

PART 9:

Heritage Protection

9.1 Heritage strategy

- (1) The Authority shall prepare and maintain a heritage strategy which shall identify those places or areas within the redevelopment area considered to be of cultural heritage significance and worthy of conservation under the provisions of this Scheme.
- (2) In preparing and adopting a heritage strategy, the Authority shall follow the procedures set out in Part 2 for the preparation and adoption of Planning Policies, and a heritage strategy prepared and adopted through that process shall have the status of a planning policy for the purposes of the Scheme.
- (3) The heritage strategy shall include provisions setting out procedures and requirements to ensure the conservation of those places or areas identified by the strategy as being of heritage significance.
- (4) In preparing the heritage strategy, the Authority shall have regard to:
 - (a) the Register of the National Estate;
 - (b) the State Register of Heritage Places;
 - (c) any heritage list prepared and adopted by the City of Armadale; and
 - (d) any heritage place, area, building, object or structure identified under the provisions of town planning schemes under the authority of the City of Armadale.
- (5) The Authority shall hold the heritage strategy under ongoing review, and shall amend the heritage strategy in the light of changed circumstances relating to any heritage place or heritage area, including the addition to the heritage strategy of any places or areas of heritage significance identified subsequent to the preparation and adoption by the Authority of the heritage strategy.
- (6) In considering amendments to the heritage strategy under subclause 5 the Authority shall, where it is proposed to include in the heritage strategy a place or area not already identified through one of the methods described in subclause (3):
 - (a) notify in writing the owners and occupiers of the place or area, and provide them with the reasons for the proposed inclusion;
 - (b) invite submissions on the proposal from the owners and occupiers of the place or area 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 include the place or area in the heritage strategy or to not proceed with the inclusion.
- (7) Where a place or area is included in the heritage strategy, the Authority shall give notice of the inclusion to the owners and occupiers of the place or area.
- (8) The Authority shall keep a copy of the heritage strategy with the Scheme documents for public inspection.
- (9) The Authority may remove or modify references to a place or area included in the heritage strategy, by following the procedures set out in subclause (6).

9.2 Heritage agreements

The Authority 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.

9.3 Heritage assessment

Despite any existing assessment on record, the Authority may require a heritage assessment to be carried out prior to the approval of any development proposed in respect of a heritage place or in a heritage area included in the heritage strategy.

9.4 Authority to have regard to heritage matters

- (1) In dealing with a development application relating to a heritage place or area included in the heritage strategy, the Authority shall comply with the requirements of clause 4.8, but additionally shall have regard to:
 - (a) the extent to which the proposed development is likely to affect the cultural heritage significance of the place or area; and
 - (b) the provisions and requirements of its adopted heritage strategy, both in general and with regard to any provisions or requirements contained in the heritage strategy that are specific to the heritage place or area the subject of the application.

9.5 Variations to Scheme provisions for a heritage place or heritage area

Where desirable to facilitate the conservation of, or enhance or preserve the heritage values of a heritage place or heritage area included in the heritage strategy, the Authority may vary any development standard or requirement of the Scheme or the Residential Design Codes.