

## Introduction

This Policy is made pursuant to Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations, 2015* relating to local planning policies. Schedule 2 of the Regulations contains the deemed provisions for local planning schemes (Deemed Provisions). Clause 8 of the Deemed Provisions makes provision for the establishment and maintenance of a heritage list.

The heritage list identifies 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 Town's heritage conservation values and objectives.

The Town will not enter a place in the heritage list without first consulting affected owners and occupiers of the place and considering any submissions received on the proposed listing.

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 Town to determine an application solely on heritage grounds. However, proposals that respect and retain the heritage values of the place are likely to be encouraged and may, where appropriate, be required.

## Objectives

- achieve transparency and consistency in the designation of places on the heritage list
- provide clear guidance on how objections to a proposed inclusion on the heritage list will be assessed
- ensure that the heritage list is 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.

## Scope

This policy applies to the administration and operation of the heritage list established pursuant to clause 8, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and associated with the local planning scheme.

Note that the heritage provisions of the local planning scheme may be applied to some places that are not included in a heritage list but are considered to have cultural heritage significance.

## 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*.

**heritage list** means a heritage list established under clause 8(1) of the deemed provisions;

**place** has the meaning given in the *Heritage Act 2018* section 7(1);

**interior works** means the carrying out of any works which affects only the interior of a building where the works are confined to any of the following:

- Kitchen, bathroom or laundry fit out with no structural alterations;
- Replacement of light fitting(s);
- Painting/wall papering/plastering of internal walls;
- Retiling;
- Construction of new internal non-masonry, non-load bearing walls;
- New floor covering placed over but not replacing existing floor surface materials; or
- Electrical and plumbing works; and

**maintenance and repair works** has the meaning given in Schedule 2, clause 1 of the Regulations, namely works that:

- (a) are carried out to maintain or repair any building, structure or land or otherwise to prevent any building, structure or land from deteriorating or falling into a state of disrepair; and
- (b) do not result in any material alteration to the building, structure or land, including any material alteration to the materials used in or on, or the design specification of, the building, structure or land.

Examples of such works include:

- Repainting of existing painted surfaces;
- Rendering of existing rendered surfaces;
- Re-roofing with like-for-like materials and where there is no change to the roof form, pitch or colour;
- Replacement of cladding materials with like-for-like;
- Replacing or repairing materials, fittings or architectural features with like-for-like.

**external fixtures** means utilities, equipment, plant or other structures which are necessary for a dwelling to achieve efficient, comfortable and environmentally sustainable operating outcomes and may include: solar collectors (and supporting frames), clothes drying structures, air conditioning units, communications and power and water infrastructure, or other fixtures as necessary for the residential use of the buildings on site.

**minor structures** means free standing structures not attached to a building including, without limiting the generality of the foregoing, letter boxes, clothes lines, seating, children's play equipment, basketball and netball hoops, barbeques and free standing satellite dishes.

## Policy

### 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 on the Town's website and for inspection during business hours at the Town's offices.

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 place name and location details are considered sufficient to describe each place. A statement of significance drawn from the place's entry in the local heritage survey is considered sufficient 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 Town'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.

### 2. Threshold for inclusion in the heritage list

The designation of cultural heritage significance for local heritage places will be taken from the Town's local heritage survey (LHS). 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.

All places included in the State Register of Heritage Places have cultural heritage significance and are worthy of built heritage conservation, and are included in the heritage list. In addition to this, all places designated in the LHS 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.

A place that 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.

Table 1: Heritage significance and inclusion in the heritage list

Level of significance to local area	Category	Description	Desired Outcome
Exceptional significance	1	Essential to the heritage of the locality. Rare or outstanding example	All places included in heritage list. The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in

			accordance with a Conservation Plan (if one exists for the place). Development would require consultation with the Town of Victoria Park and possibly the Heritage Council of Western Australia. Maximum encouragement to the owner should be provided under the Town of Victoria Park's Town Planning Scheme to conserve the significance of the place. A Heritage Assessment* and Impact Statement should be undertaken before approval is given for any major redevelopment.
	2	Very important to the heritage of the locality. High degree of integrity/ authenticity	All places included in the heritage list. Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place. Maximum encouragement to the owner should be provided under the Town of Victoria Park's Town Planning Scheme to conserve the significance of the place. A Heritage Assessment and Impact Statement should be undertaken before approval is given for any major redevelopment. Incentives to promote heritage conservation should also be considered.

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 Town's opinion as to whether it is worthy of built heritage conservation.

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.

The Town is of the opinion that 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.

The Town is of the opinion that 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.

A place that 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.

### 3. Requirement for Development Approval

Pursuant to clause ~~64~~ 60, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) development approval from the Town is required for works on a place that is included on the Town's heritage list, with the exception of the following or any other instance where the Manager Development Services considers the works to be minor and having no impact upon the heritage significance of the place:

Works to a place on the heritage list will be exempt from development approval in the following instances :

- (a) internal building work that does not materially affect the external appearance of the building, where the interior of the building is not of cultural heritage significance according to the heritage list – see clause 61(1), item 5 of the Regulations; or
- (b) maintenance and repair works of a kind referred to in the *Heritage Regulations 2019* regulation 41(1)(b) to (i) – see clause 61(1), item 16 of the Regulations;
- (c) other works identified as being exempt under clause 61(1) of the Regulations; or
- (d) in the case of works to a place on the State Register of Heritage Places, where the Heritage Council of WA advise that the works do not require development approval – see the following as a guide - [How to develop and maintain heritage places | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au) ; or
- (e) in any other instance where the Manager Development Services or Coordinator Urban Planning considers the works to be minor and having no impact upon the heritage significance of the place.

~~on a place that is included on the Town's heritage list, with the exception of the following or any other instance where the Manager Development Services considers the works to be minor and having no impact upon the heritage significance of the place:~~

Within Table 1, the:

- ~~'✓'~~ symbol denotes that development approval is required
- ~~'x'~~ symbol denotes that development approval is not required.

Works	Category 1	Category 2
Maintenance and repair works	x	x
Interior works	x	x
External fixtures	✓	x

Minor filling or excavation of land, provided there is no more than 500 millimetres change to the natural ground level	*	*
Construction of a retaining wall less than 500 millimetres in height	✓	*
Outdoor hard surfaces where (i) the finished level of the surface is no more than 500mm above natural ground level; and (ii) located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas);	✓	*
Minor structures where –  (i) Within the primary street setback area below 2m in height excluding clothes lines;  or  (ii) (ii) Below 3m in other cases;	✓	*
External fixtures  (i) not exceeding 1.8m in height and fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets); or  (ii) fixed to a plane of the roof of a building which faces the rear or a side boundary (excluding roof planes facing secondary streets), or to a flat roof, and projecting no more than 1m above the part of the existing	*	*

<p>(iii) <del>roof to which the fixture is attached and no greater than 2m wide, or projecting no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna; and</del></p>		
<p>(iv) <del>in all circumstances the maximum diameter of a satellite antenna or dish permitted without development approval is 1m.</del></p>		

#### 4. Heritage Impact Statement & Assessment

4.1 An application for development approval relating to a place that is on the Heritage List, shall be accompanied by a Heritage Impact Statement (HIS) which should follow the format as detailed in the Heritage Council’s ‘Heritage Impact Statement – A guide’ available [here](#)

For development applications for category 1 places the Town will refer the application and HIS to the Heritage Council for review and comments.

For development applications for category 2 places the Town will refer the application and HIS to an external heritage consultant for a peer review.

4.2 Notwithstanding clause 4.1, a HIS is not required for a development application for the following works to a category 2 place:

- (i) Small scale new structure on the subject site which are not attached to the primary structure/building (such as outbuildings) and which are located out of the front setback area.
- (ii) Ancillary lightweight structures added to buildings (such as timber patios, sails, carports, pergolas) which are located out of the front setback area.
- (iii) Fixtures to buildings (such as antennae, aerials, air conditioning units, solar panels, signs), which do not face the street and the installation would not involve any significant structural alterations to the building.
- (iv) Non structural internal changes.
- (v) Fences that are in accordance with the requirements of the Town’s Local Planning Policy ‘Streetscape’.

- 4.3 Notwithstanding the requirements of clause 4.2 and 4.3 above, the Manager Development Services may determine that:
- (i) A HIS is required for any development proposal that is considered to impact on the heritage significance of a place;
  - (ii) A HIS is not required for any development proposal that presents minimal to no impact on the heritage significance of a place.

## 5. Changes to the heritage list

### 5.1 Changes to the Heritage List

Consultation on changes to the heritage list, including addition, variation or removal of any entry, will meet or exceed the minimum requirements of the local planning scheme.

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

The Town will give written notification of any changes to the heritage list to the Heritage Council of Western Australia and the affected owner and occupier.

### 5.2 Entry of a place in the heritage list

The LHS prepared by the Town will be used as the basis for establishing cultural heritage significance for each place. 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. If a place is adopted in the LHS by resolution of Council and its assigned level of significance meets the threshold for possible inclusion in the heritage list as defined in Table 1, and the Town considers that the place is worthy of conservation, the Town will begin the consultation process to consider inclusion of the place in the heritage list. 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.

### 5.3 Modifying an entry in the heritage list

Changes to an entry in the heritage list may be initiated by the Town as part of the initiation and/or administration of the list, or by nomination using the form in Schedule 2 of this policy. The Town will consider all requests for change, but is not obliged to make such a change.

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 Removing an entry from the heritage list

Removal of a place from the heritage list may be appropriate where the Town 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 demolition of, or damage to, a place, or presentation of new evidence about the place. A proposal to remove a place may be made by the Town's Council or its officers, 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 retention 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 through the Town website
- 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 Town's opinion as to the cultural heritage significance of a place is determined solely by a 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. The Town will retain a record of all places removed from the heritage list.

### Related Documents

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Town of Victoria Park Local Heritage Survey*

### Version Control

Date Initially Adopted :	xxxxx
Date(s) Amended :	

## Schedule 1. Heritage List change request form template

This form may be used to request a change to the entry of a place already on the heritage list, or to nominate a place for inclusion in the heritage list.

### Section 1 - Details of nominee

#### 1. Your details\*

Name	<input type="text"/>
Address	<input type="text"/>
Phone	<input type="text"/>
Email	<input type="text"/>

\*this section is mandatory

#### 2. Please indicate your preferred method of contact

<input type="checkbox"/> Phone	<input type="checkbox"/> Email
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#### 3. Please indicate your association with the heritage listed place

<input type="checkbox"/> Owner	
<input type="checkbox"/> Occupier (tenant, or user of building)	
<input type="checkbox"/> Other (please state)	<input type="text"/>

### Section 2 – Place information

#### 1. Subject property information\*

Place information should be taken from the entry in the heritage list or local heritage survey.

If not stated, the Heritage Council WA (HCWA) Place no. can be found via the inHerit database.

<http://inherit.stateheritage.wa.gov.au/public>

Place no. (HCWA)

Place name

Address

\*this section is mandatory

## 2. Please indicate the purpose of the heritage list change request.

- Proposal for entry of a place in the heritage list (Please complete section 4)
- Proposal to modify heritage list entry information (Please complete section 5)
- Proposal to remove a place from the heritage list (Please complete section 6)

### Section 4 – Proposal for entry of a place in the heritage list

A place may be considered for inclusion on the heritage list where Town considers that the cultural heritage significance of the place and/or the extent to which it is considered worthy of built heritage conservation is above the threshold for inclusion in the heritagelist.

- Please provide reasons why you believe this to be true for the nominated place with any supporting evidence. Include details such as new evidence about the place.

### Section 5 – Proposal to modify heritage list entry information

- Please indicate why modifications are requested.

Inaccurate or incomplete information represented in the heritage list

New evidence about the place (provide historical source information below)

Other

Provide details here

- Please fill the below relevant fields with the proposed information to be changed.

**Field**

**Proposed heritage list data**

Place no. (HCWA)

(if incorrect only)

Place name

Address (Street no.)

Location (Suburb)

Significant interior (Y/N)

Additional details

Statement of significance

Further information (optional)

## Section 6 – Proposal to remove a place from the heritage list

Removal of a place from the heritage list may be appropriate where the [City/Town/Shire] 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.

- Please provide reasons why you believe this to be true for the nominated place with any supporting evidence. Include details regarding any physical changes to the place, or new evidence about the place.