

10.11 Proposed Tree Streets Heritage Area – Public Consultation (listed as 10.1.2 in the agenda)

File Ref:	COB/100
Applicant/Proponent:	Heritage Advisory Committee
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.2-A: Draft Tree Streets Local Planning Policy Appendix 10.1.2-B: Engagement Plan Appendix 10.1.2-C: FAQ Appendix 10.1.2-D: Proposed Tree Streets Heritage Area Study Boundary: 2022 v 2004 Appendix 10.1.2-E: Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions

Summary

The *Heritage Act 2018* requires the preparation and review of a Local Heritage Survey (LHS) (previously referred to as the Municipal Inventory or Local Government Inventory). The City's 2001 LHS was reviewed in 2012 but no new places were assessed. The Local Planning Strategy commits to a comprehensive review of the LHS and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee. One of the priority locations raised to be assessed was that known as the "Tree Streets".

A detailed assessment of the Tree Streets has been completed and was reported to Council in January 2023 with a recommendation that a local planning policy be drafted for Council consideration. It is now recommended that Council proceed to advertise the proposed heritage area and draft local planning policy for the purposes of public consultation.

Executive and Heritage Advisory Committee Recommendation

That Council:

1. Proceed to advertise the proposed Tree Streets Heritage Area and associated Local Planning Policy 4.3: Tree Streets Heritage Area (Appendix 10.1.2-A) in accordance with Clause 4 and Clause 9, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for an extended period of 42 days;
2. Proceed to advertise the proposal to amend the City of Bunbury Local Heritage Survey with the inclusion of the proposed Tree Street Heritage Area in accordance with Part 8, Section 103 of the *Heritage Act 2018*;
3. Note and endorse the Engagement Plan (Appendix 10.1.2-B) for conducting public consultation for this proposal;
4. Note the FAQ (Appendix 10.1.2-C) that will form part of the public consultation.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well planned city
Outcome 7	A community with high quality urban design and housing diversity
Objective 7.1	Promote responsible planning and development
Objective 7.2	Grow recognition and respect for local history and heritage

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

“Heritage supports urban and rural amenity by providing familiarity and the presence of landmarks, by underpinning our ‘sense of place’, and by enhancing the quality of our built environment generally.” (State Planning Policy 3.5 Historic Heritage Conservation (SPP 3.5)).

Local governments, in close engagement with their communities, perform an important role in the identification and protection of local places of cultural heritage significance. This starts with the creation and adoption of a local heritage survey (LHS). Having identified individual places, groups and precincts in the LHS, consideration should be given as to whether any significant areas warrant further investigation for their potential as a heritage area.

The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the deemed provisions) identify that a heritage area should be designated ‘if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area...’. A separate local planning policy (LPP) is required for each heritage area designated under the local planning scheme. The requirements of such an LPP are detailed in Clause 9(2), Schedule 2 of the deemed provisions.

In 2004, the City of Bunbury commissioned an investigation into the cultural heritage significance of the Tree Street Area. The initial investigation was undertaken by Considine and Griffiths Architects with Historian Robin Chinnery. During the 2004 analysis of the proposed Tree Street Heritage Area, the study area included Karri Street, Jarrah Street, Banksia Street, Stockley Road, Beach Road and included a section of Tuart Street from Sampson Road to Beach Road (Appendix 10.1.2-D). There were opposing views from the community and extensive consultation. The finalisation of a heritage area did not proceed at that point. Recent demolitions and new built form have triggered further consideration of this area as part of the Local Heritage Survey (LHS) review. Previous analysis and the contemporary assessment by Stephen Carrick Architects have been given consideration through the LHS and heritage area review process.

The City of Bunbury Housing Strategy investigated, amongst other matters, appropriate infill areas. The proposed Tree Streets Heritage Area is in a location close to the CBD and schools that would normally trigger higher density investigations. However, given the character and cluster of heritage listings in this area, it was an action of the Strategy to investigate the Tree Streets potential as a heritage area in the first instance.

The Bunbury Council resolved on 31 January 2023 (Decision 009/23) to support the proposal of a designated heritage area and require preparation of a local planning policy and an engagement plan.

Council Policy Compliance

Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions

Legislative Compliance

The following legislation and statutory planning instruments and guidelines of the State and Local Planning Framework are applicable to the assessment of this application:

Legislation

- *Heritage Act 2018*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- The Burra Charter

State Planning Framework

- *Guidelines for Local Heritage Surveys 2019*
- *Guidelines for Heritage Areas (draft)*
- *Statement of Planning Policy 3.5 Historic Heritage Conservation*

Local Planning Framework

- *City of Bunbury Local Planning Strategy*
- *City of Bunbury Local Planning Scheme No.8 (LPS8)*
- *City of Bunbury Housing Strategy 2021*
- *Local Planning Policy 6.1 – Heritage Conservation and Development*
- *Local Planning Policy 6.2 – Heritage Listing, Assessment and Concessions*

Officer Comments

In December 2021, the City engaged heritage professionals, Stephen Carrick Architects, to undertake heritage assessments of priority locations across the City. The HAC and members of the public had previously identified the CBD and the 'Tree Streets' (HAC recommendation August 2021). The project team included a heritage architect and historian. Street surveys and desktop research were conducted to inform the assessment as previously reported to Council in January 2023. The assessment was based on the Guidelines for Heritage Areas (draft), DPLH, 2022. The FAQ (Appendix 10.1.2-C) details considerations for recommending a heritage area.

The draft local planning policy for a heritage area must set out the following –

- a) a map showing the boundaries of the heritage area;
- b) a statement about the heritage significance of the area;
- c) a record of places of heritage significance in the heritage area.

These criteria in the LPP are based on the assessment conducted by Stephen Carrick Architects. Local planning policies also contain design guidelines that demonstrate how the values of a heritage area can be retained. The design guidelines are based on performance criteria and design solutions to reinforce the heritage streetscapes and retain the significant housing stock. The LPP aims to guide development so that it does not detract from the values of the area.

Demolition of places of little or no significance may be considered but any new builds will need to respond to the design guidelines in the LPP. The policy does take a performance-based approach as values and significance can be difficult to measure, particularly for new additions. Design review is an important approach to determine whether the required performance criteria have been achieved. The City provides a free Heritage Advisory Service to assist with design review of proposals.

Another key consideration is that new buildings in heritage areas should not replicate or mimic existing buildings in design, appearance and materials. This provides a more honest or identifiable response to architecture and demonstrates that buildings do not have to look 'old' to respond to their setting and surroundings.

Policy Structure

Policy statements are structured as follows:

- Intent: Statement of intent for the policy statement in order to meet the policy objectives.
- Performance Criteria: Sets out those criteria and outcomes that define how a development proposal can meet the intent of the policy statement.
- Measures: Specific measures to assist in meeting the Performance Criteria. These may include Typology specific Measures for Residential Typology and Non-Residential Typology Areas.
- Design Guidance: General Design Guidance is provided for designers and applicants to assist with achieving contextually appropriate design and suggestions for how to meet the Performance Criteria. Site specific contextual analysis should also be undertaken.

A development application must meet the Performance Criteria for the relevant Policy Statement. If the Measures of a Policy Statement are met, then the Performance Criteria are satisfied. Where variations to the Measures are proposed, Design Guidance will provide guidance for achieving the Performance Criteria. The policy statements extend to the following design considerations:

- Demolition and Relocation
- Subdivision and/or Amalgamation
- Conservation of Contributory Buildings
- Alterations and Additions to Existing Buildings
- New Buildings
- Building Setbacks and Orientation
- Building Form, Scale and Bulk
- Roof Form and Pitch
- Verandahs and Porches
- Materials and Colours
- Access, Parking and Rights-of-Way
- Garages, Carports and Outbuildings
- Landscaping and Boundary Fences
- Incidental Development Requirements
- Signage
- Public Realm

The 'Public Realm' policy statement is a new consideration to assist in guiding policy development, infrastructure delivery and community expectations on street trees, street furniture, verge treatments, crossovers and street signage. This will have implications on Infrastructure Directorate policy statements.

Analysis of Financial and Budget Implications

Additional places included on the Heritage List and/or within a heritage area could result in an increase of rate concession applications. The area proposed includes 302 properties of varying significance. The take up of rate concessions is generally quite low, but this could have future budget implications. Rate concessions, subject to eligibility, may be 30% or a maximum of

\$1000/year, whichever is the lesser. Any rate concessions will be considered in accordance with the City of Bunbury Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions, attached at appendix 10.1.2-E.

Community Consultation

The proposed heritage area will be consulted with the property owners as per legislative requirements (for an extended period of 42 days rather than the prescribed 21 days) and the engagement plan. City officers will be available for 1:1 meetings. Public consultation is sought on the proposal of a heritage area, the boundary, the levels of contribution and the design criteria as detailed within the LPP. This item went to the Heritage Advisory Committee on 24 May 2023.

Councillor/Officer Consultation

A Council Briefing was held on 9 May 2023 in which the intent of a heritage area and LPP were discussed. Consultation has also occurred at an officer level with the Development Coordination Unit and City Planning. Associated policy implications have been discussed with officers across the Infrastructure, Sustainable Communities and Strategy and Organisational Performance Directorates. The Western Australian Planning Commission (WAPC) will also be consulted on any variations sought against the State Planning Policy 7.3 - Residential Design Codes.

Applicant Consultation

Not applicable.

Timeline

On completion of the public consultation, a schedule of submissions and associated changes to the local planning policy will be presented to the Heritage Advisory Committee and Council for consideration by the end of 2023.

Outcome of Meeting 27 June 2023

Councillors Andrew and Yip left the chamber at 6:06pm as they each declared a financial interest in this item.

Gary Fitzgerald gave a deputation in relation to this item.

The recommendation (as printed) was moved by Cr Steele and seconded by Cr Smith.

Cr McCleary moved a procedural motion to defer the item for two rounds, however the motion lapsed as there was no seconder.

The Mayor put the motion to the vote, and it was adopted to become the Council's decision on the matter.

Council Decision 110/23

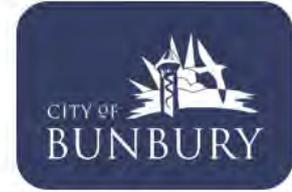
That Council:

- 1. Proceed to advertise the proposed Tree Streets Heritage Area and associated Local Planning Policy 4.3: Tree Streets Heritage Area (Appendix 10.1.2-A) in accordance with Clause 4 and Clause 9, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, for an extended period of 42 days;***
- 2. Proceed to advertise the proposal to amend the City of Bunbury Local Heritage Survey with the inclusion of the proposed Tree Street Heritage Area in accordance with Part 8, Section 103 of the Heritage Act 2018;***
- 3. Note and endorse the Engagement Plan (Appendix 10.1.2-B) for conducting public consultation for this proposal;***
- 4. Note the FAQ (Appendix 10.1.2-C) that will form part of the public consultation.***

CARRIED UNANIMOUSLY
9 votes "for" / nil votes "against"

Cr Andrew and Cr Yip returned to the chamber at 6:18pm.

Draft Local Planning Policy 4.3 Tree Streets Heritage Area



1.0 Citation

This Local Planning Policy (the Policy) is prepared under Schedule 2, Part 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2.0 Introduction

This Policy has been prepared to provide guidance on the assessment of proposals for works on places within the Tree Streets Heritage Area.

3.0 Objectives

The objectives of this Policy are to:

- a) to conserve areas of heritage significance;
- b) to ensure that development does not adversely affect the significance of heritage areas;
- c) ensure that heritage significance is given due weight in local planning decision making;
- d) provide improved certainty to landowners and community about the planning processes for heritage identification and protection;
- e) allow development without the need for approval where it can be achieved without impacts on heritage significance;
- f) clarify the format and content of accompanying material in accordance with clauses 63(1)(d) and 63(3), Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.0 Applications subject of this Policy

This policy applies to all proposals for development [including subdivision] located within the designated Tree Streets Heritage Area as shown in Appendix 1, Map 1.

5.0 Relationship to Planning Framework

5.1 Relationship to Planning Framework

This Policy is made pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and Part 7 of the Residential Design Codes. It is to be read in conjunction with the relevant Local Planning Scheme (the Scheme) and all relevant local planning policies. In accordance with the *Planning and Development Act 2005* where the Scheme, structure plan or any other plan is inconsistent with this Policy the Scheme provision(s) shall prevail unless specifically stated in the LPP as an approved variation. Where an inconsistency exists between this Policy and another adopted local planning policy, this Policy prevails to the extent of the inconsistency.

5.2 Relationship to Aboriginal Heritage Act 1972

Aboriginal Heritage is governed under the *Aboriginal Cultural Heritage Act 2021*. Currently, there are no registered Aboriginal Heritage sites within the designated heritage area boundary.

5.3 Relationship to the Residential Design Codes

The Tree Streets comprise a substantial amount of pre-1945 development, therefore modern residential development standards has potential to impact on the heritage significance of this area. This Policy specifies the controls applicable for the area to ensure this heritage significance is retained and therefore overrides the existing controls where necessary to conserve the cultural heritage significance.

Application of this Policy should be generally consistent with the provisions applicable within State Planning Policy 7.3 – Residential Design Codes Volume, except where augmented by this policy. As a result of the area’s cultural heritage significance, a variation to development requirements may be permitted. Development will be assessed against the relevant design principles of the R-Codes and/or Performance Criteria of this Policy.

The policy seeks to reinforce appropriate single house development which is generally detached in nature with the scale of development being proportionate to the size of the house and the prevailing streetscape context.

Below is a table which outlines which provisions of the R-Codes have been replaced or modified by the policy and the specific sections of the policy that are applicable or to be taken into consideration alongside an assessment using the R-Codes. Some variations have required approval by the Western Australian Planning Commission (WAPC). All other clauses of the R-Codes apply as relevant for development proposals in the Tree Streets.

Table 1 – Residential Design Code Variations

SPP7.3 Residential Design Codes - Volume 1

SPP7.3 Volume 1 Design Element	Tree Streets Heritage Area LPP variation
5.1.2, C2.1 Street setbacks Part C, 3.3	Consistent with contributory street setback precedence.
5.1.3, C3.1 Lot boundary setback Part C, 3.4	Side & rear boundary setback: Table 2a/2b - min. 1m/1.5m (varies due to wall height, wall length, major openings, and contributory precedence) Boundary walls only acceptable where there is a contributory precedent.
5.1.6, C6 Building height Part C, 3.2	Plate height – not less than 2.7m for new buildings and/or additions to single storey. Maximum one-storey height limit to street frontage and maximum two storey height beyond roof ridge. Note: as max roof height is not specified in Policy, max roof height in the R-Codes will be applied, however roof pitch will limit overall height.
5.2.1, C1.1 – 1.5 Setback of carports and garages Part C, 3.6	Carparking structures are to be sited to the side or rear of dwellings and at least 1.0m behind the primary building line.
5.2.2, C2 Garage width Part C, 3.6, C3.6.5, C3.6.6	Garage doors no greater than 35% of lot frontage where facing or visible from the street, or 6m (the lesser).

5.2.4, C4 Street walls and fences Part C, 3.6	Landscaping and Boundary Fences, height determined by style and materials of fence, as per policy statement 9.13.
5.2.6, C6 Appearance of retained dwelling Part C, 3.8	As per policy statement 9.3 – Conservation of Contributory Places criteria.
5.3.5 Vehicular access Part C, 3.7	One crossover per property primary street frontage and retain existing width or limit to a maximum of 3 metres for single houses, and 6 metres for dual carriageway where required by R-Codes.
5.4.3 Outbuildings Part C, 2.6	New sheds and outbuildings will be located behind the primary building and be distinctly smaller in scale, freestanding and built using traditional materials if visible from the street. Otherwise, they shall not be visible from the street.
5.4.4, C4.1, C4.2, C4.3, C4.4 External fixtures, utilities and facilities Part C, 2.5	Concealed from the streetscape, and if possible the public realm, and avoid damage to contributory elements. All performance criteria, measures, and design guidance apply in policy statement 9.14.

SPP7.3 Residential Design Codes - Volume 2

SPP7.3 Volume 2 Design Element	Tree Streets Heritage Area LPP variation
2.2 Building height	Consistent with contributory height precedence to the primary street.
2.3 Street setbacks	Consistent with contributory setback precedence to the primary street.
2.4 Side and rear setbacks	Side & rear boundary setback: min. 1m/1.5m (varies due to wall height, wall length, major openings, and contributory precedence) Boundary walls only acceptable where there is a contributory precedent.
3.6 Public domain interface	Landscaping and Boundary Fences, height determined by style and materials of fence, as per policy statement 9.13.
3.8 Vehicle access	No driveway wider than 6m (singularly or in aggregate), other R-Code criteria applies.

6.0 Cultural Heritage Significance of the Tree Streets Heritage Area

The Tree Street Heritage Area has cultural heritage significance for the following reasons:

- a) the historic value is reflected in the development of part of Captain James Stirling's Leschenault Location 26, resulting from the expansion of residential development to the south of the Bunbury town centre following the relocation of the railway in 1893;
- b) for its association with the proclamation of the townsite of Bunbury by Captain James Stirling in 1841 on the site of the current Bunbury Primary School;
- c) the aesthetic value of the area due to the highly intact streetscapes. This is influenced by the subdivision pattern, wide street verges, mature street trees and consistent building setbacks. The streetscapes display cohesive and consistent building form; materiality; architectural style and scale from the Federation, Inter- War and Post-War periods;

- d) the area comprises a high concentration of workers houses dating from c.1901; and
- e) the area contains individually significant places including the St Boniface Anglican Cathedral (1962), Bishops Court (1905), and Myrniong House (1925).

7.0 Contribution of individual places

The contribution of individual places to the significance of the area is listed in Table 1 and is based on the following definitions. Different planning controls may apply based on the contribution identified in Table 2.

Table 2. Contribution of individual places

Contribution to heritage area	Description	Management Category
High	Very important to the significance of the Heritage Area.	Conservation of the place is highly desirable. Any external alterations or additions should reinforce the significance of the area in accordance with the Design Guidelines.
Moderate	Contributes to the significance of the Heritage Area.	Conservation of the place is desirable. Any external alterations or additions should reinforce the significance of the area in accordance with the Design Guidelines.
Little/No	Does not contribute to the significance of the Heritage Area.	Existing fabric does not need to be retained. Any new/replacement development on the site should reinforce the significance of the area in accordance with the Design Guidelines.

‘High’ and ‘Moderate’ classifications are defined as ‘**contributory**’. This can include, but is not limited to, built form. Buildings that are considered ‘**non-contributory**’ to the heritage significance of the Tree Streets Heritage Area, are still subject to the application of this policy in regard to any development as new works can impact upon the Heritage Area if not managed properly.

8.0 General Standards for Development

8.1 Land Use & Development in the Tree Streets Heritage Area

The development of land is to be in accordance with the requirements of –

- (a) this Local Planning Policy: Tree Streets Heritage Area; and
- (b) the Residential Design Codes for residential and mixed use developments, subject to the variations; and
- (c) the applicable zone provisions under the Scheme; and
- (d) relevant Special Control Area(s); and
- (e) relevant Local Planning Policies or Local Laws; and
- (f) applicable Australian Standards; and
- (g) Burra Charter principles.

8.2 Works Requiring Planning Approval

External

All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place.

Works impacting on the setting of the place, including fencing, swimming pools, and other ancillary structures, also require planning approval.

Internal

Any internal works on a place included on the Heritage List within the heritage area will require development approval. Internal works associated with a change of use will also require approval.

Note: Development for which development approval not required is referenced in *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 7, clause 61. All places considered a heritage-protected place require approval, unless it is for maintenance and repairs with like-for-like materials and finishes.

8.3 Adaptation

It is recognised that heritage buildings often require adaptation (change of use) to meet current needs and new uses.

Generally adaptation will be supported provided:

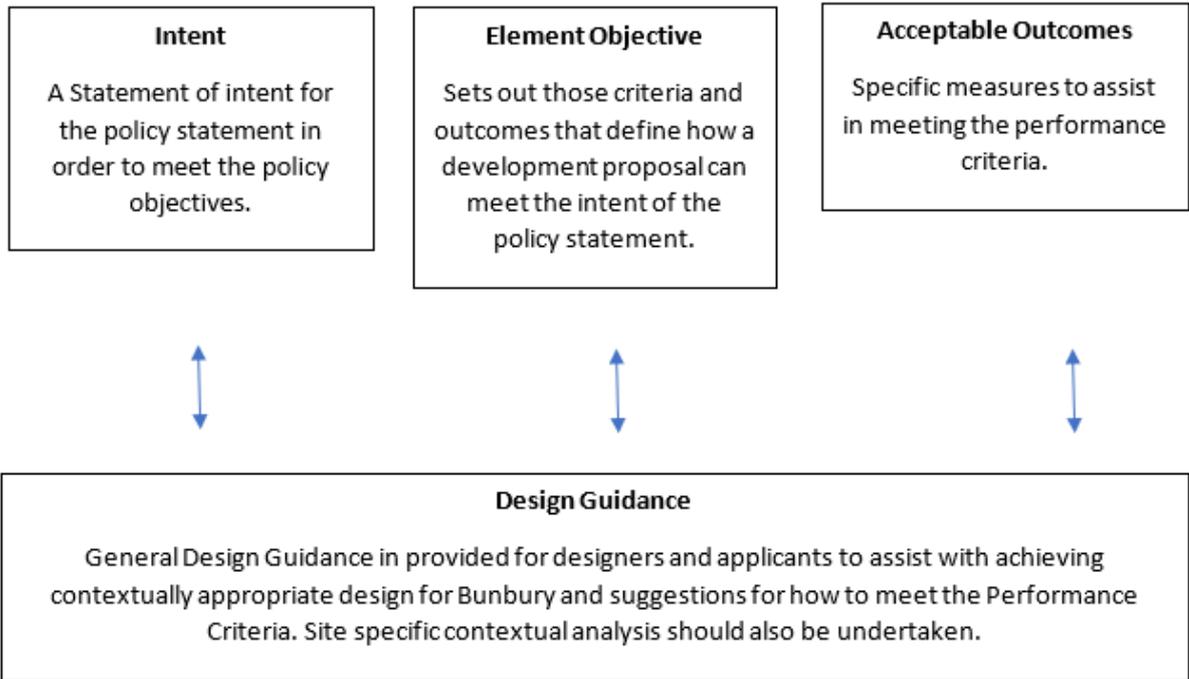
- a) any required modifications do not substantially detract from the heritage significance of the place;
- b) the proposed works are consistent with the provisions of this Local Planning Policy;
- c) the proposed use(s) will not impact negatively on the amenity of the surrounding area; and
- d) the use is consistent with the Scheme and other relevant local planning policies.

Adaptation should be carried out with the least amount of change to the significant fabric as possible.

Where possible, evidence of the original use of a building should be retained, and in some circumstances interpretation may be appropriate to help understand the former use where this is not readily apparent.

9.0 Development Control Principles

In considering any planning applications in relation to a place within the Tree Streets Heritage Area, the City of Bunbury will apply and give due regard to the development control principles set out in this Policy and State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5).



DRAFT

9.1 Demolition and Relocation

INTENT: The loss of a Contributory Place negatively impacts on the cultural significance and character of the Heritage Area. Once gone, it can never be replaced. Demolition of a Contributory structure is rarely appropriate and there is a presumption against demolition within Contributory Places (including buildings). It is acknowledged that there will be exceptional circumstances where demolition cannot be avoided. In these circumstances, the onus rests with the applicant to provide a sound justification for demolition within a Contributory Place. Demolition approval will not be granted because redevelopment is a more attractive economic proposition, or because a building has been neglected. The physical location and context of a place also forms part of its understanding and significance and therefore relocation of built form within a Contributory Place is generally unacceptable unless this is the sole means of ensuring its survival.

Element Objective	Acceptable Outcomes
<p>E.1 The demolition of a contributory place is not supported. These places contribute to the significance of the Tree Streets Heritage Area as identified in the statement of significance.</p> <p>E.2 In circumstances where demolition approval is sought the onus is on the applicant to provide a justification.</p> <p>E.3 Relocation of Contributory built form is to be avoided. Relocation of contributory structures is detrimental to the context and understanding of the Heritage Area and will not be supported without sound justification that this is the sole means of ensuring survival.</p> <p>E.4 Partial demolition of non-contributory or intrusive elements to accommodate conservation and enhancement of the Tree Streets Heritage Area is encouraged.</p> <p>E.5 Where proposing to remove portions of structures or built form through partial demolition within a Contributory Place that is not visible from the public realm, refer to Policy Statement 9.4 - Alterations and Additions to Existing Buildings.</p>	<p>A.1 Demolition of any building in the Heritage Area requires development approval by the City.</p> <p>A.2 Demolition of any building will not be permitted where there has been a demonstrable period of neglect leading to deterioration in the building's condition.</p> <p>A.3 Contributory built form will not be approved for demolition other than in exceptional circumstances where it has been assessed as structurally irredeemable based on:</p> <ul style="list-style-type: none"> a. Assessment by a qualified structural engineer with heritage experience and supported with a Heritage Impact Statement prepared by a heritage consultant. The City may also obtain its own independent heritage advice prior to making a determination. <p>A.4 Consideration of an application for demolition within a Non-Contributory Place will be based on one or more of the following:</p> <ul style="list-style-type: none"> a) Assessment of the cultural significance of the building and its contribution to the cultural significance of the heritage area. b) Inclusion of a proposal for a new building in its place which complies with the provisions of this policy and the local planning scheme; and c) Entering into a Heritage Agreement with the City to establish a timeframe for new development to be completed. <p>A.5 Relocation of Contributory built form will only be permitted when this is the sole and unavoidable means of ensuring its survival.</p> <p>A.6 Secondary structures related to a</p>

Contributory Place may be relocated or demolished where it can be demonstrated that relocation or demolition has no impact on the significance of the Contributory Place or the surrounding area.

A.7 Elements of Contributory Places will only be considered for demolition where retention in the original location is not possible and the applicant demonstrates that the removal has no adverse impact on the cultural heritage significance of the Heritage Area based on:

- a) An assessment of the cultural heritage significance of the building and the contribution that the subject elements make to the significance of the Heritage Area, supported by a Heritage Impact Statement prepared by a qualified heritage consultant. The City may also obtain its own independent heritage advice prior to making a determination

Design Guidance

D.1 Retain the primary Contributory built form located under the main roof form and include feature components as below.

D.2 Traditional landscaping, front fences, street facades at both ground and upper levels, roof form and original chimneys, verandahs and awnings, window and door openings and associated frames, sills and fittings, wall vents, and external finishes and decorative elements where they have not been substantially altered through later additions are to be retained for contributory built form.

D.3 In corner lot situations or instances where Contributory Places are visible to the public realm from multiple street frontages, the requirements of retention within D.1 are also applied to each of the street facing elevations.

D.4 Retain secondary structures which relate to the context of the Contributory Place and contribute to the history and character of the place, if considered significant.

9.2 Subdivision and/or Amalgamation

INTENT: The Tree Streets Heritage Area’s street layout and subdivision pattern are an important part of its character and is consistent and repetitive with much of the original layout still intact. Subdivision or amalgamation of lots has the potential to irreversibly alter the character of the Tree Streets Area. Subdivision is generally limited by the prevailing R15 residential density coding and amalgamation of lots is discouraged.

Element Objective	Acceptable Outcomes
<p>E.1 Subdivision retains the established street pattern and respects the traditional subdivision layout of surrounding development in the immediate locality.</p>	<p>A.1 Subdivided lots with frontage to a primary street shall be configured to allow buildings orientated to address the primary street, and have a consistent building setback with adjacent premises.</p>
<p>E.2 Subdivision does not require the demolition or modification of significant fabric.</p>	<p>A.2 If the site comprises an amalgamation of former residential lots, the development reflects the traditional street pattern for the immediate locality.</p>
<p>E.3 Subdivision/amalgamation retains an appropriate physical setting and important public views to the heritage place. This includes the retention of original garden areas, landscaping features or other features that are considered essential to the setting of the heritage place or its heritage significance.</p>	<p>A.3 Subdivision shall not alter the relationship between built form elements of a heritage place such as a house and its gardens.</p>
<p>E.4 Subdivision will not unduly restrict opportunities for meeting the other requirements set out in this Local Planning Policy.</p>	<p>A.4 Subdivision or amalgamation of lots shall not increase the number of crossovers for the original lot.</p>
<p>E.5 Future development on any new lots created by subdivision/ amalgamation can be achieved without unduly compromising the significance or setting of the heritage place.</p>	<p>A.5 Street trees are not to be removed to facilitate subdivision or amalgamation. A.6 Car parking should be incorporated into any subdivision proposal. Garages and carports will generally not be supported in the front setback in battle-axe subdivisions.</p>

Design Guidance

- D1. Any subdivision and/or amalgamation proposal is accompanied by a Heritage Impact Statement which addresses any potential impacts on the Tree Streets Heritage Area’s significance.
- D2. Future development on a subdivided/amalgamated lot must fully address all other requirements of this Local Planning Policy. This applies to the lot containing the heritage place and any new vacant lots that may be created by a subdivision.
- D3. Amalgamation of lots is not encouraged, however redevelopment of previously amalgamated lots shall ensure that the established traditional street pattern in the Heritage Area is reinstated.
- D4. Within the Heritage Area retention of contributory places is required and this may impact development potential. Where the policy recognises that there is little or no contribution to significance, the site may be developed within the parameters of this Local Planning Policy.
- D5. Where the Residential Design Codes and Scheme allow for more than one building with the subdivision/amalgamation of the existing lot, this should only be approved where contributory places to the heritage area (inclusive of significant buildings, landscape elements etc) are retained within a setting that is appropriate to the cultural heritage values of the place.

D6. Future development of any new lots created by subdivision/amalgamation must be capable of being achieved without negatively impacting on the significance of the heritage place. For example, the development of these lots should not:

- a) require the removal of significant mature trees;
- b) remove or unduly limit opportunities for parking in accordance with this Local Planning Policy (either directly associated with the heritage place or on a new adjacent lot);
- c) remove carparking provision to the side or rear of the place due to a common driveway as this constitutes an alteration to the traditional streetscape as a result of subdivision;
- d) remove or unduly limit opportunities for sympathetic additions to the heritage place, as may be required to meet modern living requirements;
- e) result in adjacent new buildings or boundary fences unsympathetically intruding on the setting of the heritage place; or
- f) result in any adjacent new development of a scale, siting or bulk that is unsympathetic to the heritage place (for example, small lots necessitating two storey development with small setbacks adjacent to a single storey heritage place).

Note: The local government is not a decision making authority with respect to subdivision and amalgamation. These provisions will be used to guide the local government in its assessment and recommendations to the relevant decision making authority.

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9.3 Conservation of Contributory Places

INTENT: Conservation works to Contributory Places are necessary for protecting a place and ensuring its long term structural integrity and ongoing contribution to the significance of the Heritage Area. Conservation works can include repair, maintenance, restoration and reconstruction of Contributory Places and elements with the appropriate conservation approach for individual buildings based on an understanding of the significance of that place, and in consultation with a qualified heritage professional.

The ICOMOS Burra Charter (ICOMOS, 2013) establishes the principles and procedures to be followed in the conservation of Australian heritage places. Its primary purpose is to ensure that the cultural heritage significance of heritage places is understood to inform change and that change responds to and conserves that significance accordingly.

Conservation and repairs are undertaken 'like-for-like' in terms of materials, colour, finishes and functionality.

Element Objective	Acceptable Outcomes
<p>E.1 Contributory Places are retained and conserved in accordance with the best practice principles set out in the ICOMOS Burra Charter (ICOMOS, 2013).</p>	<p>A.1 Ensure that works retain, conserve and restore the following:</p> <ul style="list-style-type: none"> a) Elements, features and finishes of any identified contributory places in their original, or most significant state.
<p>E.2 Contributory Places retain their original or most significant stage of appearance and any restoration work to match that appearance is based on photographic, archival and physical evidence.</p>	<ul style="list-style-type: none"> b) Contributory elements such as ancillary buildings and secondary structures including fences, gates, and gardens. c) Facade elements including original openings, decorative elements and joinery to doors and windows. <p>A.1 Ensure that conservation works:</p> <ul style="list-style-type: none"> a) Retain the original materials or replace on a like for like basis if damaged beyond repair. b) Do not reproduce period detailing to facades unless it is restoring the building to a known original appearance based on evidence. c) Are based on historical documentation such as early drawings or photographs, physical evidence found on site or neighbouring buildings of a similar design and era.

Design Guidance

D.1 General

- a) Repairs to Contributory Places prioritise the retention of traditional materials and the original or most significant appearance of the building.
- b) Where the street facing portion of a Contributory Place's built form has been altered in the past, restoration to match its original appearance using traditional materials, based on archival or physical evidence is encouraged to enhance its contribution to the streetscape character.
- c) Where conservation works need to be balanced with other building code requirements, design solutions will focus first and foremost on respecting the historic streetscape character of the

Contributory Place. Subject places which are heritage listed in their own right will also need to consider any impact on their individual values and significance.

D.2 Roofs

- a) Where roof cladding requires replacement, new material will match the original based on physical or documentary evidence. Where original roofing material is unknown, the most appropriate materiality selection in most cases will be corrugated galvanised iron or terracotta tiles.
- b) Gutters and downpipes match the original style of the building. Typically, original rainwater goods will be Ogee, round, or half round profile.
- c) Chimneys, inclusive of pots and other original elements are retained, with missing or damaged chimneys designed to match the original.

D.3 Walls

- a) Brickwork – existing exposed brickwork remains uncoated by paint or render. Repoint brickwork when required with a mortar mix and joint profile to match the original in composition and appearance. Where original exposed brick has been painted, restoration to original face brick is encouraged.
- b) Render – external render was used sparingly as a decoration to brick buildings rather than the predominant finish and was often painted. The presence of decorative render elements is not a precedent for introducing a rendered finish to previously unrendered portions of a building.
- c) Weatherboards – painted hardwood horizontal weatherboards are retained and restored. Where weatherboards require replacement, new elements match the type of material (timber), width of board, profile and lapping of the original.

D.4 Verandahs

- a) Roofs – verandah roofs reflect the style of the building to which they belong and are based on the original design where known.
- b) Posts/ Balustrades – verandah posts and balusters are always timber. Retain and restore original material or where it has been previously lost replace to match the profile of the original and style of the building to which they belong.
- c) Decking – timber decking is a traditional finish to be retained and restored where existing, and utilised as the preferred materiality where a verandah is being reconstructed

D.5 Windows and Doors

- a) Windows – window types, grouping, sizes, materiality, detailing and fixtures are retained or restored to their original or most significant appearance. Typically windows are casement or double sash with timber framing. Replacement or addition of aluminium or other metal frames is not a suitable design approach. Returning original windows to functional order is encouraged.
- b) Original glazing is retained unless there is unavoidable need for replacement. Replacement glass should match original and be non-reflective.
- c) Doors – original openings to be retained or restored to match original arrangement and appearance.

D.6 Ornamentation

Modest ornamentation was applied to some Contributory Places originally. Where demolished or altered ornamentation is to be restored to original state and evidence that it existed in that state originally is required.

D.7 Painting

- a) Paint colours to external timber elements are selected:
 - i. to match original colours based on investigation; or,
 - ii. in keeping with traditional colour schemes for buildings of a similar style and era of development within the relevant Character Statement.
- b) Retain unpainted brick, masonry, render or roughcast surfaces.
- c) Remove paint from surfaces which were not originally intended to be painted through non-abrasive methods. Test any paint removal methods such as chemical paint strippers or steam cleaning in a concealed location prior to applying to visible surfaces. Abrasive approaches including sandblasting or grinding are not acceptable.

D.8 General

- a) If part of the significant fabric has deteriorated to the point where it requires replacement, a policy of 'like for like' is generally recommended. However, in some cases similar, but not identical, fabric may be appropriate. Examples include existing corrugated iron roof sheeting, which in some cases may be replaced by Colorbond or zincalume sheets; or asbestos cement sheets which should be replaced with comparable sheet material that does not contain asbestos.

- b) Within Bunbury there are some places where original fabric has been removed/replaced to the detriment of heritage values. Examples include replacement of corrugated iron roof sheeting with 'decramastic' roof tiles (galvanized steel pressed metal sheets that look like tiles); replacement of timber window frames with aluminium; enclosure or removal of traditional verandahs; etc. Restoration/reconstruction of places to their original or earlier form and detailing is encouraged where practicable. Where possible this should be based on evidence such as remaining traces of earlier fabric, old photographs, or comparison with other similar places.

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9.4 Alterations and Additions to Existing Buildings

INTENT: Generally, alterations or additions to existing buildings can be accommodated without having a negative impact on the cultural heritage significance of the Tree Street Heritage Area. Alterations and/or additions are supported that do not visually intrude on Contributory Places or the overall streetscape and are consistent with the significance and character of the area in which they are located taking into account style, scale, materiality, form, function and siting.

Element Objective	Acceptable Outcomes
<p>E.1 Alterations, additions or new structures are designed to ensure that, as far as practicable:</p> <ul style="list-style-type: none"> a) the work involves the minimum possible alteration to, or loss of, significant form and fabric (both internally and externally, and inclusive of both built and landscape elements); b) the setting of the heritage place is not adversely affected by the new works (inclusive of any new landscaping, hard stands, fences etc); c) the heritage place remains the dominant element when viewed from the primary street; important public views to the heritage place are not adversely affected; and the original building's contribution to the streetscape is maintained. <p>E.2 New buildings, additions or other works are designed:</p> <ul style="list-style-type: none"> a) to match (but not exactly mimic) the style of the heritage building; or b) in a contemporary style that is compatible with the original. 	<p>A.1 Single storey additions are located:</p> <ul style="list-style-type: none"> a) behind the main building; and/or b) constructed 1m behind the primary frontage of the existing building. <p>A.2 Rear additions take the form of a linked pavilion that allow the original dwelling to retain its original form.</p> <p>A.3 Second storey additions are:</p> <ul style="list-style-type: none"> a) built behind the original building and not visible from the street; or b) constructed so that the roof of the addition is contained below the line of sight of a person standing on the opposite side of the street. A minor variation to this may be permitted on the basis of its impact on the streetscape. <p>A.4 The reinstatement of significant original detailing where this has been previously removed or seriously damaged.</p> <p>A.5 New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.</p> <p>A.6 New work should be readily identifiable as such.</p>

Design Guidance

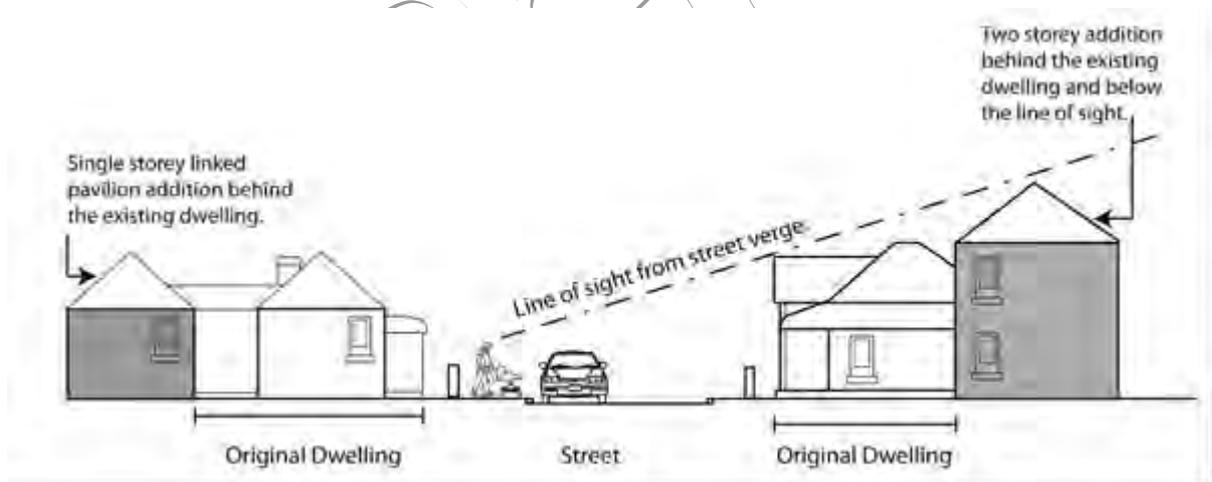
D1. All development should, as far as practicable, retain the significant character, detailing, orientation and setting of the heritage place.

D2. Additions and new buildings/structures (including garages, carports, patios, swimming pools, gazebos etc.) should take account of the significance and character of the heritage place, involve the least possible alteration to significant fabric, retain the prominence of the original building in public views, and not unnecessarily obscure significant elements/details.

D3. Where practicable, the works should include reinstatement of significant detailing where this has been previously removed or severely damaged.

- D4. Additions and new buildings/structures should be set back behind the main façade.
- D5. Single storey alterations/additions are preferred for a single storey heritage building. Provided they retain clear evidence of the original scale and form of the significant structure, these may be designed as a direct continuation of the building footprint or as a linked pavilion.
- D6. A second storey may be constructed at the rear, but the significant form of the original building must remain clearly evident and visually prominent when viewed from the dominant street. Additions built forward of, or up to, the ridge of the original building are generally not appropriate.
- D7. Alterations/additions to a heritage building may be in the same general style as the existing building or provide a visual contrast. However, additions should always respect the heritage place in terms of scale, massing, form, setbacks, external materials, colours and detailing (including design aspects such as the proportions of doors and windows, width of eaves overhangs, roof form etc). Alterations/additions should always be distinguishable from the original fabric at close inspection.
- D8. Alterations to the interior of a heritage place to meet reasonable modern living standards and/or to suit a compatible new use will be supported, subject to consideration of the impact on any fabric identified as being of exceptional or considerable significance.
- D9. Ideally, where original internal walls or features are proposed to be removed these changes should be managed to allow evidence of the original layout to be read at close inspection where practicable (for example by retention of small wall “nibs” or the use of different finishes).
- D10. The style and detailing of new buildings should not directly mimic the heritage place (ensuring a clear distinction between old and new).

Figure 1: Additions to Existing Dwellings.



9.5 New Buildings

INTENT: New buildings have the capacity to contribute to the streetscape and to complement the historic built environment. New buildings shall respect their historic context, and respond to the context in scale, form, siting, materiality and colours. The majority of dwellings that contribute to the Tree Streets Heritage Area are examples of modest vernacular buildings built during the early twentieth century. The overall area displays characteristics from the Federation, Inter-War and Post-War periods. The contributory significance of most places originates not from their individual significance but from their consistency in form and style representative of the era.

Figure 2: Desired bulk and scale of new dwellings.



Element Objective	Acceptable Outcomes
<p>E.1 New buildings are designed and constructed in a style that is compatible with, but does not overtly mimic, the traditional building styles found in the Heritage Area (e.g. taking into consideration form, scale, bulk, shape, articulation, materials, finishes, colour, etc).</p> <p>E.2 In the mixed-use area, new buildings take design influence from the contributory places nearby with regard to setbacks, orientation, built form and building materials.</p>	<p>A.1 New buildings of traditional or contemporary design comply with all the design elements of this local planning policy.</p> <p>A.2 Building height is consistent with contributory height precedence of single storey, otherwise R-Code.</p> <p>A.3 New buildings that are single storey have a plate height of not less than 2.7 metres.</p>

Design Guidance

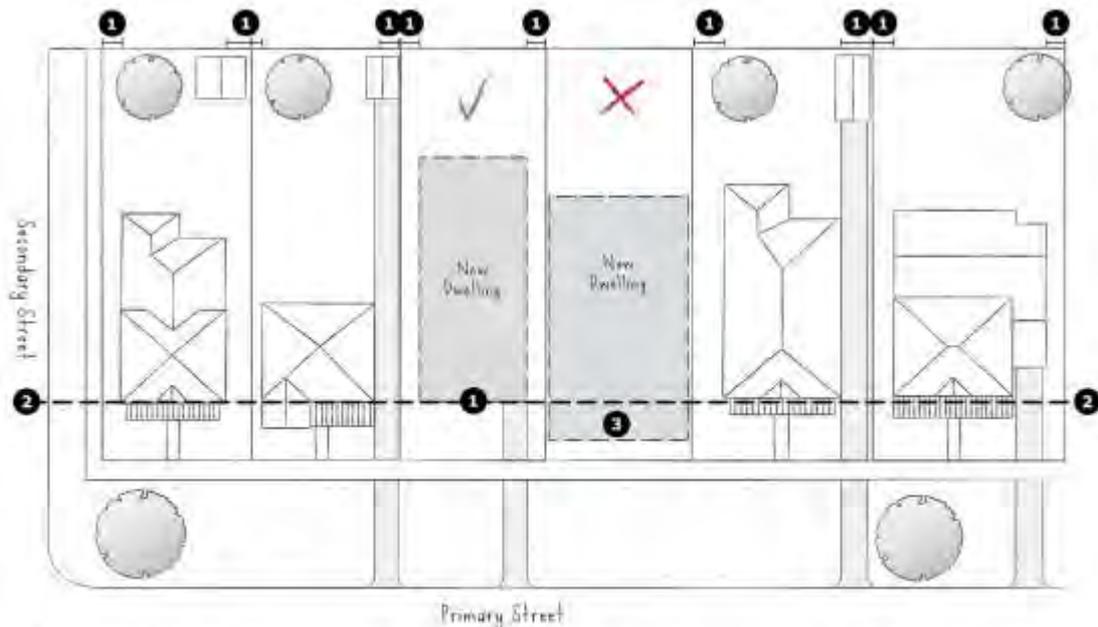
D1. New buildings that respect, but do not copy, the traditional vernacular styles of the contributory buildings in the Heritage Area should be designed to 'fit in' with the existing streetscape. Designs that do not follow the traditional pattern in terms of form, scale, general size and shape, or other design features of the immediate locality may not be supported.

D2. It should be noted that applications for planning approval for new buildings are to comply with all other design elements of this Local Planning Policy.

9.6 Building Setbacks and Orientation

INTENT: Front and side building setbacks are an important element defining the character of a streetscape. Generally in the Heritage Area, dwellings are set back a similar distance from the street boundary. While there is some variation between streets, front setbacks are generally such that there is little opportunity for development in the street setback area.

Figure 3: Building Setbacks.



- 1 The siting of new residential infill development matches the prevailing setbacks in the streetscape. This includes both primary street setback and side boundary setbacks.
- 2 Primary building line.
- 3 New development does not protrude into the front setback area.

Element Objective	Acceptable Outcomes
E.1 Additions to all buildings are set back from the primary street a distance equal to the prevailing traditional setback of surrounding development in the immediate locality.	A.1 Ground floor additions to a contributory building are setback a minimum of 1m behind the primary frontage of the existing building.
E.2 Additions to contributory buildings allow the contributory building to remain dominant when viewed from the street.	A.2 Where an existing building on a lot is not to be retained, new buildings with a frontage to a primary street shall have a setback generally consistent with the surrounding development in the immediate locality.
E.3 New buildings are orientated to address the street and ensure the retention of the traditional street pattern.	A.3 Buildings, front doors and pedestrian access shall be orientated to the primary street.
E.4 New buildings are constructed with setbacks from side boundaries generally consistent with the traditional street pattern.	A.4 Where an existing building on a lot is retained, new buildings with frontage to a primary street are set back: <ul style="list-style-type: none"> a) in line with the existing building to be retained; or

b) consistent with the established front setback of the surrounding development in the immediate locality.

A.4 Side & rear boundary setback: min. 1m/1.5m (varies due to wall height, wall length, major openings, and contributory precedence) Boundary walls only acceptable where there is a contributory precedent.

Design Guidance

D.1 The Tree Street Heritage Area contains some streetscapes where the pattern of setbacks is particularly significant. These are:

- i. the southern end of the heritage area spanning from Wattle Street in the west to Karri Street in the east which displays a consistent subdivision and street setback;
- ii. the southern side of Lovegrove Avenue and the northern side of Stockley Road where there is a consistent reduced setback.

D.2 All development in a heritage place should retain / reinforce the traditional orientation and front and side setback pattern in the immediate locality.

D.3 New development should not impede opportunities to meet the vehicle access and parking requirements of this local planning policy.

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9.7 Building Form, Scale and Bulk

INTENT: Dwellings that contribute to the significance of the Tree Streets Heritage Area are generally of similar form, bulk and scale. The majority of places are single residences that face the street. While lot sizes vary across the Heritage Area, the lots in any one street are generally similar in size and the dwellings are of similar size, setback, scale and proportions.

Element Objective	Acceptable Outcomes
<p>E.1 New buildings and alterations/additions are of a compatible form, bulk and scale to traditional development in the street.</p> <p>E.2 Alterations/ additions to single storey are designed so that upper floors are not visually dominant when viewed from the primary street.</p>	<p>A.1 New development is single storey, or if two storey, including alterations/additions, comply with the following:</p> <ul style="list-style-type: none"> a) upper storey is set back so that the roof line is below the line of sight of a person on the opposite side of the street; and b) the upper floor area of the building does not exceed 50% of the ground floor area. <p>A.2 Large dwellings are to be reduced in scale by articulating long walls and through the arrangement of openings, fragmenting roof forms or setting back upper levels as appropriate.</p> <p>A.1 Buildings in the mixed use zone shall be in scale and bulk with the contributory precedence in the locality.</p>

Design Guidance

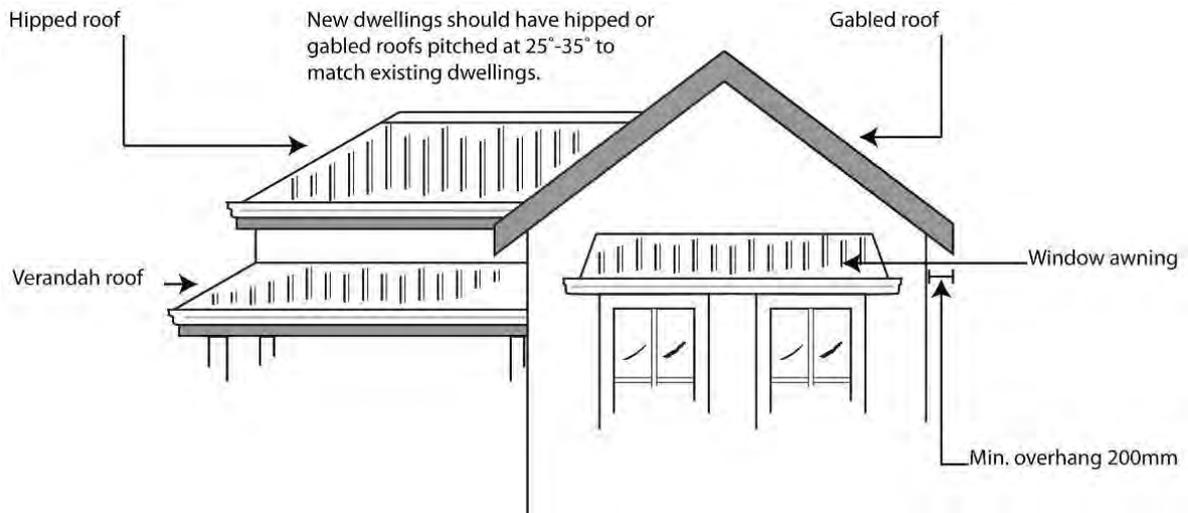
D.1 There are some differences across the Heritage Area with residential and mixed use zoning - hence the scale, form and bulk of new development should take account of the dominant pattern of the street in which it is located.

D.2 New buildings in the Tree Streets Heritage Area should be constructed in a manner that takes account of the heritage values and character of the Heritage Area as a whole. New dwellings shall respect and follow the predominant street pattern in terms of height, roof pitch, orientation and articulation. This means that when viewed from the primary street, dwellings should look similar to existing dwellings in terms of their general size and shape.

9.8 Roof Form and Pitch

INTENT: Residential roofs in the Tree Streets Heritage Area are generally gabled or hipped forms or a combination of these. Roof pitch is generally between 25° and 35°. Roofs generally have an eaves overhang that varies from quite narrow to about 300 mm from the face of the wall. Traditionally the eaves were battened to keep birds and small animals out of the roof space.

Figure 4: Roof Form and Pitch.



Element Objective	Acceptable Outcomes
E.1 Where visible from the street, roof forms and detailing of new buildings complement the traditional form of the roofs of contributory building in the immediate locality.	A.1 The roof forms of new buildings are pitched between 25° and 35° and are of similar scale, form and articulation (i.e. complexity) to traditional development in the immediate locality.
E.2 Where visible from the street, roof forms of alterations/ additions to contributory buildings complement the form and detailing of the existing roof.	A.2 Alterations/ additions to contributory buildings retain the original roof form and detailing, as viewed from the street (inclusive of chimneys).
E.3 Significant original detailing (such as chimneys) is retained.	A.3 The eaves of new buildings and alterations/ additions are:
E.4 The eaves of alterations/ additions to contributory buildings match the eaves line of the existing building.	a) not less than 200mm from the wall of the building; and b) not greater than that to traditional development in the immediate locality.

Design Guidance

D.1 Retention of existing roof forms for contributory buildings (inclusive of detailing such as chimneys) and use of complementary forms for new buildings and additions/ extensions.

9.9 Verandahs and Porches

INTENT: Nearly all of the dwellings that contribute to the Tree Streets Heritage Area have front verandahs or porches. This feature is an essential unifying element that contributes to the Heritage Area’s character. In some instances verandahs or porches have been enclosed.

Figure 5: Verandahs and Porches.



Element Objective	Acceptable Outcomes
<p>E.1 The principal façade and main entrance of new buildings addresses the street in a manner that reflects the predominant character of the traditional development in the immediate locality.</p> <p>E.2 Contributory buildings retain their primary access (front door) and conserve the traditional detailing of verandahs and porches.</p>	<p>A.1 New buildings are designed with either a verandah or porch that addresses the primary street and provides the primary access to the building.</p> <p>A.2 Verandahs and porches to new buildings interpret traditional forms and complement detailing of nearby contributory buildings.</p> <p>A.3 Alterations/additions to a contributory building retain existing verandahs and porches, and, where appropriate, restore/ reinstate their original detailing.</p>

Design Guidance
<p>D.1 Retention of the traditional pattern of development with verandahs and porches addressing the street</p>

9.10 Materials and Colours

INTENT: Dwellings that contribute to the Tree Streets Heritage Area are constructed of traditional building materials. The predominate materiality is timber framed construction with either a weatherboard finish or a combination of weatherboards and compressed fibre cement sheeting. Throughout the area there is some face brick construction and fewer rendered masonry dwellings. There are some examples of tiled roofs, however, by far the majority of dwellings have corrugated iron roofs (some of which have been replaced in zincalume or Colorbond). While there is a predominance of neutral colours in the Heritage Area, there are also some examples of bright colour schemes that contribute to the aesthetic character of the Heritage Area.

Full authentic restoration of original colour schemes is not required in the Heritage Area. New colour schemes that are sympathetic to the heritage significance of the individual dwelling and the Heritage Area as a whole are encouraged.

Element Objective	Acceptable Outcomes
<p>E.1 Where visible from the street, the original materials and finishes of contributory buildings are conserved.</p> <p>E.2 Where the significant original materials and finishes of contributory buildings require replacement, the policy of replacing 'like for like' or in a visually comparable modern equivalent shall be applied.</p> <p>E.3 Where visible from the street, alterations/ additions are constructed of materials and use colours that complement the significant fabric of the existing building.</p> <p>E.4 Where visible from the street, new buildings are constructed of materials and use colours that complement the existing contributory buildings in the immediate locality.</p>	<p>A.1 For existing dwellings:</p> <ul style="list-style-type: none"> a) existing face brick is retained unpainted; b) original tuck-pointing is reapplied; c) existing timber joinery is retained or selectively replaced with new timber joinery where replacement is required; and d) original roof material is retained or replaced with matching material. <p>A.2 Flat asbestos sheets are replaced with modern flat fibrous cement sheets (made without asbestos).</p> <p>A.3 A corrugated iron roof is replaced with galvanized iron roof cladding or zincalume. Pre-finished steel (e.g. Colorbond) is acceptable with traditional colours (e.g. manor red) where it is demonstrated that it was originally a painted finish.</p> <p>A.4 Damaged weatherboards are selectively replaced using timber of the same profile.</p>

Design Guidance

D.1 For existing contributory buildings, retain original materials where possible or where materials require replacement, the policy of replacing 'like for like' should be applied.

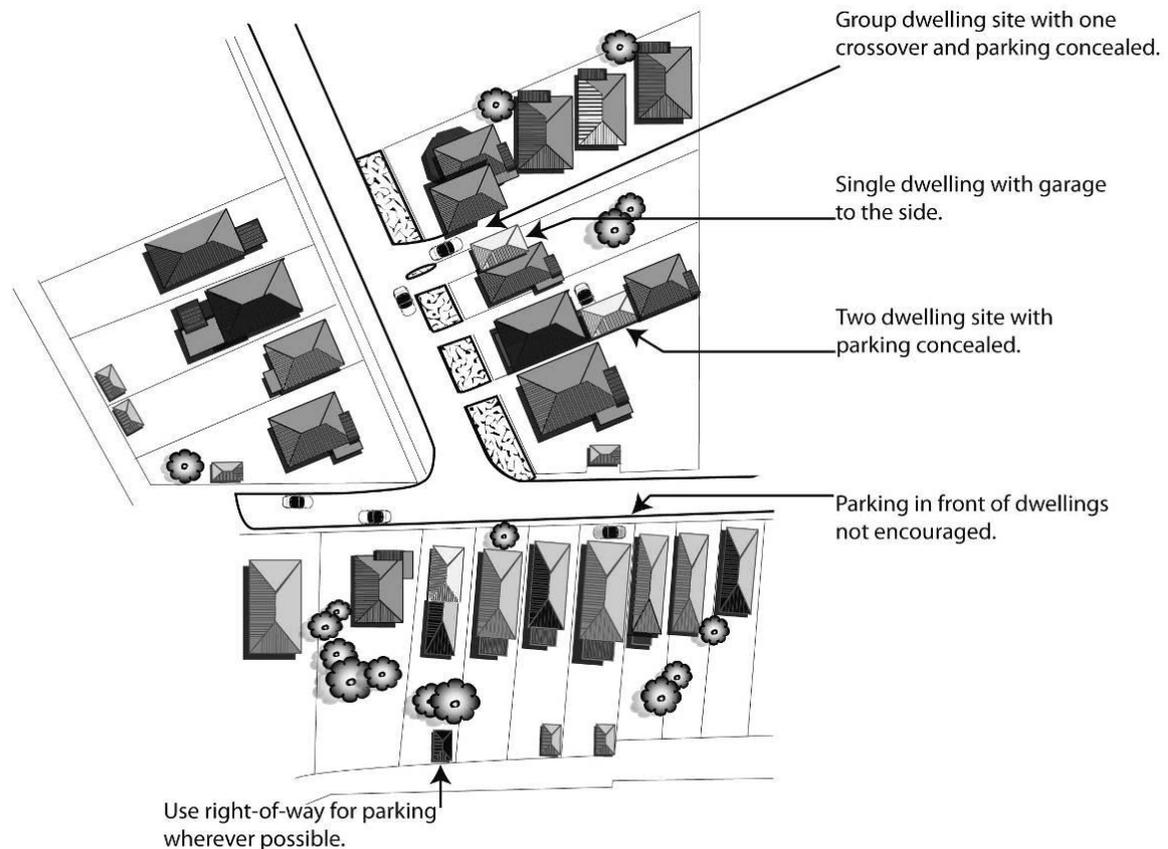
D.2 Alterations or additions to an existing dwelling should use materials that match the original or that are compatible with its significance. Sometimes different materials can be used to distinguish the new from the old.

D.3 New dwellings within the Tree Streets Heritage Area should be constructed of materials that complement the existing contributory dwelling.

9.11 Access, Parking and Rights-of-Way

INTENT: Many dwellings in the Tree Streets Heritage Area were not designed to accommodate the parking and garaging of vehicle/s. The introduction of garages and carports can become a dominant feature in the streetscape and must be carefully sited and designed to avoid negative impacts.

Figure 6: Access, Parking and Rights-of-Way.



Element Objective	Acceptable Outcomes
<p>P.1 Access and parking for buildings is adequately provided within the boundaries of the lot/development site, and does not negatively impact on:</p> <ul style="list-style-type: none"> a) the setting of the heritage place; b) significant landscape elements; c) the streetscape character and amenity; and d) the availability of on-street parking in the locality. 	<p>M.1 Parking areas of lots/development sites are visually concealed from the primary street.</p> <p>M.2 Parking areas of lots/development sites for grouped or multiple dwellings are accessed from either:</p> <ul style="list-style-type: none"> a) a shared accessway; or b) rear boundary right-of-way, <p>in order to minimise the number of crossovers and reduce the impact of garages and carports on the primary streetscape.</p> <p>M.3 Varying standard car parking requirements is acceptable where it can be demonstrated that additional car parking will impact on the significance of the heritage area</p>

or an individual contributory place.

Design Guidance

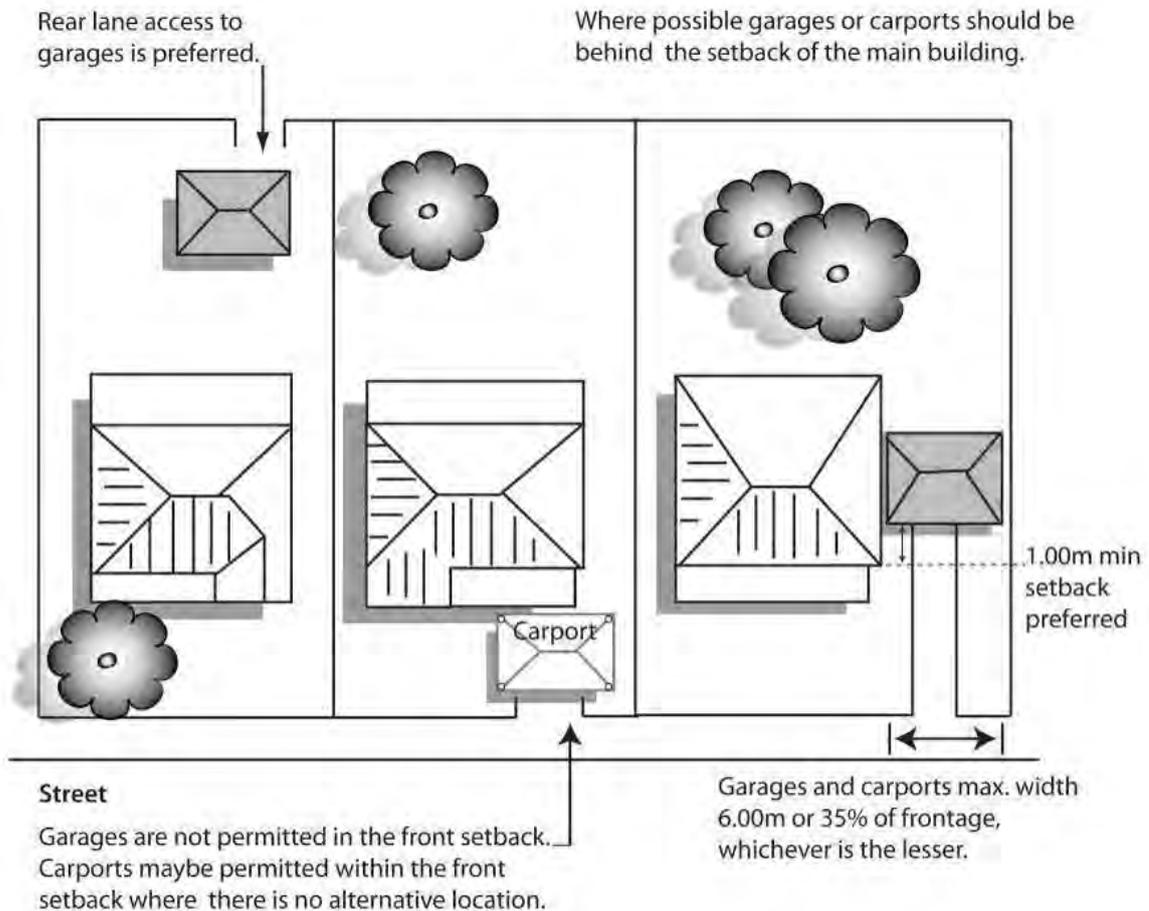
- D1. New accessways and parking areas should be designed to minimise the visual and physical impact on heritage places.
- D2. One crossover per property primary street frontage and retain existing width or limit to a maximum of 3 metres for single houses, and 6 metres for dual carriageway where required by R-Codes. Where there is an existing driveway this should continue to be used for vehicular access.
- D3. Where there is an existing right-of-way behind the property, this should be used for vehicular access where possible.
- D4. New driveways and hardstand areas should be designed and sited to avoid having a negative impact on any original mature landscaping, garden areas, and other landscaping features where these are considered to form an important part of the setting of the heritage place, and/or contribute to its heritage.

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9.12 Garages, Carports and Outbuildings

INTENT: Garages, carports and outbuildings in the Heritage Area are generally located to the rear or side of the original dwelling and are not dominant features on the streetscape.

Figure 7: Garages, Carports and Outbuildings.



Element Objective	Acceptable Outcomes
<p>E.1 For existing buildings where there is no alternative, carports may be considered in front of the building, provided they do not visually dominate the streetscape or detract from the heritage character of a contributory building and comply with the relevant Local Planning Policy.</p> <p>E.2 Garages or carports are constructed to match the style of the existing building or in a compatible contemporary style.</p> <p>E.3 Garages, carports or outbuildings comply with the recommended building materials for the Heritage Area (refer clause 9.10 of this Local Planning Policy).</p>	<p>A.1 Garages or carports are constructed behind the front setback of the main building and comply with the following:</p> <ul style="list-style-type: none"> a) set back a minimum distance of 1.0m behind the main building setback; and b) the width of the garage or carport is not greater than 6 metres or 35% of the frontage of the lot, whichever is the lesser.

Design Guidance

D.1 Garages or carports shall not visually dominate the dwelling as viewed from the street.

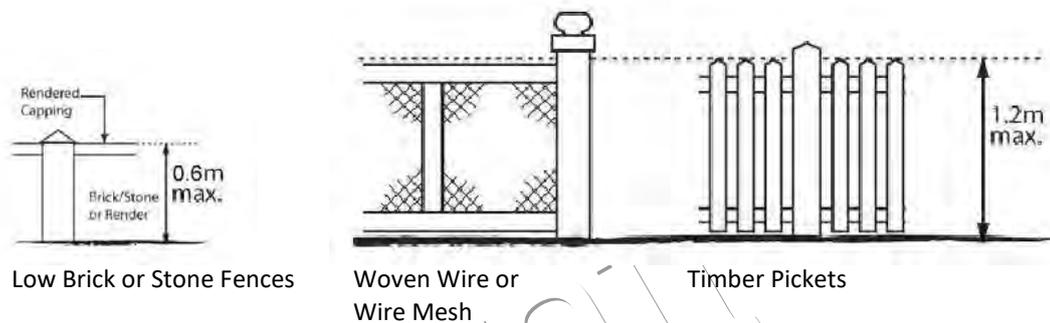
9.13 Landscaping and Boundary Fences

INTENT: Subject to the nature of the place and its assessed significance, landscape elements (including plantings, paved areas, boundary fences etc.) can contribute to, or adversely impact on, heritage values.

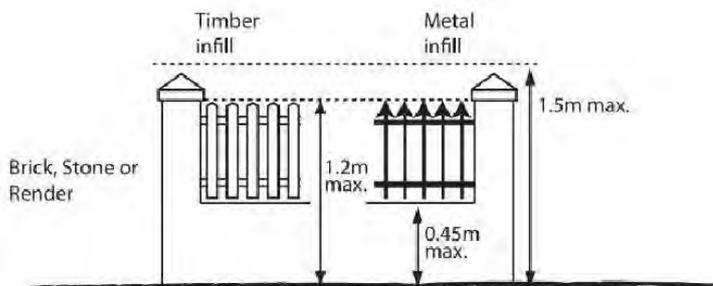
There are a variety of fencing styles in the Tree Streets Heritage Area that contribute to its overall character. Generally, fences along the street boundary are low and reflect the style of the individual dwelling. Fences include timber pickets, timber post and rail, low masonry walls or traditional hedges. There are some more recent fences comprising masonry piers with metal railings and some areas where there are no fences at all.

Metal or fibrous cement panel fences of any height are not permitted for boundary fences to the primary street or to side boundaries in front of the building line within the Tree Streets Heritage Area. Metal or fibrous cement panel fences are not encouraged to side boundaries of corner lots.

Figure 8: Front Fences.



Hedges or low fences are preferred.



Fences must allow views of the house and garden.

Element Objective	Acceptable Outcomes
<p>E.1 Fences along the street boundary are low and complement the style of the individual building. Fencing demonstrates the following:</p> <ul style="list-style-type: none"> a) appropriate height, material and colour; b) adequate sight lines around the intersection for pedestrians and vehicles; c) complies with requirements under the Residential Design Codes, and d) maximum height of 1.5metres to the satisfaction of the local government. 	<p>A.1 Traditional fence styles to a maximum of 1.2metres constructed from the following materials:</p> <ul style="list-style-type: none"> a) timber pickets; b) timber posts and woven wire or wire mesh; or c) hedges (maintained to a height that allows passive surveillance of the street and views to the building) <p>A.2 Traditional low brick or stone walls to a</p>

<p>E.2 Fences are visually permeable to allow passive surveillance of the street and views to contributory buildings.</p>	<p>maximum height of 600mm.</p>
<p>E.3 New development should be designed so as not to adversely impact on significant landscape elements.</p>	<p>A.3 New fences consist of masonry piers to a maximum height of 1.5m with a solid brick, stone or render base to a maximum height of 0.45m and visually permeable metal or timber infill pickets to a maximum height of 1.2m.</p>
	<p>A.4 Metal or fibrous cement panel fences of any height are not permitted for boundary fences to the primary street or to side boundaries in front of the building line.</p>
	<p>A.5 Removal of a tree (recognised as a significant element of a heritage place) may be permitted where it is demonstrated in a report from a qualified arboriculturist to be dead, dying, decaying or otherwise endangering public safety.</p>

Design Guidance

D.1 Where mature plantings, or hard landscape elements, are identified as contributing to the significance of the place these should be retained/ reinstated, wherever practicable and as relevant.

For example:

- a) where a significant original front fence remains, this should be retained and restored or, if a new fence is required, this should match the detail of the significant original fence as closely as possible; or
- b) where significant mature plantings are nearing the end of their anticipated life span, or have been adversely affected by pests or disease, then a program of planned replacement should be implemented.

D.2 New development should be designed so as not to adversely impact on significant landscape elements.

D.3 This includes protecting the health and viability of significant plantings when new building works are undertaken on either the site of the heritage place or on adjoining sites, and may require the preparation and implementation of a qualified arboriculturist's report.

D.4 Where an original front fence remains, this should be retained and restored or if a new fence is required, this should match the detail of the original fence as closely as possible.

D.5 Hedges are permitted and should be retained wherever possible.

D.6 Fences should be designed to complement the design of the existing dwelling. Fences may be based on examples seen in old photographs of the Tree Streets Heritage Area.

D.7 New soft and hard landscaping (including elements such as hard stands) should not detract from the character or setting of the heritage place.

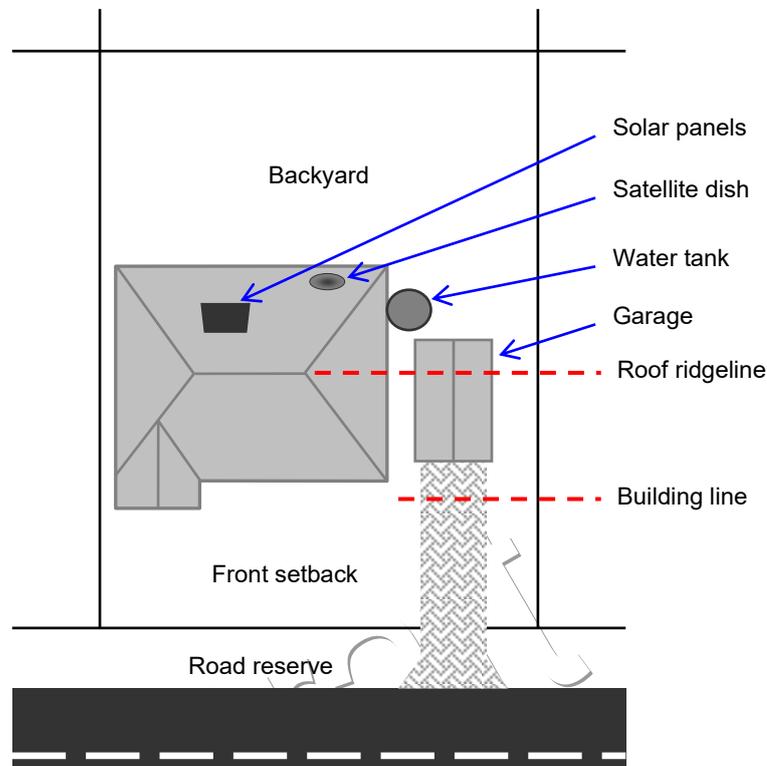
D.8 New front fences, and side fences forward of the building line, should be designed to:

- a) complement the design of the heritage place;
- b) retain open public views to the heritage place;
- c) allow passive surveillance of the street; and
- d) maintain adequate sight lines around an intersection for pedestrians and vehicles.

9.14 Incidental Development Requirements

INTENT: Incidental development for contemporary services such as television aerials, satellite dishes, solar panels (or solar collectors), etc., can have an impact on heritage places and areas through the introduction of elements that are not part of traditional development.

Figure 9: Preferred Locations for Incidental Development.



Element Objective	Acceptable Outcomes
<p>E.1 Incidental development of solar collectors, water tanks, satellite dishes, microwave and radio masts and antennae are located and designed to minimise their impact on the heritage character of the building and surrounding development in the immediate locality.</p> <p>E.2 They may be permitted forward of the building line where:</p> <ul style="list-style-type: none"> a) the locating of incidental development is not practicable behind the building line; b) the height, scale and colour of the structure is compatible with the building, c) the structure does not limit sight lines between premises and the road reserve; and d) the structure does not dominate the original building as viewed from the street. 	<p>A.1 Solar collectors, satellite dishes, microwave and radio masts and antennae are not visible from the primary street frontage.</p> <p>A.2 Water tanks are constructed behind the building line and do not visually dominate the original building as viewed from the street.</p> <p>A.3 All incidental developments are incorporated into the overall landscaping of the development and are screened from view of adjoining premises and streets.</p> <p>A.4 Apart from the above criteria, all incidental developments are to be designed and constructed in accordance with the Residential Design Codes.</p>

Design Guidance

D.1 Incidental items such as television aerials, satellite dishes, solar panels (or solar collectors etc.) should be located away from the primary street in order to minimise their impact on heritage buildings and the wider Tree Streets Heritage Area.

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9.15 Signage

INTENT: To ensure new signage is designed and located in a way that respects the traditional character of the Tree Streets Heritage Area. Contemporary signage and in particular digital or neon signage is detrimental to a traditional streetscape.

Performance Criteria		Measures	
P5.1	New signage respects the style, detailing and significance of the heritage place in terms of design, colour, location and coverage;	C5.1	New buildings of traditional or contemporary design comply with all the design elements of this local planning policy.
C5.1	Signage is mounted in traditional locations, where relevant, and does not obscure or damage significant detailing.	C5.1	The development of all signs and advertising devices complies with an existing Conservation Management Plan for the place.
C5.1	Pole-mounted or other freestanding signage does not detract from important public views to the heritage place.	C5.1	Pylon, digital, neon or internally illuminated signage shall not be supported unless it can be demonstrated that there is a precedent based on the subject place's contributory era of development. Other non-traditional signage is also considered inappropriate and is unlikely to be supported.
P5.1	Significant original signage is conserved.		

Design Guidance

D.1. The location and design of traditional commercial signage was highly diverse. For example, panels or painted signs were located on parapets, over or under verandahs, on the leading edge of canopies, on shop windows, on side walls, etc.

D2. This level of diversity is generally supported for traditional commercial buildings, but new signage should still be carefully designed as a complementary element of the street façade in terms of size, location, colour, proportions, etc.

D3. Where residential, public or other buildings have been converted to commercial use, new signage should be more restrained and not detract from an appreciation of the traditional character of the place.

D4. All signage and advertising devices should comply with the relevant local planning policy.

D5. Unless based on historical evidence, or directly linked to the function of the building, simple modern designs are preferred for new signs.

D6. The amount of signage should be limited to a level consistent with traditional coverage.

D7. New signs and advertising devices should:

a) be designed in size and proportion to complement the proportions of the place and the element on which they are mounted;

- b) not be located where they would obscure or detract from a significant feature of the building. For example, large signage panels should not conceal traditional parapets or decorative mouldings;
- c) not damage significant fabric in the manner in which they are fixed or applied. For example, any fixing holes should be able to be satisfactorily repaired when the sign is removed at a future date (i.e. through mortar joints rather than through brickwork), and no painted signs should be applied to unpainted masonry surfaces;
- d) retain traditional views into the interior of a shop; and
- e) not be internally illuminated unless this is a traditional characteristic of an individual heritage place.

D8. Business signs and logos (inclusive of the use of corporate colour schemes for both signs and buildings) should not detract from the heritage values of the place. Such signs must be adapted as necessary to be fully consistent with these guidelines.

D9. For buildings that have been adapted to commercial use and did not traditionally have signage, separate free-standing signs may be more appropriate than signs attached to the building (provided they are located so that they do not detract from important public views).

D10. Where any early signage has survived and contributes to the cultural heritage significance of the place, this should be conserved.

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9.16 Public Realm

INTENT: The public realm includes publicly owned land, public open spaces, verges, footpaths, streets, laneways, car parks and all publicly accessible areas including the fixtures and furniture that belong within them including bins, lighting, signage and street furniture. The traditional layouts, proportions and hierarchy of these spaces contribute to the historic and aesthetic character of Tree Streets Heritage Area. Elements within the public realm are well designed and contribute to the overall character of the place rather than detracting from or obscuring an understanding of its significance

Element Objective	Acceptable Outcomes
E.1 New buildings are designed and constructed in a style that is compatible with, but does not overtly mimic, the traditional building styles found in the Heritage Area. (e.g. taking into consideration form, scale, bulk, shape, articulation, materials, finishes, colour, etc).	A.1 Street widths, verges, crossovers and footpaths are to remain consistent with traditional layout and scale.
E.2 Street furniture is well considered as part of an overall approach for the Heritage Area. Street furniture elements are coherent and understated in their design to ensure they do not detract from the appreciation of the characteristics of Tree Streets Area.	A.2 Retain the current layout of footpaths on both sides of the street.
	A.3 Street furniture (including public art) is to be located where it does not detract from or obscure the appreciation of contributory heritage places or their associated streetscape.
	A.4 Maintain the specified street tree species in the verge and replace when required to retain canopy coverage.
	A.5 Verge treatments are to be grassed.

Design Guidance

D1. The design of street furniture (benches, bins and wayfinding) is of a cohesive design and palette of materials.

D2. The materiality and colour palette of street furniture is compatible with the historic character of the Tree Streets and is of a high quality. Iron, timber or steel are suitable materials.

D3. Street furniture is located in a manner that is not intrusive and does not clutter the public realm or significant views and vistas.

D4. Footpaths are to retain etched street names where still in existence.

D5. One crossover per property primary street frontage and retain existing width or limit to a maximum of 3 metres for single houses, and 6 metres for dual carriageway where required by R-Codes.

Note: This information is provided to guide the local government in policy development and delivery of infrastructure in the public realm.

10.0 Variations of Policy Requirements

- 10.1 In exercising any discretion, the Local Government is to ensure that the variation meets the objectives of this Local Planning Policy and relevant considerations set out in clause 67 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 10.2 Where advertising is required to be undertaken or is deemed to be required due to impacts on residential amenity and/or streetscape, advertising will be undertaken in accordance with the Regulations.

11.0 Applications for Development Approval – Accompanying Material

11.1 Heritage Impact Statement (HIS)

If in the opinion of the local government, a proposal is for works that are likely to have a moderate or major impact on the cultural heritage significance of a local heritage place or area, the application for development approval must be accompanied by a heritage impact statement (HIS) consistent with the guidelines produced by the Heritage Council of Western Australia. A HIS may be required for the following types of development proposal:

- (a) partial or full demolition of a Contributory Place including proposed new development;
- (b) alterations or additions to any individually State Registered Heritage Place;
- (c) alterations or removal to internal elements of a heritage place that is individually listed;
- (d) new construction visible from the public realm (inclusive of the streetscape) or with potential to affect adjacent heritage listed properties;
- (e) subdivision and amalgamation of lots;
- (f) seeking major and/or multiple variations to any built form controls set out in this policy.

The City of Bunbury may require that, at the applicant's cost, the HIS is provided by a heritage professional with relevant experience.

11.2 Structural Condition Assessment in the Case of Demolition

If structural failure is cited as a justification for demolition, evidence in the form of a structural condition assessment is required, provided by a practicing structural engineer with experience in heritage planning buildings, in line with *Building Act* requirements.

11.3 Replacement Building Plans in the Case of Demolition

Prior to approval of demolition for any place, plans of the proposed replacement building are submitted to and approved by the City.

11.4 Recording Change

Where substantial modifications to a place of High or Moderate Significance are approved, the local government may require an archival record to be prepared in accordance with the Heritage Council of WA guidelines, as a condition of development approval.

11.5 Interpretation

Interpretation can enhance understanding and enjoyment of heritage places, particularly where the cultural heritage values are not readily apparent.

The local government may require the preparation and implementation of an Interpretation Plan as a condition of development approval in a range of circumstances, including:

- a) proposals that will substantially impact on the heritage significance of the place, or on the public appreciation of that significance; or
- b) changes of use for a heritage place, particularly where the original use will no longer be readily apparent.

11.6 Removal of Significant Landscape Elements

Where a tree has been identified as significant or forms a significant part of the setting/amenity of a heritage place, and is proposed for removal, the local government may require that a comprehensive report (demonstrating why removal is necessary) be prepared by a suitably qualified arborist.

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12.0 Meaning of Terms

The meaning of other specific words and expressions relevant to this Local Planning Policy are given below:

“Adaptation” means modifying a place to suit an existing use or a proposed use.

“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.

“Averaged building line” for the purposes of this Local Planning Policy the term “averaged building line” shall mean the average of multiple building lines on a lot as measured from the front boundary.

“Building line” means the line formed by the front wall of the building facing the primary street of a lot.

“Burra Charter” means the Australian chapter of the International Council of Monuments and Sites (ICOMOS) Charter for the conservation of places of cultural significance. The Charter has been generally accepted as the standard for heritage practitioners in Australia.

“Character” means the defining features of a place, including scale, materiality, style or repetition.

“Contributory Built Form/Structures” has meaning as per the definition for building in the Residential Design Codes, and including structures visible from the street such as pergolas, front walls and fences and pools.

“Contributory Places” means places and structures that make a positive contribution to the cultural heritage significance of the Tree Streets Heritage Area. These places are high or moderate contribution to the significance of the Area.

“Development” has the same meaning as defined in the *Planning and Development Act 2005*.

“Dominate” means visually imposes over an existing streetscape due to inappropriate form, scale, location.

“Fabric” means all the physical material of a contributory place, including components, fixtures, contents and objects.

“Front setback area” means the space between the primary street boundary and primary building line.

“Heritage -protected Place” as per the definition of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

“Heritage Area” as per Map 1.

“Heritage List” means Is a list of places which have cultural heritage significance and are given statutory protection under the City of Bunbury Heritage List.

“ICOMOS Burra Charter” means The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013 and the associated series of Practice Notes provide a best practice standard for managing cultural heritage places in Australia.

“Non-Contributory” means buildings and structures which do not contribute to the cultural heritage

significance of the Tree Streets (little/no significance).

“Non-Residential Typology” means buildings designed to accommodate multiple uses, such as retail, office or hospitality. May also partly include residential as mixed-use development.

“Original” means an element of something which relates to its earliest state.

“Predominant Setback” means the average contributory street setback of the primary building line of five dwellings to either side of the lot on that same side of the street and within the same street block, or up to five dwellings where not possible.

“Significant Interior” means a place designed in the Heritage List as having ‘an interior with cultural heritage significance’, based on assessment of significance associated with the place.

“Significant Trees” means trees which are specified on the statement of significance of an individual heritage listed place or included on a significant trees register.

“Surrounding development in the immediate locality” for the purposes of this Local Planning Policy, “surrounding development in the immediate locality” means the five premises on either side of the proposed development on both sides of the street that the subject building is oriented towards. More significance will be given to development in the immediate locality that is closer to the proposed development, particularly in the case of corner lots.

“Sympathetic or Complementary” means a design outcome that respects its context. It will not be identical to historic neighbours, nor will it intrude on their presence in the streetscape. It will be of a similar or lesser scale.

“Traditional street pattern” for the purposes of this Local Planning Policy, means one house per lot with single storey houses facing the street. Houses are rectangular in form with pitched roofs and verandahs or porches at the front. The term also recognises traditional and local patterns of front and side setbacks.

APPENDIX 1

Map 1: Tree Streets Heritage Area



LEGEND

-  Proposed Boundary
-  High Contribution
-  Moderate Contribution
-  Little/ No Contribution

Responsible Department	City Growth
LPP Category	Heritage
Adoption Date (original) Adoption Date (amended)	#####
Review Date	
Superseded Policy	

Draft

Community Engagement Plan

PART A: PROJECT - DETAILS

Project Title	Proposed Tree Street Heritage Area and Local Planning Policy			
Project Description	Stakeholder Engagement to support development of a Local Planning Policy (LPP) for the Tree Street Heritage Area			
Engagement Level	✓	Inform	✓	Consult
Engagement Timeframe	Duration 42 days for public consultation		Commencement July 2023	

PART B: ENGAGEMENT - PURPOSE AND DESIRED OUTCOMES

Engagement Objectives	<ol style="list-style-type: none"> To provide a level of detail to the community and elected representatives so that an informed decision can be made on the proposal of a heritage area designation. To attract constructive input from stakeholders to inform development of the Tree Draft Local Planning Policy for the Tree Street Heritage Area. To enhance community understanding of the heritage values of the Tree Street area and what it means to have a heritage area. Ensure the Bunbury community have the opportunity to have a say on the proposed heritage area and associated LPP, recognising that heritage is an important resource, representing economic and social benefits for present and future generations.
Key Messages List 3-5 important messages that need to be communicated to stakeholders.	<p>1. Why are we doing this? – Legislation, Council Direction and Community Feedback</p> <p>The <i>Heritage Act 2018</i> requires the preparation and review of a Local Heritage Survey for local government.</p> <p>The deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) identify that a heritage area should be designated 'if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area...'. </p> <p>The City of Bunbury has made a commitment to the retention of heritage as per the Local Planning Strategy, Housing Strategy (4.3) and Local Planning Strategy Heritage and Character (3.3.3). Since the initial investigation in 2004, there have been changes to the study area with the loss of original housing stock and the introduction of new built form. A recent heritage assessment has identified the significance of properties located within the Tree Streets Study Area.</p> <p>2. How will the community be consulted and how can feedback be provided?</p> <p>Should Council agree to proceed with public consultation, owners, occupiers and the Bunbury community will be notified regarding the draft LPP and invited to lodge a submission for consideration. Officers will also be available for one-on-one meetings and enquiries. The City of Bunbury Community Connect page will host all supporting information on the proposal.</p>

Community Engagement Plan

3. What is the process after the consultation and who decides if the Tree Streets Heritage Area should proceed?

All comments received via submissions will be tabled and presented to Council for consideration as part of the decision-making process. If it is resolved that the Tree Streets then become a designated heritage area, owners and occupiers will be advised.

4. What does it mean for a property if the Tree Streets does become a heritage area?

If a property is located within a heritage area, it may require a development approval for works that are not considered repairs or maintenance with like-for-like materials. The City provides a free heritage advisory service in which owners/occupiers are encouraged to contact to discuss any future works. Conservation works to properties within a heritage area may be eligible for a rate concession.

PART C: STAKEHOLDER ENGAGEMENT

Stakeholder identification	Internal audiences	External audiences
	<ul style="list-style-type: none"> • Elected members • Executive Leadership Team • Directorates • Heritage Advisory Committee • Development Control Unit 	<ul style="list-style-type: none"> • Local Residents • Businesses within the proposed boundary • Community groups <ul style="list-style-type: none"> ○ Bunbury Historical Society • Members of Parliament • Bunbury Primary School • St Boniface Anglican Cathedral • Bunbury community • DPLH and HCWA

PART D: TIMETABLE

Community Engagement Timetable	
	<ul style="list-style-type: none"> • As per Action Plan – July 2023 • Submission period to be a minimum of 42 days – (legislative requirement is 21 days)

PART E: ACTION PLAN

Activity	Detail	Who	Date 2023	Cost (if applicable)
1	Community Connect updated to include information prior to consultation (outlining process, timing, inviting feedback and who to call)	Planning Engagement	March	-
2	Internal consultation of draft LPP with Development Control Unit	Planning	May	

Community Engagement Plan

3	Present draft LPP and Engagement Plan to Heritage Advisory Committee	Planning	May	-
4	Councillor Briefing	Planning	May	-
5	Agenda item at Ordinary Committee Meeting	Planning	June	-
6	Commence public consultation as per statutory requirements: <ul style="list-style-type: none"> Public notice through media and City of Bunbury social media Notification to owners and occupiers via letter Signs on area boundaries Submission period to be 42 days 	Planning Communications	July-Sept	-
7	Additional consultation actions: <ul style="list-style-type: none"> FAQ One-on-one meetings Advise other stakeholders City of Bunbury website and Community Connect 	Planning	July-Sept	-
8	Report schedule of submissions and draft LPP to HAC and Council	Planning	TBA	-
9	Report decision to submitters, owners and occupiers and HCWA as per statutory requirements.	Planning	TBA	-

Document References

List any important document or website references here

- Tree Streets Heritage Area Study
- Agenda Items and Appendices
- FAQ
- Letter to local residents

PART F: REVIEW & ENDORSEMENT OF COMMUNITY ENGAGEMENT PLAN

PREPARED BY	NAME / SIGNATURE	EXT	DATE
Prepared by: Lacey Brown	Strategic Planning Officer (Heritage)	x7074	17/05/2023
Reviewed by: Annalise Miller Soni Lamond	Senior Strategic Planning Officer Senior Engagement Officer	x7071 x7056	17/05/2023
Endorsed by: Barbara Macaulay	Team Leader City Planning	x7234	17/05/2023

FREQUENTLY ASKED QUESTIONS

PROPOSED TREE STREETS HERITAGE AREA

In December 2021, the City engaged heritage professionals, Stephen Carrick Architects, to undertake heritage assessments of priority locations across the City. The project team included a heritage architect and historian. Street surveys and desktop research were conducted to inform the assessment. The assessment is based on the Guidelines for Heritage Areas (draft), DPLH, 2022.

What does it mean to be in a heritage area?

The objective of a heritage area is to protect significant elements of an area that contribute to the streetscape and to sensitively accommodate change – not prevent it. Buildings that do not contribute to the significance of the area can be demolished, on approval, and new development should reinforce the significance of the area. Works that are not considered maintenance/repair will require a development application.

Designation of Heritage Area

Heritage areas are select areas with special qualities. They typically exist on a much larger scale than individual places and contain a number of built elements that demonstrate a unified or cohesive physical form with an identifiable aesthetic, historic or social theme associated with a particular period or periods of development.

Guidelines for Inclusion

A heritage area should have an overall theme or connecting heritage value that demonstrates a strong unifying character. It should always be established on the basis of a clear statement of significance, which explains what is significant about an area and why, and describe its key features and elements. The individual components of a heritage area will collectively form a streetscape, townscape or cultural environment with significant heritage characteristics, which may include architectural style, town planning or urban design excellence, landscape qualities, or strong historic associations.

The assessment of a heritage area requires a slightly different approach to a general assessment of heritage places. A heritage area will be of significance for the local district if it meets one or more of the criteria of aesthetic, historic, scientific, social or spiritual significance. However, it will also need to satisfy the following additional criteria:

- *it demonstrates a unified or cohesive physical form in the public realm with an identifiable aesthetic, historic or social theme associated with a particular period or periods of development.*

Contributory and non-contributory elements

The deemed provisions require that the LPP for a heritage area includes ‘a record of places of heritage significance within the area’. It is recommended that this is extended to include a list of all individual elements within the area. There is generally no need to assign a level of significance to a heritage area as a whole, however, each place within the area should be graded according to the level of contribution that it makes to the overall significance of the area. The assigned categories are based on Table 1.

Table 1. Contribution of individual places

Contribution to heritage area	Description	Management Category
High	Very important to the significance of the Heritage Area.	Conservation of the place is highly desirable. Any external alterations or additions should reinforce the significance of the area in accordance with the Design Guidelines.
Moderate	Contributes to the significance of the Heritage Area.	Conservation of the place is desirable. Any external alterations or additions should reinforce the significance of the area in accordance with the Design Guidelines.
Little/No	Does not contribute to the significance of the Heritage Area.	Existing fabric does not need to be retained. Any new/replacement development on the site should reinforce the significance of the area in accordance with the Design Guidelines.

Local Planning Policy

A local planning policy for the proposed Tree Streets Heritage Area contains: a map showing the boundaries of the heritage area; a statement of significance of the area; a record of places of heritage significance in the heritage area and design guidelines to assist with development.

Can a heritage property be developed?

Yes it can. Heritage listing does not mean that a property cannot be changed, in fact some works ensure a place is appropriate for contemporary use, however, each application is assessed on its own merit. The City has developed policies that provide guidance on the development of both individually listed places and places located within residential heritage areas:

Does heritage listing affect ownership or access?

No, heritage listing does not affect ownership or access. Places remain the property of the owner, and the owner's rights remain the same as with non-listed places.

What assistance does the City provide to owners of heritage listed properties?

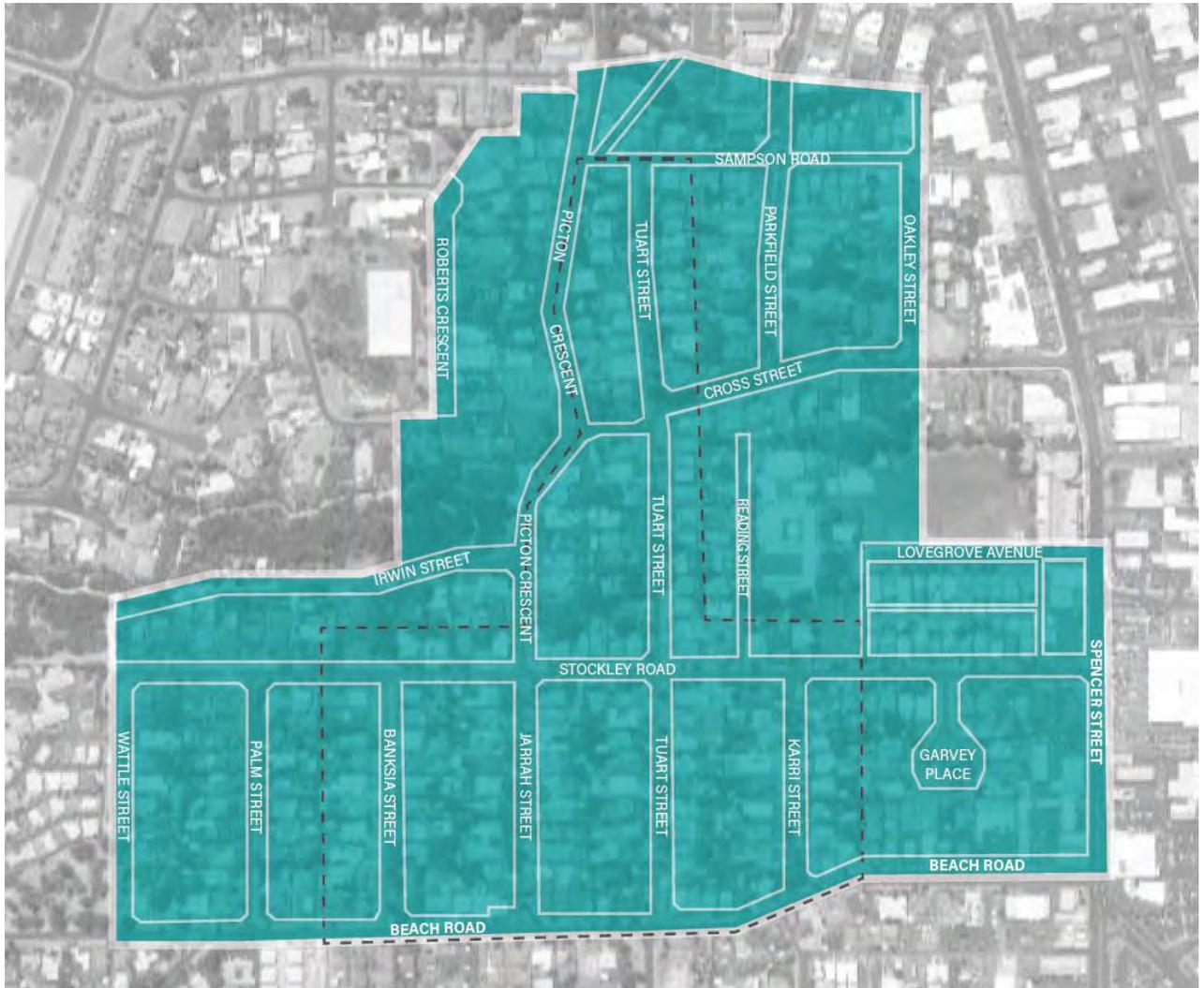
The City is committed to assisting owners to conserve heritage places wherever possible and has developed a range of assistance measures. Owners of places on the Heritage List or located within a heritage area are eligible for a range of heritage incentives offered by the City including: rate concessions; complimentary heritage advisory service and waiving of planning (development) application fees.

Who can be contacted for more information?

The City's heritage officer and City Planning Team are available during office hours to answer any questions. Residents can either phone and/or arrange a meeting.

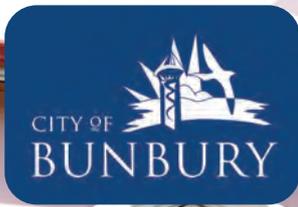
Lacey Brown, Strategic Planning Officer (Heritage)
Ph 9792 7074 or email: lbrown@bunbury.wa.gov.au

Proposed Tree Streets Heritage Area Study Boundary: 2022 v 2004



- 2022 Study Boundary
- 2004 Study Boundary





LPP-6.2 Local Planning Policy for Heritage Listing, Assessment and Concessions

Date Reviewed: 3 October 2017
Date Adopted: 21 August 2018
Date Commenced: 28 August 2018

Note: This local planning policy is to be read in conjunction with Local Planning Policy: Local Planning Framework and Procedures.

Contents

1	Preliminary	2	5	Land Use and Development	
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3	Objectives	3	6	Rates Concession For Heritage Places	8
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DISCLAIMER

Whilst all care has been taken to accurately portray the current Scheme and/or policy provisions, no responsibility shall be taken for any omission or errors in this documentation. Consultation with the City of Bunbury should be made to view a legal version of this document.

1 Preliminary

1.1 Citation

This local planning policy is made pursuant to the provisions of 'Division 2- Local planning policies' under 'Part 2- Local planning framework' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and may be cited as Local Planning Policy: Heritage Listing, Assessment and Concessions (herein referred to as the 'local planning policy').

1.2 Policy Area

1.2.1 This local planning policy applies to all land within the local government district of the City of Bunbury, and as such, the local planning policy area is the Scheme area.

1.3 Policy Application

- (a) Subject to the Scheme, the provisions of this local planning policy apply to all places located within a designated heritage area and/or entered on the Heritage List and/or included on the State Register of Heritage Places.
- (b) This local planning policy supplements the provisions of the Local Planning Scheme as contained in 'Part 3- Heritage protection' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, where a provision of the local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (c) This local planning policy is to be read in conjunction with all built heritage related and other relevant local planning policies.

- Note:
1. *The Heritage List is adopted by Council in accordance with clause 8 'Heritage list' under 'Part 3 – Heritage protection' of 'Schedule 2 - Deemed provisions for local planning schemes' of the Planning and Development (Local Planning Schemes) Regulations 2015. The Heritage List includes those places in the Scheme area that have been assessed as being of cultural heritage significance and worthy of built heritage conservation under the provisions of the Scheme.*
 2. *Heritage Council of Western Australia is the state government's advisory body on heritage matters and is responsible for the State Register of Heritage Places. Under the Heritage of Western Australia Act 1990, places listed in the State Register of Heritage Places are given legal protection. The Heritage Council provides advice to the Minister for Heritage on heritage issues, identifies and conserves places of cultural heritage significance, facilitates development that is in harmony with cultural heritage values, and promotes awareness and knowledge of cultural heritage.*
 3. *This local planning policy should be read in conjunction with Local Planning Policy: Heritage Conservation and Development, which outlines design guidelines for the development of heritage places and premises located within a designated heritage area.*

2 Purpose

The purpose and intent of this local planning policy is to set out the administrative and procedural requirements by which the local government will promote and safeguard the protection and enhancement of places of cultural heritage significance and worthy of built heritage conservation for present and future generations. In particular, this local planning policy sets out the assessment and referral process for guiding the exercising of discretion in the determination of applications for development approval and the granting of a rates concessions with respect to heritage places.

3 Objectives

The City of Bunbury contains a significant collection of heritage assets as identified on the Local Government Heritage Inventory. The Local Planning Strategy calls for the conservation and protection of those assets of significant cultural heritage value. In accordance with the aims of the Scheme, the objectives of this local planning policy are-

- (a) To apply the planning and development principles contained in State Planning Policy 3.5 Historic Heritage Conservation within the City of Bunbury.
- (b) To encourage the built heritage conservation and protection of places of cultural heritage significance in accordance with the objectives of the City of Bunbury's Local Planning Strategy.
- (c) To provide certainty to landowners and the community regarding the procedure for the identification and determination of a place's cultural heritage values and levels of significance.
- (d) To provide certainty to landowners and the community regarding the procedure for making and assessing applications for development approval of heritage places and in heritage areas.
- (e) To set out the circumstances in which variations to the provisions of the Scheme and the Residential Design Codes will be considered.
- (f) To set out the circumstances and conditions whereby development application fees may be waived in acknowledgment of redevelopment and/or changes of use that conserve the heritage values of places in the city.
- (g) To set out the circumstances and conditions whereby conservation works to heritage places may be eligible for a rates concession in recognition of the contribution made to the city's heritage values.

4 Amending The Heritage List

4.1 Heritage List Amendment Procedure

The local government may consider amending the Heritage List from time to time in accordance with clause 8 'Heritage list' under 'Part 3 – Heritage protection' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in the following circumstances-

- (a) Inclusion of a place that is found to be of significance through the findings of a new or reviewed Local Government Heritage Inventory.
- (b) Inclusion of a place nominated by the landowner where the place is identified as being of significance and the assessment documentation provided by the nominator is to the required standard. If not, consideration will be deferred until a review of the Heritage List is scheduled.
- (c) Inclusion of a place found to be of significance in a Heritage Impact Statement prepared as part of an application for development approval.
- (d) Removal of a place that is demolished, substantially damaged or destroyed to the extent that its cultural heritage significance is lost.

4.2 Assessment of Cultural Heritage Values and Significance

The local government may amend the Heritage List (i.e. by entering or removing a place, or by modify an entry of a place) where an assessment of the cultural heritage values and significance of a place is carried out by an appropriately qualified person or body in accordance with Criteria for the Assessment of Local Heritage Places and Areas, A Practical Guide to Identifying, Grading and Documenting Places and Areas in

Local Government Inventories (March 2012) as amended, published by the State Heritage Office of Western Australia.

Note: For a local government to have confidence in its ability to manage the development of heritage places for present and future generations, it needs to be identified as being worthy of conservation within the Heritage List. It should be noted that even the most thorough of local government heritage inventories will have some gaps, and hence over time the need will arise to assess non-listed places that appear potentially significant. Local government heritage lists should include, as a minimum, places identified in the local government heritage inventory as being of ‘exceptional’ significance, and any places entered on the State Register of Heritage Places.

5 Land Use and Development Requirements

5.1 Works Requiring Development Approval

Subject to the Scheme, all development affecting a heritage place requires the development approval of the local government, including minor works such as the –

- (a) replacement of roofing, gutters and downpipes;
- (b) installation of solar panels / collectors, aerials / antennae, satellite dishes, pipes and other external fixtures; and
- (c) construction of fencing, swimming pools, outbuildings and other ancillary structures or incidental development.

Note: The development of a heritage place requires the development approval of the local government under the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, in order to ensure that these works do not have a negative impact on the heritage values and significance of the place. In accordance with the Building Act 2011 no building work in a heritage place is allowed without a building permit. A building permit for a heritage place cannot be granted until development approval has first been granted by the local government.

5.2 Development Assessment Levels of Significance

- (a) The cultural heritage value of a place is assessed according to criteria relating to aesthetic, historic, scientific, cultural and social values. A place will be considered to have cultural heritage significance in the Scheme area if it meets one or more of these criteria.
- (b) The level of cultural heritage significance of a place is determined according to criteria relating to rarity, representativeness, condition, integrity and authenticity. As detailed in Table 1 below, a place’s level of significance is one of the matters to be considered by the local government when assessing and exercising its discretion in determining an application for development approval.

Table 1: Levels of Cultural Heritage Significance for Development Assessment and Management.

Level of Significance	Description	Management Category
Exceptional Significance	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 Management Plan (i.e. if one exists for the place).

Level of Significance	Description	Management Category
Considerable Significance	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.
Some/Moderate Significance	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place and original fabric should be retained wherever feasible.
Little Significance	Does not fulfil the criteria for entry in the local Heritage List.	Photographically record prior to major development or demolition. Recognise and interpret the site if possible.

Note: *Categories of the Level of Significance -*

- *Category 1 (exceptional significance) places will be those that are included, or are recommended for inclusion, on the State Register of Heritage Places.*
- *Categories 1, 2 and 3 (exceptional, considerable and some/moderate significance) places may be proposed for inclusion on the Heritage List, and require the protection of the Scheme.*
- *Category 4 (little significance) places are recognised as having some value but are not considered to be significant enough to warrant protection under the Scheme.*

5.3 Development Assessment of Places on the Local Government Heritage Inventory

Subject to the Scheme and with the exception of demolition, applications for development approval for places included on the Local Government Heritage Inventory, but not included on the Heritage List and/or State Register of Heritage Places, will be assessed as for other buildings or land in the Scheme area.

Note: *The Heritage of Western Australia Act 1990 is the statutory framework for the identification and conservation of places that have significance to the cultural heritage of Western Australia. The Act requires each local government to identify buildings of cultural heritage significance in its district through a Local Government Heritage Inventory (also referred to as a 'Municipal Inventory'). While the Local Government Heritage Inventory may be used to identify places for inclusion on the Heritage List, the inventory itself does not have statutory force and effect in terms of planning controls.*

5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area

- (a) Subject to clause 60 'Requirement for development approval' under 'Part 7- Requirement for development approval' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development and use of places on the Heritage List and within designated heritage areas requires the development approval of the local government, including but not limited to, the following-
 - (i) partial or complete demolition of premises;
 - (ii) development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.);
 - (iii) development of an outbuilding or swimming pool; and
 - (iv) internal and external works to a building.
- (b) Development approval is not required for internal works of a building located within a designated

heritage area, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places.

- (c) Subject to clause 12 'Variations to local planning scheme provisions for heritage purposes' under 'Part 3 – Heritage protection' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government may consider variations to the provisions of the Scheme and/or the Residential Design Codes where the proposed development facilitates the preservation or conservation of a heritage place, or enhances or preserves the heritage values in a heritage area, to the specifications and satisfaction of the local government.
- (d) If the application for development approval proposes demolition, part demolition or is considered to be inconsistent with other relevant local planning policies dealing with built heritage conservation, the application may be referred to the Heritage Advisory Committee (HAC) for comment and a recommendation in order to assist Council's decision-making process.

- Note:
- 1. *Building permits and demolition permits for places on the Heritage List or within a heritage area cannot be issued until development approval has been granted. Applicants are encouraged to discuss the scope of works with the City of Bunbury planning department at an early stage, where the planning officer can advise whether development approval is required and provide advice on the assessment process.*
 - 2. *The referral of an application for development approval to the Heritage Advisory Committee (HAC) is subject to the committees' terms of reference and Council's delegations of authority made to committees pursuant to section 5.16 of the Local Government Act 1995 and section 82 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

5.5 Development Assessment of Places on the State Register of Heritage Places

- (a) Subject to clause 60 'Requirement for development approval' under 'Part 7- Requirement for development approval' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development and use of places entered on the State Register of Heritage Places under the Heritage of Western Australia Act 1990 requires the development approval of the local government.
- (b) In accordance with the *Heritage of Western Australia Act 1990*, applications for development approval for a place entered on the State Register of Heritage Places will be referred to the Heritage Council of Western Australia for its advice and recommendations.
- (c) Applications for development approval on land adjoining a place entered on the State Register of Heritage Places, which may have the potential to impact on the cultural heritage values and/or significance of that place, will be referred to the Heritage Council of Western Australia for its advice and recommendations.

5.6 Development Application Fees

- (a) The City of Bunbury recognises the importance of preserving or conserving heritage places and that effective protection of heritage values can have economic, social, cultural and environmental benefits. Therefore, development approval is required for most works to a place listed on the Heritage List or to a property located in a designated heritage area.
- (b) Where works to a heritage place are proposed to enable that place to remain in active viable use, those works should be sympathetic and consistent with the significance of the heritage place. In support of this aim the local government may waive the development application fee in the following circumstances-
 - (i) where it can be demonstrated that any works are undertaken in a manner that enables the built heritage conservation and sympathetic adaptation of a heritage place consistent with the cultural heritage significance of that heritage place and/or heritage area; and
 - (ii) where development of a heritage place and/or within a heritage area would not normally require an application for development approval under the Scheme.

- Note:
1. The applicant is required to lodge the appropriate fee with the application for development approval and provide written justification as to how the proposed development meets the requirements of clause 5.5 above. The local government may then reimburse the application fee where the local government is satisfied that the development requirements are met and resulting built heritage conservation outcomes are achieved.
 2. Further guidance on demonstrating the conservation and sympathetic adaptation of a heritage place is provided in the accompanying Local Planning Policy: Heritage Conservation and Development.
 3. It is recommended that the input of a heritage professional be sought particularly for major works.

5.7 Development Application Requirements

- (a) The extent of accompanying material will be determined by the scale and impact of the proposed works. Minor works will need to demonstrate that the development will not have an adverse effect on the cultural heritage significance of a place entered on the Heritage List, but will not generally require additional supporting material.
- (b) Pursuant to clause 11 dealing with heritage assessment in 'Part 3- Heritage protection' and in addition to the accompanying material requirements of clause 63(3) in 'Part 8- Applications for development approval' under 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government may also require one or more of the following additional information requirements to be submitted as part of any application for development approval for a heritage place-
 - (i) Despite any existing heritage assessment on record, the local government may require a Heritage Impact Assessment to be carried out by an appropriately qualified person or body in accordance with Heritage Impact Statements – A Guide (November 2012) as amended, published by the State Heritage Office of Western Australia, prior to the granting of development approval in a heritage area or in respect of a heritage place.
 - (ii) Where an archival record is required, the record is to be prepared by an appropriately qualified person or body in accordance with Guide to Preparing an Archival Record (March 2012) as amended, published by the State Heritage Office of Western Australia.
- (c) Heritage Impact Statements submitted as part of any application for development approval for a heritage place should address the following three main questions-
 - (i) How will the proposed works affect the significance of the place?
 - (ii) What alternatives have been considered to ameliorate any adverse impacts?
 - (iii) Will the proposal result in any built heritage conservation benefits that might offset any adverse impacts?
- (d) If a proposal affects a place that is entered on the State Register of Heritage Places or is a large or complex place of exceptional significance, the local government may require a Conservation Management Plan to be prepared in support of any application for development approval.
- (e) Where a Conservation Management Plan is available, the Conservation Management Plan or relevant sections, should be provided with the application for development approval.
- (f) Where required by the local government, a Conservation Management Plan is to be prepared by an appropriately qualified person or body in accordance with An Information Guide To Conservation Management Plans (January 2013) as amended, published by the State Heritage Office of Western Australia, prior to the granting of development approval in a heritage area or in respect of a heritage place.

- Note:
1. Heritage Impact Statement is a systematic assessment that describes a place and its setting in relation to its cultural heritage values and significance (i.e. level of contribution) in accordance with criteria adopted by the Heritage Council

of Western Australia. These criteria are the aesthetic, historic, social and scientific values of the place.

2. *Conservation Management Plan is a document that details how to identify and look after the significant cultural heritage 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 Western Australia provides guidelines for the preparation of Conservation Management Plans to ensure that all important matters are considered.*

5.8 Structural Condition Assessment in the Case of Demolition

If structural failure is cited as a justification for the demolition of a place included on the Heritage List, evidence is to be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of a majority or all of its significant fabric and/or the conservation works is cost prohibitive.

- Note:
1. *The demolition of a heritage place requires the development approval of the local government under the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. In accordance with the Building Act 2011 no demolition work in a heritage place is allowed without a demolition permit. A demolition permit for a heritage place cannot be granted until development approval has first been granted by the local government.*
 2. *Prior to the granting of development approval for the demolition of a place included on the Heritage List or located in a designated heritage area, the local government may require a Heritage Impact Assessment to be carried out by an appropriately qualified person or body in accordance with the State Heritage Office of Western Australia's publication titled Heritage Impact Statements – A Guide (November 2012).*

5.9 Archival Record in the Case of Demolition

Where a proposal is for the demolition of a place entered on the Heritage List, or in the Local Government Heritage Inventory, an archival record is to be prepared and provided to the local government as part of the application for development approval. The archival record is to be undertaken to the specifications and satisfaction of the local government in accordance with clause 5.6(b)(ii) of this local planning policy, and must be submitted to the local government prior to the commencement of any demolition and/or development.

6 Rates Concession For Heritage Places

6.1 Eligible Works for Heritage Rates Concession

- (a) To support the aim of preserving or conserving heritage places, the local government may provide a heritage rates concession to certain types of eligible works that are consistent with the-
 - (i) provisions of all relevant planning instruments under the Local Planning Framework; and
 - (ii) principles for built heritage conservation as set out in The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013, ('The Burra Charter') as amended.
- (b) Proposed works to a heritage place that may be eligible for a heritage rates concession must be-
 - (i) directly related to the preservation or conservation of the cultural heritage significance of that place, as determined by the local government; and
 - (ii) carried out to the specifications and satisfaction of the local government.
- (c) Works carried out to a heritage place that may be eligible for a heritage rates concession include, but may not be limited to, the following-
 - (i) preservation, restoration and reconstruction to both the interior and exterior of the place;

- (ii) conjectural reconstruction of external elements where original details have been previously removed (e.g. works for which there is no documentary or physical evidence, but which replace unsympathetic alterations and are consistent with the original character of the place);
- (iii) works to protect significant fabric of the place from deterioration and damage (e.g. treatment of damp, repair of drainage, replacement of roof with appropriate materials, re-pointing brickwork); and/or
- (iv) paint schemes that are based on physical evidence of the original paint colours, historical photographs and/or paint schemes typical of the style and period of the place, but must not include surfaces that were originally unpainted.

6.2 Ineligible Works for Heritage Rates Concession

Works to a heritage place that are not eligible for a heritage rates concession include, but may not be limited to, the following-

- (a) general maintenance;
- (b) works that relate primarily to health and safety and/or modernisation to meet current standards unless it can be clearly demonstrated that conservation of significant fabric is also a key outcome of the proposed works;
- (c) works that relate to new additions or new fit-outs (e.g. kitchens/bathrooms); and/or
- (d) built heritage conservation works associated with other works that may detract from the significance of the place (e.g. treatment of rising damp carried out in conjunction with the rendering of face brick walls).

6.3 Details of Heritage Rates Concession

- (a) All eligible places will be provided with a concession of 30% per annum on the rates payable on the subject property for a period of five years to a maximum of \$1,000 per year (maximum total \$5,000).
- (b) Total concession received is not to exceed 50% of the total costs of eligible works.
- (c) Any heritage rates concession granted by the local government is to commence with the following year's rates notice.

Note: Australia ICOMOS Inc. is the national chapter of ICOMOS (International Council on Monuments and Sites), an international non-government organisation primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation.

6.4 Accompanying Material for Heritage Rates Concession Application

- (a) All applications for the heritage rates concession must be accompanied by the following-
 - (i) completed application form; and
 - (ii) certified copies of receipts for completed eligible works or quotes for proposed eligible works.
- (b) In the case of proposed works, the heritage rates concession will not be processed until works are completed, or in the case of major works, substantially commenced as determined by the local government.

7 Meaning Of Terms

For the purposes of this local planning policy, the meaning of specific words and expressions relevant to this local planning policy are given below -

‘Adaptation’ means changing a place to suit the existing use or a proposed use.

‘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.

‘Building’ for the purposes of this local planning policy the term has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

‘Conservation’ has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

‘Cultural heritage significance’ has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

‘Development’ has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

‘Fabric’ means all the physical material of the place including structural elements, fixtures, finishes, contents and objects. Fabric includes building interiors and sub-surface remains, as well as excavated material.

‘Heritage area’ means an area designated as a heritage area under clause 9 ‘Designation of heritage areas’ of ‘Part 3- Heritage protection’ of ‘Schedule 2- Deemed provisions for local planning schemes’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

‘Heritage assessment’ subject to the Scheme and for the purposes of this local planning policy, the term has the same meaning as ‘Heritage Impact Statement’.

‘Heritage Impact Statement’ means an assessment and statement of significance of the heritage values of a place to determine its cultural heritage significance based on documentary and physical evidence in relation to the place. A Heritage Impact Statement must be in a form approved by the Heritage Council of Western Australia.

‘Heritage List’ means a heritage list established under clause 8(1) ‘Heritage list’ of ‘Part 3- Heritage protection’ of ‘Schedule 2- Deemed provisions for local planning schemes’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

‘Heritage place’ means a place that is:

- (a) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (c) included on the Heritage List prepared in accordance with the Scheme; or
- (d) located within an area designated under the Scheme as a heritage area; or
- (e) the subject of a heritage agreement entered into under section 29 of the *Heritage of Western Australia Act 1990*.

‘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.

‘Place’ has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

‘Preservation’ means maintaining a place in its existing state and retarding deterioration, recognising that all places and their elements change over time at varying rates.

‘Proposal’ has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

‘Maintenance’ means the continuous protective care of a place, and its setting. Maintenance is to be distinguished from repair which involves restoration or reconstruction.

‘Restoration’ means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

‘Reconstruction’ means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.

‘Related place’ means a place that contributes to the cultural heritage significance of another place.

‘Setting’ means the immediate and extended environment of a place that is part of or contributes to its cultural heritage significance and distinctive character. Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

‘Use’ subject to the Scheme and for the purposes of this local planning policy the term ‘use’ means the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

- Note:
- 1. The statutory definitions for a ‘building’ are differing in so far as the Residential Design Codes exclude fences, pergolas and swimming pools; whereas the Heritage of Western Australia Act 1990 specifically includes all structures due to their potential cultural heritage significance. Therefore, developments involving such things as fences and pergolas that normally would not be relevant to the assessment of a dwelling must be a consideration in a designated heritage area. The reliance upon the Act’s definition of a building by this local planning policy does not affect the operation of the Residential Design Codes, but merely ensures proper consideration of fencing and other ancillary structures as part of the assessment of all development within the Policy Area.*
 - 2. Under the Residential Design Codes the term ‘building’ means “any structure whether fixed or movable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.”*
 - 3. Under the Heritage of Western Australia Act 1990 the term ‘building’ means “in relation to any land, includes any structure erected or placed on or in that land, and any part of the building or fence or other appurtenance to the building.”*
 - 4. For the purposes of this local planning policy the terms ‘building’ and ‘dwelling’ are used interchangeably. Therefore, the local planning policy applies equally to the development of residential dwellings and other buildings that are used for non-residential purposes.*