

## **1 INTRODUCTION**

The City of Rockingham has a collection of local heritage places in its Heritage List. These places have been assessed and recognised to have cultural heritage significance to the local community. They are protected under the heritage provisions of the City's Town Planning Scheme No.2 (TPS2) and owners of these places should conserve the property in a manner that retains the assessed cultural heritage significance.

This Policy:

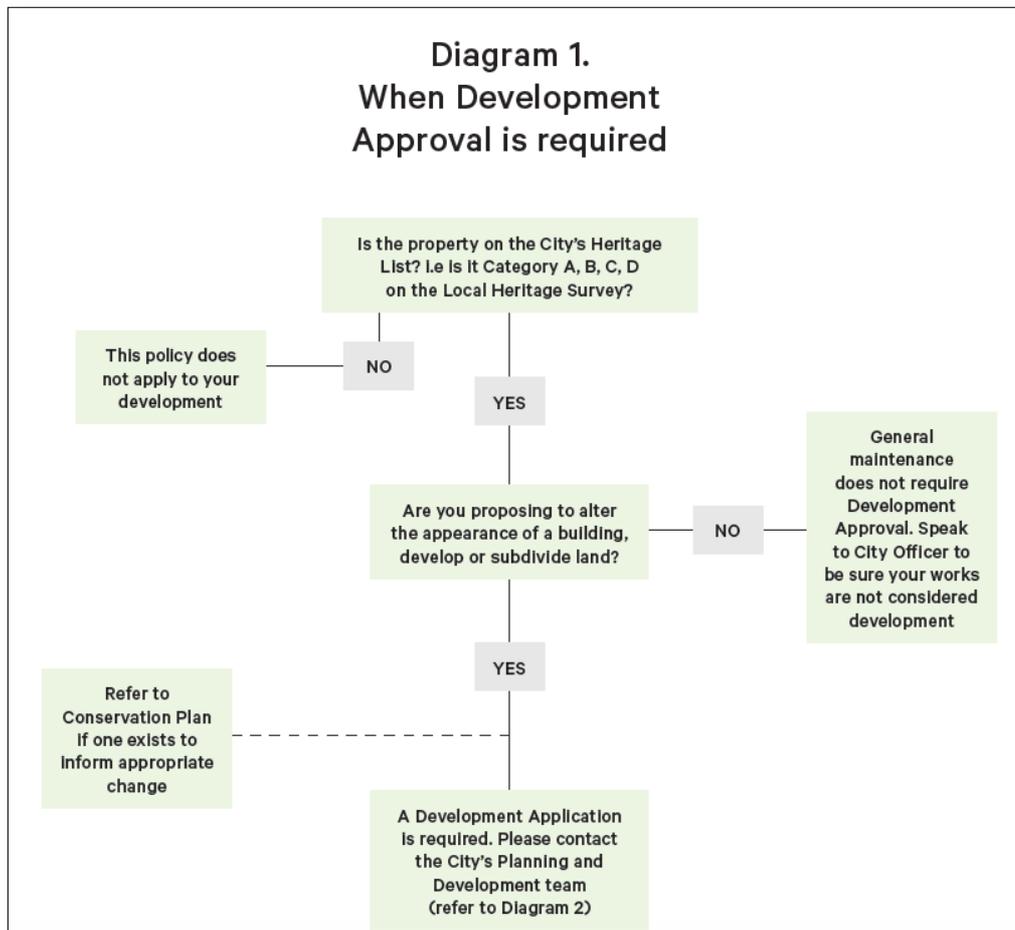
- Provides general information and policies applicable to the conservation and development of places in the Heritage List;
- Explains the City's application of the heritage provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Applies the development control principles contained in the State Planning Policy 3.5 - Historic Heritage Conservation and the Burra Charter;
- Explains heritage development considerations within the framework of the City's Heritage Strategy 2020-2025;
- Details the process and procedures for making a Development Application for heritage listed places and when a Development Application is not required; and
- Does not apply to local heritage places not deemed worthy of built heritage conservation.

## **2 POLICY APPLICATION**

This Policy applies to all places entered in the Heritage List pursuant to TPS2. This does not include the undertaking of internal building works where they do not visually or physically affect the external appearance of the building, unless the place is listed on the State Register of Heritage Places; is the subject of an order under the Heritage Act 2018, the subject of a Heritage Agreement, or has been included on the Heritage List due to having an interior which has been recognised for its cultural heritage significance.

Aboriginal heritage is protected by the Aboriginal Cultural Heritage Act 2021. This Policy does not apply to the conservation of Aboriginal heritage, except in cases where Aboriginal heritage places are entered into the Heritage List or a designated Heritage Area.

General maintenance and minor works can be carried out without Development Approval provided it does not involve removing or altering significant elements or if it involves the replacement of like-for-like materials. Refer to Section 7 – Interpretations for a list of works included in the term 'general maintenance'.



Any Heritage Area adopted under TPS2 will have an associated Local Planning Policy that should be read in conjunction with this Policy. If there are any inconsistencies between the two, the Policy specific to the Heritage Area will prevail.

### **3 POLICY OBJECTIVES**

The objectives of the Policy are:

- (i) to conserve and protect places of cultural heritage significance within the City of Rockingham, as identified under the Heritage List (including those entered onto the State Register of Heritage Places);
- (ii) to assist property owners and managers to conserve the cultural heritage significance of their heritage places;
- (iii) to ensure that future development, including conservation or adaptation of existing buildings and construction of new buildings does not adversely affect the significance of heritage places and respects and enhances their identified heritage values; and
- (iv) to ensure that heritage significance is given due weight in decision making for applications for Development Approval.

### **4 POLICY STATEMENT**

#### **4.1 Relevant Considerations for Development Approval**

In considering a Development Application in relation to a place entered in the Heritage List, the City will apply and have regard to:

- (i) the advice received from the Heritage Council in relation to a Development Application for any place on the State Register of Heritage Places or is the subject of an Order under Part 4 and places that are subject to a Heritage Agreement under the *Heritage Act 2018*;
- (ii) the conservation and protection of any place which is included in the Heritage List, as established under Schedule 2, Clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (iii) whether the proposed development will adversely affect the significance of any local heritage place, including adverse effect resulting from the location, bulk, form or appearance of the proposed development;
- (iv) the level of heritage significance of the place, based on a relevant heritage assessment;
- (v) measures proposed by the applicant to conserve the heritage significance of the local heritage place and its setting;
- (vi) the structural condition of a local heritage place, and whether a place is reasonably capable of conservation, noting that there is a general presumption against demolition of heritage places and an approval for demolition shall not be expected simply because a building has been neglected;
- (vii) whether the local heritage place is capable of adaptation to a new use which will enable its retention and conservation;
- (viii) State Planning Policy 3.5 - Historic Heritage Conservation; and,
- (ix) the principles and processes of the Australia ICOMOS Burra Charter (2013) as the recognised standard for best practice in heritage and conservation. Where there is no specific provision in this policy, Burra Charter principles will be applied to development applications for heritage places.

#### 4.2 Development Control Principles

The following development control principles must be applied when considering Development Applications in relation to a local heritage place on the Heritage List under the TPS2. The consideration given to heritage in the City's assessment will be dependent on the cultural heritage significance that place possesses, in addition to any other pertinent planning considerations made on the basis of TPS2 and any other relevant document.

##### 4.2.1 Demolition of a Heritage Listed Place

- (i) Demolition of a local heritage place is rarely appropriate and there is a presumption against it occurring. Any application for demolition of a local heritage place requires strong justification to be supplied by the applicant.
- (ii) Demolition of a local heritage place with recognised heritage significance should be avoided wherever possible, although there may be circumstances where demolition is justified. There is a general presumption against the demolition of places of cultural heritage value and the onus rests with the applicant to provide a clear justification. Although not on the Heritage List, Historic Sites included on the Local Heritage Survey (LHS) (Management Category E) should be interpreted as part of any development of the site. When significant fabric remains, in these circumstances, it should be retained in-situ.
- (iii) Demolition Approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a local heritage place (building) has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; and the extent to which the community would benefit from the proposed redevelopment.
- (iv) Demolition of any building that is a local heritage place, will not be permitted where there has been a demonstrable period of neglect leading to deterioration in the building's condition.
- (v) Part demolition or removal of contributory elements of a local heritage place may only be supported where:
  - (a) It is demonstrated to the City's satisfaction that the cultural heritage significance of the local heritage place will not adversely be affected by the demolition of all or part of its fabric;

- (b) The affected fabric has previously been substantially altered beyond the ability to effectively return it to its original or most significant condition; or
  - (c) If structural failure is cited as justification for the demolition of significant fabric, the City may require that a Structural Condition Assessment by a registered structural engineer with demonstrable experience in working with heritage places be provided. Conclusive evidence is required that the structural integrity of the building has failed, to the point where it cannot be rectified without substantial alteration.
- (vi) The removal of original character features from a local heritage place will generally not be supported without significant justification in the form of a Heritage Impact Assessment. Removal of inappropriate later alterations, additions and works that detract from the cultural significance of the place can be supported where it is demonstrated that this will not have a negative impact on the heritage significance of the place.
- (vii) The context of a local heritage place can often contribute significantly to its understanding and value. Relocation of a heritage place should not be supported without clear justification which considers the contribution of the surrounding context on the cultural heritage value of the place.
- (viii) The applicant for a proposal to develop or alter a local heritage place should seek advice from a qualified and experienced heritage consultant prior to progressing any application. Proposals for demolition of a property on the Heritage List must be accompanied by a Heritage Impact Statement prepared by a suitably qualified and experienced heritage consultant.
- (ix) In addition to the above requirements, partial or complete demolition of a local heritage place should not be supported in the absence of a proposal for new development which is reflective of its heritage context.
- (x) The applicant for a proposal to develop or alter a local heritage place should seek advice from a qualified and experienced structural engineer and any new structure should not rely structurally on the existing heritage structure.

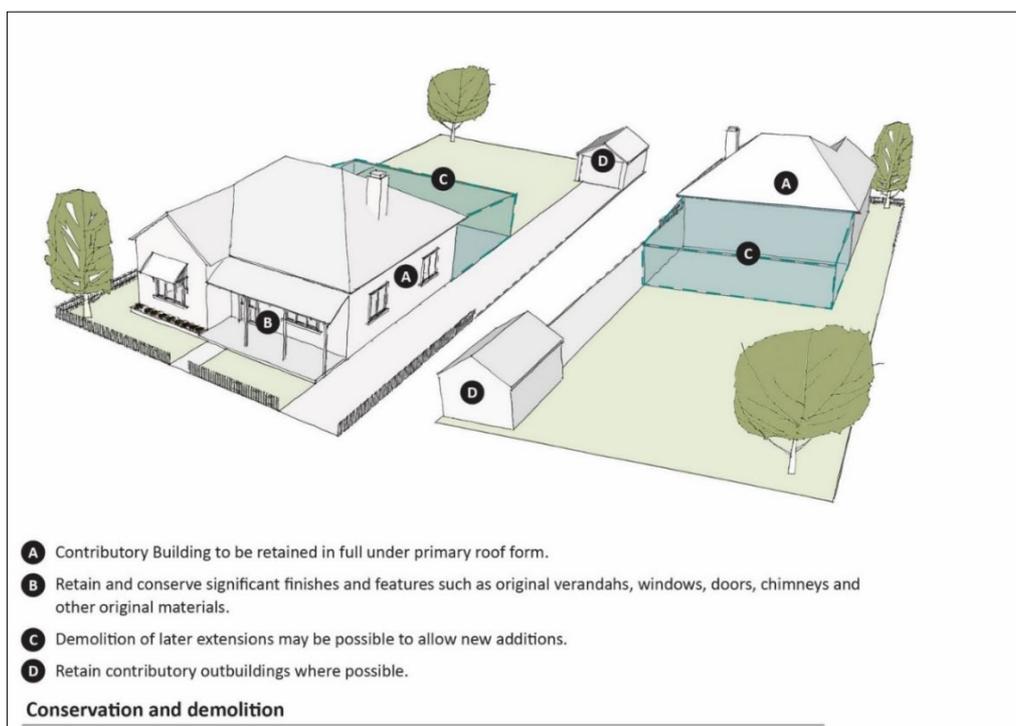


Figure 1 – Conservation and Demolition

#### 4.2.2 Conservation

- (i) Conservation works are essential to ensure the long-term survival of a local heritage place. Conservation works can include, repair, maintenance, restoration and reconstruction of contributory buildings and elements and should be undertaken with the advice of a heritage architect or consultant.
- (ii) Maintenance and repairs to heritage places must minimise visual impact on significant fabric and should be undertaken on a 'like for like' basis.
- (iii) Conservation works should retain the original appearance of a local heritage place where it remains evident and seek to match traditional techniques, material and finishes based on archival, photographic and/or physical evidence.
- (iv) Restoration of original finishes and features is encouraged where appropriate where fabric has significantly deteriorated, previously been removed or unsympathetically altered. A 'like for like' approach based on physical or documentary evidence should be followed, and only undertaken where sufficient archival evidence is available to support the proposal.

#### 4.2.3 New Built Form, Alterations, Extensions or Change of Use Affecting a Local Heritage Place

- (i) Development must conserve and protect the cultural heritage significance of a local heritage place based on respect for the existing building or structure and its setting, and the least possible change to the significant fabric.
- (ii) Alterations to a heritage place must be sympathetic to the significant fabric and setting of the local heritage place and must not detract from its identified cultural heritage significance. Development must be compatible with the siting, scale, architectural style and form, materials, external finishes and function of the place.
- (iii) Additions must be sympathetic to the predominant form and scale of the existing building, its streetscape context and its contribution to the urban character in the surrounding area.
- (iv) Alterations should not generally remove, change or obscure significant materials or detailing other than that which may be necessary as part of required conservation works.
- (v) Where an opportunity arises, any features or elements that are intrusive to the heritage values of the place should be removed, replaced or altered to more sympathetic detailing.
- (vi) Additions or alterations must compliment the original fabric rather than seeking to copy or mimic it in design, style or finish. They must be easily distinguishable from the significant fabric.
- (vii) Additions are not to be dominant from the primary street frontage.
- (viii) Upper storey additions or modifications should be designed to minimise the impact on the original roofline, and to retain an appreciation for the original form of the building.
- (ix) In some cases, the conservation and protection of a local heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use will be considered on its planning merits.
- (x) Development should be in accordance with any Planning Policies relating to heritage.
- (xi) Where a Conservation Management Plan has been prepared for a place, development must be in accordance with the conservation policies under the Plan.
- (xii) The proponent of any proposal to develop or alter a local heritage place should seek advice from a qualified and experienced heritage architect or experienced heritage consultant prior to progressing any application. Proposals for additions to a property on the Heritage List must be accompanied by a Heritage Impact Statement prepared by a suitably qualified heritage professional.

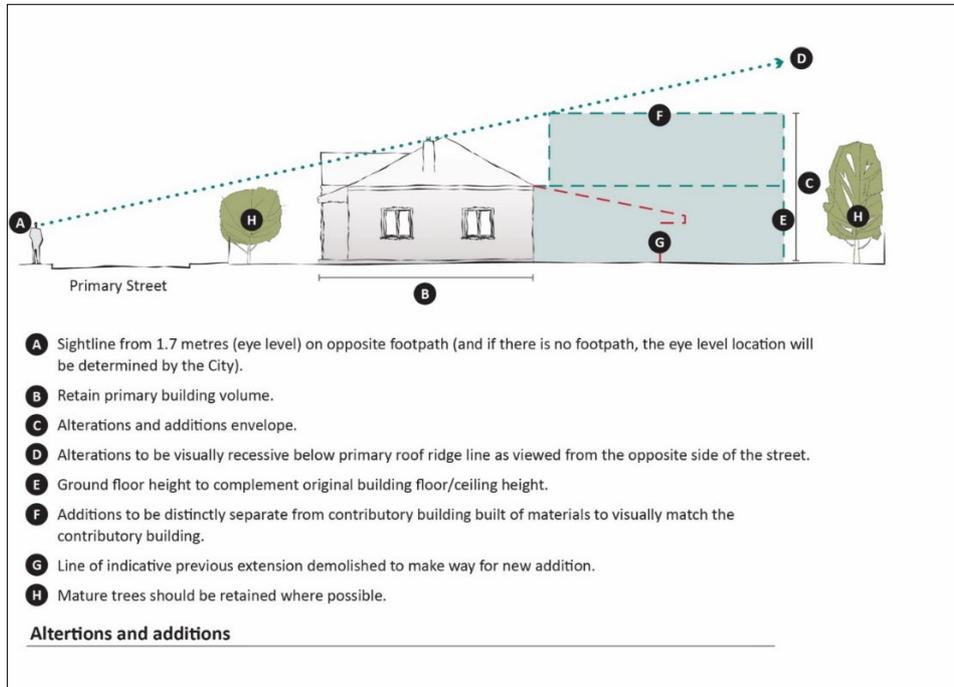


Figure 2 – Alterations and Additions

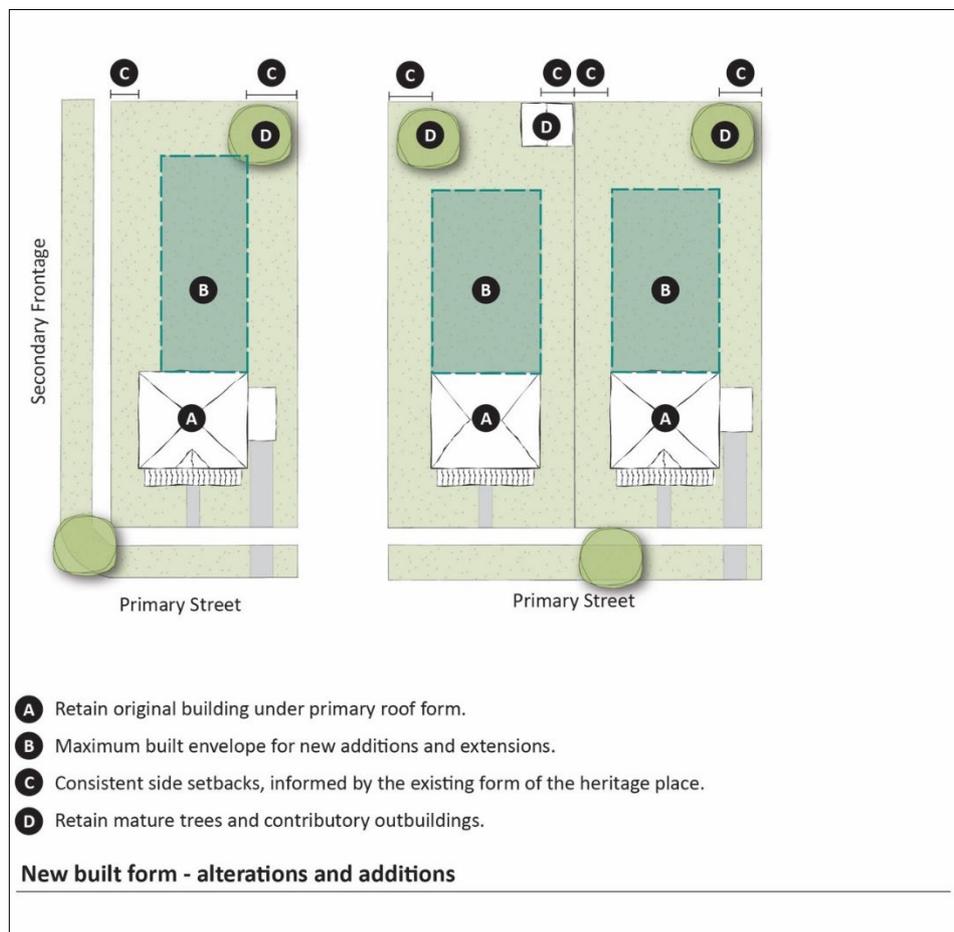


Figure 3 – New Built Form – Alternations and Additions

**4.2.4 Auxiliary Structures and Elements**

- (i) Auxiliary structures (e.g. sheds, awnings, garden constructions) and boundary elements (e.g. fences, gates, driveways and paths) must not impact upon the presentation of the local heritage place to the public realm, obstruct views to significant aspects of a place, or have a visual impact on its appearance.
- (ii) Auxiliary structures and elements must be well designed in an appropriate style and form to complement the period of development of the individual place to which it is associated.
- (iii) The materiality of auxiliary structures must be in keeping with the traditional materials of the individual place but can be interpreted in a contemporary manner.

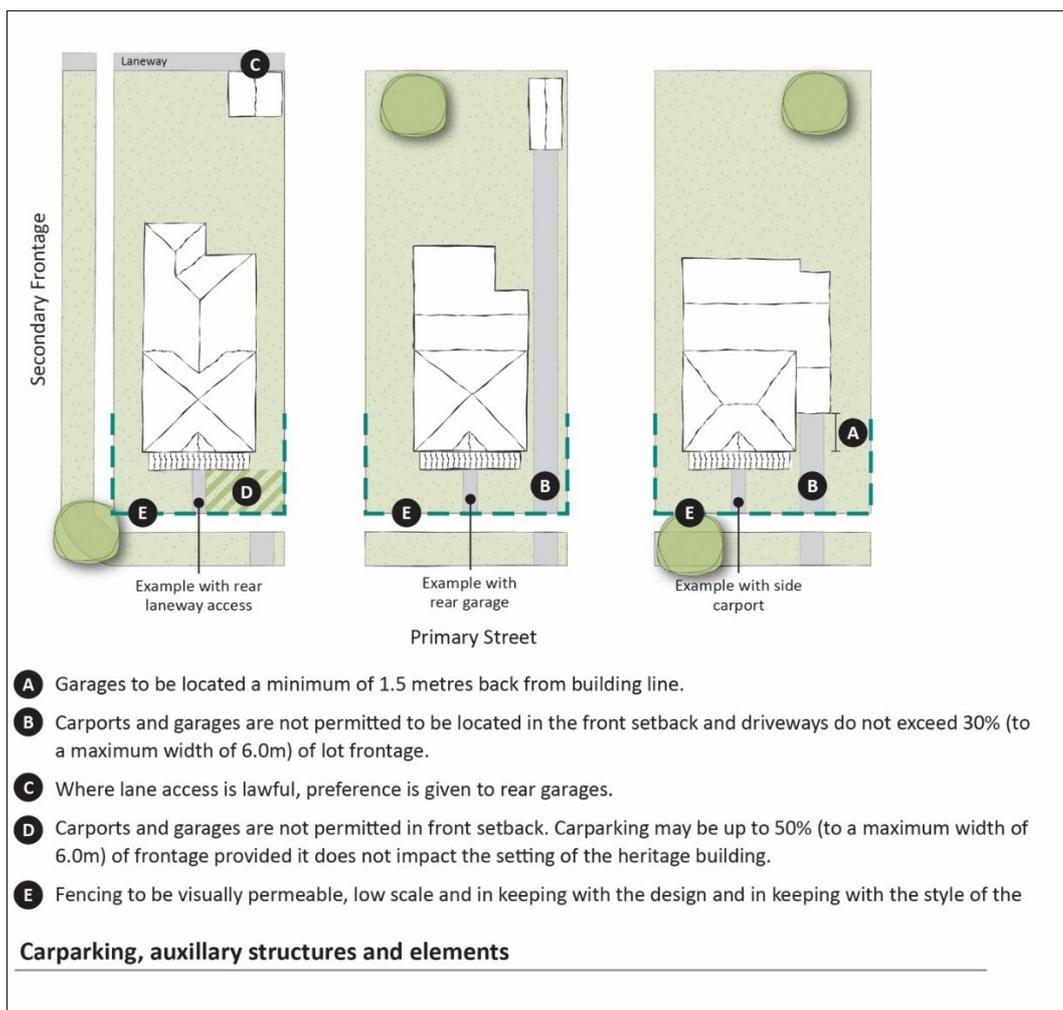


Figure 4 – Carparking, Auxiliary Structures and Elements

**4.2.5 Car Parking**

- (i) Garages are not permitted to be located within the primary street frontage or within key view lines towards a local heritage place.
- (ii) Carports may be permitted (but not garages) in front of the building line of an existing dwelling where it cannot be located on any other part of the property, which do not include any visible obstruction such as a garage door.
- (iii) Where there is an existing driveway this should continue to be used for vehicular access.
- (iv) Where there is an existing right-of-way behind the property, this should be used for vehicular access where possible.

- (v) 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 natural or landscaping features where these are considered to form an important part of the setting of the heritage place, and/or contribute to its heritage significance.
- (vi) Only one driveway and associated crossover is permitted per lot and should not exceed 30% of the lot width, but areas for hardstand may be up to 50% of lot frontage.

**4.2.6 Landscaping**

- (i) Where the landscape or setting of a local heritage place has been recognised as part of its significance, any proposed development must ensure this relationship is not detrimentally impacted as part of the proposed works.
- (ii) The materials used for landscaping should reflect the history and significance of the place. New materials should complement rather than detract from the setting of the local heritage place.
- (iii) Mature trees relating to a heritage place should be maintained and protected where possible and replaced with an equivalent mature planting when they reach the end of their lifespan.
- (iv) Those places that have significance for their indigenous habitat should be conserved in a manner that preserves that significance. Maintenance should be informed by a qualified environmental specialist.

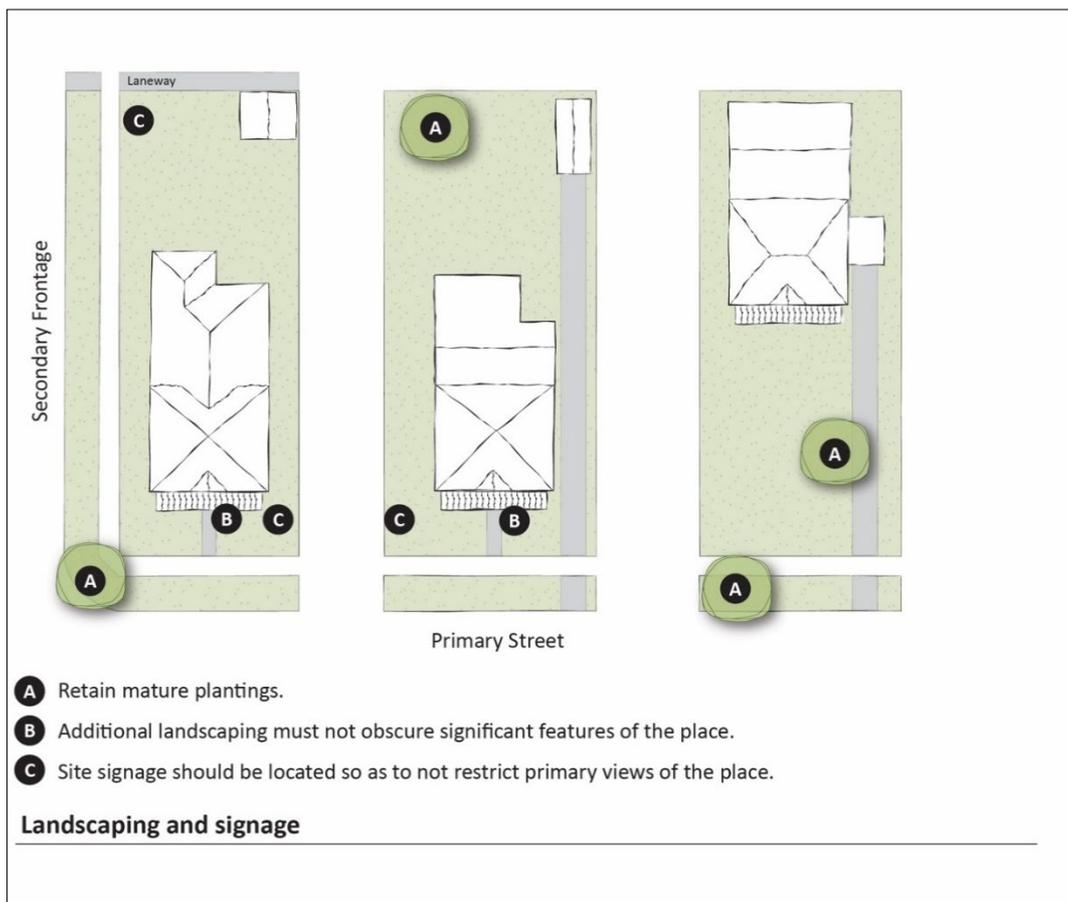


Figure 5 – Landscaping and Signage

**4.2.7 Signage**

- (i) Signage must be designed in a manner which does not impact upon the recognised significant characteristics of a place. Signage must compliment and not obstruct any important architectural details of the place.

- (ii) Any signage to a local heritage place must be in keeping with the scale and character of the building upon which it will be attached, must be appropriate in the number, scale and positioning, and must not detract from the design and form of the building.
- (iii) Signage must not obscure views into or out of a local heritage place.

#### 4.2.8 Subdivision and Amalgamation

- (i) Any subdivision or amalgamation of lots containing or adjacent to a local heritage place must ensure the protection and conservation of heritage listed buildings, gardens and settings.
- (ii) Subdivision or amalgamation of lots must not sever the relationship between elements of a heritage place which are recognised to contribute to its significance (i.e. a house, its associated gardens and the primary street).
- (iii) Potential new development due to subdivision or amalgamation must not affect the setting and visual prominence of the local heritage place.

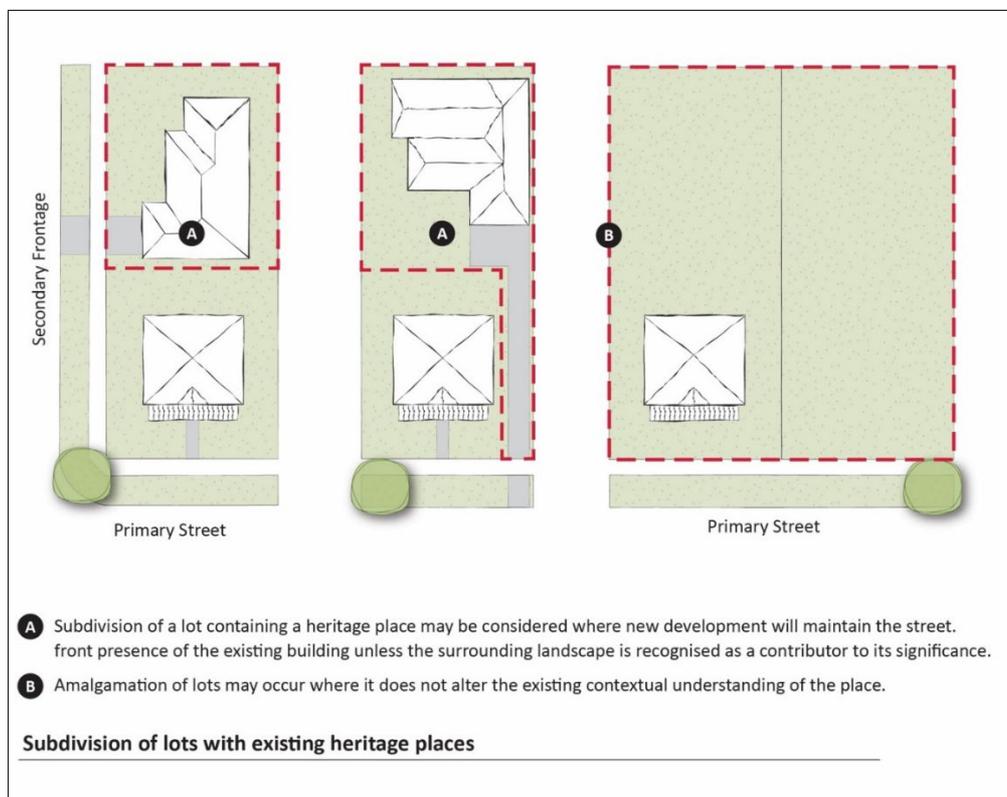


Figure 6 – Subdivision of lots with existing heritage places

#### 4.2.9 Locating Building Services or Renewable Energy Systems

- (i) Sustainable energy solutions to heritage places are encouraged where they can be achieved without impacting the cultural heritage significance of the place.
- (ii) New servicing additions to a heritage place are located so as not to impact upon the significant characteristics or design of a local heritage place.
- (iii) External fixtures, such as satellite dishes, TV and radio antennae, exhaust vents, air conditioning units, solar panels, and the like, must be sited so that they are not visible from a public street or place.
- (iv) Servicing elements should be situated behind the front setback zone and off the primary frontage wherever possible.

- (v) New fixtures, fittings and services should be well considered and designed to complement the characteristics of the local heritage place.
- (vi) Where later services have been previously added which detract from or impact the heritage values of a place, these should be removed and repaired in line with the original design of the place wherever possible.
- (vii) Landscapes of significance should not be selected for the location of renewable energy systems such as solar panels, wind turbines and the like. Locating these services should be undertaken with the setting of the landscape in mind ensuring that significant views, setting or landscaping are not impacted.
- (viii) A Development Approval will not be required for building systems and renewable energy systems, where owners or occupiers are able to demonstrate that the proposed systems will not impact significant fabric, the visual setting, significant views/vistas, the main roof form and shape.

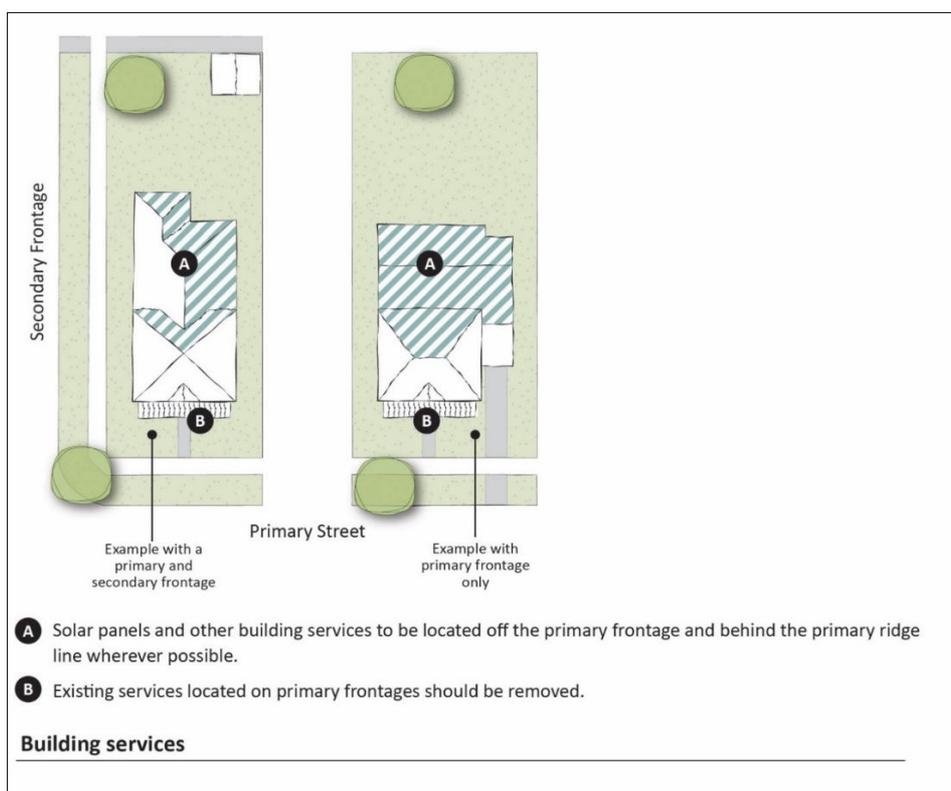


Figure 7 – Building Services

**4.3 Variation to Site and Development Standards**

Clause 12 of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the City with the ability to vary any site or development requirement specified in the Scheme or the Residential Design Codes to facilitate the conservation of a place in the Heritage List.

The City may consider varying one or more of the following site or development requirements set out in the Scheme and State Planning Policy 7.3 - Residential Design Codes of Western Australia (R-Codes) where it involves the conservation of a building on the Heritage List.

- (i) In accordance with Clause 5.1.1 of the R-Codes, the City may support the creation of a lot of a lesser area or approving a minimum site area of a grouped dwelling on a site area lesser than that specified on Table 1 of the R-Codes provided the proposed variation is no more than 5% less in area than that specified on Table 1.
- (ii) The City may consider variations to other development requirements to the Scheme or R-Codes not listed above.

- (iii) Any proposed variation to site and development standards, including parking and setback requirements, which will only be permitted where the proposed variation is consistent with the objectives of the zone and would have no adverse impact on the amenity of the area. Furthermore, variations will only be considered where there is a beneficial conservation outcome for the heritage place or heritage area.
- (iv) For any variation to site and development requirements under the R-Codes, the City may give notice to nearby owners and occupiers who, in the opinion of the City, are likely to be affected by the proposal, shall be notified of the proposal in writing, and provided with an opportunity to comment on the proposed variations to the site and development requirements.

#### 4.4 Incentives for Heritage Conservation

Not-for-profit clubs, groups and organisations that are providing economic, social, community or environmental services may be eligible for minor grants and sundry donations for heritage and conservation incentives under the City's Community Grants Program Policy. For further information about applying for a Minor Grant or a Sundry Donation under the Community Grants Program Policy, contact the City's Community Capacity Building Services.

Incentives provided by other organisations, such as grants and tax rebates, may apply for proposals to conserve heritage places. These are offered by the Heritage Council of Western Australia, the Federal Department of Sustainability, Environment, Water, Population and Communities, LotteryWest and The National Trust of Australia (WA). Contact the City's Planning Services and the Department of Planning, Lands and Heritage for assistance in determining what grants may be available.

#### 4.5 Heritage Conservation Notice, Protection Order and Repair Orders

The City may find cause to issue a Heritage Conservation Notice in accordance with Clause 13 Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Such enforcement would be undertaken in accordance with the following steps:

- (i) The Owner, occupier or any other person in possession of or with control over a place on the Heritage List shall ensure the protection of the place from demolition by neglect.
- (ii) If the City forms the view that a local heritage place is not being maintained in a good condition or is at risk of demolition by neglect, the City may give a written notice to the Owner or occupier requiring the repair of all matters contributing to the deterioration of the place. This written notice is to:
  - (a) Identify the matters for attention leading to the issue of the order, and
  - (b) Specify a time that is not less than 60 days after the day on which the notice is given, within which the notice is to be complied with.
- (iii) For a place as defined in the *Heritage Act 2018* the Heritage Council may advise the Minister for Heritage to enact a Protection Order where it considers the place is at serious risk of damage which will impact on the significance of that place. This information can come from any source.
- (iv) Repair Orders, by contrast issued under the *Heritage Act 2018*, can only be issued for State Registered Places.

These instruments are intended for serious situations where there is a significant risk and is desirable to provide special protection in respect of a place.

#### 4.6 Heritage Agreements

Heritage Agreements may be a condition of Development Approval where a planning incentive, concession or allowance is sought on the basis of a commitment to the future built heritage conservation of a local heritage place.

The condition will specify required conservation works, and any specific action required under a Heritage Agreement. Such actions may include prohibition of certain actions, use or works that are contrary to the built heritage conservation of the place.

This may include, but is not limited to:

- a) completion of specified conservation works within a stated timeframe;

- b) adherence to an identified routine for the on-going care and maintenance of the place; and/or
- c) creation of design guideline for development within or around a heritage place.

A Heritage Agreement will generally require the applicant to commission, at its expense, a Conservation Management Strategy from a competent heritage professional.

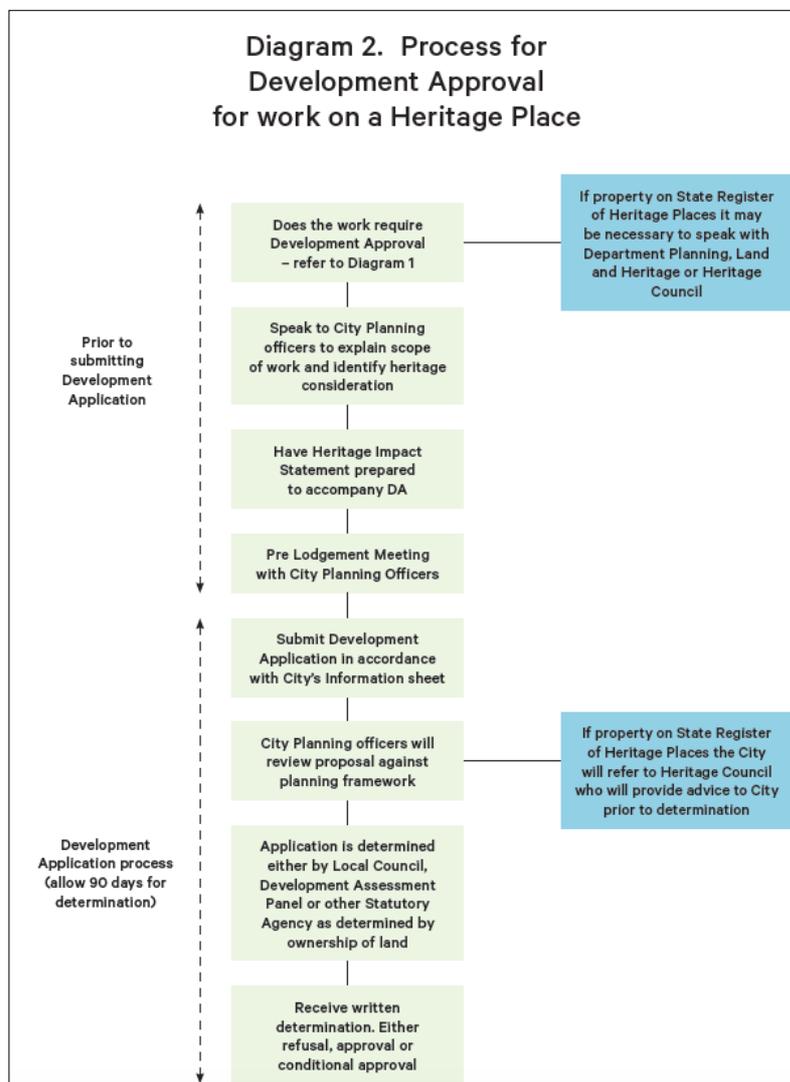
A Heritage Agreement will not be requested where the required outcome can be readily achieved through an alternative condition.

## 5 APPLICATION PROCEDURE

Applications for Development Approval for the development or demolition of places entered on the Heritage List under Town Planning Scheme No.2, shall be made on the form prescribed by the City, and shall be signed by the owner(s), and accompanied by the following information:

- (i) A written submission describing the nature of the proposal, and which includes confirmation that the requirements of this Planning Policy can be achieved;
- (ii) A break-up of the cost of the development, itemising a schedule of conservation works;
- (iii) Such plans and other information that the City may reasonably require to enable the application to be determined. Refer to Clause 63 under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (iv) A Heritage Impact Statement prepared by an experienced Heritage Consultant;
- (v) A Conservation Management Plan where this exists for any works are guided by this document;
- (vi) A completed Development Application and the payment of an Administration Fee as detailed in the City's Scale of Fees for Planning Services.

This information is found on the City's Website [Development Applications](#).



### 5.1 Heritage Impact Statement

Clause 11 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out that, 'despite any existing assessment on record, the local government may require a heritage assessment to be carried out before the approval of any development proposed in a heritage area or respect of a place entered in the heritage list.' The City may request that as part of any Development Application that a Heritage Impact Assessment be undertaken.

A Heritage Impact Statement must be based on a statement of significance for the place which clearly sets out the heritage values (usually drawn from the Local Heritage Survey, a Conservation Management Plan or strategy, or other relevant documents). A requirement for a Heritage Impact Statement may also be required for any proposed changes to heritage place which have a significant/contributory interior.

A Heritage Impact Assessment is a brief, independent evaluation by a competent heritage professional. It is not to be confused with a Heritage Council Heritage Assessment or a Conservation Management Plan, which are more extensive and detailed documents.

If a proposal is likely to have a substantial impact on the exterior fabric of a place in the Heritage List, the City may require a Heritage Impact Statement to be submitted addressing three main questions:

- How will the proposed works affect the significance of the place?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

A Heritage Impact Statement is to be prepared in accordance with the Heritage Council Statement Form and Guide, as follows: [Heritage Impact Statement \(www.wa.gov.au\)](http://www.wa.gov.au)

## 5.2 Conservation Management Plan

If a proposal affects a place on the State Register of Heritage Places, or a large or complex place of exceptional significance, the City may require a Conservation Management Plan (CMP) to be prepared.

A CMP a guiding document for the conservation and future use of a place. It is best practice to have a CMP prepared prior to considering future changes to a heritage place.

A CMP should be prepared in accordance with HCWA's 'An Information Guide to Conservation Management Plans' (2013), and by a qualified heritage architect or heritage consultant.

## 5.3 Structural Condition Assessment in the Case of Demolition

If structural failure is cited as a justification for the demolition of a place in the Heritage List, evidence should 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 of its significant fabric.

## 5.4 Archival Record in the Case of Demolition

If a proposal is for the demolition of a local heritage place entered in the Heritage List, or entered in the Local Heritage Survey, the City may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the standard specified in HCWA's *Guide to Preparing an Archival Record* (July 2019), and lodged with the City and the Rockingham District Historical Society.

[Guide to preparing an archival record \(www.wa.gov.au\)](http://www.wa.gov.au)

## 6 DEVELOPMENT STANDARDS

This Local Planning Policy has been adopted by the City under Clause 4 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and whilst it is not part of the Scheme and does not bind the City in respect of any application for Development Approval, the City is to have due regard to the provisions of the Policy and the objectives which the policy is designed to achieve before making its determination.

## 7 INTERPRETATIONS

For the purposes of this Planning Policy, the following terms must have the same meaning as in Town Planning Scheme No.2:

<u>City:</u>	means the City of Rockingham Local Government.
<u>Conservation:</u>	means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will: <ul style="list-style-type: none"><li>(i) enable the cultural heritage significance of that place or precinct to be retained; and</li><li>(ii) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaption and maintenance of that place or precinct having due regard to relevant professional standards and the provision of an appropriate visual setting.</li></ul>
<u>Council:</u>	means the Council of the City of Rockingham.

Heritage List:

means a list of those heritage places which have sufficient cultural heritage significance to be protected under the provisions of the Town Planning Scheme. These places will be the most significant places included in the Local Heritage Survey.

Heritage Impact Statement:

means a written report to be undertaken by a qualified heritage professional in accordance with the Department of Planning, Lands and Heritage publication 'Heritage Impact Statement: A Guide' addressing:

- (i) How will the proposed works affect the cultural significance of the place and the Heritage Area?
- (ii) What measures (if any) are proposed to ameliorate any adverse impacts?
- (iii) Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

Place:

means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable and includes:

- (i) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (ii) any works or building situated there, their contents relevant to the purpose of this Scheme and a much of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (iii) as much of the land beneath the place as is required for the purposes of its conservation.

Meaning as in the *Heritage Act 2018*:

Heritage Council:

means the Heritage Council of Western Australia established pursuant to Part 2 Division 1 of the *Heritage Act 2018*.

Protection Order:

means an Order made under the *Heritage Act 2018* Part 4 Division 1.

Setting:

The visual relationship between the heritage place and its immediate location.

State Register:

means the Register of Heritage Places compiled and managed by the Heritage Council pursuant to Part 3 Division 1 of the *Heritage Act 2018*.

Meaning as in the *Planning and Development (Local Planning Schemes) Regulations 2015*:

Local Heritage Place:

means a place that meets the definition of a heritage-protected place in clause 1A, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the exception of any place that is:

- (i) Entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42;
- (ii) The subject of an order under the *Heritage Act 2018* Part 4; or
- (iii) The subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90, to which the Heritage Council of Western Australia is a party.

For the purposes of this Planning Policy, the following terms shall have the following meaning:

Building Line:

means the longest vertical plane of the exterior wall to a dwelling fronting the primary street.

Cultural Heritage Significance:

In accordance with the Principles of the Australia ICOMOS Burra Charter (2013), it means the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations. The integrity, authenticity, rarity or representativeness of the place will also be assessed to determine its level of significance.

General Maintenance

(or Maintenance):

means the regular repair of the building or structure to avoid its decay and for the purposes of this interpretation includes:

- Cleaning gutters and downpipes;
- Repainting using the same colour scheme in accordance with the Heritage Council Policy and Practice Note for Painting Heritage Places;
- Cleaning that is low pressure, non-abrasive and non-chemical;
- Replacing missing or deteriorated fittings or building materials, such as loose sheeting, with like-for-like materials;
- Replacing electrical wiring or other utility services;
- Gardening or landscape maintenance unless there is danger of disturbing archaeological sites;
- Installing electronic security systems as long as the works do not damage the building or place;
- Installing solar panels where this is consistent with the Heritage Council Renewable Energy Systems in State Registered Places, and the principles are extended to apply to places on the City's Heritage List;
- Digging a grave or erecting a memorial (as defined in the Cemeteries Act 1986 section 3(1)) of materials, size and form that are consistent with the character of the place; and
- When applicable refer also to Section 41 of the *Heritage Regulations 2019*

Primary Street Frontage:

means the area between the building and the street boundary to which it is orientated.

**Other Interpretation(s)**

Burra Charter:

The Burra Charter 2013 (as amended) provides guidance for the conservation and management of places of cultural heritage significance and is based on the knowledge and experience of ICOMOS members (International Council on Monuments and Sites).

Fabric:

means all the physical material of the place.

Impact:

means the manner in which the proposed works will, or are likely to, affect the cultural heritage significance of a place, as assessed.

Significant Fabric:

means the fabric identified as contributing to the cultural heritage significance of the place.

## **8 DELEGATION**

Unless otherwise determined by the Manager of Statutory Planning, applications for Development Approval for the demolition of an outbuilding, incidental structure or minor addition on the City of Rockingham Heritage List will be dealt with under delegated authority, pursuant to Schedule 2 Clause 83 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and Planning Procedure 1.1 - Delegated Authority.

All other applications for Development Approval which may have a detrimental impact on a place that are:

- (i) on the City of Rockingham Heritage List; or
- (ii) on the State Register of Heritage Places under the *Heritage Act 2018*, or is the subject of a relevant order under the *Heritage Act 2018*;

will be referred to the Council for determination.

## **9 ADOPTION**

This Policy was adopted by the Council at its ordinary Meeting held on 28 March 2023.