

# Guidelines for heritage areas

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## 1. Introduction

*“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 LPP is required for each heritage area designated under the local planning scheme. The requirements of such an LPP are detailed in cl. 9(2), Schedule 2 of the deemed provisions.

### 1.2 Purpose of Guidelines

These guidelines form two parts. Part one - Guidelines for identifying heritage areas – is a general guide which aims to help identify what constitutes a heritage area and how it fits within the local planning framework. Part two - Guidelines for developing a planning policy for heritage areas – provides information for local government planners which aims to support a consistent approach to local planning policies adopted for heritage areas across Western Australia’s local governments.

# Part 1: Identifying and defining heritage areas

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Heritage areas are select areas with special qualities, and will generally be quite rare within a locality. 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.

A potential heritage area is often indicated at the conclusion of a heritage survey, through a study of the mapping of heritage places. This would be identified by a particularly high concentration of heritage places within an area.

In some cases, a nomination for the LHS or heritage list may result in the creation of a group or precinct. A group comprises two or more places that have a common association and share cultural heritage significance, but with boundaries that may or may not coincide. A precinct is a defined area that contains multiple contributory elements with a uniting theme, usually on multiple lots. The area covered by a precinct should be contiguous. While this may result in the inclusion of elements that do not contribute to the significance of the place, these can be identified as such within the listing.

Not all groups of heritage buildings will require or warrant the creation of a heritage area. Heritage provisions within the local planning scheme will allow consideration to be given to the heritage values of any group or precinct identified in the heritage list.

## **2. Cultural heritage significance and character**

SPP 3.5 details the importance of distinguishing between heritage areas and urban character areas. It explains that heritage is retained through conservation and preservation of identified heritage places, while character may be maintained through replication of design and landscape elements. Therefore, heritage significance needs to be clearly distinguished from the broader concept of urban character, given that all areas or localities demonstrate some form of this.

As noted above, heritage areas are select areas with special qualities and will generally be rare. They typically exist on a much larger scale than individual places, or groups, and contain a large number of built elements and property holdings, and their designation potentially has more far-reaching planning implications than the listing of a single place.

### **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.

In some cases, the development of a heritage area may span an extended period and include a variety of building types. In such cases it may be worthwhile to analyse the different phases of growth as part of the assessment, while also demonstrating the 'unifying thread' that holds the area together as a meaningful whole.

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.

#### Examples – Inclusion

*Example One:* George Street Heritage Area - is a cohesive heritage area whereby a majority of the places were constructed in the late nineteenth century and early twentieth century. It includes primarily commercial buildings and a small number of associated former workers dwellings, which demonstrate the suburban development and expansion of Fremantle, and East Fremantle in particular.



*Example Two:* Central York Heritage Area - Central York Heritage Area - comprises a number of substantial commercial buildings as well as single storey residences along Avon Terrace and the north and west edges of the town centre. It illustrates the development of the town from its early establishment in the 1860's and 1870's, through to the gold boom period, the 1930's and later decades.



The cultural heritage significance of a heritage area and the contribution of individual places within the area should be informed by the advice of an experienced heritage professional.

### 2.3 Where a heritage area is not appropriate

A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list.

While the presence of intrusive or non-contributory development does not prevent the declaration of a heritage area, the heritage elements should predominate. An area that includes a high proportion of buildings from later periods of development that are generally of low architectural quality and make a limited contribution to producing a legible streetscape, is unlikely to demonstrate a coherent area overall.

There is no fixed proportion or target ratio that signals a heritage area, but it must be considered reasonable and appropriate for development controls supporting heritage outcomes to be applied across the area, and given priority over other planning outcomes.

It would be inappropriate to declare a heritage area where it is inconsistent with the planning provisions or established intent for the local area. While the policy for a heritage area may seek to constrain development to a traditional residential form and density, this may be unrealistic in an area zoned for mixed use, or for high density development. Zoning and strategic planning decisions should be informed by an understanding of local heritage to avoid conflict between a declared heritage area and the planning provisions and intent for a locality.

A list of all contributory and non-contributory elements should form part of the assessment of a heritage area as discussed below at **Section 2.3**.

If a local government chooses to designate the Heritage Area under the local planning scheme, a local planning policy for the area will be required.

For more detailed information on the assessment process, see the Department of Planning, Lands and Heritage, *Guidelines for assessment of local heritage places* (2022)

# Part 2: Developing a local planning policy for a heritage area

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## 2.1 Defining the boundaries

The outer boundaries of a heritage area commonly follow road alignment or other readily defined limits. If defined as part of an urban block, using the lot boundaries of contributing properties would generally be appropriate.

A heritage area should include all properties within a regular boundary, whether or not they are identified as contributing to the area. When considering what elements to include, it is important to consider where the special planning controls need to be applied in order to conserve the heritage significance of the area. In some cases, this will mean including non-heritage places that are on the edge of the area, but where additional planning controls would assist in reducing intrusive elements or other adverse impacts on heritage values.

## 2.2 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.

Categories are only relevant where there is an associated planning policy, or other reason for differentiating between them. For many heritage areas, there may only be a requirement to identify whether an individual element is contributory or not. In such instances, these may be assigned categories and planning outcomes similar to Table 1:

Level of significance	Description	Desired outcome
Contributes	Contributes to the significance of the Heritage Area; recommended for entry in the Heritage List.	Conservation of the place is desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Does not contribute	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.

**Table 1. Contributory / non-contributory**

A more complex area or planning response may require more differentiation, potentially identifying places that are intrusive. These may be assigned categories and planning outcomes similar to Table 2:

Level of significance	Description	Desired outcome
Considerable contribution	Very important to the significance of the Heritage Area; recommended for entry in the Heritage List.	Conservation of the place is highly desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Some/Moderate contribution	Contributes to the significance of the Heritage Area.	Conservation of the place is desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
No contribution	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.
Intrusive	Intrusive /negative	Policies may support removal / replacement consistent with the Design Guidelines.

**Table 2. Contributory / non-contributory/intrusive**

The associated development controls would indicate retention of contributory elements, with non-contributory elements given more freedom for redevelopment within any relevant design guidelines or other controls to ensure respect for heritage values within the area.

The level of contribution may also determine what incentives or other controls are applied, either within the planning framework or through other means.

The redevelopment or alteration of intrusive buildings and elements within a heritage area, can present an opportunity for good modern design that complements the traditional character of the area, without imitating existing heritage styles and detailing. Any new works should be readily identifiable as such and be consistent with the design guidelines. Any development should be informed by an understanding of and respect for the significance of the place.

### **2.3 Special planning control**

As noted in the introduction, the deemed provisions call for a heritage area where 'special planning control is needed to conserve and enhance the cultural heritage significance and character' of the area. This indicates that the controls required are in addition to any general provisions for heritage and would be a specific response to the identified heritage values of the area.

A separate LPP is required for each heritage area designated under the local planning scheme. The minimum requirements of such an LPP are:

- (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.

In addition, the LPP should identify the key features and elements of the area, the levels of contribution each place makes to the area, and the conservation and development principles for the area. Unlike individually listed places, development controls should relate to the elements of each place that contributes to the streetscape.

For heritage areas within residential areas, LPPs may contain provisions that amend or replace deemed-to-comply provisions of the R-Codes. The R-Codes stipulate which provisions may be amended or replaced without WAPC approval.

Some local governments may choose to adopt a LPP for the development of local heritage places, for which guidance is given in a separate document (see Guidelines for preparing a local planning policy for local heritage (Heritage Council, 2022)). The sample text included in Appendix 1 assumes that such a policy has been adopted. If a LPP for a heritage area is intended to be a stand-alone policy without access to a general heritage LPP, the development control principles should be incorporated into a heritage area LPP.

### **3. The Heritage Framework**

A local planning policy for local heritage places will be most effective when integrated with a wider heritage framework that includes an overall heritage strategy that considers both planning and non-planning matters. This includes processes for providing assistance and incentives towards heritage conservation, as well as the policy and procedures to ensure good advice and development controls. This recognises that retention and conservation of heritage places provides a community benefit, and that local government acts for the community when aiding owners to deliver this benefit.

Assistance measures, such as specialised services, grants, rates concessions and development incentives, are practical and accessible ways local governments can recognise owner contributions to the conservation of heritage places and can encourage positive engagement with the heritage process.

Further information and assistance in the development of a heritage framework is available from the Department of Planning, Lands and Heritage.

Relevant resources include:

- Guidelines for preparing a local planning policy for local heritage (HCWA 2022)
- Guidelines for assessment of local heritage places (in draft)
- Guidelines for local heritage surveys (2019)
- Guidelines for establishing a heritage list (2021)
- An Information Guide to Conservation Management Plans (2013)
- An Information Guide to Conservation Management Strategy (2017)
- Heritage Impact Statement (2020)
- Guide to Preparing an Archival Record (2019)

<b>Appendix 1. SAMPLE TEXT FOR A LOCAL PLANNING POLICY – HERITAGE AREAS</b>	<b>EXPLANATORY NOTES</b>
<p data-bbox="143 293 497 331"><b>Statutory Background</b></p> <p data-bbox="143 370 1173 478">The [xxxx] Heritage Area is designated as a heritage area in accordance with clause 9 of Schedule 2 Part 2 (the deemed provisions) of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p> <p data-bbox="143 517 1173 734">This local planning policy is adopted consistent with clause 9(2) of the deemed provisions, which requires a local planning policy for each heritage area. In addition to the minimum requirements outlined in the deemed provisions, this policy identifies the contribution, or otherwise, of all places within the heritage area; and sets out planning controls that support conservation of the identified heritage values of the area.</p> <p data-bbox="143 1219 282 1257"><b>Purpose</b></p> <p data-bbox="143 1283 1173 1353">To provide guidance on the assessment of proposals for works affecting local heritage areas.</p>	<p data-bbox="1214 293 1895 331"><b>Explanatory Notes – Statutory Background</b></p> <p data-bbox="1214 370 2163 549">These notes do not form part of the model policy and are intended to assist the local government in tailoring the policy to meet its own needs. They may also assist in developing supporting material for heritage matters, but should be removed before publication of the LPP.</p> <p data-bbox="1214 590 2163 699">The LPP should take the format and approach developed for LPPs by each local government and be adopted and maintained consistent with the local planning scheme.</p> <p data-bbox="1214 740 2056 849">General requirements for LPPs are contained within Part 2, Division 2 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p data-bbox="1214 890 2078 957">The minimum requirements set out in the deemed provisions require that a LPP for a heritage area includes:</p> <ul data-bbox="1263 963 2096 1072" style="list-style-type: none"> <li>(a) a map showing the boundaries of the heritage area;</li> <li>(b) a statement about the heritage significance of the area;</li> <li>(c) a record of places of heritage significance in the area.</li> </ul> <p data-bbox="1214 1114 2123 1222">In most cases the LPP will also identify specific controls that are adopted within the area to maintain heritage values. Other elements of the policy may also be identified in the introduction.</p>

## Use of terms

Unless otherwise noted, terms used in this policy have common meanings and include those defined in the *Planning and Development Act 2005*; Planning and Development (Local Planning Schemes) Regulations 2015, and the *Heritage Act 2018*.

## Application

This policy should be read in conjunction with LPP \_\_\_Development of heritage places and areas. If there are any inconsistencies between the two, this policy will prevail.

This policy applies to all proposals for development [including subdivision] located within the \_\_\_\_\_ Heritage Area, as shown in Figure 1.

## Objectives

This policy seeks to:

- to conserve areas of heritage significance;
- to ensure that development does not adversely affect the significance of heritage areas;
- ensure that heritage significance is given due weight in local planning decision making;

## Explanatory notes – Use of terms

This list should be extended if the LPP uses any other terms that are not defined in the relevant legislation or that may be unclear.

## Explanatory notes – Application

The deemed provisions cl.67(k) require that the local government has due regard to the built heritage conservation of any place that is of cultural significance, and, (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located.

An intent to apply the heritage provisions of the planning framework is signalled through the inclusion of places in a heritage list, or adopting a heritage area.

If a general policy has been adopted it should be identified here.

While the policy as a whole applies to all proposals within the heritage area, different policy settings can be applied based on the identified heritage significance of a place.

## Explanatory notes – Objectives

Objectives can be tailored as necessary to meet the needs of the heritage area or for consistency with other policy documents and/or local planning strategy.

In general, works within a heritage area are not subject to the same exemptions from the need for development approval as other projects. One option for the LPP is to identify works within the

- provide improved certainty to landowners and community about the planning processes for heritage identification and protection; and
- allow development without the need for approval where it can be achieved without impacts on heritage significance.
- 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*

## Policy Provisions

### 1. Cultural heritage significance of the \_\_\_\_ Heritage Area

The extent of the [xxxx] Heritage Area is shown in the map at Schedule 1.

The [xxxx] Heritage Area is significant for [detail statement of significance].

### 2. 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 x.

heritage area that can be carried out without development approval. [refer cl.61(i) of the deemed provisions]

### Explanatory notes – Cultural heritage significance

The heritage significance of the area should be demonstrated in the statement of significance – a series of value statements that define the significance of the overall place (heritage area). This document should be informed by a heritage professional.

The identified significance will influence and inform all elements of the policy, so should clearly articulate those values within the heritage area that are to be protected by the policy.

### Explanatory notes – Contribution of individual places

A determination of how individual places contribute to the heritage area should be informed by advice from a heritage professional.

The identified significance for a place in the LHS is not the same as its contribution to the values of the area.

The number and type of groupings of significance used in the policy will be informed by the different development controls intended for

Contribution to heritage area	Description/Desired outcome
Considerable	Very important to the significance of the Heritage Area. Conservation of the place is highly desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Some/Moderate	Contributes to the significance of the Heritage Area. Conservation of the place is desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines
None/Intrusive	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.

Table 1. Contribution of individual places

3. A map showing the area and the contributory status of each property is included as Appendix \_\_\_\_

#### 4. Development control principles

4.1(a) In considering any planning applications within a heritage area, the [City/Town/Shire] will apply and have regard to the development control principles set out in *State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5)*.

4.1 (b) Development within a heritage area will also be assessed against the local planning policy for that area, including any design guidelines associated with the policy.

[List any development controls to be applied. Duplication of controls identified in a general LPP for heritage is not required.]

each group. For example, if there are no controls or incentives to be applied to encourage the removal or redevelopment of intrusive elements, then it may not be necessary to include 'Intrusive' as a grouping.

Separating 'considerable' from 'some' contribution is also necessary only if different development controls or incentives are expressed depending on this value. Otherwise, a grouping of 'positive' contribution may be all that is required.

Note that the planning controls or incentives relating to the level of contribution may be expressed in a different policy. It may, for example, be stated in a general heritage policy that an application for development relating to a place on a heritage list, or identified as 'considerable' contribution in a heritage area, must be accompanied by a heritage impact statement, or meet other higher standards.

#### Explanatory notes – Development control principles

Further development controls may not be required, particularly if there is a general policy for heritage. Typically, however, a heritage area will have design guidelines or other controls that direct development towards a particular form that respects the heritage values of the area. Typically, design guidelines for heritage areas will address:

1. Broad principles for development and conservation including:
  - demolition
  - alterations, extensions or change of use.
2. Specific guidelines for alternation of elements such as:
  - roofs and walls
  - windows
  - verandahs and awnings

Development proposed within the heritage area should be consistent with the following design guidelines:

[Identify any guidelines for specific elements or general style / form that is preferred for the area. This should be based on the identified cultural heritage significance of the area.]

## 4.2 Works in a heritage area

4.1(a) An application for works in a heritage area that will, or is likely to, have a negative impact on the area, (including any significant views and vistas within a heritage area), must be accompanied by:

- (i) street elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application
- (ii) a detailed schedule of all finishes, including materials and colours of the proposed development

- carports and garages
- fences
- additions and extensions
- new single houses
- new commercial buildings.

Design guidelines for a heritage area are often expressed under the headings of:

- scale
- massing/form
- materials and details.

If there are design guidelines for local heritage places that are to be applied across the scheme area, these should be referenced here.

Guidelines and controls should be as concise and clear as possible, and the minimum necessary to deliver a consistent heritage outcome for the area.

### Explanatory notes –Works in a local heritage area

Clause 63(3) of the deemed provisions identifies that the local government may require an application to be accompanied by specified material if it relates to a heritage area. To provide certainty and a consistent approach, the sample text proposes that this option is exercised for all works that are likely to have a negative heritage impact.

An initial impact assessment should be submitted by the applicant with their application. Use of this policy would require that the application is reviewed and the heritage impact assessed prior to acceptance of the application as being complete.

(iii) a description of the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot

## 4.2 Additional requirements for works within a heritage area

4.2(a) For proposed development that will be substantially visible from the street, the accompanying material required in 4.1(a) must include:

(i) a site analysis plan showing:

- any impacted view-lines of significance to or from the place
- any heritage places within close proximity to the development.

(ii) a cadastral base identifying all lots located in the street block in which the site is located, as well as the lots on the opposite side of the street, and the location, height, street setback and land use of all buildings located on these lots.

## 5. Reference documents

*Heritage Act 2018*

*Planning and Development Act 2005*

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

State Planning Policy 3.5 Historic Heritage Conservation (WAPC, 2007)

The Burra Charter (Australia ICOMOS, 2013)

An Information Guide to Conservation Management Plans (HCWA, 2013)

The requirement for a schedule of finishes should not be taken as a requirement that new works have to match existing materials or colour.

## Explanatory notes –Additional requirements for works in a heritage area

Relevant accompanying material for a heritage area aims to identify the site's setting within the area and the potential for proposed development to impact the cultural heritage significance of the area. This is primarily achieved through a site analysis plan and cadastral base.

The site analysis plan is a standard requirement as accompanying material under the R-Codes. The sample text proposes that such a plan is required for all heritage-related development, and that the requirements for view-lines and nearby heritage places are included in all cases.

Requirements for street elevations are given as an option within the deemed provisions but are recommended as a standard for all applications relating to heritage areas.

For local governments that have high concentrations of heritage places, these provisions could be considered for proposals relating to individual heritage places.

An Information Guide to Conservation Management Strategy (HCWA, 2017)

Guidelines for preparing a local planning policy for local heritage (HCWA 2022)

Heritage Impact Statement (HCWA, 2020)

Guide to Preparing an Archival Record (HCWA, 2019)

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