

City of Albany  
**Policy**

# **Local Planning Policy 1.4 Heritage Protection**

## CONTENTS

Objective .....	3
Scope .....	3
Policy Statements .....	3
Development of heritage-protected places .....	3
Demolition of Heritage-Protected Places .....	3
Relaxation of scheme or policy provisions .....	3
Considerations in assessing proposals affecting heritage-protected places .....	3
Policy Review Position and Date .....	4
Legislative and Strategic Context .....	4
Associated Documents .....	4
Definitions .....	4

## Objective

The purpose of this policy is to:

- Ensure that development does not adversely impact on the cultural heritage values of heritage-protected places.
- Encourage the conservation and protection of places of historic heritage significance.
- Define the criteria and method applied to the assessment of applications affecting heritage-protected places.

## Scope

This policy applies to any heritage-protected place, as defined in clause 1A, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## Policy Statements

A general presumption should apply in favour of retaining buildings that make a positive contribution to the significance of the area.

## Development of heritage-protected places

- The design of new buildings on sites adjacent to heritage-protected places and culturally significant sites shall respect the built character of the heritage-protected place in terms of scale, form, materials and external finishes.
- Alterations and additions to heritage-protected places should not detract from the significance of the place, and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place.
- Where conservation would be facilitated by a change of use, sympathetic adaptation of the place will be supported.

## Demolition of Heritage-Protected Places

- Approval for demolition will require the prior approval of an acceptable redevelopment proposal.
- Demolition of heritage-protected places should be avoided whenever possible and any proposed demolition will require clear justification to be provided by the applicant, via the submission of a heritage impact statement.
- Consideration of any proposed demolition will be based on the significance of the place, and the feasibility of restoring or adapting it, the possible incorporation of all or parts of the structure into a new development, and any potential incentives that can be provided to facilitate its retention, or relevant policy.

## Relaxation of scheme or policy provisions

- Where existing buildings are deemed by the Council to either have cultural heritage significance or contribute to the urban character of the locality the Council may, where practicable, seek the conservation or adaptation of such buildings in whole, or in part, by granting relaxations to development requirements under the provisions of Local Planning Scheme No. 1.

## Considerations in assessing proposals affecting heritage-protected places

- In assessing proposals affecting heritage-protected places, Council shall require the submission of a Heritage Impact Statement and shall broadly address:
  - How the proposed works affect the significance of the place or area.
  - What measures (if any) are proposed to ameliorate any adverse impacts.
  - Will the proposal result in any heritage conservation benefits that might offset any adverse impacts.
  - The level of heritage significance of the place.

- The structural condition of the place.
- Whether the place is capable of adaptation to a new use which will facilitate its retention and conservation.
- The impacts of any relaxations of scheme or policy provisions on the amenity of adjoining properties and the locality.

### Policy Review Position and Date

This policy is to be reviewed by the document owner every two years.

### Legislative and Strategic Context

This policy related to the following elements of the City of Albany Strategic Community Plan:

- **Pillar:** Place. A responsibly planned city that is attractive, vibrant, and well connected.
- **Outcome:** 9. Local history, heritage and character is valued and reserved.
- **Objective:** 9.1. Identify, preserve and showcase significant local history and heritage.

Legislation, directives, guidelines, Acts or Regulations that provide the broad framework within which the policy operates and/or with which it needs to comply, follow:

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) 2015.*
- *Heritage Act 2018.*
- *Heritage Regulations 2019.*
- State Planning Policy 3.5 Historic Heritage Conservation.
- State Register of Heritage Places.
- City of Albany Local Planning Strategy 2019.
- City of Albany Local Planning Scheme No. 1.
- City of Albany Heritage List (Adopted 2020).

### Associated Documents

Documents that have a bearing on this policy and that may be useful reference material for users of this policy, follow:

- The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013.
- City of Albany Local Planning Policy Historic Town Design.
- Heritage Council of WA - Heritage Impact Statements – A Guide (2020).
  - City of Albany Local Heritage Survey (Adopted 2020)

### Definitions

Key terms and acronyms used in the policy, and their definitions:

- **Conservation** has the same meaning given to it under the *Heritage Act 2018*.
- **Cultural heritage significance** has the same meaning given to it under the *Heritage Act 2018*.
- **Heritage places** are those places that have cultural heritage significance, being aesthetic, historic, scientific or social value, for past, present and future generations.
- **Heritage-protected place** has the same meaning given to it under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- **Place** has the same meaning given to it under the *Heritage Act 2018*.

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1.1	Coordinator Planning Services	Amended under delegation, noting the planned substantive review and update planned for 2023, in consultation with the: _Coordinator Planning Services _Manger Planning & Building Services _Manager Governance & Risk _Executive Management Team  <ul style="list-style-type: none"> <li>• Policy objectives: _Updated objectives to align to current legislated and industry used terminology, refined from 4 to 3 objectives.</li> <li>• Scope: _ Policy appended with “Scope” to reflect current policy template requirements and is based on state recommendations for heritage local planning policies.</li> <li>• Policy Statement: _ Content predominantly retained from previous version, with updates reflecting changes in terminology / legislation.</li> <li>• Strategic &amp; Legislative &amp; Associated Documents sections: _Reviewed and updated to include missing items and / or reflect recent changes to legislation / documents.</li> <li>• Definitions: _ Updated definitions to match current legislation and state direction. Expanded from 2 to 5 definitions.</li> </ul> <p>Note: No changes were applied to the content of the following policy positions, being:</p> <ul style="list-style-type: none"> <li>• Development adjoining properties of Heritage and cultural Significance</li> <li>• Demolition of Heritage Buildings</li> <li>• Relaxation of scheme or policy provisions</li> <li>• Considerations in assessing proposals affecting heritage places</li> </ul>	25/11/2022