



Local Planning Policy 6.7.1 – Heritage Protected Places

1. Introduction

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 6.7.1 – Heritage Protected Places, and LPP 6.7.1.

The Shire of Harvey contains a number of places of heritage value which are identified within the Shire's Municipal Heritage Inventory 2014 (MHI). The MHI is required under clause 103 of *The Heritage Act 2018* (Part 8 – Local Heritage Surveys) for the purpose of recording places in the district that in the Shire's opinion are, or may become, of cultural significance and contains a diverse range of places including privately-owned residential dwellings, commercial places, State and Local Government assets, public places and culturally significant trees.

All places contained within the MHI have been assigned a level of significance and management category. Those places identified as having the greatest significance (Category 1 and 2) are also included within the Shire of Harvey's Heritage List which is subject to the provisions of the Shire of Harvey's Local Planning Scheme No. 2 (Scheme).

2. Policy objectives

- To encourage the appropriate conservation and restoration of places listed on the Shire of Harvey's Heritage List and MHI, in recognition of the distinct contribution they make to the character of the Shire of Harvey.
- To ensure that works, including conservation, restoration, alterations, additions, changes of use and new development respect the cultural heritage significance associated with places listed on the Heritage List;
- To ensure that cultural heritage significance is given due weight in local planning decision-making.
- To encourage opportunities for interpretation where it can enhance understanding and enjoyment of heritage places, and strengthen the relationships between the community and its heritage.
- To provide landowners (including Local Government and State Government Agencies), developers and the community with greater information and certainty regarding the

formal practice involved in heritage identification and protection in the Shire of Harvey.

- To establish development control principles for places on the Shire of Harvey's Heritage List and MHI in accordance with State Planning Policy 3.5 Historic Heritage Conservation (2007).
- To guide Staff and Council when assessing development applications for places of heritage significance within the Shire of Harvey.

3. Policy Scope

This Policy applies to all land and development within the following areas and/or circumstances:

- that is included on a heritage list as defined in Schedule 2, clause 7 of the Planning and Development (Local Planning Schemes) Regulations 2015; or
- that is within a heritage area as defined in Schedule 2, clause 7 of the Planning and Development (Local Planning Schemes) Regulations 2015.

This Policy does not apply to the following land and/or circumstances:

- that is entered in the State Register of Heritage Places under section 42 of the *Heritage Act 2018*
- that is under consideration for entry into the State Register of Heritage Places
- that is the subject of an order under Part 4 of the *Heritage Act 2018*; or
- that is the subject of a heritage agreement that has been certified under section 90 of the *Heritage Act 2018*.

4. Policy Application

Interim Application

Pending the assessment and final adoption of the reviewed Heritage List, this Local Planning Policy will apply to all places contained within the MHI and Heritage List at Schedule 1 of the former Shire of Harvey District Planning Scheme No. 1. All places will be considered to be contained within the Heritage List, until such time as it is determined that they are of a level of significance that would warrant their exclusion from the final Heritage List in accordance with Section 10 of this Local Planning Policy.

Application for Development Approval is not required for Places with a Management Category 4Y

Any Place in the MHI that has a Management Category 4Y is not required to submit an Application for Development Approval under this Policy. This provision does not circumvent the requirement to submit an Application for Development Approval in accordance with the Scheme.

4.1 Aboriginal Cultural Heritage

Aboriginal heritage is protected by the *Aboriginal Cultural Heritage Act 2021*. This Local Planning Policy does not apply to the conservation of Aboriginal heritage except in cases where Aboriginal heritage places or areas are entered into the State Register, the Shire of Harvey's Heritage List or are located within a designated Heritage Area. It is the responsibility of the owner of the land or their agent, to ensure that the Department of Planning, Lands and Heritage has been contacted to check for possible Aboriginal sites and for advice regarding approvals for development.

4.2 Development Control Principles for Places on the Heritage List (Categories 1 and 2 – Exceptional and Considerable Significance)

Places on the Shire of Harvey's Heritage List are those of the highest heritage value and the following policy provisions shall apply to these places.

External Alterations and Extensions

General Provisions

- There is a general presumption against demolition.
- All works, other than minor maintenance as outlined in this Local Planning Policy, require Planning approval.
- All proposed works will be referred to the Shire's heritage advisor/consultant and/or the Heritage Council of WA for comment.
- The preparation of a Heritage Impact Statement (HIS) will be required for all proposed works. If the works are minor in nature, a supporting letter from a suitably qualified heritage consultant will need to accompany the development application. If the works are substantially altering the place a full report prepared by a suitably qualified heritage consultant will be required.
- Alterations and additions to a heritage place should not detract from the heritage significance and should be compatible with the siting, scale, architectural style and form, detailing (including the proportions of doors and windows), materials and external finishes of the significant fabric.
- Alterations and additions to a heritage place should involve the least possible change to the significant fabric.
- Additions should respect the original architectural style, but are not required to mimic it, and can be contemporary in style.
- New work should be easily distinguishable from the original fabric at close inspection and should not distort the history of the building.
- Alterations and additions should respect the original roof pitch and roofform.
- Alterations and additions should not obscure or alter elements that contribute to the heritage significance of the place.

- Walls and fences in the front setback should be complementary to the heritage place in terms of materials, height, finishes, textures and colours and be appropriate to its architectural style.
- Where there is a Conservation Plan for a heritage place all proposed development should be guided by the recommendations contained within the Conservation Plan.
- Where there is a Conservation Plan the Shire and/or the Heritage Council may require the plan to be updated as part of the approvals and development process.
- Where a Conservation Plan does not exist it may be included as a condition of approval that a plan be produced.
- Substantial modifications to the place may require an archival record (as a condition of development approval), to be prepared in accordance with the Heritage Council of WA guidelines.
- If demolition is approved, a full archival record will be required.

Upper Storey Additions and Modifications

- Two-storey additions may be acceptable, however, the building should be designed such that it appears as a single storey place.
- Upper storey additions should be sited and massed so they are visually recessive from the place's main ridge line to ensure that the traditional scale and massing of the heritage place is the dominant element in the streetscape. On corner sites the visibility and impact of additions will be assessed from both streets, however, primary concern will be for the retention of heritage elements fronting the primary setback.
- Upper storey additions or modifications should be designed to minimise the impact on the original roofline, and to retain an appreciation for the original form of the building. Additions may be contemporary in design, however should be informed by the original building.

Openings and Doors

- New openings in the principal elevation (addressing the primary street) that will be visible from the street should be avoided. Pattern, placement and dimensions of original openings are a key element of the building's aesthetic. New openings or enlarged original openings can seriously impact on the appearance of the building.

Landscaping Elements

- Where landscape elements such as plantings or hard landscape treatments form part of the heritage significance of a place, or are important to its setting, all proposed extensions should be designed and sited to minimise the impact on these elements which will be assessed by way of a Heritage Impact Statement and professional advice.
- All new landscaping should be well considered and respectful to the heritage significance of the place.

Change of Use

- Adaptive reuse of heritage places may be supported provided:
 - the proposed use(s) will not impact negatively on the amenity of the surrounding area;
 - any required modifications do not substantially detract from the heritage significance of the place and are consistent with the provisions of this Local Planning Policy; and
 - the use is consistent with the Scheme and other relevant Council policies.
- Where there is a Conservation Plan for a heritage place any proposed new use(s) will be assessed on the basis of the recommendations contained within the Conservation Plan.
- Where possible, evidence of the original use of a building should be retained, and in some circumstances interpretation may be appropriate to help understand the former use where it is not readily apparent.

New Buildings / Structures

New buildings, structures and other features that are located within the curtilage of a heritage place have the potential to impact on the heritage significance. Accordingly, the following provisions are applicable:

- Any proposed buildings, structures or hardstand (including car parking) should not detract from the setting or significance of the heritage place.
- Where new buildings or structures are proposed and they are visible from the street and/or other public places, they should take into account the character of the existing streetscape by having regard to the rhythm, orientation, setbacks, height, and proportions of existing buildings.
- Where possible existing views of a heritage building(s) from the street should be preserved to acknowledge the contribution heritage places make to the streetscape and character of the area.
- New buildings or structures should be designed and located in a way that does not overwhelm or dominate the heritage building(s) which should remain the dominant building(s) on the site, and they should be understated relative to the existing heritage building(s).
- Wherever possible, new buildings, structures or hardstand areas (including car parking) should be designed and sited to avoid having a negative impact on original mature landscaping, garden areas, driveways and other landscaping features where they are considered to form part of the setting of the heritage place, and/or contribute to the heritage significance.
- New buildings should not copy the style and design of heritage buildings, rather they should be informed by and complement the original fabric and design characteristics of the heritage building(s). A well-considered modern building that responds in terms of its bulk, style, materials, colour scheme and form is considered a more appropriate

outcome and enables the original heritage fabric to be interpreted more easily.

- Where there is a Conservation Plan for a heritage place any proposals for new buildings, structures or hardstand areas (including car parking) should be guided by the policies contained within the Conservation Plan.

Demolition

- Demolition of a whole building on the Heritage List will generally not be supported.
- Consideration of a demolition proposal for a place on the Heritage List will require a Heritage Impact Statement and/or heritage assessment and any decision will be based on the following:
 - The significance of the place;
 - The feasibility of restoring or adapting it, or incorporating it into new development; and
 - The extent to which the community would benefit from the proposed redevelopment.
- Where structural failure is cited as justification for demolition the onus rests with the applicant to provide a clear justification for demolition. Evidence should be provided in the form of a Structural Condition Assessment prepared by a registered structural engineer with Heritage accreditation that the structural integrity of the building has failed to the point where it cannot be rectified without the removal of a majority of its significant fabric and/or prohibitive costs.
- Partial demolition of a building on the Heritage List may be supported provided that:
 - the part(s) to be demolished do not contribute to the cultural heritage significance of the place;
 - the proposed demolition will not have a negative impact on the significant fabric of the place enabling the building to still be read/interpreted as intended; and
 - sufficient fabric is retained to ensure structural integrity during and after development works.
- If demolition of a heritage place is considered appropriate an archival record will be required as a condition of development approval, to be prepared in accordance with the 'standard record' provisions of the Heritage Council of WA guidelines.
- Demolition of ancillary buildings or structures that do not relate to the heritage significance of the place will generally be acceptable.
- Where full or partial demolition is supported this will be subject to appropriate on-site interpretation to acknowledge the cultural heritage significance of the heritage place.

Relocation of Buildings / Structures

- In the majority of cases the physical location of a place is an important part of its cultural heritage significance.

- The relocation of a building or other component of a place on the Heritage List is generally unacceptable except in the following circumstances:
 - This is the sole practical means of ensuring the building's survival;
 - It can be demonstrated that components of the place already have a history of relocation, or were designed to be readily relocated;
- Its relocation forms part of a proposal for a new use or development on the site, and is fundamental to retention of the place on the same site.
- If the re-location of a place on the Heritage List is proposed a Heritage Impact Statement will be required to assess the impact of removing the building from its place of origin, as well as the impact of the proposed site for relocation, if being moved to another place of significance. Relocation should not distort the history of the place and any relocation should be interpreted.
- Wherever possible a place being considered for relocation should be moved to a site that demonstrates similar characteristics in the setting as the original location.

Minor Works and Maintenance

Pursuant to the Scheme all development affecting a place on the Heritage List requires development approval, and this includes minor works such as replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place, and accordingly the following policy provisions apply:



- Where there is a Conservation Plan for a heritage place all conservation and maintenance works will be guided by the Conservation Plan.
- Where proposals include the replacement of original fabric this will generally only be supported if conservation is not a reasonable option. Where replacement of original fabric is necessary it should be "like for like", matching the original as closely as possible with regard to the materials, profiles, colours, and textures. Where proposals include the replacement of unsympathetic alterations to the significant fabric, then the aim should be to use appropriate traditional detailing.
- External repainting should use colour schemes that are sympathetic to the traditional character of the place. Evidence of original colours can be determined through an analysis of paint scrapes (investigating the various layers of paint that have been applied over time). Reinstatement of original paint colours is a good conservation outcome, however, a full authentic restoration of original colour schemes is not required; the purpose is to encourage colour schemes that are sympathetic to the traditional character of the place.
- Replacement of materials should take into consideration the original method of fixing (or modern equivalents) where this may impact on the external appearance of the significant fabric.
- Where conservation is being carried out, works should be based on surviving physical evidence and/or historic photographs, plans or other material that shows the former state of the place, or in the absence of such evidence, on information derived from a sound understanding of places of the same style and period.
- Routine maintenance does not require development approval. This includes the

following:

- Cleaning gutters and downpipes (as opposed to replacing deteriorated gutters and downpipes);
- Repainting previously painted surfaces in the same colour scheme;
- Refixing existing loose roof sheeting using a “like for like” method of fixing (as opposed to installing new or different roof sheeting), with the exception of emergency repairs that are temporary in nature.

5. Strategic objectives

The policy aligns to the following strategic objectives:

 <p>Connected Communities</p>	Connected communities A connected community is resilient. People have opportunities to come together and celebrate success and to support one another in creating a sense of safety, well –being and belonging.
 <p>Protected Natural Environment</p>	Protected natural environment Adopting a range of management practices to protect, conserve and rehabilitate the biodiversity of the natural environment.

6. Definitions

The following definitions apply to this Policy:

Archival Record – means A document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change. The Heritage Council of Western Australia (HCWA) has prepared standards for archival recording.

Burra Charter – means The Australian ICOMOS Charter for the conservation of places of cultural heritage significance. The charter has been generally accepted as the standard for heritage practitioners in Australia.

Conservation – Refers to all of the processes involved in looking after a place so as to retain its cultural heritage significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.

Conservation Plan – Means A document that details how to identify and look after the significant cultural values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council of WA (HCWA) provides guidelines for the preparation of conservation plans to ensure that all important matters are considered.

Deemed Provisions – means Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Heritage Area – means A distinct area of land that has identified cultural heritage significance and character which is desirable to conserve.

Heritage Agreement – means A contract under section 29 of the *Heritage of Western Australia Act 1990* which is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. The purpose of a Heritage Agreement is to secure the long- term conservation of a heritage place. A Heritage Agreement runs with the land and is confirmed through a Memorial placed on the land title.

Heritage Assessment – means A systematic assessment that describes a place and its setting and states its significant heritage values in terms of the criteria adopted by the Heritage Council of WA (HCWA). These criteria are the aesthetic, historic, social and scientific values of the place.

Heritage Impact Statement – means A report that evaluates the likely impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measures by which any detrimental impact may be minimised. The Heritage Council of WA (HCWA) provides guidelines for the preparation of Heritage Impact Statements.

Heritage List – means A list of heritage places that has been adopted under the Local Planning Scheme. These are places that have been included within the Local Government Heritage Inventory and assessed as being worthy of conservation.

Heritage Protected Place – Is a place —

- (a) that is entered in the State Register of Heritage Places under section 42 of the *Heritage Act 2018*.
- (b) that is under consideration for entry into the State Register of Heritage Places
- (c) that is the subject of an order under Part 4 of the *Heritage Act 2018*.
- (d) that is the subject of a heritage agreement that has been certified under section 90 of the *Heritage Act 2018*.
- (e) that is included on a heritage list as defined in clause 7 of the Deemed Provisions.
- (f) that is within a heritage area as defined in clause 7 of the Deemed Provisions.

Interpretation – Refers to all the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of these to tell the story of the building or place.

Interpretation Plan – A document that explains the ways in which a place can be interpreted. Interpretation Plans should aim to increase both our understanding and our enjoyment of heritage places.

Municipal Heritage Inventory (MHI) – means a list of places within the Shire of Harvey, considered by the Shire to be of identified cultural heritage significance and worthy of community recognition. Terminology changed to the Local Heritage Survey (LHS) under clause 103 of the *Heritage Act 2018*.

Structural Condition Assessment – means A report prepared by a qualified structural engineer that assesses the structural state of a building or element.

7. Legislation

- *Planning and Development Act 2005*
- *Heritage Act 2018*
- Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions (Part 2)
- Shire of Harvey's Local Planning Scheme No. 2.

8. Related documents

- Nil

Responsible officer	Director Sustainability		
Responsible team	Planning		
Responsible area	Planning Services		
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Version 1	27.10.2015	Resolution	15/315
Version 2	19.09.2017	Resolution	17/259
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