

# Local Planning Policy

## Draft Heritage Places

*Note: This Local Planning Policy will become effective upon gazettal of District Scheme Amendment No 273 to Town Planning Scheme No 4, which relates to Heritage Places and Heritage Areas*

Prepared by Planning and Sustainability Services  
May 2018

## Background

The Shire of Murray was one of the earliest areas of European settlement in the State. It has a rich cultural heritage and many places of heritage significance still exist.

Heritage places provide a tangible link to the past and a valuable cultural and educational resource. They contribute toward the Shire's character and identity, which is a key factor in attracting population growth, tourism and increased economic activity. The retention and adaptive reuse of existing buildings also reduces consumption of building materials and the embodied energy required to manufacture them.

The Shire's heritage assets are however coming under increasing threat from both development pressure and neglect. The policy seeks to encourage the retention, conservation and adaptive reuse of heritage places and ensure that any development that is carried out respects the integrity and significance of these places.

## Application/Definition

This policy applies to all heritage places and heritage areas included in the Scheme Heritage List and where noted in the policy to development on land adjoining heritage places and areas.

*Adaptive Re-Use* means the process of adapting or modifying a Heritage Place for a compatible new use, different from its original or previous use.

*Cultural Heritage Significance* means the relative value which a site or group of sites has in terms of its aesthetic, historic, scientific, and/or social significance for the present community and future generations.

*Heritage Area* means a group of sites that together form an area which is of cultural heritage significance, notwithstanding that each site within the area may not itself be a Heritage Place, and is included in the Scheme Heritage List.

*Heritage Place* means land, building/s or structure/s within a defined area, that is of recognised cultural heritage significance and is included in the Scheme Heritage List.

*Local Government Inventory* means the inventory of Heritage Places and Heritage Areas of local and State importance prepared and adopted by the Shire in accordance with section 45 of the Heritage of Western Australia Act 1990.

*Scheme* means the Shire of Murray Town Planning Scheme No 4 or any subsequent Town Planning Scheme operative within the Shire.

*Scheme Heritage List* means the list adopted under Part 6.16.1 of the Scheme which identifies those places which are of cultural heritage significance and worth of conservation.

## Planning Approval Requirements

All proposals for development of heritage places or land within a heritage area, including interior works, exterior works, a change of use, demolition and/or the pruning, removal or other destruction of a heritage tree require planning approval of the Shire before the commencement of the use or development, except internal works to heritage places with a management category B, C or D.

Applicants will need to clearly demonstrate that their proposal meets all of the objectives and requirements of this policy. Applications must also meet any other requirement of the Shire's planning framework that may be applicable for a particular site under a Town Planning Scheme or any applicable Outline Development Plan, Structure Plan, Local Planning Policy or Detailed Area Plan.

## Objectives

The objectives of the policy are to:

1. Conserve, protect and enhance the cultural heritage significance of heritage places and heritage areas.
2. Ensure that development does not adversely affect the cultural heritage significance of heritage places or heritage areas.
3. Promote the continued use and adaptive re-use of heritage places.
4. Ensure that cultural heritage significance is given due weight in planning decision making.
5. Provide improved certainty to landowners and the community about the planning processes for heritage identification and protection in the Shire.

## Requirements

### Level of Significance

Each heritage place included within the Scheme Heritage List has been allocated a management category based on its level of cultural heritage significance. Development of a heritage place is to meet the stated desired outcomes for the management category relevant to the heritage place.

<b>Management Category</b>	<b>Description</b>	<b>Desired Outcome</b>
Category A	Exceptional Significance - Essential to the heritage of the locality. Rare or outstanding example.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise.  Any alterations or extensions should be sympathetic to the heritage values of the place and in accordance with a Conservation Plan (if one exists for the place).
Category B	Considerable Significance - Very important to the heritage of the locality.	Conservation of the place is highly desirable.  Any alterations or extensions should be sympathetic to the heritage values of the place.
Category C	Significant - Contributes to the heritage of the locality.	Conservation of the place is desirable.  Any alterations or extensions should be sympathetic to the heritage values of the place, and original fabric should be retained wherever feasible.
Category D	Some Significance - Contributes to the heritage of the locality.	Recognise and interpret the site if possible.

Category T	Significant Tree(s)	<p>Heritage trees should be removed only in order to protect public safety or private or public property from imminent danger.</p> <p>Heritage trees may be pruned as part of routine tree maintenance in accordance with International Society of Arboriculture standards provided the pruning would not reduce the tree's height or crown diameter, alter the tree's general appearance, increase the tree's susceptibility to insects or disease, or otherwise increase its risk of mortality.</p>
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### Alterations or Extensions to a Heritage Place

Any development should conserve and protect the cultural heritage significance of a heritage place based on respect for the existing building or structure and its setting, and should involve the least possible change to significant fabric.

Alterations and additions to a heritage place should not detract from its significance and should be compatible with the location, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to be compatible with the original fabric rather than simply copying or mimicking it.

Alterations and additions to a heritage place should be sensitively located and designed so that they do not become visually dominant, especially where these are of a height greater than that of the original building. Alterations and additions are also to be located and designed to preserve existing important views and the setting of the place.

### Demolition of a Heritage Place

Heritage places should be conserved and maintained to a high standard wherever possible. Demolition of a heritage place is rarely appropriate and should require the strongest justification. Any application for demolition is to include clear and convincing evidence that there is no feasible and prudent alternative. Partial or complete demolition will only be approved in exceptional circumstances. The onus rests with the applicant to provide a clear justification for demolition.

Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or 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.

Exceptional Circumstances for Demolition may include:

- Where the building or part of the building or structure has been identified as having no cultural heritage significance, as not contributing to the significance of the heritage place or heritage area, or is considered to be intrusive.
- Where it can be conclusively demonstrated by a suitably qualified professional that a building is beyond repair, both physically and economically, or the significance of the place has been diminished to a degree that it cannot be re-established.
- Where the removal or relocation of a significant heritage building or structure is the only means of ensuring the place's survival, or

- Where the heritage place is listed in the Scheme Heritage List with a Management Category D.

In considering an application to demolish, the Shire will have regard for the recognised cultural heritage significance, the statement of significance, management category and associated desired outcome statement, the justification provided by the applicant and whether it is desirable to retain elements of the building fabric.

### **Development within a Heritage Area**

Development within a heritage area should respect and complement the heritage significance of the area as identified in the associated local planning policy. A respectful design approach is to give special consideration to the site, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours rather than copying historic detailing or decoration.

Alterations and additions to existing buildings should be designed and sited in a manner that respects and complements the cultural heritage significance of the area.

A general presumption should apply in favour of retaining buildings that make a positive contribution to the cultural heritage significance of the area notwithstanding the buildings may not be individually significant.

Planning Approval to demolish a heritage place or other building within a heritage area will not normally be granted unless accompanied by a proposal for replacement buildings or works to avoid gap sites. Approval for demolition, if granted, may be conditional on undertaking an acceptable redevelopment proposal.

If redevelopment is likely to be delayed, consideration should be given to the interim use of the land including a requirement for sympathetic treatment such as facade retention, landscaping or boundary treatment.

Any new buildings erected in heritage areas should be designed and sited in a way that respects and complements the cultural heritage significance of the area. New development that is imaginative, well designed and harmonious should not be discouraged.

### **Development Adjacent to a Heritage Place or Area**

Development of a site located adjacent to a heritage place or heritage area, is to be respectful to and not adversely affect the recognised cultural heritage significance of the place or area. Development is to be designed to:

- Provide appropriate architectural style, built form, location and setbacks, materials and finishes, within the context of adjacent sites and the overall streetscape.
- Not imitate, replicate or mimic the heritage architecture.
- Not overwhelm or dominate heritage places or other development within a heritage area.
- Preserve views to significant elevations, the features and setting of the heritage place or heritage area.

### **General Development Provisions**

New development is to be of a high design quality which reinforces and relates to the existing heritage character and features of the place, yet which is visually distinguishable from heritage fabric.

Development should not imitate, replicate or mimic the heritage architecture or detract from the cultural heritage significance of the heritage place or heritage area.

Development is not to adversely affect, damage or destroy the cultural heritage significance of a heritage place or heritage area.

### **Applications for Planning Approval – Accompanying Material**

The Shire may require an applicant to provide one or more of the following to assist in the determination of its application. This is additional to the requirement for accompanying material set out in the Scheme.

#### ***Heritage Impact Statement***

If a proposal is likely to have a substantial impact on a heritage place or heritage area, the Shire may require a heritage impact statement to be submitted with the application for planning approval. The heritage impact statement should be prepared by an appropriately qualified and experienced heritage professional and is to identify what impact the proposed development will have on the heritage place or area, and is to address the following:

- Identify how the proposed works will affect the significance of the place or area.
- Explain what alternatives have been considered to ameliorate any adverse impacts.
- Explain how the proposal will result in, or could be amended to result in, any heritage conservation benefits that might offset any adverse impacts.

If a proposal affects a heritage place that has been allocated a Management Category A, the Shire may require a conservation plan to be prepared.

#### ***Structural Condition Assessment in the Case of Demolition***

If structural failure is cited as a justification for the demolition of a heritage place, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or costs of restoration works would be prohibitive.

#### ***Archival Recording in the Case of Demolition***

If a proposal is for the demolition or substantial development of a heritage place, the Shire may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the Heritage Council of Western Australia standards for archival recording.

#### ***Procedure for Adding, Deleting or Amending Entries in the Local Heritage List***

The procedures for adding places to the Scheme Heritage List are set out in the Scheme. The Shire may consider amending the Scheme Heritage List over time in the following circumstances:

Event	Action
A place is found to be significant in a new or reviewed local heritage survey.	The Shire will consider inclusion of a place in the Scheme Heritage List if the findings of a new or reviewed Local Government Inventory or other local heritage survey support it.
A place is nominated for inclusion in the Local Government Inventory or Scheme Heritage List by the owner or a member of the public.	The Shire will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator. If not, consideration will be deferred until a review of the Heritage List is scheduled.
A heritage assessment is prepared in conjunction with a development proposal.	The Shire may consider inclusion of a place in the Heritage List if a heritage assessment is prepared: <ul style="list-style-type: none"> <li>• as part of a Heritage Impact Statement submitted by an applicant; or</li> <li>• by the Shire.</li> </ul>
A place is demolished, or substantially damaged or destroyed.	The Shire will consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is lost.

The Shire will retain a record of all places destroyed, demolished and/or removed from the Scheme Heritage List, to monitor the rate of losses over time.

### ***Council Owned Property***

The Shire will seek to lead by example by managing its own properties in accordance with this policy.

### **Administration**

Directorate	Officer Title
Planning and Sustainability	Director Planning and Sustainability

  

Version	Decision to Advertise	Decision to Adopt/Amend	Current Status
1	OCM11/240 – 20/12/2011	OCM12/076 - 26/4/2012	Draft pending gazettal of DSA 273

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