



Local Planning Policy 1.6

Heritage Assessment and Protection

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Statutory background

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

Part 3, Clause 8 of the Deemed Provisions establishes the requirement for local governments to prepare and maintain a Heritage List that identifies places within the Scheme area of cultural heritage significance worthy of conservation. Clause 9 allows local governments to establish a Heritage Area over any area where, in its opinion, special planning control is needed to conserve and enhance the cultural heritage significance and character of that area. These places and areas are referred to as Heritage Protected.

Clause 11 of the Deemed Provisions prescribes that the Council may require a Heritage Assessment to be carried out prior to the approval of any development proposed in a Heritage Area or in respect of a heritage place listed on the Heritage List. Clause 12 allows Council to vary site or development requires to facilitate the built heritage conservation.

Part 9, Clause 67 of the Deemed Provisions prescribes the matters to which the Council is required to afford due regard in considering a development proposal. Included amongst these matters are any potential impacts that a proposal may have on the heritage values of an existing place and its context including the streetscape and/or heritage area.

Part 8 of the *Heritage Act 2018* establishes a requirement for local governments to prepare and maintain a Local Heritage Survey (LHS) of places which in its opinion are, or may become, of cultural heritage significance. The Heritage List is effectively derived from this, though not all places on the LHS may qualify for inclusion on the Heritage List.

Introduction and purpose

This policy supplements the overarching procedures set out under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Heritage Act 2018* and the Local Planning Scheme in relation to heritage management and seeks to outline the City's approach to heritage assessment and statutory protection processes. It applies in addition to more detailed area and place and issue-specific policies and plans.

Objectives

The policy seeks to facilitate a transparent, consistent and robust approach to heritage protection by:

- Outlining the guiding principles the City applies to the management of heritage.
- Defining the criteria and method applied to heritage assessment, and Local Heritage Survey categories.



- Defining how the City will manage requests to review heritage listing (either to add, amend or remove).
- Defining when and how heritage assessments and heritage impact statements will be required.

Application

This policy applies to the assessment and management of heritage places within the City of Fremantle Local Planning Scheme No. 4 area.

Policy statement

1. Guiding Principles

The City of Fremantle uses *The Burra Charter – the Australia ICOMOS Charter for Places of Cultural Significance* as the key document guiding the management of heritage places.

2. Assessment of Cultural Heritage Significance

Assessment of the heritage significance of places is undertaken in accordance with Heritage Council of Western Australia guidelines and using the criteria defined under the Burra Charter.

3. Types & Categories of Listing

• Local Heritage Survey (LHS)

The Local Heritage Survey (LHS) comprises the inventory of places which in the opinion of Council are, or may become, of cultural heritage significance as required under the *Heritage Act 2018*. Listing on the Local Heritage Survey alone holds no statutory significance.

The City of Fremantle's Local Heritage Survey is a database that holds heritage assessment information which defines the heritage values, provides the statement of significance and applies the management category that establishes the extent of conservation required to retain these values for each identified place. The following classifications are applied to places included on the Local Heritage Survey:

Management category – Level 1a – Exceptional Significance – State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. This place is entered into Western Australia's State Register of Heritage Places.

Management category – Level 1b – Exceptional Significance – Not State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle, and its conservation is required. It is recommended that this place be considered for entry in the Heritage Council of Western Australia's Register of Heritage Places.



Management category – Level 2 – Considerable Significance

The City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.

Management category – Level 3 – Some Significance

The City of Fremantle has identified this place as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and/or its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced and its significant parts conserved.

Management category – Level 4 – Historic Record Only

The City of Fremantle has identified places on this place as being of interest for historical reasons and/or for structures that no longer exist. These places are part of Fremantle's rich cultural heritage but are not included on the Heritage List.

- Heritage List

The Heritage List is a statutory list of places, derived from the Local Heritage Survey, and identified by Council as worthy of conservation. Additional planning controls apply to places on the Heritage List.

- Heritage Areas

Heritage Areas are precincts where special planning control is needed to conserve and enhance the significance of the area. Additional planning controls apply to places within a Heritage Area.

Places within Heritage Areas can be defined as either 'contributory' or 'non-contributory'. Contributory places will generally include places on the Heritage List but may also include places which are not individually listed. Where mapping of contributory places has not been undertaken for a heritage area, or is incomplete, this will be assessed upon application.

4. Process for inclusion, removal or amendment of a place on the Local Heritage Survey (LHS), Heritage List or identified as 'Contributory' to a Heritage Area.

The City maintains the Local Heritage Survey, Heritage List and heritage areas, including undertaking periodic reviews.

Any person or organization may nominate a place to be added, removed or amended on the Local Heritage Survey, Heritage List and/or as a contributory place to a heritage area, at any time. This shall be in the form of a written request to the City. The basis for inclusion/removal/amendments of places on the Local Heritage Survey, Heritage List and/or as a contributory place to a heritage area shall be based on *cultural heritage significance*, determined through a heritage assessment. Requests will be considered through an annual

update. The City itself can also identify places for inclusion, removal or amendment as required.

Where a proponent wishes to pursue demolition of or significant modification to a heritage protected place, this effectively triggers review of its listing outside of the annual review process but is subject to the applicable development application fees and process.

5. Heritage Assessments and Impact Statements

Heritage Assessments and Heritage Impact Statements are two different documents each with its own specific purpose:

- The purpose of a Heritage Assessment is to assess the cultural heritage significance of a place by examining the documentary and physical evidence, assessing the values of the place and defining a statement of significance.
- The purpose of a Heritage Impact Statement is to consider the impact of a specific proposal (e.g. development) on the cultural heritage significance of a heritage place or area. If sufficient Heritage Assessment information is not available for the preparation of a Heritage Impact Statement, then this will also be required.

Heritage Assessments and Heritage Impacts Statements should be undertaken by a qualified heritage professional in accordance with state government guidelines, using the City's preferred format and being guided by *The Burra Charter- the Australia ICOMOS Charter for Places of Cultural Significance*.

- *Requests for Changes to Heritage Listing*

Requests for changes to a heritage listing are encouraged to be accompanied by a Heritage Assessment to support the request.

- *Development Applications*

Applicants for significant modification to heritage protected places are encouraged to submit a Heritage Impact Statement with the Development Application, and these may be required for any development proposal with potential to have significant impact on heritage significance or the place or locality where, in the opinion of the relevant manager, this is necessary to inform assessment of the proposal. These will usually be required for any significant change to a Category 1A, 1B or 2 listed place.

Heritage Impact Statements will not usually be requested for the following types of development for places listed as Category 2 or 3, or not included in the Heritage List:

- Small scale new structures which are not attached to the primary structure/building (such as outbuildings) and which are located out of the front setback area.
- Ancillary lightweight structures added to buildings (such as timber patios, sails, carports, pergolas) which are located out of the front setback area.
- Fixtures to buildings (such as antennae, aerials, air conditioning units, solar panels, signs), which do not face the street and do the installation would not involve any significant structural alteration to the building.

- Non-structural internal changes.
- Fences consistent with the Fences policy
- *Demolition Applications*
 - A (proponent-commissioned) Heritage Assessment will be required in support of any development application where demolition is proposed of a place which:
 - Is included on the State Register of Heritage Places
 - Is included on the Heritage List
 - Is mapped as a 'contributory' place within a Heritage Area.
- *City Assessment of Submitted Heritage Assessments and Heritage Impact Assessments*

Where a proposal is accompanied by a proponent-commissioned Heritage Assessment or Heritage Impact Assessment, the City will undertake its own assessment but may draw on information submitted.

Responsibility and review information	
Responsible officer:	Manager Strategic Planning and City Design
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