

## POL-LP-1.17 Heritage Planning

### 1. Introduction

The City of Swan Local Planning Scheme No. 17 (the Local Planning Scheme) and the *Heritage Act 2018* make provision for the establishment and maintenance of a Heritage List and Local Heritage Survey (formerly Municipal Heritage Inventory).

The Heritage List and Local Heritage Survey identify places that are of cultural heritage significance and worthy of built heritage conservation, so that development can, as far as possible, be consistent with the City's heritage conservation values and objectives.

The Heritage Council of Western Australia recommends that local governments adopt a local planning policy for heritage lists prior to initiating a review of their Local Heritage Survey and Heritage List. This allows City officers and elected members to consider the strategic implications of the policy in a neutral context. Furthermore, this approach allows the City to clearly explain to constituents the rationale for, and implications of, the policy on local heritage without the potential distractions of individual places nominations.

The City will not enter a place in the Heritage List and Local Heritage Survey without first consulting affected owners and occupiers of the place and considering any submissions received on the proposed listing.

Development approval is required for any works, demolition or change in land use affecting a heritage-listed property. Inclusion of a place in a Heritage List does not limit the ability of a property owner to propose any works or other development, nor does it expect or require the City to determine an application solely on heritage grounds. However, proposals that respect and retain the heritage value of the place are likely to be encouraged and may, where appropriate, be required.

Places that are included in the Heritage List are automatically afforded statutory protection under the Local Planning Scheme and *Planning and Development (Local Planning Schemes) Regulations 2015*. Notwithstanding this, should a development application be required for a site included on the Local Heritage Survey, but not the Heritage List, for any works or land use not exempt from requiring approval under the Local Planning Scheme, the development application should have regard to the heritage significance of the site as outlined in the Local Heritage Survey and any applicable local planning policy.

### 2. Application

This policy applies to the administration and operation of the Heritage List and Local Heritage Survey established pursuant to clause 8, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, *Heritage Act 2018*, and requirements associated with the Local Planning Scheme.

This policy does not supersede or override the heritage requirements applicable to land falling under the purview of the *Metronet East Redevelopment Scheme Part 8 - Heritage Protection* gazetted 25<sup>th</sup> May 2021 or the *Swan Valley Planning Scheme No. 1 Part 7 - Heritage Protection* gazetted 6<sup>th</sup> August 2021.

Note that the heritage provisions of the Local Planning Scheme will apply to some places that are not included in a Heritage List.

## 3. Objectives

The objectives of the policy are to:

- encourage the appropriate conservation, restoration and adaptation of heritage places and recognise their contribution to the City's character;
- clarify the role and distinction between the Heritage List and Local Heritage Survey;
- achieve transparency and consistency in the designation of places on the Heritage List and Local Heritage Survey;
- provide clear guidance on how objections to a proposed inclusion on the Heritage List and Local Heritage Survey will be assessed;
- ensure that the Heritage List and Local Heritage Survey are maintained in a manner and form that is consistent with the Local Planning Scheme;
- provide clear guidance on the criteria for including and excluding a place from the Heritage List and Local Heritage Survey; and
- provide clear guidance on the implications of inclusion on the Heritage List and Local Heritage Survey for development.

## 4. Use of terms

Unless otherwise noted, terms used in this policy have common meanings and include those defined in the *Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015*, and the *Heritage Act 2018*.

## 5. Policy statement

### 5.1 Format of the Heritage List

The definitive version of the Heritage List is the most recent dated document that has been adopted by a resolution of Council. The Heritage List is available for inspection during business hours at the City offices and on the City's website.

The Heritage List will set out a description of each place and the reason for its entry in the Heritage List, and be presented in a format consistent with the template at Schedule 1 of this policy.

The Heritage List includes all Category 1 and 2 places in the Local Heritage Survey, automatically affording them protection under the Local Planning Scheme No. 17 and *Planning and Development (Local Planning Schemes) Regulations 2015*.

The place name and location details are among the minimum requirements to describe each place.

A statement of significance drawn from the place's entry in the Local Heritage Survey is the principal mechanism to provide the reason for its inclusion in the Heritage List.

Further information on each place will be maintained in the Heritage Council's online database *inHerit* ([www.inherit.stateheritage.wa.gov.au](http://www.inherit.stateheritage.wa.gov.au)). If there is any inconsistency between sources, the City's hard copy of the heritage list shall be determined the correct version. The inclusion of a link to the *inHerit* entry for each place should be included in electronic versions of the Heritage List.

## 5.2 Format of the Local Heritage Survey

All existing Municipal Inventories and Local Government Inventories are taken under the *Heritage Act 2018* to be a Local Heritage Survey (LHS). Hence, the City of Swan has adopted this name for its own inventory for current and forthcoming reviews.

The LHS is required to contain sufficient information, whether in text, illustration or link to electronic file, to clearly demonstrate the boundaries for each place.

Where practical, the place should be identified and defined in terms of cadastral lot boundaries as currently recognised by the State's land information system.

A place can be a landscape, group or precinct over multiple lots, whether or not of individual cultural heritage significance, and whether contiguous or located apart. Any group or precinct should have an identified common value or theme.

Further, a place may be included for its potential to contain archaeological remains, particularly sub-surface material, and/or in relation to archaeological remains already identified.

Equipment, furniture, fittings and other objects must be defined in terms of the land area with which they are associated or connected. A place should not be included solely because it holds objects relating to another place.

The inclusion of trees in the LHS must be based on cultural heritage significance, rather than amenity or environmental value.

Places of significance to Aboriginal communities may be included in the LHS where their cultural heritage significance is not solely connected with Aboriginal tradition or culture. Places that may be protected under the *Aboriginal Heritage Act 1972* should be identified as such in the LHS, noting that the provisions of that Act also apply.

### 5.3 Threshold for Inclusion in the Heritage List

Table 1: Heritage significance and inclusion in the Heritage List

Level of significance to local area	Category	Description	Outcome
Exceptional significance	1	Essential to the heritage of the locality All places included in Heritage List	May warrant inclusion on the State Register of Heritage Places. The place must be retained and conserved. Any alterations, additions or changes in land use shall reinforce the significance of the place and be in accordance with a Conservation Plan as appropriate.
Considerable significance	2	Rare or outstanding example All places included in Heritage List	Conservation of the place is required. Any alterations, additions or changes in land use shall reinforce the significance of the place. Original fabric shall be retained whenever feasible and all development shall be supported by a detailed Heritage Impact Statement.
Some/Moderate significance	3	Very important to the heritage of the locality Below the threshold for the Heritage List	Conservation of the place is desirable. Any alterations, additions or changes in land use shall reinforce the significance of the place. Original fabric should be retained whenever feasible and all development should be supported by a detailed Heritage Impact Statement.
Little significance	4	Contributes to the heritage of the locality Below the threshold for the heritage list	Conservation of the place is encouraged. Photographically record prior to major development or demolition. An Archival Record is to be prepared prior to any significant alterations to the place. Recognise and interpret the site through a plaque, place name, or acknowledgement in new urban or architectural design.

Establishment and maintenance of the Heritage List is a requirement of the deemed provisions contained in the *Planning and Development (Local Planning Scheme) Regulations 2015*. Inclusion in the Heritage List will be based on an assessment of cultural heritage significance of a place and the City's opinion as to whether it is worthy of built heritage conservation in accordance with the procedures outlined in this policy.

The designation of cultural heritage significance for local heritage places will be taken from the City's local heritage survey (LHS). The assessment and designation of significance will be carried out in line with the *Guidelines for Local Heritage Surveys* (Heritage Council of Western Australia, July 2019).

A place may be considered worthy of built heritage conservation irrespective of its current state of repair; ongoing requirements for conservation, care and maintenance; or economic worth.

- **Category 1:** All places included in the State Register of Heritage Places have cultural heritage significance and are worthy of built heritage conservation, and will be added to the Heritage List under Category 1.
- **Category 1 and 2:** All places designated as having 'exceptional' or 'considerable' significance to the local area (Category 1 or 2) are worthy of built heritage conservation and should in all cases be included in the Heritage List.
- **Category 3:** Places designated as having 'some/moderate' significance (Category 3) are noted for their contribution to the heritage character of the City by inclusion on the Local Heritage Survey, however they are not deemed sufficiently significant for inclusion on the Heritage List.
- **Category 4:** Places designated as having little significance to the City (Category 4) are not considered to be worthy of built heritage conservation and will not be included in the Heritage List.

A place is not individually considered to be worthy of built heritage conservation may still be included in a Heritage Area adopted under the Local Planning Scheme. The City currently has two Heritage Areas, in Guildford and Woodbridge. Heritage planning requirements for these Heritage Areas are locally governed under the [Guildford-Mandoon Heritage Area Local Planning Policy](#) and the [Woodbridge Conservation Precincts Policy](#). Heritage Areas are not to be used as an instrument for conserving places that do not meet the criteria for inclusion on the LHS and the Heritage List, however proponents seeking to modify a place through works or land use are required to adhere to the respective local planning policies applicable for the Heritage Areas.

## 5.4 Changes to the Heritage List and Local Heritage Survey

### 5.4.1 Consultation

Consultation on changes to the Heritage List, including addition, variation or removal of any entry, will meet or exceed the minimum requirements of Local Planning Scheme No. 17.

Consultation in relation to specific actions is identified in the relevant section of this policy.

The City will give written notification of any changes to the Heritage List to the Heritage Council of Western Australia and the affected owner and occupier.

Maintaining the relevance and currency of the Local Heritage Survey will generally entail:

- Administrative updates - minor corrections and addition of files notes or other information for future consideration.
- Place-specific reviews - addition or more substantial amendment of a heritage assessment of an individual place.

- General review - open process inviting community participation to produce a new version or edition of the LHS.

Minor administrative updates, such as correcting typographical errors, may be made without community consultation and, provided there is no change to the classification of a place or statement of significance, do not require formal adoption of a revised Local Heritage Survey.

The City undertakes ad hoc creation or review of place records periodically between reviews of the Local Heritage Survey. A heritage assessment may be commissioned where required to inform the process. These assessments shall be informed by the thematic history supporting the Local Heritage Survey and undertaken in consultation with relevant stakeholders, including local historical societies and similar community groups, and thereafter formally adopted. Property owners will be formally advised of the assessment process and outcome, and invited to participate, however it is important to note the assessment of a place will not be conditional on owner support.

General reviews of the Local Heritage Survey are to be undertaken at intervals consistent with the major review of a local planning strategy or strategic community plan, for instance, every 5-8 years based upon the rate of change and development throughout the City. The City will seek nominations from the broader community to consider new places for inclusion and for additional information to inform existing place records that may provide a better understanding of the place. Once complete, the revised Local Heritage Survey will be presented to Council for formal adoption with an updated Heritage List, as required.

### 5.4.2 Entry of a place in the Heritage List

The LHS prepared by the City will be used as the basis for establishing cultural heritage significance for each place and guided by the City's Thematic Historical Framework.

Accordingly, requests for the assessment of heritage values of a place shall be processed as a nomination for the LHS. The request should provide a sufficient description to enable accurate identification of the place, and give reasons why the nominee believes the place is of cultural heritage significance.

Places will be considered for inclusion in the LHS and the Heritage List under the factors relevant to cultural heritage significance as developed at the National Heritage Convention (HERCON) in Canberra, 1998 or Australia ICOMOS Charter for Places of Cultural Significance, 2013 (Burra Charter criteria). Places will generally be included based upon their level of significance against one or more of the following heritage values:

- Aesthetic value
- Rarity
- Historic value
- Scientific value
- Representative value

Prior to including or modifying a place of cultural heritage significance on the LHS and Heritage List, the City may undertake a desktop assessment and site inspection of the place, write to the affected landowners advising them of the City's intent to include or modify a place on the LHS and/or Heritage List, and thereafter present the item to the next available meeting of Council for discussion and determination. Where deemed necessary, the City may appoint a heritage consultant to inform its research by undertaking a heritage assessment.

An objection to the level of cultural heritage significance identified for a place should be accompanied by supporting material to clearly articulate any errors or omissions in the assessment documentation that may indicate why a different conclusion on the significance of the place should be reached.

### 5.4.3 Modifying an Entry in the Heritage List and Local Heritage Survey

Changes to any entry in the Heritage List may be initiated by the City as part of the administration of the list, or by nomination using the form in Schedule 2 of this policy. The City will consider all requests for change and assess the proposed change on its cultural heritage merits.

A decision on progressing the change will take into account the relevance, necessity and benefits of updated information and the administrative requirements of the consultation process. In general, minor and inconsequential changes to the Heritage List will not be progressed immediately, but may be deferred for later consideration as part of a broader update.

### 5.4.4 Removing an entry from the Heritage List and Local Heritage Survey

Removal of a place from the Heritage List or Local Heritage Survey may be appropriate where the City considers that the cultural heritage significance of a place has substantially changed, to the extent that it no longer displays the values for which it was included in the Heritage List and/or is no longer considered worthy of built heritage conservation. This may be the result of substantial damage to a place, significant removal of heritage fabric approved by the City, or presentation of new evidence about the place.

A proposal to remove a place may be made by decision of Council, depending upon the place level of significance, or by the owner or occupier of a place. If proposed by an owner or occupier, the onus will be on them to demonstrate that the cultural heritage significance of the place and/or the extent to which it is considered worthy of built heritage conservation is below the threshold for inclusion in the Heritage List.

In addition to consultation with owners and occupiers for each place for which removal is requested, consultation on such an action may be carried out by inviting comment:

- from the general community by letter post, bulletins and newspaper advertisements;
- from the general community through the City website, email newsletters and online engagement platforms;
- from the local historical society;
- as part of a community forum or workshop held for that purpose; or
- in any other manner that may reasonably result in providing relevant information on the cultural heritage values of the place.

The City's opinion as to the cultural heritage significance of a place is determined solely by resolution of Council at a properly convened meeting.

Substantial development, demolition or loss of fabric will not automatically result in removal from the Heritage List, as the place may still retain sufficient cultural heritage significance to support inclusion in the Heritage List, particularly if the heritage values relate to social or historical significance. Demolition by neglect will not be accepted as adequate grounds for removal from the Heritage List.

The City will retain a public record of all places removed from the Heritage List and the reason for removal on its website in addition to an appendix within the Local Heritage Survey.

## 5.5 Designation of Significant Interiors

Development approval for works to the interior of a building is required when the place is designated in the Heritage List as having '*an interior with cultural heritage significance*'. The designation on the Heritage List of '*an interior with cultural heritage significance*' will be based on the assessment of significance associated with the place in accordance with the provisions of this policy, and will be noted as part of the entry of the place in the Heritage List. The entry will describe which interior elements or objects have been assessed as contributing to the cultural heritage significance of the place, and will therefore be considered when determining proposals relating to the place.

Where access to assess the interior of a place has not been provided, but there is reliable evidence to support the existence of significant features (e.g. written reports, oral histories, earlier photographs, or other primary sources), the designation of '*an interior with cultural heritage significance*' may also be made. A heritage assessment may conclude that a place of cultural heritage significance is not considered to have a significant interior, which will be indicated within the Local Heritage Survey and Heritage List by omission of this designation.

Adding the designation of '*an interior with cultural heritage significance*' constitutes a modification to the place's entry in the Heritage List and must therefore follow the consultation process set out in this policy.

## 5.6 Development Requirements

Unless otherwise determined by the Executive Director of Planning and Development, development applications seeking to alter, extend built form, or change the land use of a heritage-listed place that comply in all respects with the objectives and provisions of this Policy (and other planning policies as applicable) will be dealt with pursuant to the provisions of LPS17 under delegated authority in accordance with Clause 27 - Statutory Planning of the City of Swan Delegation Register.

New development (excluding conservation works to a heritage place) that directly replicates or impersonates details of heritage features of a heritage listed place is discouraged as it undermines the heritage significance of such historic places within the City. Instead, new development, including alterations and additions, shall be in sympathy with the existing heritage character and respect the traditional style, scale, form, surrounding building height and siting of the heritage listed site/s and street pattern, in order to protect its cultural heritage significance, whilst maintaining existing ground levels of the site. Development applications for proposals affecting a heritage place will be considered in accordance with the provisions of LPS17 (and other planning policies as applicable) and the provisions of this policy, particularly the required outcomes applicable to the place's significance category as outlined under Table 1.

Development applications seeking approval for the demolition of a heritage listed place shall be assessed in accordance with the provisions of this policy (and other planning policies as applicable) and determined at the next available meeting of Council. Proposals resulting from demolition by neglect, or the gradual deterioration of a place incurred by insufficient maintenance, will generally not be supported by the City.

## 5.7 City of Swan Heritage Sites

The City conducts condition assessments of its heritage buildings every five (5) years. This information is modelled in to the Building Asset Management Plan to determine the required renewals over a ten (10) year period. Heritage Architects are consulted for major design works to ensure the correct conservation approach is followed.



The City also conducts a ten (10) year operational plan for all of its buildings (including heritage), which includes works such as painting and timber floor sealing. In addition to ensure a high level of conservation is followed, the City updates its Heritage Conservation Plans approximately every five (5) years.

The City shall maintain a heritage reserve (or 'fund') for maintenance and restoration of heritage places under the ownership and management of the City. Prior to including an additional City-owned and managed place in the LHS, the City will conduct a cost benefit analysis to review the financial implications of maintaining the place and assess the proposal in accordance with the City's Risk Management Framework.

### 5.8 Heritage Incentives

In dealing with any development application concerning or affecting a place of cultural heritage significance, the City may for the purpose of conserving or enhancing the place consider varying the requirements of Local Planning Scheme No. 17 based upon the merits of the proposal, in accordance with Part 7 of LPS17 and the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The City of Swan annually considers a residential heritage rate concession as part of budget adoption. The purpose of the concession is to assist owners of heritage-listed residential places to continue the active use of those places and facilitate their maintenance in a way that is compatible with their heritage values.

The City may provide an annual concession on the general residential rates to encourage and support owners to maintain their heritage places. No concession will be applied to the annual emergency services levy, drainage levy, or any other service charge for the property, however.

The concession will be 50% of the general residential rate levied. The value of the concession will be reduced by an amount equivalent to any other rate concessions for which the owner is eligible (namely seniors, pensioners, and any other concession).

This concession must be applied for on an annual basis. Applicants must provide evidence of full building insurance for each year an application is submitted and the concession is subject to annual Council budget approval.

The heritage rate concession will not be provided where:

- owners fail to adhere to the ongoing care and maintenance of a heritage place;
- incorrect documentation is supplied;
- there is an outstanding rate debt to the City on the property;
- the property is removed from the City's Heritage List;
- the property does not fall within the City's municipal boundaries; or
- the owner requests in writing for the cessation of the concession.

### 5.9 Heritage Advisory Group

The City to establish an Advisory Committee pursuant to clause 11.4 of Local Planning Scheme No.17 to advise it on any matter arising under this policy. The membership of the Advisory Committee should include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and at least one person representing the community.

## 5.10 Schedules

Schedule 1 - Heritage List and Local Heritage Survey

Schedule 2 - Request form template

Schedule 3 - Maps of Heritage Areas (Woodbridge and Guildford)

## Glossary

Term	Definition
City	Means the City of Swan
Conservation	Means in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will: <ul style="list-style-type: none"> <li>a) enable the cultural heritage significance of that place or precinct to be retained; and</li> <li>b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and</li> <li>c) may include the preservation, stabilisation, protection, restoration, reconstruction, adaption and maintenance of that place or precinct having due regard to relevant professional standards and the provision of an appropriate visual setting.</li> </ul>
Council	Means the City of Swan elected Council
Conservation Management Plan	As defined by the Heritage Council of Western Australia under <a href="#">"An Information Guide to Conservation Management Plans"</a>
Cultural heritage significance	Means a list of those places which, as determined by the City, are of such cultural heritage significance to the Council that conservation and protection under the provisions of LPS17 is warranted.
Development approval	Also known as planning approval, granted by the City of Swan in accordance with LPS17 for the use or development of land.
Feasible	The feasibility of restoring or conserving a heritage place, as determined by a Structural Assessment conducted by a suitably qualified professional, such as a WALGA preferred supplier or heritage practitioner included in the <i>inHerit</i> database.
Heritage Areas	Has the same meaning as Conservation Precinct pursuant to the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Heritage Council	Means the Heritage Council of Western Australia established pursuant to the <i>Heritage Act 2018</i>
Heritage Impact Statement	As defined by the Heritage Council of Western Australia under <a href="#">Heritage Impact Statement A Guide 2020</a>
Heritage List	Sites afforded statutory heritage protection under LPS17.
Local Heritage Survey	A survey of places within the City of Swan that are considered to feature cultural heritage significance to the locality. These places may warrant inclusion under the Heritage List.
LPS17	City of Swan Local Planning Scheme No. 17
Place	Means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable and includes: <ul style="list-style-type: none"> <li>a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;</li> <li>b) any works or building situated there, their contents relevant to the purpose of LPS17 and such of their immediate surroundings as may be required for the purpose of the conservation of those works or buildings;</li> <li>c) as much of the land beneath the place as is required for the purposes of its conservation.</li> </ul>
State Register	Means the Register of Heritage Places compiled pursuant to the <i>Heritage Act 2018</i> .

## Document control

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Organisational:	Local Planning Scheme No. 17 Guildford-Mandoon Heritage Area Local Planning Policy Woodbridge Conservation Precincts Policy Delegations Register Clause 27 - Statutory Planning		
Strategic Community Plan:	N1.1 Enhance, preserve and protect local ecology and biodiversity of natural ecosystems B1.1 Create community places to live, relax and work B2.1 Manage current and future infrastructure		