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WESTERN AUSTRALIAN PLANNING COMMISSION

STATE PLANNING POLICY 3.5

HISTORIC HERITAGE CONSERVATION

Prepared under Part 3 of the
Planning and Development Act 2005
by the Western Australian Planning Commission

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7. IMPLEMENTATION

1 CITATION

This is a State Planning Policy made under part 3 of the *Planning and Development Act 2005*. This policy may be cited as State Planning Policy 3.5 Historic Heritage Conservation.

2 INTRODUCTION AND BACKGROUND

This policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage.

Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972*. This policy does not apply to the conservation of Aboriginal heritage except in cases where Aboriginal heritage places or areas are entered in the state register, a local heritage list or are located within a designated area.

The conservation of natural heritage is protected by other Acts. This policy does not apply to the conservation of natural heritage except in cases where natural heritage forms part of a place of historic cultural heritage significance.

This policy applies principally to historic cultural heritage including heritage areas, buildings and structures, historic cemeteries and gardens, man-made landscapes and historic or archeological sites with or without built features, such as Cape Inscription at Dirk Hartog Island. This policy applies to places and areas of significance at both State and local level.

Western Australia has a rich historic heritage that is a significant asset for the State. The protection and management of that heritage is important to our social, environmental and economic prosperity.

Heritage supports urban and rural amenity by providing familiarity and the presence of landmarks, by underpinning our 'sense of place', and by enhancing the quality of our built environment generally.

Heritage conservation can aid economic prosperity by contributing to the attractiveness of the living and working environment, and encouraging investment in a locality or region from homeowners, investors and tourists. The avoidable loss of buildings through demolition and neglect is a waste of economic as well as environmental resources.

As set out in the State Sustainability Strategy, heritage conservation and sustainable economic development should be seen as complementary rather than conflicting objectives. Most heritage places can be put to good economic use for commercial, residential or other purposes. Adaptation of buildings for new uses will often be the key to conservation of heritage places that no longer serve their original function, and will often require imagination and flexibility. Exercising effective controls over land use, density and plot ratios through town planning schemes and other planning controls is an important practical way in which the planning system can contribute to heritage conservation outcomes.

Tensions between those committed to retaining the best from the past, and those committed to building the new or optimising property investments, are common to most modern societies. The planning system provides one of the mechanisms by which those tensions can be resolved.

Effectively conserving, using and managing State and local heritage assets, therefore, requires a balanced, integrated and imaginative approach which properly takes into account the views of landowners, the community, and State and local governments. The Historic Heritage Conservation policy promotes and facilitates such an approach.

3 APPLICATION OF POLICY

The policy applies throughout Western Australia.

4 OBJECTIVES

The objectives of this policy are—

- To conserve places and areas of historic heritage significance.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

5 THE STATUTORY FRAMEWORK

The identification, conservation and protection of places and areas of State heritage significance are provided for in the *Heritage of Western Australia Act 1990*. The Act provides for the compilation of the state heritage register by the Heritage Council and Heritage Minister.

Any development to a state-registered place requires approval from the responsible planning authority, usually the Western Australian Planning Commission (WAPC) or a local government, on the advice of the Heritage Council.

The identification of places and areas of local heritage significance is provided for in the *Heritage of Western Australia Act 1990*, which requires all local governments to identify heritage places in local government inventories (formerly 'municipal inventories').

The conservation and protection of places and areas of local heritage significance is provided for in the *Planning and Development Act 2005*, which enables local governments to protect heritage places and objects in local planning schemes.

Model provisions for local heritage are set out in the Model Scheme Text contained in the *Town Planning Amendment Regulations 1999*. All new schemes or amendments prepared since gazettal of the Model Scheme Text are required to conform to the model provisions, including those for heritage. Schemes that predate the Model Scheme Text may contain heritage provisions that vary from the standard model.

The Model Scheme Text provides that the normal permitted development rights do not apply in respect of a place entered in a heritage list, or located in a heritage area. This means that planning approval is required for the demolition of, or in specific circumstances internal alterations to, a place entered in a heritage list or in the state register. Planning approval is also required for the demolition of any building, or the erection or extension of a single house within a heritage area.

Also, additional information may be required by a local government to accompany applications that relate to a place entered in a heritage list or located within a heritage area. The additional information may include street elevations, details of building materials and other finishes, and details of adjacent buildings. The effect of a proposal on a heritage place or heritage area becomes a relevant matter to be considered by a local government in considering an application for planning approval.

6 POLICY MEASURES

6.1 Identification and assessment

The Heritage Council is responsible for the identification, assessment and registration of places of State significance.

Local governments should identify places of local significance through the compilation and review of local government inventories, in accordance with assessment criteria and other relevant guidelines published by the Heritage Council. The local government inventory is a survey that may be used to identify places for inclusion in heritage areas and a heritage list under the local planning scheme. The inventory does not have statutory force and effect in terms of planning controls.

6.2 Designation of heritage areas

Heritage areas are designated under local town planning schemes.

A heritage area should always be designated on the basis of a clear statement of significance, and a clear identification of the significant physical fabric in the area. This information may be provided within a local government inventory or in other supporting assessment documentation.

In designating a heritage area, the local government is required to adopt a local planning policy that sets out the objectives and guidelines for conserving the significant heritage fabric of the area.

6.3 The difference between heritage areas and urban character areas

It is important to distinguish between “historic heritage significance” and “urban or neighbourhood character”. Not all areas of urban or neighbourhood character have a level of historic heritage significance which warrants protection.

Urban character is essentially identified by built form and age, topography, open space, streetscape, land use and activity, and all areas exhibit some form of urban character. However planning controls in urban character areas do not necessarily require restrictions on demolition or building design.

6.4 Establishment of heritage lists

A heritage list established pursuant to a local planning scheme should be compiled having regard to the places identified in the inventory. A local government may elect to include all of those places in its heritage list, or may include a smaller sub-set of places.

The standard procedures for the compilation of a heritage list are set out in the Model Scheme Text.

The inclusion or exclusion of places from a heritage list should be based on their degree of historic heritage significance, supported by the findings in the inventory, irrespective of whether they are privately or publicly owned.

6.5 Relevant considerations for development assessment

The Model Scheme Text provisions require local governments in considering applications for planning approval to have regard, amongst other things, to—

- The conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under clause 7.1 of the scheme, or which is designated as a heritage area under clause 7.2 of the scheme.
- Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.

In addition to these broad considerations, local governments should also have regard to the following specific matters.

Alterations, extensions, change of use or demolition affecting a heritage place (including a place within a heritage area)

- The level of heritage significance of the place, based on a relevant heritage assessment.
- Measures proposed to conserve the heritage significance of the place and its setting.
- The structural condition of the place, and whether the place is reasonably capable of conservation.
- Whether the place is capable of adaptation to a new use which will enable its retention and conservation.

Development within a heritage area

- Whether the proposed development responds sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development.
- Whether the siting, scale, style and form, materials and finishes of the proposed development responds sympathetically to the heritage values of the area.
- The local planning policy for the heritage area including any places designated of heritage significance and the objectives and guidelines for conservation and enhancement of the heritage area.

6.6 Development control principles

The following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.

The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.

Alterations, extensions or change of use affecting a heritage place

- Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.
- Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.
- In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use should be supported in such cases.
- Development should be in accordance with any local planning policies relating to heritage.

Demolition of a heritage place (including a place within a heritage area)

- Demolition of a State heritage place is rarely appropriate and should require the strongest justification. Demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification for it.
- 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; the extent to which the community would benefit from the proposed redevelopment; and any local planning policies relating to the demolition of heritage places.

Development within a heritage area

- Development within a heritage area should respect and complement the heritage significance of the area as identified in the local planning policy. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration.
- Alterations and additions to existing buildings should be designed and sited in a manner that respects and complements the heritage significance of the area.
- A general presumption should apply in favour of retaining buildings that make a positive contribution to the significance of the area.
- Approval for demolition, if granted, may be accompanied by a requirement for an acceptable redevelopment proposal to avoid gap sites. 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 heritage significance of the area. New construction that is imaginative, well designed and harmonious should not be discouraged.

6.7 Planning schemes and strategies

The WAPC and local governments should have regard to heritage places and areas in formulating planning schemes and strategies. Care should be taken to minimise the extent to which land use zoning and other planning controls conflict with, or undermine, heritage conservation objectives.

Effective heritage protection requires an integrated approach involving not only regulation, but also promotion and incentives.

The Model Scheme Text provides for flexibility in the application of planning controls to realise positive heritage outcomes while also helping meet the expectations and aspirations of property owners. Incentives may include the relaxation of planning requirements in relation to land use, density, plot ratio, car parking or other works.

7 IMPLEMENTATION

This policy deals with those aspects of heritage that interact most directly with the planning system. The policy advocates a positive approach, and emphasises the importance of reconciling heritage protection with property owners' expectations and the demand for new development opportunities.

The State Government has a role in support of this policy through—

- establishment of the State heritage register
- giving advice, support and information to local government in relation to heritage surveys, planning schemes and other conservation matters
- sound heritage management of public buildings by State government agencies
- ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.

Local government has a role in support of the policy through—

- ensuring that heritage provisions in local planning schemes are consistent with the Model Scheme Text
- ensuring that heritage places and areas are carefully identified consistent with the common standards provided by the Heritage Council
- ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies
- adopting local planning policies affecting places entered in heritage lists.