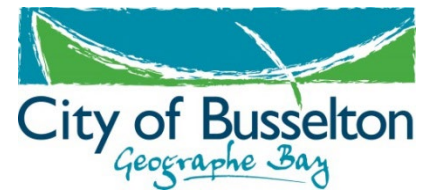


# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



### 1. HEAD OF POWER

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

### 2. PURPOSE

These provisions have been prepared to assist and guide the City and landowners in achieving the conservation of significant heritage places and areas within the Busselton City, and to assist the City in meeting its responsibilities pursuant to the *Heritage of Western Australia Act 1990*.

These provisions have been drafted and adopted as a result of a review of the Heritage Conservation Policy (2000), and the subsequent adoption of the Municipal Heritage Inventory 2006 (MHI).

The City of Busselton contains a significant collection of heritage assets as identified in the MHI. The City's Town Planning Scheme No. 20 (TPS20) supports the identification, conservation and protection of those assets.

Note that for the purpose of these provisions, the heritage provisions of TPS21 are deemed to be clause 7.1 to 7.4 of the Model Scheme Text (MST) adopted as an amendment to TPS20, and existing clauses 36(11) to 36(13) and clauses 36(16) to 36(19) of TPS20.

#### 1.1 Purpose of the Provisions

Builds on the heritage conservation objectives of TPS20.

Applies the development control principles contained in the State Planning Policy 3.5 "Historic Heritage Conservation" (2007).

Provides development and design guidance for development of places on the Heritage List and within Heritage Areas established pursuant to TPS20.

Details procedures for making applications for approval of heritage-related development.

This policy aims to:

- Confirm the City of Busselton's commitment to the conservation of heritage assets under its ownership and control.
- Conserve and protect places and areas of cultural heritage significance within the City of Busselton.
- Ensure that development does not adversely affect the significance of heritage places and areas.
- Ensure that cultural heritage significance is given due weight in local planning decision-making.
- Provide improved certainty to landowners and the community about the planning processes for heritage identification and protection within the City of Busselton.

These provisions apply to all places entered in the Heritage List pursuant to TPS20.

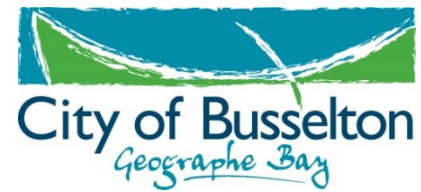
The provisions also apply to all Heritage Areas designated under TPS20.

Where specified, the provisions also relates to other places of cultural heritage significance within the municipality, as identified from time to time, including some places on the MHI that have not been included in the Heritage List.

### 3. INTERPRETATION

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



### Why conserve heritage?

Heritage places are important “because they tell us about who we are, and the past that has formed us.” ...“These places of cultural significance must be conserved for present and future generations.” (*Illustrated Burra Charter, 2004*)

Archival Record means a document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change. The Heritage Council of Western Australia (HCWA) has prepared standards for archival recording.

Burra Charter means the Australian ICOMOS Charter for the conservation of places of cultural heritage significance. The charter has been generally accepted as the standard for heritage practitioners in Australia.

Conservation means all the processes of looking after a place so as to retain its cultural heritage significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.

Conservation Plan means a document that details how to identify and look after the significant cultural values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council of WA provides guidelines for the preparation of conservation plans to ensure that all important matters are considered.

Cultural Heritage Significance means the aesthetic, historic, social and scientific values of a place for past, present or future generations.

Heritage Area means an area of land that has identified cultural heritage significance and character which is desirable to conserve.

Heritage Agreement means a contract under section 29 of the *Heritage of Western Australia Act 1990* which is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. Essentially, the purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place. A Heritage Agreement runs with the land and is confirmed through a Memorial placed on the land title.

Heritage Assessment means a systematic assessment that describes a place and its setting and states its significant heritage values in terms of the criteria adopted by the Heritage Council of WA. These criteria are the aesthetic, historic, social and scientific values of the place.

Heritage Impact Statement means a report that evaluates the likely impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measure by which any detrimental impact may be minimised. The Heritage Impact Statement should address:

- How will the proposed works affect the cultural heritage significance of the place?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that may offset any adverse impacts?

**Note:** The Heritage Council of WA has produced a guide and form for the preparation of Heritage Impact Statements. This information is available on the Heritage Council’s website.

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



Heritage List means a list of places that has been adopted under the Town Planning Scheme.

Heritage Place means a building, structure, site, area of land or other physical element valued for its cultural (or historic) heritage significance, together with associated contents and surrounds.

Interpretation means all the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of these to tell the story of the building or place.

Interpretation Plan is a document that explains the ways in which a place could be interpreted. Interpretation Plans should aim to increase both our understanding and our enjoyment of heritage places.

Local Heritage Contract means a contract between the owners of a heritage place and the local authority undertaken on a voluntary basis by the owners in return for planning concessions agreed to by the local authority. The agreement binds the current owner to a set of conservation conditions in return for identified and agreed compensating benefits.

Special Character Area means an area of land that has a defined character which is desirable to conserve.

Structural Condition Assessment means a report prepared by a qualified structural engineer that assesses the structural state of a building or element.

The Heritage of Western Australia Act 1990 is the statutory framework for the identification and conservation of places which have significance to the cultural heritage of Western Australia. The Act also describes the composition and powers of the Heritage Council of Western Australia (HCWA) and requires Local Governments to prepare Municipal Heritage Inventories.

### **Aboriginal Heritage Register**

All places of Aboriginal heritage significance in Western Australia are protected under the provisions of the *Aboriginal Heritage Act (WA) 1972*. It is the responsibility of the owner of the land, or their agent, to ensure that the Department of Indigenous Affairs has been contacted to check for possible Aboriginal sites and for advice regarding approvals for development.

### **World Heritage List/ National Heritage List/ Commonwealth Heritage List**

There are no places within the City of Busselton on the World Heritage List, the National Heritage List or the Commonwealth Heritage List.

### **Register of Heritage Places (Heritage Council of Western Australia)**

A number of places in the City of Busselton have been entered in the Heritage Council of Western Australia's Register of Heritage Places. These places are protected under the provisions of the *Heritage of Western Australia Act 1990*. All development applications for places that are included in the Register will be referred by the City to the Heritage Council for advice under Section 78 of the Act. The City will base its decision on such applications on the Heritage Council's advice.

### **Places Classified by the National Trust of Australia (WA)**

Some places in the City of Busselton are classified by the National Trust. Classification does not imply any specific conservation requirements, however most classified places are also included on the City of Busselton's Heritage List.

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



### **Heritage List adopted under TPS20**

The Heritage List is a list of heritage places adopted by the City of Busselton that is attached to the Town Planning Scheme and protected under the provisions of TPS20 (Schedule 14).

The Heritage List contains all the more important places on the City's adopted MHI. Elevation of these places into the Heritage List gives those more important places a measure of protection through the provisions of the TPS.

Until such time as the City of Busselton formally adopts its Heritage List, it is deemed to comprise all the places on the City's Municipal Heritage Inventory (2006).

The City of Busselton may from time to time add other places to the Heritage List by following specific procedures, including consultation with the owner, as set out in TPS20.

### **Municipal Heritage Inventory (MHI)**

The City of Busselton has established a Municipal Heritage Inventory (adopted 13/09/2006) which is a local heritage asset register, as required by the *Heritage of Western Australia Act 1990*. The MHI identifies those places within the municipality which are of cultural heritage significance, together with a description of each place and the reasons for its entry (statement of significance).

Each place is given a level of significance and a Management Category which is considered when determining an application for development. Some places are considered very important, while others may simply be an historic location with no remaining physical evidence that some important event took place there.

One of the following "Management Categories" is applied to each place identified in the MHI:

Category 1 - These places are the most important places in the City with the highest cultural heritage values, and generally have built features that are part of their significance. Some of these places have been assessed by the Heritage Council of WA and have been included in the State Register. These places are afforded statutory protection under the *Heritage of Western Australia Act 1990*.

Other places in Category 1 should also be assessed by the Heritage Council for possible inclusion in its Register.

Category 2 - These places are also important places in the City, and generally have built features as part of their significance. These places should be retained on the list and conservation encouraged.

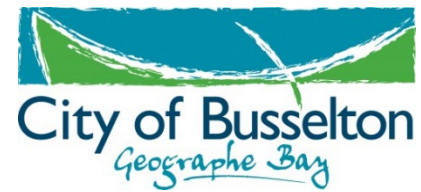
Category 3 - These places are of interest with built features, but their conservation is not considered to be essential. While retention and conservation is encouraged, significant change and even demolition is an acceptable outcome, though some recording prior to these actions is recommended.

Category 4 - These places are owned by the City and should be conserved, but special action is not required because the sites are mainly of historic and social value without built features. Some of the sites in this category are largely natural features and simply need to be managed in the ordinary sense of maintenance. Conservation actions may be limited to interpretation and/or site signage.

Category 5 - These places are of historic or social value, with few or no built features, and in private ownership or held by State agencies. Actions required are few and may, according to circumstances, be limited to recognition by way of interpretation or signage.

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



These provisions relate primarily to Development Applications for places identified as Categories 1 – 3. Provisions also relate to places identified as Categories 4 and 5, however greater flexibility will be exercised when assessing development applications for these.

### Adopting and Amending the Heritage List

Even the most thorough MHI and Heritage List will have some gaps in it, and over time the need will arise to assess non-listed places that appear potentially significant. The City may amend the Heritage List over time in the following circumstances:

EVENT	CITY PROVISIONS
A place is found to be significant in a review of the MHI.	5.7.1 The City will consider inclusion of a place in the MHI and/or the Heritage List on the basis of its cultural heritage significance as identified through a review of the MHI.
A place is nominated for inclusion in the MHI and/or Heritage List by the owner or a member of the public.	5.7.2 The City will consider inclusion of a place in the MHI and/or the Heritage List if assessment documentation to the required standard is provided by the nominator. 5.7.3 If not, the City will commission a heritage assessment or defer its decision until a review of the MHI or Heritage List is scheduled.
A heritage assessment is prepared in conjunction with a development proposal.	5.7.4 The City may consider inclusion of a place in the MHI and/or the Heritage List if a heritage assessment is prepared: <input type="checkbox"/> As part of a Heritage Impact Statement submitted by an applicant, or <input type="checkbox"/> By the City at its own expense.
A place is demolished or substantially damaged or destroyed.	5.7.5 The City will consider removing a place from the MHI and/or Heritage List if it is demolished or is damaged or destroyed, to the extent that its cultural heritage significance is lost.
A heritage assessment of a place finds that previous historic information was not correct.	5.7.6 The City will consider removing a place from the MHI and/or Heritage List if its assessed cultural heritage significance is found to be flawed.

The City will retain a record of all places destroyed, demolished and/or removed from the Heritage List, to monitor the rate of losses over time.

The procedures for adding places to the Heritage List, or modifying or removing places from the Heritage List, are set out in TPS20. The procedures include a mandatory process of consultation with owners.

### HERITAGE AREAS AND SPECIAL CHARACTER AREAS

#### Heritage Areas

Heritage Areas are areas the City has identified as requiring special planning controls to conserve and enhance their cultural heritage significance and character.

These are areas which contain places and/or buildings or other features which collectively display cultural heritage values.

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



Before adopting a Heritage Area under the TPS the City must prepare a Heritage Assessment for the area. The Heritage Assessment should comprise:

- A short historical overview of the Heritage Area
- A map showing the boundaries of the Heritage Area
- A list of the places that contribute to the area's cultural heritage significance
- A Statement of Significance

The TPS requires that an adopted Heritage Area has a Local Planning Policy (LPP) that comprises:

- A map showing the boundaries of the Heritage Area
- A record of places of cultural heritage significance in the Heritage Area
- Objectives and Guidelines for conservation of the Heritage Area

A list of designated Heritage Areas within the City of Busselton is attached to TPS20.

### DEVELOPMENT APPLICATIONS

#### Requirements

The definition of development and requirements for submission of Development Applications are as set out in TPS20.

Under TPS20, a Development Application must be submitted for any development proposed for a place included on the Heritage List or within a Heritage Area.

#### Accompanying Material

The City of Busselton may require an applicant to provide one or more of the following to assist the City in the determination of a planning application. This is additional to the requirement for accompanying material set out in the scheme.

#### Heritage Assessment

A Heritage Assessment to be prepared at the applicant's expense may be requested for places on the Heritage List or within Heritage Areas adopted under TPS20.

#### Heritage Impact Statement

A Heritage Assessment to be prepared at the applicant's expense may be requested for places on the Heritage List or within Heritage Areas adopted under TPS20 where development is likely to have a substantial impact on the cultural heritage values of the place or, in the case of Heritage Areas, on the significance of adjacent places or the Area as a whole.

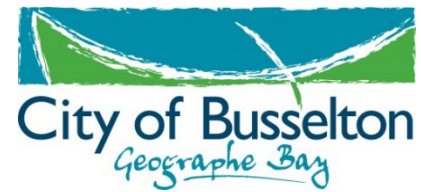
#### Conservation Plan

Where a Conservation Plan has been prepared for individual buildings, groups of buildings or places of cultural heritage significance, the City will take the contents of the Conservation Plan into account when determining development applications for the places to which they apply. Where Conservation Plans are available, these, or relevant sections of these, should be provided with the development application.

The Council may require the preparation of a Conservation Plan prior to considering a development application. Conservation Plans will be required for all buildings or places that are included on the Heritage Council's Register of Heritage Places or for places that are identified as Category 1 on the City's MHI, depending on the extent of the proposed development and the likely impact that the development will have on the cultural heritage significance of the building or place.

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



All Conservation Plans must be prepared by a recognised heritage expert in accordance with the *Heritage Council of Western Australia’s Conservation Plans: A Standard Brief for Consultants (Oct 2002)*. Where a Conservation Plan is prepared at the request of the City, that Conservation Plan should be presented to the City for review at the draft stage to ensure that it meets the City’s requirements.

Structural Condition Assessment in the Case of Demolition – if structural failure is cited as a justification for the demolition of a place on the Heritage List, evidence shall be provided from a registered structural engineer (preferably one with experience in dealing with heritage places) that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or incurring prohibitive costs.

### 4. POLICY STATEMENT

#### Introduction

Heritage conservation is an important consideration in many planning and development issues in the City of Busselton. Protecting cultural heritage significance will be an ongoing process as the City grows and changes. Within some areas of particular heritage value (“Heritage Areas”), heritage conservation is integral to the development process.

In considering any planning applications in relation to a place entered in the Heritage List, included on the MHI or located in a Heritage Area adopted under TPS20, the City of Busselton will apply and have regard to:

- The matters set out in section 6.5 of State Planning Policy 3.5 “Historic Heritage Conservation” (2007).
- The development control principles set out in section 6.6 of State Planning Policy 3.5 “Historic Heritage Conservation” (2007).
- The information contained in the place data sheet of the City of Busselton’s MHI (adopted 13.09.2006), and in particular the Statement of Significance and Management Category for the place.
- Material contained in Conservation Plans, Heritage Assessments, Heritage Impact Statement or other heritage documents or reports prepared for the place.
- The Policy considerations and assessment criteria contained in the following section.
- The structural condition of a place, and whether a place is reasonably capable of conservation.

#### Cultural Heritage Significance

The Statement of Significance and Management Category of a heritage place are fundamental to the assessment of any development application for that place.

All development proposals for places that are included on the Heritage Council of Western Australia’s Register of Heritage Places will be referred to the Heritage Council for comment.

Any development application may be referred to the Regional Heritage Advisor for comment at the discretion of the City. Generally, all major development proposals affecting non-registered places that are included on the Heritage List, the MHI or within Heritage Areas will be referred to the Regional Heritage Advisor for comment.

Categories of Significance	City Provisions
Buildings or places on the Heritage List, except places identified as Management Category 3 in the MHI	8.2.1 If the place is on the State Register of Heritage Places the development application will be referred to HCWA. Assessment of the application will be based on HCWA’s

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



	<p>advice.</p> <p>8.2.2 If the place is not on the State Register, assessment will be based on the cultural heritage significance of the place.</p> <p>8.2.3 Assessment of the application will give primary consideration to ensuring that the development is compatible with the cultural heritage significance of the place.</p> <p>8.2.4 Approval will be granted if it can be demonstrated that there will be no undue impact on the cultural heritage significance, and all other planning requirements are met.</p> <p>8.2.5 A Heritage Impact Statement, Heritage Assessment or Conservation Plan may be required.</p>
Buildings or places identified as Management Category 3-5 in the MHI	<p>8.2.6 Consideration will be given to the cultural heritage significance of the place, however this will be balanced against other relevant planning issues.</p> <p>8.2.7 Approval will be granted if all planning requirements are met and it can be demonstrated that cultural heritage significance has been taken into account.</p> <p>8.2.8 A Heritage Impact Statement may be required.</p>
Buildings or places in Heritage Areas	<p>8.2.9 The process will be guided by the Local Planning Policy for the Heritage Area.</p> <p>8.2.10 The contribution of the building or place to the cultural heritage significance of the area will be taken into account.</p>

### Demolition Controls

Demolition of any building on the Heritage List or within a designated Heritage Area requires development approval from the City. It is strongly recommended that where demolition of all or part of a building of heritage significance is proposed, the applicant seek advice from the City prior to the preparation of a proposal for a new building on the site.

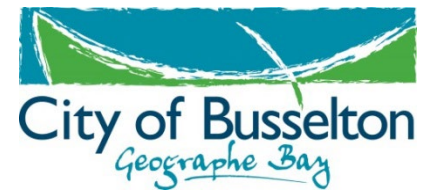
In assessing a development application for demolition the City will have regard to the cultural heritage significance of the place and, in the case of places in Designated Heritage Areas, of the impact of demolition on the significance or character of the Areas as a whole.

Proposed Development	City Provisions
Demolition of a building or place on the Heritage List.	<p>8.3.1 Demolition will not generally be approved.</p> <p>8.3.2 Demolition may be considered in exceptional cases where it can be demonstrated that the place is not capable of conservation.</p>
Demolition of a building or place identified on the MHI	<p>8.3.3 Retention of the building or place is encouraged however demolition may be approved, subject to the consideration of cultural heritage significance together with all other relevant planning issues.</p> <p>8.3.4 Heritage issues will be considered together with other planning issues in reaching a decision.</p>
Demolition of a building or place located in a Designated Heritage Area	<p>8.3.5 Demolition will only be approved where it can be demonstrated that the building or place does not contribute to the cultural heritage significance of the area and that its removal will not have a detrimental effect on the cultural heritage significance of the area.</p> <p>8.3.6 The requirements of the policy provisions for the Heritage Area will apply.</p>



# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



### New Development and/ or Replacement Buildings

Generally, new development on sites that are included in the Heritage List or in the MHI must comply with the planning requirements for the locality.

Where demolition of an existing building or place is approved and as a result the place is no longer significant, the planning requirements of the locality apply to future development.

Where a site contains a significant building or place and there is capacity for additional development to occur, that development must be compatible with the cultural heritage significance of the existing building(s) or place.

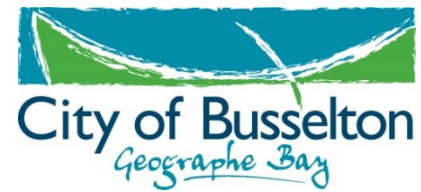
In the event that a significant building(s) or place is demolished without City approval, the City may require reinstatement or other means of rectifying the situation as a condition of a future approval for the site.

Where the site is located within a Heritage Area development must comply with the Policy provisions for that area.

Proposed Development	City Provisions
<p>New building, buildings, or outbuildings on the site of a place on the Heritage List, except places identified as Management Category 3 in the MHI</p>	<p>8.4.1 New buildings including garages, sheds and outbuildings on land that contains a building or place on the Heritage List must be designed to not detract from the significant building or buildings on the site.</p> <p>8.4.2 Generally: <i>9 – Environment and Heritage Conservation Policy - City of Busselton Page 12 of 20</i></p> <p>8.4.2.1 The significant building or buildings must remain the dominant buildings on the site.</p> <p>8.4.2.2 New buildings should respect the scale, form and proportions of the significant building(s).</p> <p>8.4.2.3 New buildings should respect the materials and colours of the significant building(s).</p> <p>8.4.2.4 New buildings should not copy the style and design of the significant building(s) and should not attempt to look like old buildings.</p>
<p>New building, buildings, or outbuildings on the site of a place that is identified as Management Category 3 -5 in the MHI</p>	<p>8.4.3 New buildings including garages, sheds and outbuildings on land that contains a building or place on the MHI should be designed to generally respect the significant building or buildings on the site.</p>
<p>New building or buildings in a Heritage Area (Heritage Areas are characterised by groupings of buildings or places that have a similar history or cultural heritage significance. They are important for historic and social reasons as well as aesthetic reasons. The conservation of the area depends on the protection of these buildings and the history they represent.)</p>	<p>8.4.4 The requirements of the Local Planning Policy for the Heritage Area will apply</p> <p>8.4.5 Generally:</p> <p>8.4.5.1 New buildings should be of similar scale and proportions to the existing significant buildings in the Heritage Area.</p> <p>8.4.5.2 The significant buildings in the Heritage Area should remain the dominant buildings or features in the area.</p> <p>8.4.5.3 Where the Heritage Area is located in an established urban area, new buildings should respect the dominant street pattern, including but not limited to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Side and front setbacks</li> </ul>

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



	<ul style="list-style-type: none"> <li><input type="checkbox"/> Roof form and pitch</li> <li><input type="checkbox"/> Building heights</li> <li><input type="checkbox"/> Colours and materials</li> <li><input type="checkbox"/> Building orientation</li> <li><input type="checkbox"/> Landscape treatments</li> <li><input type="checkbox"/> Parking location and access</li> </ul> <p>8.4.5.4 New buildings should not copy the style and design of the significant building(s) and should not attempt to look like old buildings</p>
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### Conservation and Restoration Works

Wherever possible the original significant fabric of a building or heritage place should be retained. Regular maintenance and repair are recommended as the best way to conserve and protect heritage places.

Ensuring that a heritage place is occupied is a good way of looking after it. The City will encourage owners to ensure that heritage buildings or places are not left unoccupied.

Where a heritage building or place has deteriorated to the point of requiring restoration works, deteriorated fabric should be replaced with fabric that matches the original as closely as possible. The use of traditional trades and skills is encouraged.

Where restoration work is carried out to a heritage building or place that has been altered, work should be based on research including historic photographs, plans or other documents that can identify the original elements, details or finishes of the building or place. Where a development application is required to be submitted, copies of any research materials used as the basis of restoration works should be included to assist in assessing the application.

Proposed Development	City Provisions
Conservation/restoration of a building on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.5.1 Generally conservation and restoration of buildings or places on the Heritage List is encouraged. It should be guided by a Conservation Plan or policy prepared for the place.</p> <p>8.5.2 Where there is no conservation plan, work should be guided by the principles of the Burra Charter. Generally this means:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Replace deteriorated fabric or elements with new fabric or elements to match the original.</li> <li><input type="checkbox"/> Where restoration is being carried out, works should be based on historic photographs, plans or other material that shows the former state of the building or place. Restoration should not be based on conjecture.</li> </ul> <p>8.5.3 Where existing fabric contains asbestos products, replacement should be based on materials that give a similar appearance to the original. Removal of asbestos must be carried out to WorkSafe requirements.</p>
Conservation/ restoration of a building on the site of a place identified as Management Category 3 –	<p>8.5.4 Generally conservation and restoration of buildings or places on the MHI is encouraged.</p>

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



5 in the MHI	<p>8.5.5 Work should be guided by the principles of the Burra Charter. Generally this means:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Replace deteriorated fabric or elements with new fabric or elements to match the original.</li> <li><input type="checkbox"/> Where restoration is being carried out, works should be based on historic photographs, plans or other material that shows the former state of the building or place. Restoration should not be based on conjecture.</li> </ul> <p>8.5.6 Where existing fabric contains asbestos products, replacement should be based on materials that give a similar appearance to the original. Removal of asbestos must be carried out to WorkSafe requirements.</p>
Conservation/ restoration of a building in a Heritage Area	<p>8.5.7 The requirements of the Local Planning Policy for the Heritage Area will apply.</p> <p>8.5.8 Generally conservation and restoration of buildings or places in Heritage Areas is encouraged. Where a conservation plan has been prepared, works should follow the recommendations of the plan. Where there is no conservation plan works should be based on the principles of the Burra Charter.</p>

### Alterations and Additions

Adaptation should be carried out with the least amount of change to the original or significant fabric as possible. Work that can be reversed in the future is desirable, however work that cannot be reversed will be supported provided the cultural heritage significance of the place is not compromised.

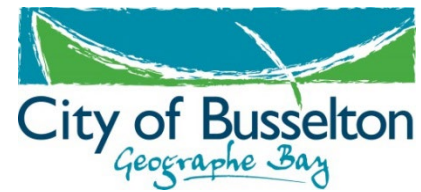
Where significant buildings are adapted or extended, new work should be visually in keeping with the original fabric, but there should be sufficient difference to distinguish it as new. Additions or extensions may range from traditional, to highly contemporary in style.

The impact of new development and of the redevelopment of heritage buildings on existing heritage places will be taken into account. The impact of any development within a Heritage Area on the cultural heritage significance of that Area as a whole will be taken into account.

Proposed Development	City Provisions
Alterations and additions to a building or place on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.6.1 Alterations and additions should comply with the conservation plan for the building(s) or place.</p> <p>8.6.2 Where there is no conservation plan, a Heritage Impact Statement may be required.</p> <p>8.6.3 Alterations and Additions should be limited to areas of the building(s) or place assessed to be of lower significance.</p> <p>8.6.4 Alterations and additions should not obscure or alter areas or elements that contribute to cultural heritage significance.</p> <p>8.6.5 Alterations and additions should:</p>

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



	<ul style="list-style-type: none"> <li><input type="checkbox"/> Be in keeping with the bulk and scale of a significant building.</li> <li><input type="checkbox"/> Use materials and colours that match the significant building, or use materials and colours that do not detract from the significant building.</li> <li><input type="checkbox"/> Ensure that the original building remains clearly evident, i.e. not overwhelmed by the new addition or altered beyond recognition</li> <li><input type="checkbox"/> Be clearly evident as new in comparison with the original building. Differences may be subtle or pronounced.</li> </ul> <p>8.6.6 Generally:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The façade and roof pitch of the original building should not be altered.</li> <li><input type="checkbox"/> The original building should remain the dominant structure when viewed from the primary street and from side streets in the case of a corner site.</li> <li><input type="checkbox"/> Upper floors should not be constructed over significant areas of a building. Upper floors may be constructed to the rear of a significant building provided they do not impact on the significant fabric or elements of the building.</li> </ul>
Alterations and additions to a building or place identified as Management Category 3 - 5	<p>8.6.7 Alterations and additions should not obscure or alter areas or elements that contribute to the cultural heritage significance of the building or place.</p> <p>8.6.8 Alterations and additions should:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Be in keeping with the bulk and scale of a significant building.</li> <li><input type="checkbox"/> Use materials and colours that match the significant building, or use materials and colours that do not detract from the significant building.</li> <li><input type="checkbox"/> Ensure that the original building remains clearly evident, i.e. not overwhelmed by the new addition or altered beyond recognition</li> <li><input type="checkbox"/> Be clearly evident as new in comparison with the original building. Differences may be subtle or pronounced.</li> </ul>
<b>Alterations and additions to a building or place in a Heritage Area</b>	<p>8.6.9 The requirements of the Local Planning Policy for the Heritage Area will apply</p> <p>8.6.10 Alterations and additions to a building or place in a Heritage Area will be assessed for their impact on the streetscape and on the significance of the Heritage Area as a whole unless the place is also on the Heritage List or the MHI in its own right</p>

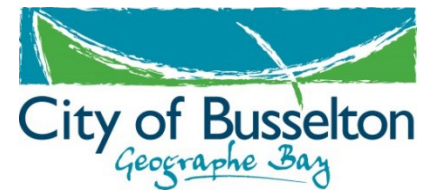
### Change of Use

The City will support original uses over new uses in heritage buildings. However, where new uses are required to ensure the future viability of the building or place, their suitability will be assessed on the capacity of the building to retain its cultural heritage significance.

Proposed Development	City Provisions
Change of use for a building or place on the Heritage List , except places identified as	8.7.1 New uses will be assessed on the basis of the recommendations of the conservation plan for the place.

# Local Planning Policy No. 4.3

## HERITAGE CONSERVATION



Management Category 3 in the MHI	Where no conservation plan exists a Heritage Impact Report may be required. 8.7.2 New uses will be assessed against their impact on the cultural heritage significance of the place. Uses that do not alter the significance of the place and do not require extensive alterations that may alter the significance of the place are preferred
Change of use for a building or place identified as Management Category 3 – 5 in the MHI	8.7.3 New uses will be assessed against their impact on the cultural heritage significance of the place. Uses that do not alter the significance of the place and do not require extensive alterations that may alter the significance of the place are preferred.
Change of use for a building or place in a Heritage Area	8.7.4 The requirements of the Local Planning Policy for the Heritage Area will apply 8.7.5 New uses will be assessed for their impact on the cultural heritage significance of the area as a whole.

### INCENTIVES, AGREEMENTS, COMPLIANCE and REVIEW

#### Incentives

The City of Busselton is committed to assisting owners to conserve heritage places wherever possible. The City has developed a program of incentives that it can offer to owners in return for the owner’s commitment to conservation of the heritage place.

Incentives can be offered to owners of places on the Heritage List on the MHI or located in a Heritage Area.

Incentives take the form of relaxation or modification of one or more of the planning requirements for that place that would normally apply under TPS20 or the Residential Design Codes. This includes but is not limited to:

- Parking requirements
- Plot ratio
- Residential density
- Use categories
- The requirement for only one dwelling on a rural lot. (This will be relaxed where an owner wishes to construct a new dwelling and the existing dwelling is a listed heritage place.)

#### Heritage Agreements under the *Heritage of Western Australia Act, 1990*

Under TPS20, the City of Busselton may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a Heritage Agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Detailed provisions relating to Heritage Agreements are set out in the Act. The principal purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place.

A Heritage Agreement in accordance with the *Heritage of Western Australia Act* will normally apply where the place is included on the Heritage Council’s Register of Heritage Places.

#### Heritage Agreements under the Local Town Planning Scheme

Where the City offers planning concessions or other incentives to places not included on the Register of Heritage Places, a legal agreement will be required between the owner of the heritage place and the City. This is a legally binding contract that commits the owner of a place to a particular outcome.

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## HERITAGE CONSERVATION



The use of a Heritage Agreement under the Local Town Planning Scheme may be considered where there is a specific need or desire to preserve or protect a heritage place with suitable cultural significance. Heritage provisions under the Scheme allows for development standards to be varied, including a change of use, to provide a planning concession to a developer in return for the retention of a building. The developer may also be required to undertake certain improvement works to the heritage place where required. An example of where a planning concession may be considered is where a density bonus is negotiated, which would allow an extra residential unit to be developed on a site in return for the protection and retention of the heritage place on site. Other potential incentives may include those listed under section 9.1 above.

### **Interpretation and Interpretation Plans**

The City encourages the provision of interpretative material as a means of conveying the cultural heritage significance of a place. The City may require the preparation of an Interpretation Plan or interpretative material as a condition of Development Approval or as a requirement of a Heritage Agreement or Agreement.

The following criteria will apply:

- The extent of redevelopment of the heritage building or place that is proposed.
- The extent to which the proposed development will impact on the cultural heritage value of the heritage building or place.
- The level and nature of cultural heritage significance of the building or place and the extent to which interpretative material will increase community understanding of the place.

The following interpretive techniques should be considered. The list is not considered to be exhaustive and other techniques may be used depending on the level and nature of significance of the building or place to be interpreted.

- Where appropriate, the historically accurate restoration of original colours, features, finishes, fittings and furnishings of a heritage building and/or the original landscape treatment (including planting schemes) of a cultural landscape.
- Installation of appropriate signage and/or interpretative panels depicting the history and significance of the place.
- Preparation of publications based on documentary research and/or oral history about the heritage place.
- The introduction of art works that illustrate historic themes such as the former use of a heritage building or place.

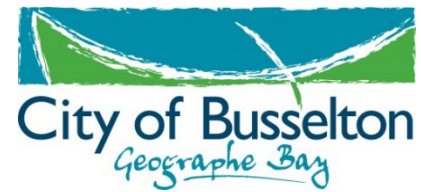
The City encourages the inclusion of interpretive material on heritage sites which also have Aboriginal significance. Interpretive material must be culturally appropriate and approved by the Department of Indigenous Affairs. Interpretive material does not require a Development Approval from the City of Busselton unless it is designed as part of an external fixture or other elements requiring Development Approval. The content of the interpretive material will not be assessed by the City of Busselton and relevant approvals will only be granted where the applicant provides evidence that the content has been approved by the Department of Indigenous Affairs.

### **Heritage Advice and Support**

The City may, at its own expense, engage experts in the field of heritage, architecture, structural engineering, quantity surveying, town planning, urban design or other areas as it sees fit to provide advice to the City on the assessment of individual development applications on an 'as-needs' basis. Such advice will be based on the area of expertise of the expert only and will be used to assist the City in the decision making process.

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The City may also commission heritage experts to prepare independent Heritage Assessments, Heritage Impact Statements or other Heritage Reports to assist in the assessment of a particular development application. The cost of preparing such a report may be required to be borne by the applicant.

In certain circumstances the City may also provide at its own expense technical support to owners of a heritage place to determine appropriate means of conserving that place. The City contributes to the retention of a Regional Heritage Advisor, and this person is available to provide free advice on heritage principles and issues to land owners, developers, community groups and others with an interest in, or concerns about, local heritage issues.

### Heritage Grants

From time to time owners of heritage places are eligible for assistance in the form of Grants for conservation works. The City will assist owners to access grant funding, for example, by providing links to funding organisations on its web site and by, where appropriate, advising owners of places on the Heritage List when funding rounds open and close.

The main sources of heritage funding are as follows:

- Heritage Council of Western Australia Private owners
- LotteryWest Not-for-Profit Organisations

### Council-Owned Property

The City of Busselton will seek to lead by example by managing its own property in accordance with these provisions.

### Compliance with these Provisions

Failure to comply with these provisions may result in penalties under the *Planning and Development Act 2005*. If the place is entered on the Heritage Council’s Register of Heritage Places, penalties under the *Heritage of Western Australia Act 1990* may apply.

### Reference Documents

- City of Busselton Municipal Heritage Inventory (Adopted 13/09/06)
- Western Australian Planning Commission *SPP 3.5 Historic Heritage Conservation*
- Local Government Heritage Working Party Findings (April 2005)

## 5. REVIEW DETAILS

<b>Review Frequency</b>		2 yearly		
<b>Council Adoption</b>	<b>10/3/2010</b>		<b>C1003/069</b>	
<b>Previous Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	

\* Policy number changed from LPP 9A to LPP 4.3 on the 11th May 2020. The change is administrative only, no resolution by Council required.