

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

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

In 2004, the City of Bunbury commissioned an investigation into the cultural heritage significance of the Tree Street Area. The initial investigation was undertaken by Considine and Griffiths Architects with Historian Robin Chinnery. During the 2004 analysis of the Tree Street Heritage Area, the study area included Karri Street, Jarrah Street, Banksia Street, Stockley Road, Beach Road and included a section of Tuart Street from Sampson Road to Beach Road. There were opposing views from the community and extensive consultation. The finalisation of a heritage area did not proceed at that point. This work has been given consideration through the review process.

Council Policy Compliance

Not applicable.

Legislative Compliance

The following legislation and statutory planning instruments and guidelines of the State and Local Planning Framework are applicable to the assessment of this application:

Legislation

- *Heritage Act 2018*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- The Burra Charter

State Planning Framework

- Guidelines for Local Heritage Surveys 2019

- Guidelines for Heritage Areas (draft)
- Statement of Planning Policy 3.5 Historic Heritage Conservation

Local Planning Framework

- City of Bunbury Local Planning Strategy
- City of Bunbury Local Planning Scheme No.8 (LPS8)
- Local Planning Policy 6.1 – Heritage Conservation and Development
- Local Planning Policy 6.2 – Heritage Listing, Assessment and Concessions

Officer Comments

In December 2021, the City engaged heritage professionals, Stephen Carrick Architects, to undertake heritage assessments of priority locations across the City. The HAC and members of the public had previously identified the CBD and the 'Tree Streets' (HAC recommendation August 2021). The project team included a heritage architect and historian. Street surveys and desktop research were conducted to inform the assessment as per Attachment 2. The assessment is based on the Guidelines for Heritage Areas (draft), DPLH, 2022.

What does it mean to be in a heritage area?

The objective of a heritage area is to protect significant elements of an area that contribute to the streetscape and to sensitively accommodate change – not prevent it. Buildings that do not contribute to the significance of the area can be demolished, on approval, and new development should reinforce the significance of the area. Works that are not considered maintenance/repair will require a development application, but the development application fees are waived. The City's free heritage advisory service is also available to owners in a heritage area.

Designation of Heritage Area

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.

The process for formally designating an area as a heritage area is outlined at Schedule 2, Part 3, Clause 9 of the Regulations. The process can be summarised follows:



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.*

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.

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.

Table 1 – Level of significance

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.

Level of significance	Description	Desired Outcome
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.

Analysis of Financial and Budget Implications

Additional places included on the Heritage List and/or within a heritage area could result in an increase of rate concession applications. The area proposed includes 302 properties of varying significance. The take up of rate concessions is generally quite low, but this could have future budget implications.

Community Consultation

The proposed heritage area will be consulted with the property owners as per legislative requirements. The Heritage Advisory Committee, which includes community members, has raised concerns previously about the ad hoc nature of listings and the need to review and assess priority areas on a street-by-street basis. Should Council resolve to proceed with the next actions, an engagement plan will be presented along with the draft LPP for further consideration.

Councillor/Officer Consultation

City Growth officers and the three Councillors that are members of the Heritage Advisory Committee have been advised of the targeted approach of priority areas undertaken as part of the Local Heritage Survey review. This report was presented to the Heritage Advisory Committee held on 14 December 2022 for consideration.

Applicant Consultation

Not applicable.

Timeline

On completion of the design guidelines, the local planning policy will be presented to the Heritage Advisory Committee and Council for consideration in the first quarter of 2023.

Outcome of Meeting 31 January 2023

Councillor Yip left the chamber at 5:33pm as she had declared a financial interest in this item.

The recommendation (as printed) was moved by Cr Smith and seconded by Cr Giles.

The Mayor put the motion to the vote, and it was adopted to become the Council’s decision on the matter.

Council Decision 009/23

That Council:

- 1. Note the Tree Street Heritage Area Assessment Report (as attached at Appendix 10.1.2-A) and support the proposal of a designated heritage area;**
- 2. To prepare a local planning policy for the proposed ‘Tree Street Heritage Area’ that sets out the following –**
 - 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;**
 - d) design guidelines;**
- 3. Present the draft local planning policy to Council for review prior to endorsement to proceed with public consultation;**
- 4. Present an engagement plan proposal for conducting public consultation.**

CARRIED UNANIMOUSLY
8 votes “for” / nil votes “against”

Councillors Andrew and Yip returned to the chamber at 5:35pm.