Planning and Sustainability
Local Planning Policy 4.12- HERITAGE PLACES

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1.0 CITATION

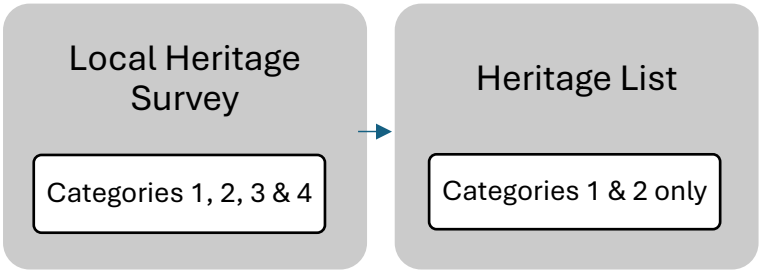
This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015.* This policy may be cited as Local Planning Policy (LPP) 4.12 – Heritage Places.

2.0 INTRODUCTION

The Local Heritage Survey (LHS) and Heritage List identify places within the City of Wanneroo that have been assessed as having historic heritage significance. Places included on the LHS and Heritage List can include buildings, structures, other built forms, sites or cultural landscapes. The LHS has been developed in consultation with the community and in accordance with Part 8 of the *Heritage Act 2018.* The LHS informs the Heritage List which local governments are required to establish and maintain in accordance with Part 3 the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations)

Each heritage place is assessed for its historic, aesthetic, scientific, social and spiritual values, as well as being further considered on its authenticity, integrity, condition, representativeness and rarity. Each place on the LHS is assigned a level of significance classification ranging from Category 1 to 4, which determines the recommended level of management of a place according to its historic heritage value. Details of the heritage values, level of significance and assigned category are outlined in the individual place record contained in the LHS. While the LHS serves as a record of Heritage Places, it does not have statutory implications under the State or Local planning framework

Heritage Places assessed as having 'exceptional' or 'considerable' heritage significance in the LHS are designated Category 1 or 2 and included on the City's Heritage List. This relationship is outlined below.



Inclusion on the Heritage List means the place is considered a 'Heritage-protected Place' as defined by the Planning Regulations. A Heritage-protected Place is not exempt from requiring a development approval, which facilitates the City to assess the potential impact of and appropriateness of the proposed development.

Development proposals for Category 3 and 4 places on the City's LHS will not always require development approval, and there are no statutory implications from inclusion on the LHS, landowners of Category 3 and 4 places are encouraged to retain and conserve the heritage values of the place where possible.

Whilst Aboriginal cultural heritage is protected separately under the *Aboriginal Heritage Act 1972* a place of Aboriginal cultural significance may also be included on the Heritage survey, where its significance also includes historic heritage.

This policy provides guidance on the preparation and assessment of development applications for heritage places to ensure that these places can be managed in a way that is consistent with the City's heritage conservation values and objectives.

3.0 OBJECTIVES

1. To provide an appropriate level of protection for heritage-protected places which are on the City's Heritage List.

2. To ensure that any development, including demolition, alterations, additions respect and respond with minimal impact to the heritage significance of a Heritage-protected Place.

3. To provide clarity to applicants around the requirements for a development approval and accompanying material required for the development of Heritage-protected places.

4. To provide clarity to landowners and the community about the planning assessment and processes for heritage places.

4.0 APPLICATION OF THIS POLICY

This policy applies to all proposals for development affecting a place on the Heritage List (which are formed from Categories 1 and 2 of the LHS). Places on the Heritage List are referred to as heritage-protected places.

Proposed development for Category 3 and 4 places on the City's LHS will not always require development approval and there is no statutory protection associated with their heritage values. Notwithstanding, should the City receive an application for development of any heritage place, due regard can be given to the provisions of the policy.

This policy should be read in conjunction with the following:

- *Heritage Act 2018*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 3.5 – Historic Heritage Conservation (2007)
- District Planning Scheme No.2.
- The Burra Charter (1999, 2013) and Practice Notes 2023
- Heritage Council of WA: Guidelines for The Assessment of Local Heritage Places (2022)
- Heritage Council of WA: Heritage Impact Statements: A Guide
- Heritage Council of WA: A guide to preparing and Archival record

5.0 POLICY PROVISIONS

5.1 Requirement for development approval

5.1.1 Development approval is required for development of, or on the same site, as a heritage-protected place, in accordance with Clause 61 of the Planning Regulations.

For the purpose of this policy, development includes:

a) Demolition of all, or any part of a building or structures located on the site of a heritage-protected place (i.e. outbuildings, pergolas and significant landscaping features).
b) Additions or modification to the built form (including but not limited to an outbuilding, boundary wall or fence, a patio or carport, shade sail or pool, water tank.
c) Installation of, or changes to, an existing sign or advertising device.
d) Internal building works where the interior of the building is specified as cultural heritage significance in the Heritage List place record.
e) A change of use, unless specified as exempt in the Planning Regulations (Schedule 2, Part 7, Clause 61 (3).

5.1.2 Minor works do not require development approval.

Minor works do not require development approval and are works that do not detrimentally impact the fabric or heritage significance of the heritage-protected place. Minor works include

a) replacement of utility services that do not involve the removal of, or damage to, the fabric of the building.
b) installing temporary signage and fencing or scaffolding, and electronic security systems, as long as the work does not damage the building or place.

c) signage that –
   i. does not obscure signage that has an integral relationship to the land; or
   ii. is located behind a window but not illuminated; or
   iii. is temporary and does not have a deleterious effect on the fabric of a building.

5.1.3 General maintenance and repair works do not require development approval

Ongoing general maintenance and repair works are a vital part of conserving Heritage-protected Places. A development approval is not required for maintenance and repair works that do not detrimentally impact the fabric or heritage significance of the heritage-protected place, and include:

a) repainting using the same colour scheme (damage to earlier paint layers should be avoided where possible).
b) replacing missing or deteriorated fittings or building materials with like-for like materials, where it does not involve the removal of, or damage to, the significant fabric of the building.
c) gardening or landscape maintenance that does not involve major alterations of the layout, contours, structures, significant plant species or other significant features on the land, or there is a danger of disturbing archaeological sites.

5.2 Applications for Development approval

5.2.1 Required accompanying material

In addition to the accompanying material required for all development applications, proposals relating to a Heritage-protected Place should also include:

a) Plans clearly detailing the extent and materials of the existing built form, proposed demolition and/or modification to the original fabric or layout; and
b) Elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed development; and
c) A detailed schedule of all finishes, including materials and colours of the existing and proposed development; and
d) A visual record of the setting, landscape features, buildings or parts of a building that the proposed work will affect; and
e) A Heritage Impact Statement (HIS).

5.2.2 Heritage Impact Statement

All development applications submitted to the City in accordance with Clause 5.1.1 of this Policy shall include a Heritage Impact Statement (HIS). A heritage impact statement (HIS) should provide a clear and concise description the proposed development and should detail any potential impact and what measures and/or considerations have been taken to mitigate any impacts.

The HIS should be prepared in accordance with the Heritage Councils - *Heritage Impact Statement Guide* and template. For minor works the HIS can be completed by the applicant, however at the City's discretion the HIS may be required to be completed by an appropriately qualified Heritage Consultant.

5.2.2 Additional supporting material

Where the City considered the proposed works are significant in nature, or have potential to negatively impact the heritage values, additional supportive information or specialist reports can be requested to support the application in accordance with Schedule 2, Part 8, Clause 63 1 (c) and (d) of the Planning Regulations.

5.3 Assessment of development applications for Heritage-protected places

5.3.1 Referral of Applications

a) All development applications subject to this policy will be referred to the City's Heritage Advisor for consideration and feedback.

b) Applications for proposed development of a state registered heritage place will be referred to the Heritage Council of Western Australia for its advice and recommendations in accordance with the Heritage of Western Australia Act 1990.

Note that referral to the Heritage Council changes the statutory timeframe to determine the application to 90 days

5.3.2 Assessment considerations

When assessing an application subject to this policy, the local government must have due regard to:

a) The Management Category of the place(refer Table 1)

b) The heritage values and statement of significance as outlined in the place record,
c) The HIS provided to support the application,
d) If the proposed works consider, response to, and accommodate, the heritage values of the place including:
    i. if there are feasible alternatives which achieve the same goal with less impact on the heritage values.
    ii. how the fabric or story of the place have been retained or conserved.
    iii. if partial demolition is proposed, the design should considered the value of the place in the context of the proposed works with the aim to minimize the removal or modification to materials or design elements with significant heritage value.
    iv. what heritage interpretation being proposed to carry the story of the place into the future and retain the heritage values on site.
    v. the level to which proposed works to improve the usability and functionality of the place, ensuring its ongoing maintenance, while respecting the heritage values.
    vi. how the proposed development could limit or support future development to have minimal impact on the heritage values and significance of the place.
e) Adherence to the findings and any urgent works identified in the conservation management plan or strategy, if applicable,
f) State Planning Policy 3.5 – Historic Heritage Conservation,
g) The principles of the Burra Charter,
h) The importance of the ability for a place to chance and adapt to changing needs to ensure it
i) Any feedback provided by the City's Heritage Advisor,
j) Any comments provided by the Heritage Council of WA.

5.4 Proposed Demolition

The City is generally not supportive of the demolition of Heritage-protected Places and alternatives to demolition, including adaptive reuse, should be investigated. In the event demolition is proposed:

a) Demolition will not be supported on the grounds of economic/other gain for the redevelopment of the land.
b) The structural condition of a building or structure will not be accepted as sole justification for demolition, where it is evident that the deterioration has resulted from neglect or deliberate lack of maintenance.
c) Partial demolition can be considered as part of a development application in accordance with the above provisions.

d) The proposed demolition of ancillary buildings or structures that do not relate to the heritage significance of the place will generally be acceptable.

5.4.1 Application requirements for the proposed demolition of a Heritage-protected Place

In addition to the requirements of clause 5.2 above, an application for the proposed demolition of a heritage-protected place should be accompanied by:

a) Structural engineer reports detailing the condition of the building and extent of repair works required.
b) Heritage Impact Statement by a suitable qualified professional.
c) Photographic evidence.

5.4.2 Assessment and determination for proposed demolition of a Heritage-protected Place

In addition to the requirements of Clause 5.3 above, additional consideration should be given to the following:

a) The integrity and rarity of the heritage place in its wider context
b) Demolition on the grounds of structural inadequacy can only be considered in conjunction with a structural engineer's report undertaken by a suitably qualified engineer. Consideration should be given to extent of the works required and the remaining heritage value and fabric of the place following the required repair and remediation works required.
c) Should the City support and application for demolition, the determination may include conditions requiring the:
    i. Provision of an archival record prepared in accordance with the Heritage Councils Guideline, to be provided prior to the lodgement of a building or demolition permit.
    ii. provision and implementation of an interpretation plan, to the satisfaction of the City.

Table 1 –Management of heritage places

Management Category	**Description**	**Heritage Management**
Category 1:	*Exceptional Significance* Of highest importance to the historic heritage of	Desired heritage outcomes: • The place is afforded the highest level of protection. • The place is retained and conserved.

	the City of Wanneroo and the State. Essential to the heritage of the City.	• All development should reinforce the significance of the place, retain the original fabric, and be in accordance with a Conservation Management Man (CMP) or Conservation Management Strategy (CMS). <u>Heritage management</u>: 1. Places are entered onto, or recommended entry onto the State Register of Heritage Places. 2. The City will refer development proposal to the Heritage Council of WA and any other relevant bodies for consideration prior to the City making final determination.
Category 2:	*Considerable Significance* Of highest importance to the historic heritage of the City.	<u>Desired Heritage outcomes:</u> • The place is afforded a high level of protection. • The place is retained and conserved. • All development should reinforce the significance of the place, retain the original fabric and be in accordance with a Conservation Management Man (CMP) or Conservation Management Strategy (CMS). <u>Heritage Management</u>: The City may refer proposal to the Heritage Council of WA and/or any other relevant body for consideration prior to the City making final determination.
Category 3	*Moderate significance* Contributes to the history heritage of the City.	<u>Desired Heritage outcomes:</u> • The place is retained and conserved where possible. • Any alterations and additions reinforce the significance of the place, retaining the original significant fabric where feasible. • Photographic archival record is provided to the City prior to any major redevelopment or demolition. • Recognise and take opportunity to interpret the site.

Category 4	*Little significance* Has elements or values worth noting for community interest. Historic site or ruin often without built features, or where the built form makes little contribution.	<u>Desired Heritage outcomes:</u> • Photographic archival record is provided prior to major development or demolition. • Recognise and take opportunity to interpret the site.

DEFINITIONS

Burra Charter means the document providing guidance for the conservation and management of places of cultural heritage significance and sets standards of practice for those who provide advice, make decisions about, or undertake works to places of cultural heritage significance, including owners, managers and custodians. The charter is adopted by the Australian International Council on Monuments and Sites (ICOMOS).

Heritage Assessment means a systematic process of identifying, evaluating and recording the historic heritage significance of a place based on the criteria outlined in the Burra Charter and in accordance with the HCWA - *Guidelines for the Assessment of Local Heritage Places 2022* and *Guidelines for Local Heritage Surveys 2022.*

Heritage Impact Statement means an evaluation and description of the likely impact of a proposal, prepared in accordance with the HCWA - *Heritage Impact Statements* guidelines.

Heritage Place means buildings, structures, other built forms, sites and cultural landscapes included on the City's Local Heritage Survey and Heritage List.

Heritage-protected place is a place –

(a) that is entered in the State Register of Heritage Places under the Heritage Act 2018 section 42; or

(b) that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or

(c) that is the subject of an order under the Heritage Act 2018 Part 4; or

(d) that is the subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90; or

(e) that is included on a Heritage List as defined in clause 7; or

(f) that is within a heritage area as defined in clause 7

Heritage List means a list of places protected under the heritage provisions of the deemed provisions of the City's local planning scheme and prepared in accordance with the *Planning and Development Regulations 2015*.

Local Heritage Survey means a record of places that are, or may become, of heritage significance prepared in accordance with Part 8, section 104 of the *Heritage Act, 2018*.