

9.5 REVIEW OF LOCAL PLANNING POLICIES - POLICY NOS. 7.6.1 - 7.6.9 - HERITAGE MANAGEMENT

- Attachments:**
1. Draft Local Planning Policy: Development Guidelines for Heritage Places
 2. Draft Local Planning Policy: Assessing Cultural Heritage Significance
 3. Draft Local Planning Policy: Interpretive Signage for Heritage Places and Places of Interest
 4. Draft Local Planning Policy: Amending the Local Heritage Survey, Heritage List and Designating Heritage Areas
 5. Schedule of Modifications - Heritage Policies

RECOMMENDATION:

That Council:

1. **PREPARE and PUBLISH a notice of amendments to the following local planning policies for the purpose of advertising, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - 1.1 **Policy No. 7.6.1 – Heritage Management - Development Guidelines for Heritage and Adjacent Properties;**
 - 1.2 **Policy No. 7.6.2 – Heritage Management – Assessment;**
 - 1.3 **Policy No. 7.6.4 – Heritage Management – Interpretive Signage; and**
 - 1.4 **Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI); and**
2. **PREPARE and PUBLISH a notice of revocation for the following policies, for the purpose of advertising, pursuant to Schedule 2, Part 2, Clause 6 of of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - 2.1 **Policy No. 7.6.6 – Heritage Management – The Heritage List (Municipal Heritage Inventory);**
 - 2.2 **Policy No. 7.6.7 – Heritage Management – Municipal Heritage Inventory Incentives and Development Bonuses;**
 - 2.3 **Policy No. 7.6.8 – Heritage Management – Dealing with Enquiries Regarding the Heritage Status of Properties; and**
 - 2.4 **Policy No. 7.6.9 – Heritage Assistance Fund; and**
3. **NOTES that any submissions received during the community consultation period would be presented to Council for consideration.**

PURPOSE OF REPORT:

For Council to consider the following in relation to the City's suite of heritage Local Planning Policies (LPPs):

- Amendments to LPP Nos. 7.6.1, 7.6.2, 7.6.4 and 7.6.5 for the purposes of public advertising; and
- Revoking LPP Nos. 7.6.6 to 7.6.9.

BACKGROUND:

The City currently has nine LPPs which are related to heritage management. These include:

Local Planning Policy	Initially adopted	Most recent review
Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties	June 2006	October 2013
Policy No. 7.6.2 – Heritage Management – Assessment	January 2006	July 2012
Policy No. 7.6.3 – Trees of Significance	March 2001	June 2013
Policy No. 7.6.4 – Heritage Management – Interpretative Signage	December 2005	July 2012
Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory	June 2006	June 2015
Policy No. 7.6.6 – Heritage Management – The Heritage List (Municipal Heritage Inventory)	November 2005	November 2005
Policy No. 7.6.7 – Heritage Management – Municipal Heritage Inventory Incentives and Development Bonuses	June 2006	June 2006
Policy No. 7.6.8 – Heritage Management – Dealing with Enquiries Regarding the Heritage Status of Properties	June 2006	June 2006
Policy No. 7.6.9 – Heritage Assistance Fund	April 2016	July 2016

Following the adoption or subsequent amendment of these LPPs, significant changes have occurred within State government legislation.

These changes include the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and the *Heritage Act 2018*. There have been changes to the City's Local Planning Framework with the gazettal of Local Planning Scheme No. 2 (LPS2) which occurred in May 2018.

DETAILS:

Administration commenced a review of the City's suite of heritage LPPs in 2022 and proposes to amend a number of the LPPs to align the LPPs with State legislation, current best practice, and modern heritage management principles.

This is informed by the latest guidelines from the Heritage Council of Western Australia (HCWA) and are designed to align with the principles of the Burra Charter, which provides guidance on the conservation and management of places of cultural heritage significance.

There are also a number of LPPs which are proposed to be revoked as they are either no longer applicable due to changes to the planning framework or are administrative in nature.

An overview of the outcome of this review is detailed in the following tables:

LPPs Proposed to be Amended		
Current LPP	Review Recommendation	Proposed Amended Draft LPP
Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties	Prepare amended policy to: • Rename to ‘Local Planning Policy: Development Guidelines for Heritage Places’. • Include additional sections to align with the Regulations and the Burra Charter. • Refine the performance-based assessment of development applications consistent with the structure of the R-Codes Volume 2. This ensures that proposals are: ○ considered on an individual basis; and ○ assessed against guiding principles that align with the Burra Charter and best practice principles for heritage management.	Local Planning Policy: Development Guidelines for Heritage Places (Attachment 1)
Policy No. 7.6.2 – Heritage Management - Assessment	Prepare amended policy to: • Rename to ‘Local Planning Policy: Assessing Cultural Heritage Significance’. • Address the <i>Heritage Act 2018</i> requirement to maintain a Local Heritage Survey. • Address the Regulations requirement to establish a Heritage List and process for the designation of Heritage Areas. • Provide a framework for assessing a place for the purpose of determining its cultural heritage significance. • Reference to the themes from the Thematic History of Western Australia. • Provide for new management categories ensuring the City’s heritage places are categorised in accordance with the HCWA Guidelines for the Assessment of Local Heritage Places. The new categories would be ranked from 1 – 4 instead of A – B.	Local Planning Policy: Assessing Cultural Heritage Significance (Attachment 2)
Policy No. 7.6.3 – Trees of Significance	This is not proposed to be reviewed at this stage while the City awaits advice from WALGA and the Department of Planning, Lands and Heritage (DPLH) regarding tree retention and how this can be better addressed through the local planning framework.	To be reviewed at a later date.
Policy No. 7.6.4 – Heritage Management – Interpretive Signage	Prepare amended policy to: • Rename ‘Local Planning Policy: Interpretation of Heritage Places’. • Modify Part One of the current policy in accordance with the Regulations to reflect that development approval is not required for the demolition of places which are not heritage listed. • Remove reference to Places of Interest and replace with places within the Local Heritage Survey (LHS). • Simplify and align the policy with the City’s standard policy format.	Local Planning Policy: Interpretation of Heritage Places (Attachment 3)
Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory	Prepare amended policy to: • Rename to ‘Local Planning Policy: Amending the Local Heritage Survey, Heritage List and Designating Heritage Areas’. • Provide a framework and process for establishing Heritage Areas and adding, deleting, or amending places on the LHS and Heritage List. • Provide a clear framework to differentiate between the LHS and the Heritage List. • Align with the latest guidelines established by the HCWA. • Provide a mechanism for places to be identified and recorded in instances where the owner objects to its inclusion on the LHS.	Local Planning Policy: Amending the Local Heritage Survey, Heritage List and Designating Heritage Areas (Attachment 4)

LPPs Proposed to be Revoked	
Current LPP	Review Recommendation
Policy No. 7.6.6 – Heritage Management – The Heritage List (Municipal Heritage Inventory)	Revoke policy in response to: - The requirement to consider heritage and planning legislation when assessing heritage listed places already being adequately embedded in State legislation and the City's planning framework, superseding the provisions of LPP 7.6.6. - The relevant provisions relating to the determination of planning applications having been reviewed, updated, and included in draft Local Planning Policy: Development Guidelines for Heritage Places (Attachment 1).
Policy No. 7.6.7 – Heritage Management – Municipal Heritage Inventory Incentives and Development Bonuses	Revoke policy in response to: - The City's former Town Planning Scheme No. 1 included provisions for the City to consider variations to development requirements where this would enable the conservation of heritage places. These provisions were not included in LPS2 and are included as Clause 12 of the Deemed Provisions. - Appendix No.20 Refunding and Waiving of Planning and Building Fees provides a structure for the refund or waiving of planning fees charged in accordance with the Regulations. - The Heritage Assistance Fund provides assistance to owners of heritage places.
Policy No. 7.6.8 – Heritage Management – Dealing with Enquiries Regarding the Heritage Status of Properties	Revoke policy in response to: - The administrative process for addressing enquiries relating to heritage matters is not a matter to be included in a local planning policy. - The relevant policy information has already been referenced in the information sheet 'Development on Heritage Properties' which addresses heritage enquiry information and is available on the City's website.
Policy No. 7.6.9 – Heritage Assistance Fund	Revoke policy in response to: - The administrative process for the provision of heritage funding is not required to be included in a local planning policy and can be suitably addressed through the preparation of a new information sheet that would be available on the City's website. - An information sheet would allow for the grant amount to be modified based on budget allocation in the financial year without the need for a policy to be amended which would require the approval of Council.

The proposed changes align with current planning and legislative framework and provides clarity for our community. A schedule of modifications is found in **Attachment 5**.

CONSULTATION/ADVERTISING:

Community consultation on the amended policies and those to be revoked, will be undertaken for a period of 21 days in the following ways in accordance with the Regulations and the City's Community and Stakeholder Engagement Policy:

- Notice published on the City's website;
- Notice posted to the City's social media;
- Notice published in the local newspapers;
- Notice at the City's Administration and Library and Local History Centre; and
- Letters distributed to owners and occupiers of heritage places who may be affected.

Any submissions received would be presented back to Council for its consideration.

LEGAL/POLICY:

- *Planning and Development Act 2005.*
- *Heritage Act 2018.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Heritage Regulations 2019.*
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*
- *City of Vincent Local Planning Scheme No. 2.*
- *State Planning Policy 3.5 – Historic Heritage Conservation.*
- *State Planning Policy 7.3 – Residential Design Codes.*
- *HCWA Guidelines for the Assessment of Local Heritage Places.*
- *HCWA Guidelines for Local Heritage Surveys.*
- *HCWA Guidelines for Establishing a Heritage List.*
- *HCWA Guidelines for Heritage Areas.*
- *HCWA Guidelines for Preparing a Local Planning Policy for Local Heritage.*

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to approve the advertising of amended local planning policies.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Sensitive Design

Our built form character and heritage is protected and enhanced.

Our built form is attractive and diverse, in line with our growing and changing community.

Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*, as the LPPs aim to achieve sustainable development outcomes by encouraging the conservation and restoration of older building stock through flexible, performance-based guidelines.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising and implementing the LPPs will be met through the City's existing operational budget.

COMMENTS:

Administration recommends amending or revoking the existing LPPs to align them with the State Planning Framework, latest HCWA guidelines and LPS2.

The City's information sheets relating to heritage management would subsequently be updated following adoption of the amending and revoking of the subject LPPs.