

# LOCAL PLANNING POLICY

# 5.4

**TITLE:** HERITAGE LIST - DEVELOPMENT OF LISTED PLACES

**ADOPTED:** OCM 15 April 2010 – Pages 54 - 56

**REVIEWED:** OCM 30 July 2015 – Pages 28 – 40  
OCM 17 December 2015 - Pages 110 – 121  
OCM 25 May 2017 – Pages 85 – 260  
OCM 14 December 2017 – Pages 1030 – 1043  
OCM 12 December 2019 – Pages 213 - 221  
OCM 30 May 2024 – Pages 10 -16

**ASSOCIATED LEGISLATION:** Local Government Act 1995  
Planning and Development Act 2005  
Heritage of Western Australia Act 2018  
Local Planning Scheme No. 7 (LPS7)

**ASSOCIATED DOCUMENTS:**

**REVIEW RESPONSIBILITY:** Director Development Services

**DELEGATION:** Delegations are exercised in accordance with delegation granted in terms of section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified others.

**APPLICATION:** This policy applies to the LPS7 area.

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## Objective:

1. Ensure the protection, maintenance and integrity of places listed on the Shire of Broome’s Heritage List;
2. Ensure there is a record of heritage buildings and places prior to substantial works being undertaken;
3. Prevent premature or unnecessary demolition of heritage buildings.

## Policy:

### Exemptions from Planning Approval Requirements

- 1.1 Development approval is not required for:
- any works of a minor internal nature, including the painting and/or rendering of internal walls or ceilings;
  - general maintenance that does not affect the external appearance of the place.

### General Requirements

At the Ordinary Meeting of Council on the 27 June 2019, Council adopted amendments to the Shire of Broome Municipal Inventory and adopted all places graded as level A and B on the Municipal Inventory as the Heritage List pursuant to section 8 of the Deemed Provisions. As such places graded as level A and B on the Municipal Inventory form the Shire of Broome's Heritage List

- 1.2 Unless exempt from development approval requirements as specified above, the following procedure shall be followed for any proposed demolition, development or redevelopment of a building or place listed on the Shire of Broome's Heritage List:
- (i) All proposals for the demolition, development or redevelopment of a listed building or place shall be subject to a formal Development Application;
  - (ii) All proposals shall be dealt with in accordance with the provisions of Part 3 of the Deemed Provisions;
  - (iii) The Shire shall in assessing a proposal for development or redevelopment give due regard to the level of management as applied to the building or place. In this respect, conditions may be applied to a proposal to protect the integrity of the significance of the place. The Shire may also consider relaxing some development standards if it results in the protection of the integrity of the building or place, provided it does not prejudice the orderly and proper planning of the site and area;
  - (iv) Where a building or place has been listed on the State Register of Heritage Places or the Shire has recommended listing on the State Register of Heritage Places and a decision has not yet been made, the Shire shall refer a proposal for development or redevelopment of that site to the Heritage Council of WA for comment. Any comments provided by the Heritage Council shall be taken into account when applying conditions to the proposal;
  - (v) Where a proposal will result in a physical change to any external part of a building or a significant alteration to, or demolition of, a place, then historical photographic record is to be taken prior to such works taking place and that record is to be lodged with the Shire;
  - (vi) Where a significant alteration or addition to a place is proposed, the Shire may require the preparation of a Heritage Impact Statement consistent with the guidelines produced by the Heritage Council of WA and prepared by a qualified professional prior to such works taking place;
  - (vii) If an application is received to demolish a heritage building the Shire shall not issue a demolition permit without a development application being approved and a building permit being issued for a replacement building;

- (viii) If an application is received to subdivide land on which a listed building or place is situated, the Shire may support such subdivision only where the integrity of the building or place is not compromised.

## **SHIRE OF BROOME LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES**

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.