



ROTTNEST ISLAND AUTHORITY

DEVELOPMENT PLANNING GUIDELINE No. 04

CULTURAL HERITAGE PLACES AND HERITAGE PRECINCTS

1. GUIDELINE OBJECTIVES

The objective of this Cultural Heritage Places and Heritage Precincts Guideline is to:

- a) guide conservation and development of Heritage Places and Precincts in accordance with the principles of the *Burra Charter* and by application of the principles of the *State Planning Policy 3.5 Historic Heritage Conservation*;
- b) guide development and decision making in accordance with the relevant statement of significance and level of protection or management identified in the RIA's *Heritage Inventory*, RIA's *Conservation Plans* and the *State Register of Heritage Places*;
- c) ensure all developments affecting Aboriginal Heritage Places are undertaken in accordance with the requirements of the *Aboriginal Heritage Act 1972* and with any approvals required under the *Aboriginal Heritage Act 1972*;
- d) ensure development, including demolition does not adversely affect or detract from the significance of a Heritage Place or Heritage Precinct or significant fabric of buildings; and
- e) ensure that development affecting Heritage Places achieves high quality architectural design and respects the integrity and significance of these places to guarantee ongoing use and public appreciation for future generations.

2. SCOPE

This guideline and any associated procedures and forms applies to an application for development for proposed development within or abutting a Heritage Place or Heritage Precinct on the Island.

3. DEVELOPMENT

Any proposed development of or within a Heritage Place or Heritage Precinct requires approval from the RIA.

Each development:

- a) must be respectful of the recognised cultural significance and is not to adversely affect, damage or destroy the heritage significance;
- b) must be of high design quality and is to reinforce and relate to the existing heritage character and features, yet be visually distinguishable from the heritage fabric;

- c) must be of a design that does not imitate, replicate or mimic the heritage architecture or detract from the cultural significance of the place or precinct;
- d) incorporating extensions and additions to Heritage Places, must be compatible and complement the Heritage Place. Extensions and additions are to be designed to retain and protect the heritage significance of the Heritage Place and are to be compatible in terms of proportions, height, setbacks, materials, colours and other details of the Heritage Place. Extensions and alterations to Heritage Places are to be reversible or removable where possible to avoid permanent and irreversible damage to the Heritage Place; and
- e) of Buildings and/or places that are not Heritage Places but are adjacent to a Heritage Place or a Heritage Precinct, are to be respectful of the recognised cultural heritage values.

4. DEMOLITION

Heritage Places and Heritage Precincts are to be conserved and maintained to a high standard where ever possible.

Any Development Application for demolition of a Heritage Place must include clear and convincing evidence that there is no feasible and prudent alternative.

Any Development Application for demolition of a Building, other than a Heritage Place, within a Heritage Precinct must include clear and convincing evidence that its demolition does not detract from the heritage value of the precinct.

Partial or complete demolition of a Heritage Place will only be approved by the RIA in the following exceptional circumstances:

- (i) where the building or part of the building has been identified as having no significance, or as not contributing to the significance of the Heritage Place or Heritage Precinct, or is considered intrusive; or
- (ii) where it can be demonstrated by a suitably qualified person or persons that a Heritage Place is beyond repair, both physically and economically; or
- (iii) if the significance of the Heritage Place has been diminished to a degree that it cannot be re-established; or
- (iv) The removal or relocation of a Heritage Place is the only means of ensuring a Heritage Place's survival.

5. WHEN DEVELOPMENT APPROVAL IS NOT REQUIRED

Development approval is not required for the carrying out of work to a building located within a Heritage Precinct that is not identified as a Heritage Place, where:

- a) the work is inside the building only and does not involve change of use or dimensions of the building; or
- b) The work is emergency works to a Heritage Place or Heritage Precinct.

For work undertaken as emergency works, wherever practicable, the advice of a registered professional engineer is to be obtained before starting the work.

All reasonable steps must be taken to ensure the work is reversible. Where the work is not reversible, the impact of the work on the cultural significance of the Heritage Place must be limited.

Where the emergency work is for the purpose of merely making the Heritage Place safe, a Development Application must be made to obtain approval for the full extent of any development.

Where applicable, a contingency plan for obtaining approval from the Registrar of Aboriginal Sites under Regulation 10 of the *Aboriginal Heritage Act* should be developed.

6. HERITAGE IMPACT STATEMENT

A Heritage Impact Statement describes and evaluates the likely impact of a proposed development on the significance of a Heritage Place and/or Heritage Precinct and includes measures designed to minimise impact.

Any development, including demolition, of a Heritage Place or within a Heritage Precinct requires the preparation of a Heritage Impact Statement.

For minor works, as determined by the RIA, the Heritage Impact Statement may be undertaken by the RIA's Heritage Officer(s).

For major works, as determined by the RIA, the Heritage Impact Statement must be undertaken by an independent suitably qualified Heritage Consultant at the developer/applicant's cost

7. HERITAGE DEVELOPMENT REFERRALS

Any development of a Heritage Place or within a Heritage Precinct that is listed on the *State Register of Heritage Places* is to be referred to the Heritage Council as required by the Heritage Act for their support.

In accordance with the Heritage Act, the recommendation/s received from the Heritage Council will be taken into consideration in the determination of the Development Application.

Further information about the heritage referral process can be found in the Heritage Guidelines.

8. ABORIGINAL CULTURAL HERITAGE

Any development proposed on a place that is listed on the Department of Indigenous Affairs' *Register of Aboriginal Sites* requires:

- an application to the Department of Indigenous Affairs under the *Aboriginal Heritage Act*, in addition to a Development Application to the RIA;
- approval from the Minister of Indigenous Affairs via a Section 18 Notice under the *Aboriginal Heritage Act* to the Department of Indigenous Affairs. Approval to be obtained by the developer, preferably prior to lodging a Development Application with the RIA;
- a permit to dig where works involves ground disturbance that will include reference to the RIA's *Rottnest Island Aboriginal Heritage Survey* for determination of the requirement to include Aboriginal observers on the Site;

If development is proposed in an area where the extent of the Aboriginal places is unknown or unsurveyed, the developer/applicant must undertake an Aboriginal Heritage Survey, inclusive of consultation with Aboriginal people, at the developer/applicant's cost.

If, during development, Aboriginal cultural material is uncovered, work is to cease immediately and advice is to be sought from the RIA and/or the Department of Indigenous Affairs.

If skeletal material is found during the development, this is subject to the RIA's guidelines relating to the Excavation of Archaeological Finds. Procedures for dealing with the discovery of human remains are available at:

<http://www.dia.wa.gov.au/Section-18-Applications/Heritage-management/Aboriginal-SkeletalAncestral-Remains.aspx>

ROLES AND RESPONSIBILITIES

All RIA officers, including Board members, are responsible for ensuring regard is had to this guideline in considering an application for development approval where the application is for development proposed within or abutting a Heritage Place or Heritage Precinct.

The following RIA roles have specific responsibilities for ensuring conformance with this guideline:

- **Director Contracts and Planning**

Ensuring that this guideline applies to the planning, design, location, and assessment of a development proposed within or abutting a Heritage Place or Heritage Precinct on the Island and for which development approval is required.

- **Development Planning Team**

Assessment of a development application for development proposed within or abutting a Heritage Place or Heritage Precinct on the Island against provisions 3 – 8 of this Guideline.

9. STATUTORY COMPLIANCE and RELEVANT DOCUMENTATION

This guideline reflects the following requirements:

- Section 13 (1) of the *Rottneest Island Authority Act 1987*.
- Section 18 of the *Aboriginal Heritage Act 1972*; and
- Section 72 of the *Heritage Act 2018*

The powers and functions afforded by the relevant legislation applicable to this Guideline are detailed in RIA's Schedule of Delegations and Authorisations, under section 70, or regulation 55 of the *Rottneest Island Regulations 1988*.

10. EFFECTIVE DATE

This Guideline is effective from **1 January 2022**

11. REVIEW PERIOD

This Guideline is to be reviewed every three years.

12. CUSTODIAN

The Director Contracts and Planning is responsible for the development and maintenance of this guideline.

13. AUTHORISATION

This Guideline details Rottnest Island Authority's requirements to be addressed in an application for development approval for development proposed within or abutting a place listed in the *State Register of Heritage Places*.

Signed: _____

Jason Banks
Executive Director

Date:

14. GUIDELINE REVISION

Rev	Revision Description	Revision by	Date	Page
1	Reformatting this guideline	Development Planning	20 December 2021	All