

## Heritage Management Policy Review: Summary of Submissions

The tables below summarise the comments received the advertising period for the applicable policies, together with Administration's response to each comment and any recommended modifications.

Comment	No. of Related Submissions	Administration Comment	Recommended Modification
<b>General Comments on Heritage</b>			
General Support.	3	N/A	N/A
Heritage Provisions are too onerous and inhibit development.	1	<p>Heritage listings protect places that are considered culturally significant to the development of Vincent. Heritage Listed properties can still be redeveloped provided that any development protects and enhances the significance of the place.</p> <p>The City's suite of heritage policies have been designed in accordance with guidelines produced by the Heritage Council of Western Australia (HCWA) with the aim of assessing places of cultural heritage significance and ensuring that new development does not impinge on this significance.</p> <p>In response to comments received from the DPLH, Administration will present LPP: Development Guidelines to Heritage Places at a future Council Meeting.</p> <p>Acknowledging the increased costs that maintaining heritage places brings, the City provided yearly grants under its Heritage Assistance Fund. <a href="#">Appendix No.20 Refunding and Waiving of Planning and Building Fees</a> also provides a structure for the refund or waiving of planning fees charged in accordance with the Regulations.</p>	N/A

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<p>A number of properties on the heritage list are currently unkempt or underserving of a heritage listing.</p>	<p>1</p>	<p>In accordance with the <a href="#">Guidelines for Establish a Heritage List</a>, A place may be considered worthy of built heritage conservation irrespective of its current state of repair; ongoing requirements for conservation, care and maintenance; or economic worth.</p> <p>Administration is currently undertaking a review of its heritage listed places. This review will make a number of recommendations which could include delisting.</p> <p>The City's Heritage Assistance Fund aims to help owners of heritage listed places by partially funding the costs of maintenance and restoration.</p>	<p>N/A</p>
<b>Draft Local Planning Policy: Assessing Cultural Heritage Significance</b>			
<p>The Policy would benefit from more clearly identifying thresholds for inclusion of places in the City's Local Heritage List.</p> <p>Currently it is unclear if management category 3 place are below the threshold for inclusion.</p>	<p>1 - DPLH</p>	<p>Modifications have been made to the policy to provide clarification on management category 3 and 4 places.</p>	<p>In addressing the comments from the DPLH and in accordance with the <a href="#">Guidelines for Local Heritage Surveys</a>, the following is proposed to be included in the Policy.</p> <p>Inclusion of Table 1: Heritage Significance and Inclusion in the LHS and Heritage List:</p> <p>Management Category 3:</p> <p><u>8.3.1 Outcomes</u></p> <p>places will only be referred to Council for consideration for inclusion in the Heritage List in consultation with the property owner.</p>

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			<p>Management Category 4</p> <p><u>8.4.2 Future Outcomes</u></p> <p>Unless a written request is received from the property owner, it is not recommended for inclusion on the heritage list (unless otherwise already listed).</p>
<p>If your use of 'spiritual value' as a new assessment criteria is code for 'indigenous heritage' why not come out and say so, and why not make reference to any Aboriginal Heritage Act</p>	<p>1</p>	<p>'Spiritual Value' has been included in the assessment criteria of a place, as to ensure that the Policy is consistent with the <a href="#">Guidelines for the Assessment of Local Heritage Places</a>.</p> <p>The other values are as follows:</p> <ul style="list-style-type: none"> <li>• Aesthetic</li> <li>• Historic</li> <li>• scientific</li> <li>• social</li> </ul> <p>The <i>Heritage Act 2018</i> is clear in this regard in that it does not apply to places that have cultural heritage significance solely on account of their connection with Aboriginal tradition or culture.</p> <p>Places of significance to Aboriginal communities may be included in the Local Heritage Survey (LHS) where their cultural heritage significance is not solely connected with Aboriginal tradition or culture and has significance to others. For example, this includes Hyde Park which is included in both the State Register for Heritage Places and also a Site of Aboriginal Significance.</p>	<p>No Modification.</p>

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		Places that may be protected under the <i>Aboriginal Heritage Act 1972</i> (Act) should be identified as such in the LHS, noting that the provisions of that Act also apply.	
<b>Draft Local Planning Policy: Amending the LHS. Heritage List and Designating Heritage Areas</b>			
Unclear how heritage areas relate to character retention areas.	1	<p>The designation, management and protection of heritage areas is governed by the Regulations and the subject Policy and the relevant heritage area local planning policy.</p> <p>Character Areas are not afforded the same level of protection as heritage areas. The management of Character Areas is dealt with by Local Planning Policy: Character Area Guidelines.</p>	No Modification.
<b>Policy No. 7.6.7 – Heritage Management – Municipal Heritage Inventory Incentives and Development Bonuses</b>			
Objecting to the loss of the density bonus.	1	<p>Administration recommends that that LPP 7.6.7 be revoked because:</p> <p><u>Ineffective Density Bonus Provisions</u></p> <p>Clause 20 of TPS1 allowed a density bonus of up to 50% to be considered for the retention or conservation of heritage buildings.</p> <p>Clause 1 of LPP 7.6.7 reflects this and sets out that the extent of the bonus is subject to the impact of the development on the heritage significance, which would be determined on a case-by-case basis.</p> <p>LPS2 has replaced TPS1 and does not contain any provisions that provide for density bonuses for heritage retention/conservation.</p>	No Modification.

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		<p>The Residential Design Codes does not allow for local governments to vary density standards such as site area without the approval of the Western Australian Planning Commission.</p> <p>This means that the density bonus policy provisions of LPP 7.6.7 would be ineffective as these could not be applied by the City, would be inconsistent with the state planning framework.</p> <p><u>Duplication of Deemed Provisions for Variations</u></p> <p>Clause 27 of TPS1 allowed for the City to contemplate variations to development requirements.</p> <p>Clause 1 of LPP 7.6.7 reflects this and sets out that the extent of the variation is subject to the impact of the development on the heritage significance, which would also be determined on a case-by-case basis.</p> <p>While LPS2 does not contain any provisions that allows for variations for heritage retention/conservation, the deemed provisions of the Regulations provide for local governments to vary any site or development requirement specified in its Scheme to facilitate the built heritage conservation of a place contained in a heritage list or heritage area.</p> <p>The deemed provisions apply automatically to all local planning schemes including LPS2 and do not require a local planning policy to be applied. Similar to the existing provisions of LPP 7.6.7 the deemed provisions do not</p>	
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		<p>prescribe set limits or criteria on what the extent of any variation could be.</p> <p>This means that the City could consider variations to planning controls such as open space, setbacks and height on a case-by-case basis to encourage bespoke design responses to facilitate the conservation of heritage buildings as part of redevelopment proposals.</p> <p>These departures would be considered against the planning framework, including the City's Policy No. 7.6.1 – Heritage Management - Development Guidelines for Heritage and Adjacent Properties and advice from the heritage experts on the City's Design Review Panel.</p> <p>This means that the ability to consideration variations to development requirements provisions of LPP 7.6.7 would be a duplication of those that are included within the deemed provisions.</p>	
<b>Policy No. 7.6.9 – Heritage Assistance Fund</b>			
Objecting to the revoking of the policy.	4	<p>LPP 7.6.9 is proposed to be rescinded as the administrative process for the provision of heritage funding is not required to be included in a local planning policy.</p> <p>The grant program will not end and would be suitably addressed through new guidelines.</p>	No Modification.
The heritage fund should not apply to places within a heritage area.	1	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	No Modification.

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		<p>government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area.</p> <p>Properties within a heritage area that are classed as a 'contributory place' are eligible to receive assistance from the City via the heritage fund. These places contribute to the overall significance of the heritage area and for whom conservation is desirable.</p>	
<p>Support the removal of Category B places from being eligible to receive the heritage assistance fund.</p>	<p>1</p>	<p>All places listed on the City's heritage list are eligible to receive funding from the heritage assistance fund, however preference is given those properties with a higher management category. Category B places would remain eligible if they are on the heritage list.</p> <p>It should be noted that under the City's wider heritage review, management categories for heritage places are to be changed from 'A' and 'B' to 1 – 4.</p>	<p>No Modification.</p>