



## **Local Planning Policy 6.7.5 – Heritage Incentives Scheme**

### **1. Introduction**

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as Local Planning Policy 6.7.5 – Heritage Incentives Scheme, and LPP 6.7.5.

The Shire of Harvey contains a number of places of heritage value which are identified within the Shire’s Local Heritage Survey (LHS). The LHS is required under Clause 103 of *The Heritage Act 2018* (Part 8 – Local Heritage Surveys) for the purpose of recording places in the district that in the Shire’s opinion are, or may become, of cultural significance. The LHS (formerly known as the Municipal Heritage Inventory – MHI) contains a diverse range of places including privately-owned residential dwellings, commercial places, State and Local Government assets, public places and culturally significant trees.

All places contained within the LHS have been assigned a level of significance and management category. Those places identified as having the greatest significance (Category 1 and 2) are also included within the Shire of Harvey’s Heritage List which is subject to the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

This policy describes measures provided by the Shire to promote both development and financial incentives for land owners and the community to protect and enhance Places listed on the Heritage List in order to achieve cultural heritage conservation objectives.

### **2. Policy objectives**

- To encourage the appropriate conservation and restoration of places listed on the Shire of Harvey’s Heritage List and LHS, in recognition of the distinct contribution they make to the character of the Shire of Harvey.
- To ensure that works, including conservation, restoration, alterations, additions, changes of use and new development respect the cultural heritage significance associated with places listed on the Heritage List.
- To ensure that cultural heritage significance is given due weight in local planning decision-making.
- To encourage opportunities for interpretation where it can enhance understanding and enjoyment of heritage places, and strengthen the relationships between the community

and its heritage.

### 3. Policy Scope

- To apply the principles contained in State Planning Policy 3.5 Historic Heritage Conservation within the Shire to ensure that places of heritage significance are preserved where practicable and any proposed additions/ modifications are complementary to the place.
- To provide guidance to landowners and promote the principles of restoring and maintaining Heritage Listed Places in accordance with best practice methods.
- To provide advice on proposals in collaboration with a Heritage professional.
- To provide financial concessions for development application processes that apply to Heritage Listed Places.

### 4. Application

In accordance with the deemed provisions, development approval is required for works to a Place listed on the Heritage List or to a property located in a designated heritage area. The following Incentives are available to landowners / developers of land affected by a Heritage Place, subject to compliance with this Part.

#### 4.1 Financial Incentives

##### 4.1.1 Development Application Fees

Where works to a Heritage Place are proposed to enable that place to remain in active viable use, those works should be sympathetic and consistent with the significance of the heritage place. In support of this aim the local government may waive the development application fee in the following circumstances:

- (a) Where it can be demonstrated that proposed external works are undertaken in a manner that enables the built heritage conservation and sympathetic adaptation of a heritage place consistent with the cultural heritage significance of that heritage place and/or heritage area.
- (b) Where development of a heritage place and/or within a heritage area would not normally require an application for development approval under the Scheme where there are no other reasons for obtaining development approval exist.

##### 4.1.2 Heritage Advisory Services

If deemed necessary, a development application for works on a Heritage-protected place will be referred to a professional heritage advisor at the full cost of the Shire.

#### 4.2 Planning and Development Incentives

4.2.1 On land zoned "Rural" and "Priority Agriculture" where a dwelling exists on the land that is on the Heritage List, a Single Dwelling for the primary use as a main residence may be proposed in addition to the original dwelling subject to the following conditions:

- (a) The Heritage Place shall be maintained in a reasonable state of care, and be in habitable condition at all times.

- (b) The Heritage Place shall not fall into disrepair by neglect.
- (c) Council shall determine any application for a new primary Single Dwelling after advertising the proposal in accordance with clause 64 (1)(c).
- (d) A Section 70A Notification shall be registered on the Certificate of Title advising potential purchasers of the following factors affecting the land:  
  
*“This property has a registered Heritage Place under the Planning and Development (Local Planning Schemes) Regulations 2015 that has been retained for its cultural heritage value. The presence of this dwelling is not the basis for any subdivision application”.*
- (e) A heritage agreement may be required as a condition of approval where a positive heritage outcome has been used to obtain planning incentives, concessions or allowances.

## 5. Strategic objectives

The policy aligns to the following strategic objectives:

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|    | <p><b>Sustainable built environment</b><br/>Encompassing everything human-made, a sustainable built environment is one that will meet current needs while considering the needs of future generations.</p>               |
|  | <p><b>Effective civic leadership</b><br/>Effective civic leadership is visionary and influential. It means listening to the community, balancing competing demands, making fair decisions and acting with integrity.</p> |

## 6. Definitions

The following definitions apply to this Policy:

**Conservation** - Refers to all of the processes involved in looking after a place so as to retain its cultural heritage 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.

**Heritage agreement** - has the meaning given to it under the *Heritage Act 2018*.

**Heritage Area** - A distinct area of land that has identified cultural heritage significance and character which is desirable to conserve.

**Heritage List** - A list of heritage places that has been adopted under the Local Planning Scheme. These are places that have been included within the Local Government Heritage Inventory and assessed as being worthy of conservation.

**Heritage-protected Place** - has the meaning given to it under the Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions clause 1A.

**Interpretation** - Refers to all the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of these to tell the story of the building or place.

**Local Heritage Survey** - means a survey prepared under section 103(1) of the *Heritage Act 2018* (formerly known as MHI).

**Place** - 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.

**Municipal Heritage Inventory (MHI)** - A list of places within the Shire of Harvey, considered by the Shire to be of identified cultural heritage significance and worthy of community recognition. (see Local Heritage Survey).

## 7. Legislation

- *Planning and Development Act 2005*
- Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions (Part 2)
- Shire of Harvey’s Local Planning Scheme No. 2.
- *Heritage Act 2018*

## 8. Related documents

- Local Planning Policy 4.1.13 – Heritage Protected Places

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|---------------------|----------------------------------|------------|--------|
| Responsible officer | Director Sustainable Development |            |        |
| Responsible team    | Planning Services                |            |        |
| Responsible area    | Sustainable Development          |            |        |
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