment.

- Any new buildings erected in heritage areas should be designed and sited in a way that respects and complements the heritage significance of the area. New construction that is imaginative, well designed and harmonious should not be discouraged.

6.7 Planning schemes and strategies

The WAPC and local governments should have regard to heritage places and areas in formulating planning schemes and strategies. Care should be taken to minimise the extent to which land use zoning and other planning controls conflict with, or undermine, heritage conservation objectives.

Effective heritage protection requires an integrated approach involving not only regulation, but also promotion and incentives.

The Model Scheme Text provides for flexibility in the application of planning controls to realise positive heritage outcomes while also helping meet the expectations and aspirations of property owners. Incentives may include the relaxation of planning requirements in relation to land use, density, plot ratio, car parking or other works.

7 IMPLEMENTATION

This policy deals with those aspects of heritage that interact most directly with the planning system. The policy advocates a positive approach, and emphasises the importance of reconciling heritage protection with property owners' expectations and the demand for new development opportunities.

The State Government has a role in support of this policy through—

- establishment of the State heritage register
- giving advice, support and information to local government in relation to heritage surveys, planning schemes and other conservation matters
- sound heritage management of public buildings by State government agencies
- ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.

Local government has a role in support of the policy through—

- ensuring that heritage provisions in local planning schemes are consistent with the Model Scheme Text
- ensuring that heritage places and areas are carefully identified consistent with the common standards provided by the Heritage Council
- ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies
- adopting local planning policies affecting places entered in heritage lists.

Maps as additional to the zones and reserves. If a special control area is shown on a Scheme Map, special provisions related to the particular issue would apply in addition to the provisions of the zones and reserves. These provisions would set out the purpose and objectives of the special control area, any specific development requirements, the process for referring applications to relevant agencies and matters to be taken into account in determining development proposals.)

6.1. Operation of special control areas

6.1.1. The following special control areas are shown on the Scheme Maps

(List the special control areas which apply in the Scheme. If the Scheme does not include special control areas, insert the words “There are no special control areas which apply to the Scheme.”.)

6.1.2. In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

Part 7 — Heritage protection

(If the Scheme does not include heritage provisions, insert the words “There are no heritage provisions which apply to the Scheme.”.)

7.1. Heritage List

7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2. In the preparation of the Heritage List the local government is to —

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

- 7.1.3. In considering a proposal to include a place on the Heritage List the local government is to —
- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
 - (c) carry out such other consultations as it thinks fit; and
 - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4. Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5. The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6. The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

- Note:
- 1. The purpose and intent of the heritage provisions are —
 - (a) to facilitate the conservation of places of heritage value; and
 - (b) to ensure as far as possible that development occurs with due regard to heritage values.
 - 2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2. Designation of a heritage area

7.2.1. If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

Appendix B Model Scheme Text

- 7.2.2. The local government is to —
- (a) adopt for each heritage area a Local Planning Policy which is to comprise —
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area;and
 - (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.
- 7.2.3. If a local government proposes to designate an area as a heritage area, the local government is to —
- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
 - (b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;and
 - (c) carry out such other consultation as the local government considers appropriate.
- 7.2.4. Notice of a proposal under clause 7.2.3(b) is to specify —
- (a) the area subject of the proposed designation;
 - (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and

- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.
- 7.2.5. After the expiry of the period within which submissions may be made, the local government is to —
- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.
- 7.2.6. If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.
- 7.2.7. The local government may modify or revoke a designation of a heritage area.
- 7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3. Heritage agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

- Note:
1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
 2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4. Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5. Variations to Scheme provisions for a heritage place or heritage area

Where desirable to —

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Planning Codes by following the procedures set out in clause 5.5.2.

Part 8 — Development of land

8.1. Requirement for approval to commence development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note:
- 1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 - 2. Development includes the erection, placement and display of any advertisements.
 - 3. Approval to commence development may also be required from the Commission under the Region Scheme.

(Note 3 only applies where a region scheme is in force.)

8.2. Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government —

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the

