

LPP For Heritage List Places

1. PURPOSE

- 1.1. To conserve and protect places of heritage significance.
- 1.2. To ensure that development does not adversely impact the significance of heritage places.
- 1.3. To ensure that heritage significance is given due regard in local planning decision making.
- 1.4. To provide certainty to landowners and community about the planning processes for identification and protection of places identified in the Heritage List.

2. SCOPE

This policy applies to any works affecting a Local Heritage Place on the Shire of Pingelly Heritage List 2024.

3. STATUTORY BACKGROUND

This policy is adopted under Part 2 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which enables the Shire of Pingelly to prepare local planning policies for any matter related to the planning and development of the Scheme area.

4. DEFINITIONS

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*.

Fabric means all the physical material of the place.

Impact means the manner in which proposed works will, or are likely to, affect the cultural heritage significance of a place, as assessed against the matrix at Schedule 1 of this policy.

Local Heritage Place means a place that meets the definition of a heritage-protected place in clause 1A, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the exception of any place that is:

- entered in the *State Register of Heritage Places* under the *Heritage Act 2018* section 42;
- the subject of an order under the *Heritage Act 2018* Part 4; or
- the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90, to which the Heritage Council of Western Australia is a party.

Significant fabric means fabric identified as contributing to the cultural heritage significance of the place.

5. POLICY STATEMENT

Exemptions from the Requirement for Development Approval

- 5.1. Development with only “positive”, or “no discernible impact” on the significant fabric of a heritage place as assessed against the matrix at Schedule 1 of this policy are exempt from the requirement of a development approval.

In an instance of doubt regarding if development approval is required, the owner should seek written advice from the Shire of Pingelly. This request should include full details of the proposal and may involve a site visit. The written advice provided will state if a development approval is required or not and is binding on the Shire of Pingelly. An applicant may be required to provide additional information to assist in the determination of a development application. This may include a Heritage Impact Statement (HIS) at the absolute discretion of the Shire of Pingelly.

Material Accompanying A Development Application

- 5.2. The accompanying material required with applications for development approval relating to a local heritage place will be determined by the likely impact of works on cultural heritage significance.
- 5.3. If a Heritage Impact Statement is required, it will consider any substantial impact on the exterior fabric or form of a place in the Heritage List. It must address all parts of the Heritage Impact Statement interactive form.

Assessment of A Development Application

- 5.4. In considering any planning applications in relation to a local heritage place, the Shire of Pingelly will apply and give due regard to this policy and *State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5)*.
- 5.5. The impact of the proposal is guided by any part of the works being assessed as having a minor, moderate or major impact (as per Schedule 1) on one or more of the identified values or criteria that contribute to the cultural heritage significance of the place.
- 5.6. The below table outlines the levels of heritage significance for each place within the Local Heritage Survey for the purposes of the assessment of a development application:

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance HERITAGE LIST <u>Category 1 (LHS)</u>	Essential to the heritage of the locality Rare or outstanding example.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan (if one exists).
Considerable significance HERITAGE LIST <u>Category 2 (LHS)</u>	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.

- 5.7. The assessment of a development application will include consideration of the heritage significance of the place and any actions which can be undertaken to mitigate any adverse impacts.

Development Applications for Demolition

- 5.8. A structural condition assessment is required in the case of proposed demolition if structural failure is cited as a justification for the demolition of a place in the Heritage List. The structural evidence must be provided by a registered structural engineer to substantiate that the structural integrity of the building has failed and cannot be rectified without removal of a majority of its original fabric that would impact the significance of the place.
- 5.9. If the proposed demolition application of a place in the Heritage List, is approved, a condition of approval, may require the applicant to submit an archival record of the place, prior to the commencement of development.
- 5.10. The archival record is to be in accordance with the Heritage Council's standard for archival recording.

Development Applications for A State Registered Place

- 5.11. If a proposal affects a place that is entered in the Register of Heritage Places (Category 1), the Shire will refer the development application to the Heritage Council.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *The Shire of Pingelly Local Heritage Survey 2024*
- 6.2. *The Shire of Pingelly Heritage List 2024*
- 6.3. *Heritage Act 2018*
- 6.4. *Planning and Development Act 2005*
- 6.5. *Planning and Development (Local Planning Schemes) Regulations 2015*
- 6.6. *State Planning Policy 3.5 Historic Heritage Conservation (WAPC, 2007)*
- 6.7. *The Burra Charter (Australia ICOMOS, 2013)*
- 6.8. *An information guide to conservation management plans (2013)*
- 6.9. *An information guide to conservation management strategy (2017)*
- 6.10. *Heritage Impact Statement interactive form (2020)*
- 6.11. *Guide to preparing an archival record (2019)*

Schedule 1 – Impact Matrix

Impact (Level of impact is to assessed separately for each criterion)	Values				Rarity	Representativeness	Condition	Integrity	Authenticity	Demolition
	Aesthetic including streetscape & setting	Historic	Scientific including archaeology	Social						
Positive	Enhances the aesthetic value.	Conserves the historic value and interprets the history of the place.	Protects and/or reveals scientific value through interpretation.	Enhances a sense of place through retention of use associations, meaning and/or interpretation.	Enhances by retaining or conserving element(s) that contribute(s) to rarity.	Enhances by retaining or conserving element(s) that contribute(s) to representativeness.	Maintains, preserves or restores significant fabric to a known earlier state.	Retains and enhances original fabric through good conservation practice.	Retains and enhances authenticity of the place through retention or reinstatement of original use, associations and meaning.	Demolition or removal only of element(s) identified in a heritage assessment as intrusive.
No Discernible Impact	Maintains or has no impact on the aesthetic value.	Does not affect the historic value.	Does not affect known or potential scientific / archaeological value.	Does not affect the social value of the place.	There is no loss or proposed change that affects rarity.	There is no loss or proposed change that affects representativeness.	Maintains, stabilises or preserves significant fabric in its current state without contributing to its deterioration.	Does not affect the condition of fabric that contributes to the place's significance.	Does not affect the authenticity of the place.	Demolition or removal of element(s) identified in a heritage assessment as being of little significance.
Minor (negative)	Does not detract from the aesthetic value. May include minor alterations to the appearance of the place.	Does not detract from the historic value and may include minor alterations to the place either internally or externally.	Does affect areas of little or some scientific value and is consistent with an appropriate Management Plan.	Results in loss of fabric or change of use of a place that has some past but lapsed association with the community.	Results in a change to an element that contributes to rarity but impact can be mitigated by interpretation.	Results in a change to an element that contributes to representativeness but impact can be mitigated by interpretation.	Could be detrimental to the condition of significant fabric but can be mitigated by providing advice and conditional support.	Does not substantially detract from the integrity of the place. May include minor alterations to the place to provide for a new or continued use.	Does not detract from the authenticity of the place. May include change of use for compatible re-use.	Partial demolition or relocation of element(s) identified in a heritage assessment as being of some significance.
Moderate (negative)	Extensively reconstructs fabric to reproduce an earlier state or materially alters the appearance of a place through adaptations, additions or construction of new fabric.	Extensively reconstructs fabric to reproduce an earlier state or materially alters significant fabric through adaptation, construction of new fabric or change of use.	Is not informed by a conservation or archaeological management plan and may affect potential scientific value.	Results in a significant loss of fabric or use of a place that has a strong and current association with the community.	Element that contributes to rarity is lost and impact cannot be mitigated.	Element that contributes to representativeness is lost and impact cannot be mitigated.	Is likely to lead to loss or deterioration of the structural integrity of the place, or the loss or deterioration of any element of the place that is integral to its cultural heritage significance.	Results in a significant loss of fabric or settlement pattern that contributes to the authenticity of the place.	Proposes a change of use that is not compatible with past uses and/or does not reflect the values of the place.	Demolition or removal of element(s) of some significance. Demolition, relocation of element(s) identified in a heritage assessment as being of considerable significance.
Major (negative)	New infill development on vacant lots (including those approved for total demolition), carparks, open space. New construction that retains a façade of historic fabric.	Significantly detracts from the historic value through adaptation or removal of significant element(s) or introduction of a new incompatible use.	Significantly affects or destroys known scientific values.	Results in a total loss of place, or loss of a use that has a strong and current association with the community.	Results in a substantial loss of an element or area identified as contributing to the rarity of the place.	Results in a substantial loss of an element or area identified as contributing to the representativeness of the place.	Will result in deterioration in the condition of significant fabric and/or that fails to address an evident need for urgent conservation works.	Results in a total loss of fabric and/or results in only the retention of a façade or shell of the significant fabric.	Proposes a change of use that is unsympathetic to the values of the place and detracts from the significance of the place.	Total demolition or removal or relocation of a building to an alternative site or dismantling and reconstruction of historic fabric. Partial demolition of elements of exceptional significance.