

1. INTRODUCTION

The careful management of Armadale's **diverse and** rich history and cultural heritage is vital to its future development. It is appropriate to identify those places which have a special link with the people, activities and events of the past as the foundation for the present and future community. In a world of increasingly rapid change the recognition of, and appropriate response to, cultural heritage plays an important role in the sustainable economic development of the City.

An appropriate response to the City's heritage values confers a range of ongoing benefits to the wider community including:

- a) supporting both rural and urban amenity;
- b) underpinning the identity and "sense of place";
- c) enhancing the quality of the built environment; ~~and~~
- d) providing familiarity and the presence of landmarks; ~~and~~
- e) **Celebrates Armadale's History for wide community benefit.**

The City therefore recognises the importance of protecting and supporting heritage and character within its municipality.

The term heritage and character are defined as follows:

Heritage:

The Heritage of Western Australia Act 2018 defines cultural heritage significance as – *'aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia'*

In this policy, the term heritage refers to places that have undergone an evaluation process that considers and analyses documentary and physical evidence relating to the cultural heritage significance of the place. Following this evaluation process, heritage places may be classified and included in:

- The State Register of Heritage Place
- The City of Armadale Local Heritage Survey
- The Town Planning Scheme
- A Local Heritage Area
- Heritage List

Character:

Refers to a place's streetscape aesthetic and appeal. Urban Character is defined as being *"essentially identified by built form and age, topography, open space,*

streetscape, land use and activity, and all areas exhibit some form of urban character” (State Planning Policy 3.5, Historic Heritage Conservation).

Abbreviations:

LHS – Local Heritage Survey previously known as the Municipal Heritage Inventory

TPS – Town Planning Scheme

WAPC – Western Australian Planning Commission

1.1 Municipal Heritage Inventory

To identify and describe the valued places of cultural heritage, the City has prepared a Municipal Heritage Inventory (MHI) in accordance with the *Heritage of Western Australia Act 1990*. The MHI is a key document in guiding the public policy management of places of heritage value in the City.

The heritage values of development areas within the City of Armadale but under the town planning jurisdiction of the Metropolitan Redevelopment Authority (MRA) may be identified in a separate document/s related to Protection and Conservation of heritage places. Together with applicable documents prepared by the MRA, the City’s MHI contains all the places of identified heritage value within the City of Armadale.

1.2 Applicable Planning and Development Schemes

The City and the MRA will respectively refer to the MHI and applicable documents prepared by the MRA to assist in decision making under the City of Armadale Town Planning Scheme No.4 and the MRA’s regulatory documents.

This policy applies primarily to places identified in the City’s MHI and subject to both general and specific provisions of City of Armadale District Zoning Scheme – Town Planning Scheme No.4. The policy does not apply to Aboriginal Heritage sites, which are subject to the separate legislation provided by the Aboriginal Heritage Act 1972. The City of Armadale will also work in close cooperation with the MRA to provide guidance and recommendations for heritage sites falling under the planning jurisdiction of the MRA.

This policy draws on the aims of the *State Planning Policy No.3.5 Historic Heritage Conservation* in achieving incentives and positive heritage outcomes while also responding to changing aspirations of property owners and the wider community.

1.3 Variations to Planning Requirements

Additional to the normal maintenance requirements of older properties, heritage buildings and places will often require upgrading or modification so

~~that they continue to provide owners with the required level of service. The upgrading, restoration and adaptive reuse of heritage properties may involve a range of modifications from small scale extensions to changes of use or in some cases extensive redevelopment.~~

~~The City encourages landowners to recognise and, where appropriate, conserve the heritage values of places in accordance with the objectives of the MHI. To that end, where a high degree of recognition and conservation of heritage values in accordance with proper and orderly planning and the objectives of the MHI is to be achieved by the proposal, the City may be prepared to vary Scheme standards, requirements or in some cases, the use to which the land can be put.~~

~~The City recognises that in some situations the economic costs of upgrading, restoring and conserving the property over the longer term need to be weighed against the viability of current land uses. The City may therefore assist the landowner in achieving economic viability to support conservation of the place by extending the range of potential land uses by means such as the Additional Use conditions and requirements of the Scheme. This would require an amendment to the Scheme.~~

2. APPLICATION OF POLICY OBJECTIVES

This Policy references the objectives of the State Planning Policy No.3.5 Historic Heritage Conservation in achieving incentive and positive heritage outcomes while also responding to changing aspirations of property owners and the wider community.

The Objectives of this Policy are:

- a) To promote ~~increase~~ public awareness of places of cultural heritage significance within the City of Armadale; ~~the MHI and how it relates to the town planning process and recognise the MHI as the primary source of historic cultural heritage information within the City of Armadale.~~
- b) To encourage the retention, conservation and promotion of heritage places located within the City of Armadale. In particular, encouraging development that reinforces heritage values outlined within the Local Heritage Survey; ~~landowners to address the heritage values of places entered in the MHI in their plans for the site.~~
- c) To recognise the commitment of property owners that conserve heritage places that provides benefit to the wider community; ~~and provide incentives to ameliorate the costs of heritage retention.~~
- d) To provide assistance to owners with the conservation of places recognised as having cultural heritage significance within the City of Armadale. ~~ensure that due consideration is given to the heritage values of places entered in the MHI in Council's recommendations and determinations of planning approval.~~

3. APPLICATION OF THE POLICY

This policy applies to all properties within the City that are listed on the City's Local Heritage Survey, Heritage List, Town Planning Scheme or located within a Heritage Area.

4. POLICY – STATE FINANCIAL ASSISTANCE

Places of recognised State heritage significance within the City of Armadale may be eligible for grants and subsidies to assist with conservation works and documentation through the Heritage Council of Western Australia. Prospective applicants are encouraged to contact the Heritage Council of Western Australia to determine eligibility.

5. ~~POLICY STATEMENT~~ POLICY – PLANNING INCENTIVES AND CONCESSIONS

~~4.1 Variations to site and development standards and requirements of Town Planning Scheme No.4~~

~~4.1.1 Where the heritage values of a property on the MHI have been incorporated into an application for planning approval to the satisfaction of the City but the proposal does not comply with a standard or requirement prescribed under the Scheme, the City may:~~

- ~~— (a) after due regard to the purpose and aims of the Scheme, relevant Local Planning Policies and where applicable, the Design Principles and provisions of the Residential Design Codes; and~~
- ~~— (b) despite the non-compliance, where possible allow a variation and approve the application subject to such conditions as the City determines.~~

~~4.2 Applications for land uses which require the discretionary approval of the City~~

~~4.2.1 Where an application for planning approval is received for a property on the MHI and the proposed use of land identified in the Zoning Table of the Scheme for the relevant zone is a discretionary “D” or “A” use the City may consider approving the application with or without conditions the City deems appropriate, after due regard to:~~

- ~~— (a) the purpose and aims of the Scheme, the policy's provisions 2. to 4. above, the MHI and any other relevant policy; and~~
- ~~— (b) the extent to which the heritage values have been incorporated into the proposal.~~

5.1 The City may consider variations to certain development standards for developments that support the retention, conservation and promotion of heritage places and reinforce the cultural heritage values of the place. Variation to development standards in the Town Planning Scheme, approved Structure Plan, Residential Design Codes or other Local Planning Policy may include but are not limited to, the following:

- a) Plot Ratio;
- b) Setbacks;
- c) Variation to car parking and landscaping; and
- d) Other development standards.

All applications for variations of development standards will be assessed on their merits. Applicants are encouraged to provide sufficient justification to enable consideration of any variations. This may include the submission of a heritage statement or report from a qualified heritage consultant outlining how the heritage place is to be retained and / or restored.

5.2 Council also may support requests to initiate an amendment to the TPS to provide for an Additional Use to permit an otherwise prohibited (x) use where:

- a) Evidence is provided that the retention / upgrading of a building or structure listed on the LHS is causing economic hardship to the owner; and
- b) The Additional Use is:
 - i. Consistent with orderly and proper planning;
 - ii. The Additional Use would facilitate the upgrade of the Heritage Building or Place; and
 - iii. Would cease in the event of the heritage building or structure not being retained or upon the diminution or the agreed heritage value as determined by Council.

6. RELATED LEGISLATION AND POLICY CONDITIONS

The City will respectively refer to the Local Heritage Survey and applicable Local Planning Policies to assist in decision making under the City of Armadale Town Planning Scheme No.4.

The policy does not apply to Aboriginal Heritage sites, which are subject to separate legislation provided by the Aboriginal Heritage Act 1972.

26.1 This policy:

- a) is supplementary to and is to be read in conjunction with the appropriate provisions of the City of Armadale Town Planning Scheme ~~No.4~~, its Local Planning Policies and relevant State Planning Policies such as Design WA and the Residential Design Codes;

- b) will be taken into account by Council in making recommendations to the ~~Western Australian Planning Commission~~ Western Australian Planning Commission and for the development and subdivision of land subject to the City's Local Heritage Survey; ~~the MRA for the development and subdivision of land subject to the City's MHH;~~
- c) does not bind the City in respect to any application for planning approval and the need for proper and orderly planning in accordance with State, Regional and Local policies will be paramount; and
- d) applies to Local Heritage Survey MHH places listed as Management Categories 1 and 2 A+, A or B, while Council may apply the policy to places listed as Management Category 3 and 4 €.

26.2 Where, in the opinion of the City, a change to the Scheme or variation to requirements or standards is likely to affect any adjoining owner or the general locality, the City may:

- (a) consult the affected parties by following one or more of the provisions for advertising uses under *Clause 64 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015* and the Neighbour Consultation Requirements and Procedures of the Residential Design Codes where these apply; and
- (b) consider any submission received prior to making its determination to grant the variation.

62.3 The City's Council's consideration of discretionary applications for planning approval or amendments to the Scheme will have due regard to the objectives of the policy and Local Heritage Survey MHH and approvals shall be dependent upon the City being satisfied that:

- (a) approval is consistent with proper and orderly planning, the strategic objectives of regional and local policy and the "Matters to be Considered by the City" criteria set out in *Clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*; and
- (b) any discretion or variation permitted by the approval will not have an adverse effect upon the occupiers or users of the development, the amenity of the locality or the opportunities for future development.

62.4 In applying the Heritage Management and Incentives Policy, the City may require a landowner to enter into a formal agreement with the City or may require independent advice from an appropriately qualified heritage consultant at the cost of the applicant. The City may also seek to implement a Design Review of the proposal in accordance with the City Local Planning Policy and Practices.

62.5 The application of the policy shall be guided by the principle that the discretion afforded by the City in relation to a place listed on the Local Heritage

Survey ~~MHI~~ shall be commensurate with the wider community benefit resulting from the development.

- D148/12/07 Development Services Committee 11 Dec 2007 - Adopted by Council 17 Dec 2007**
- D25/4/13 Development Services Committee 15 April 2013 - Adopted by Council 22 April 2013**
- D7/2/14 Development Services Committee 18 February 2014 - Adopted by Council 24 February 2014**
- Revised March 2018 (as per Amendment 86)**