**PART A**

1. **PRELIMINARY**

1.1. **Citation**

This Local Planning Policy is made pursuant to the provisions of ‘Division 2 – Local planning policies’ under ‘Part 2 – Local planning framework’ of ‘Schedule 2 – Deemed provisions for local planning schemes’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and may be cited as *Local Planning Policy: Rate Concession for Heritage Places* (herein referred to as the ‘Local Planning Policy’).

1.2. **Commencement**

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 26 February 2008. The Local Planning Policy commenced operation on **DAY MONTH YEAR**.

1.3. **Relationship to the Scheme and other Local Planning Policies**

1.3.1. Pursuant to the provisions of ‘Division 2 – Local planning policies’ under ‘Part 2 – Local planning framework’ of ‘Schedule2 – Deemed provisions for local planning schemes’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this Local Planning Policy supplements the provisions of the Local Planning Scheme. Where a provision of this Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

1.3.2. Where a provision of this Local Planning Policy is inconsistent with another adopted Local Planning Policy that relates to a designated area, then the provisions of the Local Planning Policy that relate to design guidelines for a designated area shall prevail.

1.3.3. The provisions of this Local Planning Policy comprises of the Policy Text and Policy Map. The Local Planning Policy is to be read in conjunction with the Scheme.

**Notes:**

1. Land use and development within the Local Planning Policy Area is also subject to the Local Planning Scheme.
DRAFT Local Planning Policy: Rate Concession for Heritage Places

2. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.4. Relationship with Local Laws

This Local Planning Policy operates in conjunction with the local government’s Local Laws in the regulation of development and the use of land within the Scheme Area.

1.4.1. Where a provision of the Local Planning Policy is inconsistent with a Local Law, the provision of the Local Law shall prevail.

2. PURPOSE

The purpose and intent of this Local Planning Policy is to acknowledge and encourage conservation works undertaken on places included in the Heritage List pursuant to the Scheme or located within a heritage area designated under Part 7 of the Scheme.

Note: The local government area of Bunbury contains a significant collection of heritage assets as identified in the Municipal Inventory that have been identified as having cultural heritage significance. Those places identified on the Heritage List attached to Town Planning Scheme No. 7 have been further identified as being worthy of conservation for present and future generations.

3. OBJECTIVES

In accordance with the Aims of the Scheme, achievement of the following objectives is sought for all developments and land uses in designated heritage places throughout the Scheme Area -

(a) the conservation and protection of places of cultural heritage significance; and

(b) acknowledgement of the contribution to heritage values within the local government area through appropriate conservation works to heritage places.

4. LOCAL PLANNING POLICY AREA

This Local Planning Policy applies to all places on the Heritage List, located within a Heritage Area or on the State Register of Heritage Places within the local government area, as depicted by Map 1: Local Planning Policy Area.
5. APPLICATION

The provisions of this Local Planning Policy apply to all development and/or use of premises of places on the Heritage List, located within a Heritage Area or on the State Register of Heritage Places where indicated as permitted or discretionary land uses under the Zoning Table of the Scheme and/or where proposed development is considered incidental to a permitted use/development within the zone provisions of the Scheme as determined by the local government.

6. MEANING OF TERMS

6.1 Unless the context otherwise requires, words and expressions used in this Local Planning Policy have the same meaning as they have -

(a) in the Planning and Development Act 2005; or

(b) if they are not defined in that Act –

i. in the Greater Bunbury Region Scheme (GBRS); or

ii. in the Dictionary of Defined Words and Expressions in Schedule 1 of the City of Bunbury Town Planning Scheme No. 7; or

iii. in the Residential Design Codes; or

iv. Building Code of Australia; or

v. in a relevant Australian Standard.

6.2 The meaning of other specific words and expressions relevant to this Local Planning Policy are given below:

“Burra Charter” means the Australian chapter of the International Council of Monuments and Sites (ICOMOS) Charter for the conservation of places of cultural significance. The Charter has been generally accepted as the standard for heritage practitioners in Australia.

“Conservation” has meaning as that given in the Heritage of Western Australia Act 1990.

Note: Under the Heritage of Western Australia Act 1990 the term “Conservation” means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.”

“Cultural Heritage Significance” has meaning as that given in the Heritage of Western Australia Act 1990.

Note: “Cultural Heritage Significance” means the aesthetic, historic, social and scientific values of a place for past, present or future generations (Heritage of Western Australia Act 1990)
“Heritage Council of Western Australia” means the State Government’s advisory body on heritage matters and is responsible for the State Register of Heritage Places. Under the *Heritage of Western Australia Act 1990*, places listed on the State Register are given legal protection. The Heritage Council provides advice to the Minister for Heritage on heritage issues, identifies and conserves places of cultural heritage significance, facilitates development that is in harmony with cultural heritage values, and promotes awareness and knowledge of cultural heritage.

“Heritage List” means a list of those places within the Scheme Area which have been assessed as being of cultural heritage significance and worthy of conservation under the provisions of the Scheme.

The list includes those places identified as having “Exceptional”, “Considerable” or “Moderate/Some” significance in the local government Heritage Inventory.

Note: “Exceptional Significance” means that the place has been assessed as an essential part of the heritage of the local government area.

“Considerable Significance” means that the place has been assessed as a very important part of the heritage of the local government area.

“Moderate/Some Significance” means that the place has been assessed as making a positive contribution to the heritage of the local government area.

“Heritage of Western Australia Act 1990” (the “Act”) is the statutory framework for the identification and conservation of places which have significance to the cultural heritage of Western Australia. The Act also describes the composition and powers of the Heritage Council of WA and requires local governments to prepare Municipal Heritage Inventories.

“Heritage Place” means a building, structure, landscape element, site, area of land or other physical element valued for its cultural (or historic) heritage significance, together with associated contents and surrounds.

For the purpose of the Local Planning Policy this means those places that have been included in the Heritage List.

“Local Government” means the City of Bunbury, or the Council of the City of Bunbury, as the context requires.

6.3 Notes, and instructions printed in italics, are not part of this Local Planning Policy.
PART B

7. RATE CONCESSIONS FOR HERITAGE PLACES

7.1 Eligible Works

7.1.1 Works will generally comply with the principles for heritage conservation as set out in the *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)* and relevant local planning policies.

7.1.2 In accordance with the Burra Charter, the following definitions will apply:

<table>
<thead>
<tr>
<th>Conservation</th>
<th>all the processes of looking after a place so as to retain its cultural significance including preservation, restoration and reconstruction.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preservation</td>
<td>maintaining the fabric of a place in its existing state and retarding deterioration.</td>
</tr>
<tr>
<td>Restoration</td>
<td>returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.</td>
</tr>
<tr>
<td>Reconstruction</td>
<td>returning a place to a known earlier state, distinguished from restoration by the introduction of new material into the fabric which may include recycled material from another place but not to the detriment of a place of cultural significance.</td>
</tr>
<tr>
<td>Maintenance</td>
<td>the continuous protective care of the fabric and setting of a place, distinct from repair which involves restoration or reconstruction.</td>
</tr>
<tr>
<td>Fabric</td>
<td>all the physical material of the place, including structural elements and finishes.</td>
</tr>
</tbody>
</table>

7.1.3 Proposed works must be directly related to the conservation of the cultural heritage significance of the heritage place.

7.1.4 Eligible works include:

(a) preservation, restoration and reconstruction (as defined above) to both the interior and exterior of the heritage place;

(b) conjectural reconstruction of external elements where original details have been previously removed (e.g. works for which there is no documentary or physical evidence but which replace unsympathetic alterations and are consistent with the original character of the heritage place);

(c) works to protect significant fabric from deterioration and damage (e.g. treatment of damp, repair of drainage, replacement of roof with appropriate materials, re-pointing brickwork); and/or

(d) painting – paint schemes shall be based on physical evidence of the original paint colours, historical photographs and/or paint schemes typical of the style and period of the heritage place. The proposed works must not include surfaces which were originally unpainted.

7.1.5 Ineligible works include:

(a) general maintenance;
(b) works that relate primarily to health and safety and/or modernisation to meet current standards unless it can be clearly demonstrated that conservation of significant fabric is also a key outcome of the proposed works;

(c) works that relate to new additions or new fit-outs (e.g. kitchens/bathrooms); and/or

(d) conservation works associated with other works that would detract from the significance of the heritage place (e.g. treatment of rising damp carried out in conjunction with the rendering of face brick walls).

7.2 Details of Rebate

7.2.1 All eligible heritage places will be provided with a rate concession of 30% per annum on the rates payable on the subject property for a period of five years to a maximum of $1000 per year (maximum total $5000).

7.2.2 Total concession received is not to exceed 50% of the total costs of eligible works.

7.2.3 Rate concession will commence with the next year’s Rates Notice.

7.3 Accompanying Material

7.3.1 All applications for the Heritage Rate Concession must be accompanied by the following:

(a) completed application form; and

(b) copies of receipts for completed eligible works or quotes for proposed eligible works.

Note that in the case of proposed works, the concession will not be processed until works are completed, or in the case of major works, substantially commenced.

8. IMPLEMENTATION & REVIEW

8.1 Why a Local Planning Policy?

The Scheme is a prescriptive instrument that sets out the legal provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical and the Scheme makes allowance for this by enabling the local government to adopt local planning policies from time to time in order to address specific issues or a range of issues in a specific place.

A local planning policy is a tool to assist developers in preparing proposals with a greater understanding of the desired outcomes for the local government area. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence; and that the local government’s staff and Councillors can assess development proposals in a more consistent and transparent manner.

8.2 Policy Review

The local government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.
Map 1: Local Planning Policy Area
[refer to clause 4]