

HERITAGE REQUIREMENTS FOR PLANNING PROPOSALS

Note: New policy number to be provided by the Governance Coordinator once adopted>

Responsible Directorate	Statutory Services
Responsible Service Area	Planning
Resolution	<month/ year> <Council resolution>
Procedure Ref	N/A

1. PURPOSE

To provide guidance on the assessment of planning proposals involving works affecting a local heritage place(s).

2. SCOPE

This policy seeks to:

- a) conserve and protect places of local cultural heritage significance;
- b) ensure that development does not adversely affect the significance of local heritage places;
- c) ensure that heritage significance is given due weight in local planning decision making;
- d) provide improved certainty to landowners and community about the planning processes for heritage identification and protection; and
- e) clarify the format and content of accompanying material in accordance with Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. DEFINITIONS

Fabric - means all the physical material of the place.

Heritage List – a list established and maintained by the Shire of Mundaring to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

Heritage-protected place - is a place —

- (a) that is entered in the State Register of Heritage Places under the *Heritage Act 2018*; or
- (b) that is under consideration for entry into the State Register of Heritage Places; or
- (c) that is the subject of an order under the *Heritage Act 2018*; or
- (d) that is the subject of a heritage agreement that has been certified under the *Heritage Act 2018*; or
- (e) that is included on a heritage list; or
- (f) that is within a heritage area.

Local heritage place - means a place that is on the Shire of Mundaring local heritage survey or meets the definition of a heritage-protected place, with the exception of any place that is:

- a) entered in the State Register of *Heritage Places under the Heritage Act 2018*;
- b) the subject of an order under the *Heritage Act 2018*; or
- c) the subject of a heritage agreement that has been certified under the *Heritage Act 2018*, to which the Heritage Council of Western Australia is a party.

Local Heritage Survey – a survey of places in the district that in the Shire of Mundaring’s opinion are, or may become, of cultural heritage significance

Planning proposals – relates to development applications, subdivision applications, precinct plans, local development plans and structure plans.

All other words and expressions used in this local planning policy have the same meaning as they have:

- (a) in the *Planning and Development Act 2005* (the Act); or
- (b) if they are not defined in the Act
 - i) in the Shire’s Local Planning Scheme No.4; or
 - ii) in the *Heritage Act 2018* of Western Australia; or
 - iii) in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. POLICY

Planning proposals will be assessed on their individual merits taking into consideration:

- a) The significance category, the statement of significance and recommendation/conservation strategy outlined for the place in the Shire’s Local Heritage Survey;
- b) The provisions set out in this policy and State Planning Policy 3.5 - Historic Heritage Conservation; and
- c) How the planning proposal responds to and respects the matters under points a) and b).

4.1. Levels of significance

The level of significance, as outlined in the following table, is one of the matters that the Shire will consider in making a decision on a planning proposal involving a local heritage place, and which applicants need to consider when preparing a planning proposal.

Significance Category	Description	Shire Expectations
Exceptional significance (Heritage List and State Heritage Listed places)	Rare or outstanding example; essential to the heritage of the locality	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan if one is in place.
Considerable significance (Heritage List places)	High degree of integrity/authenticity; very important to the heritage of the locality	Conservation of the place is highly desirable. Any alterations or extensions should minimise impacts on the original site or building and reinforce the significance of the place.
Moderate significance (Local Heritage Survey places)	May have some altered or modified elements, not necessarily detracting from the overall significance; contributes to the heritage of the locality	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place and retain original fabric where feasible.
Little significance (Local Heritage Survey places)	Has elements or values worth noting for community interest but otherwise makes little contribution.	Retain elements of the place where feasible. Photographically record prior to major development or demolition.

4.2. General Assessment criteria

- 4.2.1 New buildings and alterations/additions at local heritage places should:
- a) minimise disturbance to the original landscape setting and structure as much as possible;
 - b) seek to maintain or enhance the specific heritage values and significance identified for that place;
 - c) complement the heritage significance of the place; and
 - d) retain the visual prominence of the place when viewed from the public realm.

- 4.2.2 External additions to heritage buildings should be located towards the rear of the property with little or no alteration to elevations facing the public realm, thereby maintaining the appearance from the public realm or approach to the building.
- 4.2.3 External additions to heritage buildings must reflect and respect the scale and character of the original structure, but be subtly identifiable as later additions.
- 4.2.4 Internal modifications to heritage buildings should be designed to minimise disturbance to the original structure and fabric, and leave visible traces of the original floor plan and function.
- 4.2.5 No outbuildings shall be located in the street setback area, and any building providing cover for car spaces must be detached and located to the side or rear of the heritage building, in order to minimise changes to the appearance when viewed from the public road and the approach to the building.
- 4.2.6 Driveways and crossovers should avoid concrete and bitumen and make use of natural or earth coloured materials appropriate to the setting such as, but not limited to, compacted gravel or red-brown asphalt.
- 4.2.7 Earthworks should be minimised. Where retaining is necessary, it should be terraced to respond to the natural contours of the land and completed in natural or earth coloured materials appropriate to the setting.
- 4.2.8 Fences and walls should be reflective of the surrounding landscape and maintain clear and open sightlines between the public road and the local heritage place.
- 4.2.9 Modifications to public buildings to provide modern facilities or improve access for people with disabilities must be sensitively designed to minimise disturbance to the original structure and external appearance.
- 4.2.10 The Shire will take into account the public benefit of proposed modifications, including adaptation that enables continued access, visitor use and appreciation of the history and significance of the site.
- 4.2.11 Solar panels, antennas and air conditioning units must be selected carefully, located unobtrusively and painted, finished or framed to minimise the impact on the external appearance of the place.

- 4.2.12 Where external modifications or extensions are proposed to a heritage building in a bushfire prone area, the Building Code of Australia will require construction to the relevant Australian Standard (AS3959). The Shire will pay particular attention to the degree to which non-combustible building materials can be adapted and finished to complement the existing structure; the aesthetic impact of the modifications; and the impact of any clearing proposed in order to reduce the bushfire hazard. In some cases the modifications or extensions will not be supported, or the Shire may recommend a reduced or semi-detached addition to minimise the impacts on the heritage values of the original building.
- 4.2.13 Any painting works should:
- Retain unpainted brick, masonry, render or roughcast surfaces.
 - Be in keeping with the character of the local heritage place.
 - Use colour schemes typical of the building period.
- 4.2.14 Any proposed signage should:
- Be simple in design.
 - Be small-scale and not dominate the building facade.
 - Complement the architectural style, materials and colour scheme of the place.
- 4.2.15 Proposed roof replacement should be undertaken in a like-for-like manner, where the fabric being replaced is the original fabric (if still available), and the original roof form as seen from the street is maintained.
- 4.2.16 Demolition of a heritage-protected place will not be supported unless a structural condition assessment from a suitably qualified professional provides evidence 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 incurring prohibitive costs.
- 4.2.17 Demolition of a heritage-protected place will not be approved if the Shire forms the view that structural inadequacy is a result of the place not being properly maintained, as defined in clause 13(1) Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 4.2.18 Demolition of a heritage-protected place will not be approved based primarily on the grounds that redevelopment is a more attractive proposition.

4.3 Consultation

Planning proposals impacting heritage-protected places where the Shire is the determining authority, are to be referred to the Heritage Council of Western Australia. The referral period being for 42 days.

The Shire shall have due regard to advice and recommendations received from the Heritage Council of Western Australia when determining the planning proposal.

4.4 Accompanying Information for Planning Proposals

- 4.4.1 A development application for works which will, or are likely to, have a negative and/or significant impact on a local heritage place must be accompanied by, as a minimum:
- a) If works are proposed which will be visible from a street adjoining the site, street elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed development and the existing development on the lots immediately adjoining the site the subject of the application.
 - b) A detailed schedule of all finishes, including materials and colours of the proposed development.
 - c) A description of, and photographs showing, the finishes of the existing development on the site.
 - d) For a proposed development that will be clearly visible from the street, a site analysis plan showing any impacted view-lines of significance to or from the local heritage place.
- 4.4.2 A development application, subdivision application or a structure plan likely to have a negative and/or significant impact on a heritage-protected place must be accompanied by a heritage impact assessment consistent with the guidelines produced by the Heritage Council of Western Australia.

At the applicant's cost, the heritage impact statement is to be prepared by a heritage professional with relevant experience.

- 4.4.3 A development application, subdivision application or a structure plan proposing the partial or full demolition of a heritage-protected place must be accompanied by a structural condition assessment.

At the applicant's cost, the structural condition assessment is to be prepared by a registered structural engineer with relevant heritage experience.

4.5 Conditions

Where conditional approval is granted for a development application or subdivision application involving a local heritage place, one or more of the following conditions may be applied:

- a) This site is identified as historically significant and a comprehensive series of colour photographs shall be submitted to the Shire, recording the present appearance of buildings and surrounds, before undertaking any works.
- b) A detailed archival record is to be made and submitted to the Shire prior to any works being undertaken. This record shall be based on State Heritage Council guidance for preparing archival records and include a site plan at 1:200 scale; a floor plan and elevations at 1:100 scale; and photographs of both the interior and exterior (clear of furnishings or debris).
- c) The work shall be carried out in accordance with the recommendations of the approved heritage impact statement to the Shire's satisfaction.

4.6 Development Approval Exemptions

Works to a place on the Shire's heritage list will be exempt from requiring development approval in the following instances:

- a) Internal building work that does not materially affect the external appearance of the building, where the interior of the building is not of cultural heritage significance according to the Shire's heritage list.
- b) Maintenance and repair works of a kind referred to under regulation 41(1) (b) to (i) of the *Heritage Regulations 2019*.
- c) Other works identified as being exempt under clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5. RELATED LEGISLATION

Planning and Development Act 2005
Heritage Act 2018 of Western Australia
Heritage Regulations 2019
Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No.4
State Planning Policy 3.5 Historic Heritage Conservation

6. RELATED DOCUMENTS

Shire of Mundaring Heritage List
Shire of Mundaring Local Heritage Survey
Heritage Council of Western Australia Guidelines for Assessment of Local
Heritage Places (as amended)

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