



## Local Planning Policy 3 – Heritage Places

Shire of Peppermint Grove

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

### Local Planning Policy - 3

Policy Reference	Formal Description	Service Line
LPP 3*	Planning for Heritage Conservation	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Background

The Shire developed a Municipal Heritage Inventory (MHI), now referred to as the Local Heritage Inventory (LHI), and this was adopted in 1999. It has been adapted as a 'living document' and through occasional revision. The MHI identifies management priorities for the conservation of buildings

(almost 25% of single dwellings in the Shire) to continue to make a tangible and undeniable contribution to the character and atmosphere of the Shire of Peppermint Grove. The MHI adopts two categories (category 1 and 2) or management whereby category 1 is rated most highly.

Residents have consistently expressed via a number of community surveys carried out by the Shire, that heritage places, including their generous garden settings, should be preserved. This view has been incorporated as one of the key elements in the Shire's Local Planning Strategy, adopted in 2016, to guide future development in Peppermint Grove.

The Planning and Development Act 2015 (Deemed Provisions) was introduced by the WA Government to guide all local planning schemes into a consistent approach. This establishes a heritage list as part of local planning schemes to be the primary vehicle for identification and protection of properties with heritage value in the local planning scheme.

The heritage list is concerned with identification and protection of properties and their heritage values, whereas the MHI is a more detailed and prescriptive document used in the description of the heritage values and for management decisions.

Under Local Planning Scheme 4 the Shire established a Heritage List which included the majority of properties identified as having heritage significance by the MHI. The Heritage List is a statutory document that sits under LPS 4, while the MHI is now referenced as a due regard document.

### **Planning Objective (LPS)**

All new residential development is to reinforce existing streetscape development patterns and complement the character of the locality.

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes (Local Planning Strategy).*
- *To preserve the heritage fabric and contribution to the streetscape of existing heritage listed properties. (Local Planning Strategy)*

### **Statutory Basis**

*Heritage Act 2018* Section 3(1)

***cultural heritage significance*** means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations;

*Heritage Act 2018* Section 5(1)

***conservation***, in relation to a place of cultural heritage significance, means the conservation of the place as to retain its cultural heritage significance, including –

- Maintenance, preservation, restoration, reconstruction, adaption and interpretation of the place; and*
- Retention of the associations and meanings of the place; and*
- Retention or reintroduction of a use of this place.*

Heritage protection provisions have been adopted in the Local Planning Scheme No.4 in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015. Buildings are only to be included on the Heritage List after undergoing a procedure of notification and receipt of submissions from owners and occupiers.

Once listed all development works must obtain Council Planning Approval prior to being granted a building or demolition permit by the Shire.

Under Clause 11 of the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, Council, despite any existing written assessment, may require an updated heritage assessment prior to considering any development proposal affecting a heritage place.

Clause 12 of Schedule 2 Deemed Provisions of the Local Planning Scheme No.4 also allows Council to vary any development standard under the Scheme and R-Codes where desirable to assist with the preservation of a heritage place providing it does not have a detrimental effect on adjoining properties.

All works, including external cosmetic changes and internal structural works, require a development application prior to the issue of a building permit.

State Planning Policy 3.5 "Historic Heritage Conservation" (2007) states that there is a presumption against demolition of places on local heritage lists.

### **Planning Policy**

The assessment of applications for alterations and additions to buildings on the heritage list should meet the recommended guidelines of the Burra Charter. The broad concept of conservation for heritage places in the Charter is to;

*"do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its heritage significance is retained."*

However, this concept of heritage conservation should not preclude a dwelling from being upgraded to meet modern living standards.

For heritage listed properties applicants should have a report prepared by a heritage consultant detailing the works to be completed, and their impacts on the heritage fabric of the building. Should the applicant not submit a heritage report as a part of their application, a heritage report will be prepared by an architect of the Shire's choosing at the applicant's expense. The report shall be provided for any scope of works proposed to any heritage listed property, where in the opinion of Council the works would directly affect the heritage values of a place on the Heritage List.

Council reserves the right to refer submitted reports to an independent qualified heritage architect for review. This would be at the expense of the Council.

Conservation of a heritage place, area or precinct includes managing change in such a way that the heritage significance is retained and/or enhanced in order that:

1. the form and fabric of buildings on the Heritage List is preserved
2. the contribution of a heritage building to the streetscape is protected
3. alterations and additions result in architecture that is both of its time and is respectful to places of local heritage significance.
4. the existing building remains the dominant structure on the site when viewed from the street.
5. new development within the immediate locality of a heritage area or precinct is respectful of the heritage area or precinct and does not detract from its heritage significance.

All development (including maintenance, conservation, adaptation, alterations, additions, demolition and new buildings) affecting heritage places, areas and precincts (including development within the immediate locality of a heritage area or precinct) should meet the following principles;

- Significant heritage fabric should be retained, protected and restored with 'like for like' authentic restoration to original detail wherever possible.

- Original front elevations and features to be retained and/or restored wherever possible.
- Intrusive finishes and elements where they conceal or negatively impact upon the heritage significance of a building may be removed.
- Work that can be reversed in the future is desirable. Work that cannot be reversed may be supported, provided the heritage significance of the building is not compromised.
- The location of 'new technologies' on a heritage building should be undertaken in an unobtrusive manner so they do not negatively impact upon the heritage significance of the building.
- Additions should not overwhelm the existing building in terms of bulk, form and scale.

### **Demolition and Recording**

In accordance with State Planning Policy 3.5 Council holds the view that demolition of heritage places should be avoided wherever possible.

However, if following further historical research, it is assessed by a qualified heritage architect, that demolition can be considered, a replacement building should recognise and respect by its form and position the original building and adjoining residences so that the aesthetic values of the streetscape are maintained.

The owner is to provide an archival record for any building demolished under this category and the Shire to provide a plaque for inclusion in the adjoining footpath to recognise the cultural significance of the property.