



STATE  
HERITAGE  
OFFICE



# LOCAL PLANNING POLICIES

## PRACTICE NOTE AND EXAMPLES

A GUIDE TO WHEN AND HOW TO PREPARE  
A LOCAL PLANNING POLICY FOR HERITAGE



# 1 LOCAL PLANNING POLICIES FOR HERITAGE PRACTICE NOTE

## What is the role of a Local Planning Policy (LPP) for Heritage?

A Local Planning Policy (LPP) is one of the tools available for implementing the Local Town Planning Scheme and the Local Planning Strategy.

An LPP is a tool for day-to-day decision making, giving guidance as to how discretion under a scheme may be exercised. It gives a local government an opportunity to state its intentions for implementation of the local scheme. It serves to:

- (a) guide local government councillors and planners, as decision makers;
- (b) help proponents, property owners and the community understand how decisions are likely to be reached.

## Is a Local Planning Policy for Heritage necessary?

If a local government is satisfied that *State Planning Policy (SPP) 3.5 Historic Heritage Conservation* gives sufficient direction for decision making, there may be no need to establish an LPP for Heritage.

An LPP should not simply repeat the SPP for Heritage, and should never contradict it.

LPPs will typically be employed in one or both of the following cases:

- Policy for development affecting heritage places generally within a local government district.
- Policy for a specific Heritage Area designated under the scheme (as required in clause 7.2.2 in the Model Scheme Text).

In some cases a local government may choose to establish a 'generic' policy covering all Heritage Areas, rather than a separate policy for each area.

What is the recommended format and

content of an LPP for Heritage?

An LPP should be clear, precise and user friendly. It should avoid unnecessary length, repetition and excessive detail. It should be written with a performance-based approach in mind rather than a prescriptive one.

An LPP would typically be structured under the following headings:

- title
- introduction (including policy context and basis)
- application of the policy
- objectives
- the Policy itself (including development control principles and development control guidelines)
- reference documents if appropriate.

These are set out in more detail over the next page.

### Title

The LPP title should be short but clear, eg. 'Development Guidelines for Heritage Places', 'Development Guidelines for the Mt Lawley Heritage Area', or 'Heritage Management Policy'.

### Introduction

The introduction should briefly explain why the LPP is justified, based on the heritage conservation objectives set out in the Local Planning Strategy.

It should succinctly explain the contribution of heritage places and areas to local amenity, and the broader context of local identification and protection through the Local Government Inventory and the heritage provisions in the scheme.

## Application

The LPP should state clearly where or to what it applies. Typically this will be one of, or a combination of, the following:

- all places listed in the local Heritage List or in the State Register
- heritage Areas designated in the scheme
- a specific Heritage Area (the extent of which should be illustrated by a map).

## Objectives

The LPP objectives flow from the policy basis explained in the Introduction. They should be drafted very carefully, as they are the key to interpreting and applying the LPP.

In the case of district-wide heritage policies, the Objectives in the SPP for Heritage will generally form a suitable basis for the LPP Objectives.

Any additional or varied objectives should:

- avoid stating what is self evident or bland
- point the way to strategies or action (but not be actions in themselves)
- have an element of local distinctiveness
- clearly express one concept per objective (not combine multiple concepts in a complex statement)
- avoid repetition, contradiction or confusion between objectives
- always begin with the infinitive form of the verb (eg. 'to promote sympathetic development').

## Policy

The actual policy itself should appear under this heading, and should:

- explain how the local government will exercise its discretion in heritage-related development applications, including the matters that will be considered
- provide decision guidelines or design frameworks
- explain any special procedural requirements that may apply to heritage places or heritage areas (such as requirements for archival recording, heritage impact statements, or procedures for adding or removing places from a local Heritage List).

The LPP is a statement of intent or expectations, and the policy should be drafted accordingly.

The concepts described in the policy may be illustrated with line drawings.

In some cases, the policy may provide a link to more detailed guidelines or design frameworks. However it is preferable that the policy itself be self-contained as far as possible, and not reliant on references to other documents.

## Reference documents

This section points the reader to background or supporting information that will assist in understanding the basis for the LPP. The documents themselves will have not statutory status and listing them is not a substitute for appropriate policy content in the LPP itself.

Considerable care should be taken in deciding to locate decision guidelines in any external document.

## Examples

Two examples are provided at the end of these Guidance Notes, illustrating the two main types of LPPs for heritage:

- LPP for heritage places generally; and
- LPP for Heritage Areas.

Each example is provided for guidance purposes only, and can be used as a 'proforma' or 'checklist'. A local government may select relevant clauses from it, add to it, or adapt to it as appropriate.

## 2 EXAMPLE - LOCAL PLANNING POLICY FOR HERITAGE PLACES

### HERITAGE CONSERVATION AND DEVELOPMENT POLICY – HERITAGE PLACES

#### Introduction

The Local Planning Strategy for the City/Town/Shire of \_\_\_\_\_ highlights the importance of heritage places to the amenity of the City/Town/Shire's built environment.

The City/Town/Shire contains a significant collection of heritage assets as identified in the local government heritage inventory. The Local Planning Strategy calls for the conservation and protection of those assets.

This policy:

- Builds on the heritage conservation objectives in the Local Planning Strategy;
- Applies the development control principles contained in the *State Planning Policy 3.5 Historic Heritage Conservation*;
- Provides development and design guidance for development of places in the Heritage List established pursuant to the local town planning scheme; and
- Details procedures for making applications for approval of heritage-related development.

#### Application

This policy applies to all places entered in the Heritage List pursuant to the local town planning scheme.

Where specified, the policy also relates to other places of cultural heritage significance within the local district, as identified from time to time.

#### Objectives

The objectives of the policy are:

- To conserve and protect places of cultural heritage significance within the City/Town/Shire of \_\_\_\_\_.
- To ensure that development does not adversely affect the significance of heritage places.
- To ensure that heritage significance is given due weight in local planning decision making.
- To provide improved certainty to landowners and community about the planning processes for heritage identification and protection in the City/Town/Shire of \_\_\_\_\_.

#### Policy

Development control principles, and relevant considerations for development assessment

In considering any planning applications in relation to a place entered in the Heritage List, the City/Town/Shire will apply and have regard to:

- the development control principles set out in sections 6.5 and 6.6 of the *State Planning Policy 3.5 Historic Heritage Conservation*
- the design guidelines set out in Appendix 1
- the structural condition of a place, and whether a place is reasonably capable of conservation.

## Levels of Significance

The level of heritage significance of a place is one of the matters considered in determining an application.

One of the following levels of significance is applied to each place identified in the Local Government Inventory and the Heritage List.

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance	Essential to the heritage of the locality. Rare or outstanding example.	The place should be retained and conserved.  Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).
Considerable significance	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation of the place is highly desirable.  Any alterations or extensions should reinforce the significance of the place.
Some/Moderate significance	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.	Conservation of the place is desirable.  Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.
Little significance	Does not fulfil the criteria for entry in the local Heritage List	Photographically record prior to major development or demolition. Recognise and interpret the site if possible.

## Applications for planning approval – accompanying material

The City/Town/Shire may require an applicant to provide one or more of the following to assist the local government in the determination of its application. This is additional to the requirement for accompanying material set out in clause of the local town planning scheme [and in clauses 9.2 and 9.3 of the Model Scheme Text].

### Heritage impact statement

If a proposal will have a substantial impact on the exterior fabric of a place in the Heritage List, the City/Town/Shire 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?

If a proposal affects a place that is entered in the State Register of Heritage Places, or a large or complex place of Exceptional significance, the City/Town/Shire may require a conservation plan to be prepared. Such cases will be rare.

### 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 and/or prohibitive costs.

## Archival recording in the case of demolition

If a proposal is for the demolition of a place entered in the Heritage List, or entered in the Local Government Inventory, the City/Town/Shire 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 State Heritage Office's standard for archival recording.

Procedure for adding, deleting or amending entries in the local Heritage List

The procedures for adding places to the Heritage List are set out in clause \_\_\_ of the local town planning scheme.

It is appropriate that the Heritage List should include, as a minimum, all those places identified in the Local Government Inventory as being of Exceptional or Considerable significance, and any places entered in the State Register of Heritage Places.

The City/Town/Shire may consider amending the Heritage List over time in the following circumstances:

EVENT	COUNCIL POLICY
A place is found to be significant in a new or reviewed local heritage survey	The City/Town/Shire will consider inclusion of a place in the Heritage List if the findings of a new or reviewed Local Government Inventory support it.
A place is nominated for inclusion in the Inventory by the owner or a member of the public	The City/Town/Shire will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator.  If not, consideration will be deferred until a review of the Heritage List is scheduled.
A heritage assessment is prepared in conjunction with a development proposal	The City/Town/Shire may consider inclusion of a place in the Heritage List if a heritage assessment is prepared: <ul style="list-style-type: none"> <li>as part of a Heritage Impact Statement submitted by an applicant, or</li> <li>by the City at its own expense.</li> </ul> Even the most thorough Inventory will have some gaps in it, and over time the need will arise to assess non-listed places that appear potentially significant.
A place is demolished, or substantially damaged or destroyed	The City/Town/Shire will consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is lost.

The City/Town/Shire will retain a record of all places destroyed, demolished and/or removed from the Heritage List, to monitor the rate of losses over time.

## Council owned property

The City/Town/Shire will seek to lead by example by managing its own property in accordance with this policy.

## Reference documents

The Local Government Inventory 1996

# APPENDIX 1

## Design Guidelines – Heritage Places

These guidelines may take a number of forms but should be as concise and clear as possible. Typically, the guidelines will address:

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



# 3 EXAMPLE – LOCAL PLANNING POLICY FOR HERITAGE AREAS

## HERITAGE CONSERVATION AND DEVELOPMENT POLICY – BAILEY AVENUE HERITAGE AREA

### Introduction

The Local Planning Strategy for the City/Town/Shire of \_\_\_\_\_ highlights the importance of heritage places to the amenity of the City/Town/Shire’s built environment.

The Bailey Avenue Heritage Area is significant as a substantially intact and cohesive residential area established in the first decades of the 20th century, characterised by medium to large style homes, regular street trees, gardens and fences, and an innovative street layout based on the natural topography of the area.

The Bailey Avenue Heritage Area is designated under the Heritage Protection provisions of the local town planning scheme.

This policy:

- provides development and design guidance for development within the area
- details the procedures for making applications for development approval within the area.

### Application

This policy applies to all land within the Bailey Avenue Heritage Area, bounded by Bailey Avenue, McHenry Street, Myrtle Street and Glen Eira Road.

The extent of the area is shown in the map at Appendix 1.

### Objectives

The objectives of the policy are:

- to conserve and protect the cultural heritage significance of the Bailey Avenue Heritage Area
- to ensure that new buildings, alterations and additions can be accommodated within the area without adversely affecting the area’s significance
- to provide improved certainty to landowners and community about the planning processes for development within the area.

### Policy

Development control principles and relevant considerations for development assessment.

In considering any planning applications in relation to a place located within a Heritage Area, the City/Town/Shire will apply and have regard to:

- the matters set out in section 6.5 of the *State Planning Policy 3.5 Historic Heritage Conservation*
- the development control principles set out in sections 6.5 and 6.6 of the *State Planning Policy 3.5 Historic Heritage Conservation*
- the design guidelines set out in Appendix 2
- the structural condition of a contributory place, and whether a place is reasonably capable of conservation.

## Levels of Contribution

The level of contribution that a place makes to the significance of an area is one of the matters considered in determining an application.

The area as a whole is considered to be significant. Places within the area will fall into one of the following categories, as depicted in the Map and Schedule at Appendix 1.

LEVEL OF CONTRIBUTION	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.

### Applications for planning approval – accompanying material

The City/Town/Shire may require an applicant to provide one or more of the following to assist the local government in the determination of its application. This is additional to the requirement for accompanying material set out in clause \_\_\_\_ of the local town planning scheme [and in clauses 9.2 and 9.3 of the Model Scheme Text].

#### Heritage impact statement

If a proposal will have a substantial impact on the exterior fabric of a place of Considerable Contribution or Some/Moderate Contribution, the City/Town/Shire may require a heritage impact statement to be submitted addressing three main questions:

- How will the proposed works affect the significance of the place and area?
- 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?

If a proposal affects a place that is entered in the State Register, or a large or complex place of Considerable significance, the City/Town/Shire may require a Conservation Plan to be prepared. Such cases will be rare.

### Structural condition assessment in the case of demolition

If structural failure is cited as a justification for the demolition of a place of Considerable significance or Some/Contributory significance, 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 and/or prohibitive costs.

### Archival recording in the case of demolition

If a proposal is for the demolition of a place of Considerable significance or Some/Contributory significance, the City/Town/Shire 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 State Heritage Office's standard for archival recording.

### Council owned property

The City/Town/Shire will seek to lead by example by managing its own property within the area in accordance with this policy.

### Reference documents

The Local Government Heritage Inventory 2003.

# APPENDIX 1

## Bailey Avenue Heritage Area – Map and Schedule

The following map depicts the extent of the Bailey Avenue Heritage Area, and the location of places categorised according to their level of contribution (Considerable Contribution, Some/Moderate Contribution, and No Contribution).

Places listed as making a Considerable Contribution or Some/Moderate Contribution are scheduled in the following table.



LEFT: Bailey Avenue Heritage Area  
April 2005

### Levels of contribution

-  Considerable contribution
-  Some/moderate contribution
-  No contribution

### Schedule of places

NAME OF PLACE	ADDRESS	LEVEL OF CONTRIBUTION
House	4 Bailey Ave, {Suburb}	Considerable
House	6 Bailey Ave, {Suburb}	Considerable
House	8 Bailey Ave, {Suburb}	Considerable
The Bungalow	14 Bailey Ave, {Suburb}	Considerable
The Pines	18 Bailey Ave, {Suburb}	Considerable
House	20 Bailey Ave, {Suburb}	Considerable
Hawthorne	22 Bailey Ave, {Suburb}	Considerable
House	26 Bailey Ave, {Suburb}	Considerable
House	1 Myrtle St, {Suburb}	Considerable
House	3 Myrtle St, {Suburb}	Considerable
House	9 Bailey Ave, {Suburb}	Some/Moderate
House	11 Bailey Ave, {Suburb}	Some/Moderate
House	12 Bailey Ave, {Suburb}	Some/Moderate
Enderslea	19 Bailey Ave, {Suburb}	Some/Moderate
The Cliffe	12 Myrtle St, {Suburb}	Some/Moderate
House	14 Myrtle St, {Suburb}	Some/Moderate
House	16 Myrtle St, {Suburb}	Some/Moderate

# APPENDIX 2



## Design Guidelines – Bailey Avenue Heritage Area

These guidelines may take a number of forms but should be as concise and clear as possible. Typically, the guidelines will address:

1. What is significant about the area and why.
2. Broad principles for development and conservation including:
  - demolition
  - alterations, extensions or change of use.
3. Specific guidelines for alteration of elements such as:
  - roofs and walls
  - windows and doors
  - verandahs and awnings
  - carports and garages
- Fences
  - additions and extensions
  - new single houses
  - new commercial buildings.

The guidelines are often expressed under the headings of:

- scale
- massing/form
- materials and details.



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