

Heritage Fee Refund and Development Policy

Responsible Division	Community and Development
Responsible Business Unit/s	Development and Place
Responsible Officer	Manager Development and Place
Affected Business Unit/s	Development and Place

Purpose

The purpose of this policy is to provide guidance on planning and building application fee refunds, and to provide guidance on varying site and development requirements for the conservation and development of heritage-protected places.

Objectives

The objectives of this policy are to:

1. Facilitate development that conserves heritage-protected places.
2. Be flexible with the application of Town Planning Scheme No 24 (TPS24), relevant local planning policies and the Residential Design Codes (R-Codes) requirements in relation to heritage-protected places.
3. Ensure site and development requirements contribute to positive heritage outcomes of heritage-protected places.
4. Provide for development that conserves heritage-protected places that is consistent with the strategic direction and zoning reservation of the land and the amenity of the locality.

Definitions

Heritage-protected place has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

An application for development approval may be required for the development of a heritage-protected place under Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). Where an application for development approval is required for a heritage-protected place under the Regulations, this policy applies.

The City of Bayswater acknowledges the payment of planning and building application fees on top of the costs associated with conserving a heritage-protected place can be onerous, thus a part or full refund of fees may be considered on a case by case basis.

Clause 12 of the Regulations provides the ability for the City to vary any site or development requirement of TPS24 to facilitate the conservation of a heritage-protected place.

Chapters

- 1.0 Refund of Planning and Building Application Fees for Heritage-Protected Places
- 2.0 Varying Site and Development Requirements for Heritage-Protected Places

Related Legislation

- Town Planning Scheme No.24
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Regulations 2009*

Relevant Delegations	TP-D01
Council Adoption	24 October 2006
Review / Modified	1 March 2016
Review / Modified	25 July 2023
Review / Modified	

1. Refund of Planning and Building Application Fees for Heritage-Protected Places

Purpose

To refund part or full amount of relevant planning and building application fees for developments that propose to conserve or improve heritage aspects of a heritage-protected place.

Scope

1. The provisions of this chapter apply to a heritage-protected place.
2. To provide parameters for the part or full refund of planning and building application fees.

Requirements

1. The City of Bayswater will provide a part or full refund of planning and building application fees charged by the City for development which occurs on the City's Heritage List.
2. The refund of planning and building application fees only applies to the standard planning and building application fees as included in the City's fees and charges, and does not include the following fees:
 - (a) BCITF and BRB Levies
 - (b) Higher code advertising or other advertising costs.
 - (c) Planning Service Fees
 - (d) WAPC subdivision, amalgamation and clearance fees.
 - (e) Home occupation or alfresco licence or renewal fees.
 - (f) Rezoning fees.
 - (g) Other fees charged by the City.
3. Applicants will be required to pay all fees at the time of application.
4. The City will refund the appropriate planning and building application fee amount where 1 and 2 above, of this policy are satisfied.
5. The refund of fees will be at the discretion of the City.

2. Varying Site and Development Requirements for Heritage-Protected Places

Purpose

To provide guidance on varying site and development requirements to facilitate the conservation of a heritage-protected place.

Scope

1. The provisions of this chapter apply to a heritage-protected place.
2. To facilitate the built heritage conservation of heritage-protected places.

Requirements

1. The City may vary any site or development requirement specified under TPS24, relevant local planning policies and the R-Codes to facilitate the conservation of a heritage-protected place. Where such variations are sought the following shall be satisfied:
 - (a) Applicable site and development requirements may include, but are not limited to, building height, setbacks, plot ratio, vehicle access and car parking.
 - (b) Clear demonstration that the varying of site and development requirements are necessary to facilitate the conservation of a heritage-protected place.
 - (c) The variation(s) shall not exceed the extent to which the development potential of the place is limited by the need to conserve the heritage-protected place.
 - (d) The variation(s) shall not unduly impact on adjoining properties within the locality.
 - (e) Clear demonstration that a compliant development will be detrimental to the conservation of the heritage-protected place.
 - (f) A referral may be required to the Heritage Council of Western Australia and/or the City's Design Review Panel to which the City will give due regard to any comments and recommendations received.
2. Written justification shall be provided addressing the requirements of this policy. The City may require the following additional information depending on the material impact the development has on the heritage-protected place:
 - (a) A Heritage Impact Statement for large or complex developments to a heritage-protected place with a Management Category 1 or 2, as determined by the City.
 - (b) Internal and external colour photographs of where the development has a material impact on the existing heritage-protected place.
 - (c) A schedule of all colours, finishes and materials of the existing heritage-protected place and proposed development.

Related Documentation

- [Heritage Impact Statement \(www.wa.gov.au\)](http://www.wa.gov.au)
- Development Application Guide