

## Local Planning Policy 1.6: Assistance for Heritage Places

**ADOPTION DATE:** 25 June 2019 (DV19.69)

**AMENDED DATE:** 27 August 2019 (DV19.116)

**AUTHORITY:** *Local Government Act 1995*

*Planning and Development Regulations 2009*

*Planning and Development (Local Planning Schemes) Regulations 2015*

### POLICY PURPOSE

The purpose of this Policy is to set out the:

- conditions and criteria for the Local Government to provide financial assistance to owners of Heritage Places for conservation works; and
- circumstances where the Local Government may waive fees set and imposed under the *Planning and Development Regulations 2009* and the *Local Government Act 1995* for development applications relating to Heritage Places.

### APPLICATION

This Policy applies to development of places with the Town of Cambridge that are:

- entered on the Heritage List prepared in accordance with the Scheme;
- located in a Heritage Area designated in accordance with the Scheme; and
- entered on the State Register for Heritage Places under the *Heritage Act 2018*.

### DEFINITIONS

The following terms used in the Policy are defined as follows:

**Conservation** means, in relation to any place, the management of that place in a manner that will:

- a) enable the cultural heritage significance of that place to be retained; and
- b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place,

and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting.

**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 Place** means a place that is:

- a) entered on the Town of Cambridge Heritage List; or
- b) located within an area designated as a Conservation Area or Heritage Area under the Scheme; or
- c) entered on the State Register of Heritage Places under the *Heritage Act 2018*.

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

**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.

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

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

## **POLICY**

### **1. WAIVING OF DEVELOPMENT APPLICATION FEES**

- The Local Government has the authority to waive fees for applications for development approval in accordance with the provisions of this Policy and the *Planning and Development Regulations 2009*.
- Development application fees will be waived in whole where the proposed development would otherwise be exempt from the requirement to obtain development approval under clause 61 of the Deemed Provisions or clause 33 of the Scheme, if the place was not a Heritage Place.
- The waiver of fees only applies to development application fees and does not include:
  - Planning Service fees for a zoning certificate, replying to a property settlement questionnaire or providing written planning advice;
  - WAPC subdivision, amalgamation and clearance fees;
  - Rezoning/scheme amendment fees;
  - Fees charged in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*;
  - *Building Act 2011* fees;
  - Health and Compliance fees; or
  - Other fees charged by the Local Government.

## 2. HERITAGE GRANT PROGRAM

### 2.1. Funding

- Funding is available to match 50% of the costs for conservation works to a Heritage Place, up to a maximum contribution of \$5,000.00.
- The Heritage Grant Program budget allocation will be determined by Council in the adoption of the annual budget.
- The amount awarded is depended on the funds available in the Local Government annual budget and may be a lesser amount than what was applied for.

### 2.2. Eligibility

- Applications will be considered eligible if:
  - the property is privately owned, rateable Heritage Place;
  - funding is requested to assist with costs related to conservation works only;
  - the owner does not have a current rates debt incurred with the Local Government; and
  - any previous funding received from the Local Government has been successfully acquitted.
- The following types of works are eligible to receive heritage grants:
  - Restoration works to return significant fabric to the original condition (e.g. repainting to the original paint schemes or removing intrusive fabric);
  - Preservation works that maintain significant fabric that is visible from the public realm (e.g. repainting, repointing brickwork, replacement of roof using like-for-like materials, treatment of damp, repair of drainage);
  - Reconstruction works to reinstate lost elements of significance fabric (e.g. replace missing or damaged material consistent with the original details);
  - Works required to enable a Heritage Place to remain in safe, viable use (e.g. upgrades needed to comply with fire, safety or access requirements of the *Building Act 2011*); and
  - Structural works required to stabilise a building (e.g. to manage severe deterioration or avoid demolition).
- The following types of works are ineligible to receive heritage grants:
  - Works that are commenced or completed prior to an application being submitted and the grants being awarded (e.g. no retrospective funding provided);

- o Works that remove, conceal or damage significant fabric (e.g. painting significant fabric in an unsympathetic style, cladding which conceals significant fabric, or whole/partial demolition);
- o Works that are not required for conservation purposes (e.g. new additions, modernisation of internal elements, replacement of functional significant fabric);
- o General maintenance and gardening unless it can be clearly demonstrated that conservation of significant fabric is a key outcome of the proposed works; and
- o Works to a non-contributory place located within a Heritage Area/Conservation Area.
- Notwithstanding the above, the Local Government may allow applications for:
  - o Retrospective funding for commence or completed works where the urgency of the works is demonstrated; and
  - o Heritage Places that are deemed non-rateable land under section 6.26(2)(g) of the *Local Government Act 1995*.

### **2.3. Selection Criteria**

- Applications will be assessed based on the eligibility criteria and the extent to which the works:
  - o contribute to the retention of the Heritage Place (e.g. rectify or prevent damage or deterioration);
  - o meet the conservation principles and processes of the Burra Charter 2013; and
  - o are based on documented or physical evidence of the original condition.
- Where more than five eligible grant applications are received in a round, the applications will be prioritised based on:
  - o the urgency of the works;
  - o the level of significance of the Heritage Place;
  - o whether the Heritage Place has previously received a grant through the Heritage Grant Program; and
  - o consistency with the relevant planning and building requirements.
- An application will be given a lesser priority if:
  - o a heritage grant has been received for the place within the previous 5 years; or
  - o retrospective funding for commenced or completed works is sought.

#### **2.4. Heritage Grant Program Conditions**

- At least one funding round will be undertaken per financial year.
- Applicants must submit a completed Application Form accompanied by all the supporting documentation outlined in the Form.
- No more than one grant application per Heritage Place will be accepted per financial year.
- Grants will be awarded by Council resolution and all applicants will be notified of the outcome in writing.
- Successful applicants will be required to enter into a Grant Agreement with the Local Government prior to commencing works.
- Grants will be paid upon the completion of the work and the acceptance by the Local Government of a completed Acquittal Form and supporting documentation outlined in the Form.
- Grants are required to be acquitted within the same financial year as the Council awarded the grant.
- Successful applicants must obtain and comply with all relevant approvals, permits and licenses for the proposed works.