



LPP-6.2 Local Planning Policy for Heritage Listing, Assessment and Concessions

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Note: This local planning policy is to be read in conjunction with Local Planning Policy: Local Planning Framework and Procedures.

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DISCLAIMER

Whilst all care has been taken to accurately portray the current Scheme and/or policy provisions, no responsibility shall be taken for any omission or errors in this documentation. Consultation with the City of Bunbury should be made to view a legal version of this document.

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: Heritage Listing, Assessment and Concessions (herein referred to as the 'local planning policy').

1.2 Policy Area

- 1.2.1 This local planning policy applies to all land within the local government district of the City of Bunbury, and as such, the local planning policy area is the Scheme area.

1.3 Policy Application

- (a) Subject to the Scheme, the provisions of this local planning policy apply to all places located within a designated heritage area and/or entered on the Heritage List and/or included on the State Register of Heritage Places.
- (b) This local planning policy supplements the provisions of the Local Planning Scheme as contained in 'Part 3- Heritage protection' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, where a provision of the local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (c) This local planning policy is to be read in conjunction with all built heritage related and other relevant local planning policies.

Note: 1. The Heritage List is adopted by Council in accordance with clause 8 'Heritage list' under 'Part 3 – Heritage protection' of 'Schedule 2 - Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Heritage List includes those places in the Scheme area that have been assessed as being of cultural heritage significance and worthy of built heritage conservation under the provisions of the Scheme.

2. Heritage Council of Western Australia is 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 in the State Register of Heritage Places 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.

3. This local planning policy should be read in conjunction with Local Planning Policy: Heritage Conservation and Development, which outlines design guidelines for the development of heritage places and premises located within a designated heritage area.

2 Purpose

The purpose and intent of this local planning policy is to set out the administrative and procedural requirements by which the local government will promote and safeguard the protection and enhancement of places of cultural heritage significance and worthy of built heritage conservation for present and future generations. In particular, this local planning policy sets out the assessment and referral process for guiding the exercising of discretion in the determination of applications for development approval and the granting of a rates concessions with respect to heritage places.

3 Objectives

The City of Bunbury contains a significant collection of heritage assets as identified on the Local Government Heritage Inventory. The Local Planning Strategy calls for the conservation and protection of those assets of significant cultural heritage value. In accordance with the aims of the Scheme, the objectives of this local planning policy are-

- (a) To apply the planning and development principles contained in State Planning Policy 3.5 Historic Heritage Conservation within the City of Bunbury.
- (b) To encourage the built heritage conservation and protection of places of cultural heritage significance in accordance with the objectives of the City of Bunbury's Local Planning Strategy.
- (c) To provide certainty to landowners and the community regarding the procedure for the identification and determination of a place's cultural heritage values and levels of significance.
- (d) To provide certainty to landowners and the community regarding the procedure for making and assessing applications for development approval of heritage places and in heritage areas.
- (e) To set out the circumstances in which variations to the provisions of the Scheme and the Residential Design Codes will be considered.
- (f) To set out the circumstances and conditions whereby development application fees may be waived in acknowledgment of redevelopment and/or changes of use that conserve the heritage values of places in the city.
- (g) To set out the circumstances and conditions whereby conservation works to heritage places may be eligible for a rates concession in recognition of the contribution made to the city's heritage values.

4 Amending The Heritage List

4.1 Heritage List Amendment Procedure

The local government may consider amending the Heritage List from time to time in accordance with clause 8 'Heritage list' under 'Part 3 – Heritage protection' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in the following circumstances-

- (a) Inclusion of a place that is found to be of significance through the findings of a new or reviewed Local Government Heritage Inventory.
- (b) Inclusion of a place nominated by the landowner where the place is identified as being of significance and the assessment documentation provided by the nominator is to the required standard. If not, consideration will be deferred until a review of the Heritage List is scheduled.
- (c) Inclusion of a place found to be of significance in a Heritage Impact Statement prepared as part of an application for development approval.
- (d) Removal of a place that is demolished, substantially damaged or destroyed to the extent that its cultural heritage significance is lost.

4.2 Assessment of Cultural Heritage Values and Significance

The local government may amend the Heritage List (i.e. by entering or removing a place, or by modify an entry of a place) where an assessment of the cultural heritage values and significance of a place is carried out by an appropriately qualified person or body in accordance with Criteria for the Assessment of Local Heritage Places and Areas, A Practical Guide to Identifying, Grading and Documenting Places and Areas in

Local Government Inventories (March 2012) as amended, published by the State Heritage Office of Western Australia.

Note: For a local government to have confidence in its ability to manage the development of heritage places for present and future generations, it needs to be identified as being worthy of conservation within the Heritage List. It should be noted that even the most thorough of local government heritage inventories will have some gaps, and hence over time the need will arise to assess non-listed places that appear potentially significant. Local government heritage lists should include, as a minimum, places identified in the local government heritage inventory as being of 'exceptional' significance, and any places entered on the State Register of Heritage Places.

5 Land Use and Development Requirements

5.1 Works Requiring Development Approval

Subject to the Scheme, all development affecting a heritage place requires the development approval of the local government, including minor works such as the –

- (a) replacement of roofing, gutters and downpipes;
- (b) installation of solar panels / collectors, aerials / antennae, satellite dishes, pipes and other external fixtures; and
- (c) construction of fencing, swimming pools, outbuildings and other ancillary structures or incidental development.

Note: The development of a heritage place requires the development approval of the local government under the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, in order to ensure that these works do not have a negative impact on the heritage values and significance of the place. In accordance with the Building Act 2011 no building work in a heritage place is allowed without a building permit. A building permit for a heritage place cannot be granted until development approval has first been granted by the local government.

5.2 Development Assessment Levels of Significance

- (a) The cultural heritage value of a place is assessed according to criteria relating to aesthetic, historic, scientific, cultural and social values. A place will be considered to have cultural heritage significance in the Scheme area if it meets one or more of these criteria.
- (b) The level of cultural heritage significance of a place is determined according to criteria relating to rarity, representativeness, condition, integrity and authenticity. As detailed in Table 1 below, a place's level of significance is one of the matters to be considered by the local government when assessing and exercising its discretion in determining an application for development approval.

Table 1: Levels of Cultural Heritage Significance for Development Assessment and Management.

Level of Significance	Description	Management Category
Exceptional Significance	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 Management Plan (i.e. if one exists for the place).

Level of Significance	Description	Management Category
Considerable Significance	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.
Some/Moderate Significance	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place and original fabric should be retained wherever feasible.
Little Significance	Does not fulfil the criteria for entry in the local Heritage List.	Photographically record prior to major development or demolition. Recognise and interpret the site if possible.

Note: *Categories of the Level of Significance -*

- *Category 1 (exceptional significance) places will be those that are included, or are recommended for inclusion, on the State Register of Heritage Places.*
- *Categories 1, 2 and 3 (exceptional, considerable and some/moderate significance) places may be proposed for inclusion on the Heritage List, and require the protection of the Scheme.*
- *Category 4 (little significance) places are recognised as having some value but are not considered to be significant enough to warrant protection under the Scheme.*

5.3 Development Assessment of Places on the Local Government Heritage Inventory

Subject to the Scheme and with the exception of demolition, applications for development approval for places included on the Local Government Heritage Inventory, but not included on the Heritage List and/or State Register of Heritage Places, will be assessed as for other buildings or land in the Scheme area.

Note: *The Heritage of Western Australia Act 1990 is the statutory framework for the identification and conservation of places that have significance to the cultural heritage of Western Australia. The Act requires each local government to identify buildings of cultural heritage significance in its district through a Local Government Heritage Inventory (also referred to as a 'Municipal Inventory'). While the Local Government Heritage Inventory may be used to identify places for inclusion on the Heritage List, the inventory itself does not have statutory force and effect in terms of planning controls.*

5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area

- (a) Subject to clause 60 'Requirement for development approval' under 'Part 7- Requirement for development approval' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development and use of places on the Heritage List and within designated heritage areas requires the development approval of the local government, including but not limited to, the following-
 - (i) partial or complete demolition of premises;
 - (ii) development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.);
 - (iii) development of an outbuilding or swimming pool; and
 - (iv) internal and external works to a building.
- (b) Development approval is not required for internal works of a building located within a designated

heritage area, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places.

- (c) Subject to clause 12 ‘Variations to local planning scheme provisions for heritage purposes’ under ‘Part 3 – Heritage protection’ of ‘Schedule 2- Deemed provisions for local planning schemes’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government may consider variations to the provisions of the Scheme and/or the Residential Design Codes where the proposed development facilitates the preservation or conservation of a heritage place, or enhances or preserves the heritage values in a heritage area, to the specifications and satisfaction of the local government.
- (d) If the application for development approval proposes demolition, part demolition or is considered to be inconsistent with other relevant local planning policies dealing with built heritage conservation, the application may be referred to the Heritage Advisory Committee (HAC) for comment and a recommendation in order to assist Council’s decision-making process.

Note: 1. *Building permits and demolition permits for places on the Heritage List or within a heritage area cannot be issued until development approval has been granted. Applicants are encouraged to discuss the scope of works with the City of Bunbury planning department at an early stage, where the planning officer can advise whether development approval is required and provide advice on the assessment process.*

2. *The referral of an application for development approval to the Heritage Advisory Committee (HAC) is subject to the committees’ terms of reference and Council’s delegations of authority made to committees pursuant to section 5.16 of the Local Government Act 1995 and section 82 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

5.5 Development Assessment of Places on the State Register of Heritage Places

- (a) Subject to clause 60 ‘Requirement for development approval’ under ‘Part 7- Requirement for development approval’ of ‘Schedule 2- Deemed provisions for local planning schemes’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development and use of places entered on the State Register of Heritage Places under the *Heritage of Western Australia Act 1990* requires the development approval of the local government.
- (b) In accordance with the *Heritage of Western Australia Act 1990*, applications for development approval for a place entered on the State Register of Heritage Places will be referred to the Heritage Council of Western Australia for its advice and recommendations.
- (c) Applications for development approval on land adjoining a place entered on the State Register of Heritage Places, which may have the potential to impact on the cultural heritage values and/or significance of that place, will be referred to the Heritage Council of Western Australia for its advice and recommendations.

5.6 Development Application Fees

- (a) The City of Bunbury recognises the importance of preserving or conserving heritage places and that effective protection of heritage values can have economic, social, cultural and environmental benefits. Therefore, development approval is required for most works to a place listed on the Heritage List or to a property located in a designated heritage area.
- (b) 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:
 - (i) where it can be demonstrated that any 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; and
 - (ii) where development of a heritage place and/or within a heritage area would not normally require an application for development approval under the Scheme.

Note:

1. The applicant is required to lodge the appropriate fee with the application for development approval and provide written justification as to how the proposed development meets the requirements of clause 5.5 above. The local government may then reimburse the application fee where the local government is satisfied that the development requirements are met and resulting built heritage conservation outcomes are achieved.
2. Further guidance on demonstrating the conservation and sympathetic adaptation of a heritage place is provided in the accompanying Local Planning Policy: Heritage Conservation and Development.
3. It is recommended that the input of a heritage professional be sought particularly for major works.

5.7 Development Application Requirements

- (a) The extent of accompanying material will be determined by the scale and impact of the proposed works. Minor works will need to demonstrate that the development will not have an adverse effect on the cultural heritage significance of a place entered on the Heritage List, but will not generally require additional supporting material.
- (b) Pursuant to clause 11 dealing with heritage assessment in 'Part 3- Heritage protection' and in addition to the accompanying material requirements of clause 63(3) in 'Part 8- Applications for development approval' under 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government may also require one or more of the following additional information requirements to be submitted as part of any application for development approval for a heritage place-
 - (i) Despite any existing heritage assessment on record, the local government may require a Heritage Impact Assessment to be carried out by an appropriately qualified person or body in accordance with Heritage Impact Statements – A Guide (November 2012) as amended, published by the State Heritage Office of Western Australia, prior to the granting of development approval in a heritage area or in respect of a heritage place.
 - (ii) Where an archival record is required, the record is to be prepared by an appropriately qualified person or body in accordance with Guide to Preparing an Archival Record (March 2012) as amended, published by the State Heritage Office of Western Australia.
- (c) Heritage Impact Statements submitted as part of any application for development approval for a heritage place should address the following three main questions-
 - (i) How will the proposed works affect the significance of the place?
 - (ii) What alternatives have been considered to ameliorate any adverse impacts?
 - (iii) Will the proposal result in any built heritage conservation benefits that might offset any adverse impacts?
- (d) If a proposal affects a place that is entered on the State Register of Heritage Places or is a large or complex place of exceptional significance, the local government may require a Conservation Management Plan to be prepared in support of any application for development approval.
- (e) Where a Conservation Management Plan is available, the Conservation Management Plan or relevant sections, should be provided with the application for development approval.
- (f) Where required by the local government, a Conservation Management Plan is to be prepared by an appropriately qualified person or body in accordance with An Information Guide To Conservation Management Plans (January 2013) as amended, published by the State Heritage Office of Western Australia, prior to the granting of development approval in a heritage area or in respect of a heritage place.

Note:

1. *Heritage Impact Statement* is a systematic assessment that describes a place and its setting in relation to its cultural heritage values and significance (i.e. level of contribution) in accordance with criteria adopted by the Heritage Council

of Western Australia. These criteria are the aesthetic, historic, social and scientific values of the place.

2. Conservation Management Plan is a document that details how to identify and look after the significant cultural heritage values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council of Western Australia provides guidelines for the preparation of Conservation Management Plans to ensure that all important matters are considered.

5.8 Structural Condition Assessment in the Case of Demolition

If structural failure is cited as a justification for the demolition of a place included on the Heritage List, evidence is to be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of a majority or all of its significant fabric and/or the conservation works is cost prohibitive.

Note: 1. The demolition of a heritage place requires the development approval of the local government under the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. In accordance with the Building Act 2011 no demolition work in a heritage place is allowed without a demolition permit. A demolition permit for a heritage place cannot be granted until development approval has first been granted by the local government.

2. Prior to the granting of development approval for the demolition of a place included on the Heritage List or located in a designated heritage area, the local government may require a Heritage Impact Assessment to be carried out by an appropriately qualified person or body in accordance with the State Heritage Office of Western Australia's publication titled *Heritage Impact Statements – A Guide* (November 2012).

5.9 Archival Record in the Case of Demolition

Where a proposal is for the demolition of a place entered on the Heritage List, or in the Local Government Heritage Inventory, an archival record is to be prepared and provided to the local government as part of the application for development approval. The archival record is to be undertaken to the specifications and satisfaction of the local government in accordance with clause 5.6(b)(ii) of this local planning policy, and must be submitted to the local government prior to the commencement of any demolition and/or development.

6 Rates Concession For Heritage Places

6.1 Eligible Works for Heritage Rates Concession

- (a) To support the aim of preserving or conserving heritage places, the local government may provide a heritage rates concession to certain types of eligible works that are consistent with the-
 - (i) provisions of all relevant planning instruments under the Local Planning Framework; and
 - (ii) principles for built heritage conservation as set out in The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013, ('The Burra Charter') as amended.
- (b) Proposed works to a heritage place that may be eligible for a heritage rates concession must be-
 - (i) directly related to the preservation or conservation of the cultural heritage significance of that place, as determined by the local government; and
 - (ii) carried out to the specifications and satisfaction of the local government.
- (c) Works carried out to a heritage place that may be eligible for a heritage rates concession include, but may not be limited to, the following-
 - (i) preservation, restoration and reconstruction to both the interior and exterior of the place;

- (ii) 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 place);
- (iii) works to protect significant fabric of the place from deterioration and damage (e.g. treatment of damp, repair of drainage, replacement of roof with appropriate materials, re-pointing brickwork); and/or
- (iv) paint schemes that are based on physical evidence of the original paint colours, historical photographs and/or paint schemes typical of the style and period of the place, but must not include surfaces that were originally unpainted.

6.2 Ineligible Works for Heritage Rates Concession

Works to a heritage place that are not eligible for a heritage rates concession include, but may not be limited to, the following-

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

6.3 Details of Heritage Rates Concession

- (a) All eligible places will be provided with a concession of 30% per annum on the rates payable on the subject property for a period of five years to a maximum of \$1,000 per year (maximum total \$5,000).
- (b) Total concession received is not to exceed 50% of the total costs of eligible works.
- (c) Any heritage rates concession granted by the local government is to commence with the following year's rates notice.

Note: Australia ICOMOS Inc. is the national chapter of ICOMOS (International Council on Monuments and Sites), an international non-government organisation primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation.

6.4 Accompanying Material for Heritage Rates Concession Application

- (a) All applications for the heritage rates concession must be accompanied by the following-
 - (i) completed application form; and
 - (ii) certified copies of receipts for completed eligible works or quotes for proposed eligible works.
- (b) In the case of proposed works, the heritage rates concession will not be processed until works are completed, or in the case of major works, substantially commenced as determined by the local government.

7 Meaning Of Terms

For the purposes of this local planning policy, the meaning of specific words and expressions relevant to this local planning policy are given below-

'Adaptation' means changing a place to suit the existing use or a proposed use.

'Archival record' means a document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change.

'Building' for the purposes of this local planning policy the term has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

'Conservation' has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

'Cultural heritage significance' has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

'Development' has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

'Fabric' means all the physical material of the place including structural elements, fixtures, finishes, contents and objects. Fabric includes building interiors and sub-surface remains, as well as excavated material.

'Heritage area' means an area designated as a heritage area under clause 9 'Designation of heritage areas' of 'Part 3- Heritage protection' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

'Heritage assessment' subject to the Scheme and for the purposes of this local planning policy, the term has the same meaning as 'Heritage Impact Statement'.

'Heritage Impact Statement' means an assessment and statement of significance of the heritage values of a place to determine its cultural heritage significance based on documentary and physical evidence in relation to the place. A Heritage Impact Statement must be in a form approved by the Heritage Council of Western Australia.

'Heritage List' means a heritage list established under clause 8(1) 'Heritage list' of 'Part 3- Heritage protection' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

'Heritage place' means a place that is:

- (a) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (c) included on the Heritage List prepared in accordance with the Scheme; or
- (d) located within an area designated under the Scheme as a heritage area; or
- (e) the subject of a heritage agreement entered into under section 29 of the *Heritage of Western Australia Act 1990*.

'Interpretation' means 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.

'Place' has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

'Preservation' means maintaining a place in its existing state and retarding deterioration, recognising that all places and their elements change over time at varying rates.

'Proposal' has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

'Maintenance' means the continuous protective care of a place, and its setting. Maintenance is to be distinguished from repair which involves restoration or reconstruction.

'Restoration' means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

'Reconstruction' means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.

'Related place' means a place that contributes to the cultural heritage significance of another place.

'Setting' means the immediate and extended environment of a place that is part of or contributes to its cultural heritage significance and distinctive character. Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

'Use' subject to the Scheme and for the purposes of this local planning policy the term 'use' means the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Note: 1. *The statutory definitions for a 'building' are differing in so far as the Residential Design Codes exclude fences, pergolas and swimming pools; whereas the Heritage of Western Australia Act 1990 specifically includes all structures due to their potential cultural heritage significance. Therefore, developments involving such things as fences and pergolas that normally would not be relevant to the assessment of a dwelling must be a consideration in a designated heritage area. The reliance upon the Act's definition of a building by this local planning policy does not affect the operation of the Residential Design Codes, but merely ensures proper consideration of fencing and other ancillary structures as part of the assessment of all development within the Policy Area.*

2. *Under the Residential Design Codes the term 'building' means "any structure whether fixed or movable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools."*
3. *Under the Heritage of Western Australia Act 1990 the term 'building' means "in relation to any land, includes any structure erected or placed on or in that land, and any part of the building or fence or other appurtenance to the building."*
4. *For the purposes of this local planning policy the terms 'building' and 'dwelling' are used interchangeably. Therefore, the local planning policy applies equally to the development of residential dwellings and other buildings that are used for non-residential purposes.*