

# TOWN OF BASSENDEAN

## MINUTES

### MUNICIPAL HERITAGE INVENTORY REVIEW COMMITTEE

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 9 AUGUST 2016 AT 5.30PM

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#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

##### Acknowledgement of Country

The Presiding Member declared the meeting open, welcomed all those in attendance and conducted an Acknowledgement of Country.

#### 2.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

##### Present

Cr Paul Bridges, Presiding Member  
Cr Gerry Pule  
Michael Grogan, Community Member  
Peter Wittwer, Community Member  
Jennie Collins, Community Member  
Dr Sally Cawley, Consultant

##### Staff

Brian Reed, Manager Development Services  
Tim Roberts, Planning Officer  
Amy Holmes, Minute Secretary

##### Apologies

Cr Bob Brown  
Prue Griffin, Hocking Heritage Studio  
Gemma Smith, Hocking Heritage Studio

#### 3.0 DEPUTATIONS

Nil

#### **4.0 CONFIRMATION OF MINUTES**

##### **4.1 Minutes of the Meetings held on 12 July 216**

###### **COMMITTEE/OFFICER RECOMMENDATION – ITEM 4.1**

MOVED Peter Wittwer, Seconded Michael Grogan, that the minutes of the meeting held on 12 July 2016 be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

#### **5.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

#### **6.0 DECLARATIONS OF INTEREST**

- 6.1** Cr Paul Bridges declared a financial interest as he is the owner of 150 West Road, Bassendean which is included as a category 2 building on the current Municipal Inventory.
- 6.2** Cr Paul Bridges declared a financial and proximity interest as he lives opposite the Nicoletto vineyard at 147 West Road.
- 6.3** Jennie Collins declared a financial interest as she is the owner of 24 James Street and 64 Watson Street Bassendean which are included as a category 2 building on the current Municipal Inventory.

#### **7.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

Education campaign and engage with the community through public workshops	No action at this stage. Education campaign and public workshops to be undertaken as part of public advertising process.
Establish special control areas over precincts or streets	No action at this stage. Item to be considered as part of heritage policy/strategy. See timeline.
Thematic history needs to be developed	Hocking Heritage Studio to complete thematic history by end of July 2016. <i>Outstanding</i>
The Town needs to develop a heritage strategy	No action at this stage. Whilst considered outside the scope of the current review, item is to be considered as part of heritage policy/strategy for review committee's consideration during public advertising stage.
Incentives to owners should be addressed through Council Policy	No action at this stage. Item to be considered as part of heritage policy/strategy. See timeline.

<p>Committee members to review the draft inventory and forward comments to <a href="mailto:troberts@bassendean.wa.gov.au">troberts@bassendean.wa.gov.au</a></p>	<p><i>Done</i></p>
<p>Link the heritage list (categories 1s and 2s) to TPS10 and recommend policies</p>	<p>No action at this stage. Dependent on Council's adoption of final MHI and initiation of scheme amendment.</p>
<p>Develop policies for category 3s and 4s</p>	<p>No action at this stage. Item to be considered as part of heritage policy/strategy. See timeline.</p>
<p>Opportunity for property owners to provide additional information on their properties which could result in a change of management category (to be based on the significance of the place)</p>	<p>No action at this stage. Property owners to be invited to provide additional information as part of the public advertising period. Public advertising period to commence after draft MHI is endorsed by the review committee.</p>
<p>Base code within Local Planning Scheme should not be changed to a 'blanket' R25 for all residential areas, but rather, there should be an option of increasing the residential density code to save properties which would otherwise be demolished to realise the current R-code potential.</p>	<p>No action at this stage. Item to be considered as part of heritage policy/strategy. See timeline.</p>
<p>Town officers prepare a report outlining a draft strategy that enables those properties listed on the Heritage List including heritage precincts to have no loss of their existing development potential and allowing the listed building to be retained.</p>	<p>No action at this stage. Item dependant on draft policy to be produced for review committee's consideration during public advertising period. See timeline.</p>
<p>Town officers prepare a timeline for the completion of the review including those elements which are covered by the current scope and those elements which are beyond the scope of the current review.</p>	<p><i>Done</i></p>
<p>That Council considers a budget variation to allow for the preparation of: 1. A Heritage Strategy; and 2. Draft Design Guidelines for Heritage Precincts; based on advice in an officer's report.</p>	<p>No action at this stage. Item dependant on draft heritage policy to be produced for consideration during public advertising period.</p>

## **8.0                      REPORTS**

### **8.1                      Progress Review on the Review of the Municipal Heritage Inventory**

At the July MHI Review Committee meeting, the following motion was moved:

*“Town Officers assess the potential of ten category 2 listed properties from the draft MHI as to the ability to retain the heritage building without loss of the current development potential”.*

In reviewing State Heritage Office documentation on the assessment of local heritage places, as well as the basic principles for local government inventories, it became apparent that if a place is assigned a management category of 2, it is considered to hold considerable significance to the Town and is therefore very important to the heritage of the locality. It is considered inappropriate that subdivision/development potential be considered for these properties as the contribution they provide to the community far outweighs their development potential.

Whilst the Committee wished to protect the development potential of category 2 properties – staff believe that this is inappropriate for the reasons outlined above, therefore staff have investigated the protection of development potential for category 3 properties.

Each local government should determine the threshold of significance that will be applied when considering whether a place should be included in the heritage list. As a minimum, the State Heritage Office recommends that all places included in the State Register are added to the heritage list, plus those places assessed as having ‘Exceptional’ or ‘Considerable’ significance for the local area. These are usually described as ‘Category 1’ and ‘Category 2’ places within an adopted MHI. There are currently 12 category one places and 41 category 2 places proposed for inclusion within the draft MHI.

Most Municipal Inventories include places of ‘little’ significance that are worthy of noting for reference, or for community interest, but which do not need to be monitored and controlled through the planning framework. These may be sites of earlier buildings, places of some local interest but have low authenticity or integrity, or places that are otherwise useful to note but not retain. These places are included within the draft MHI as Category 4 places and should be considered to be ‘below threshold’ and not included in the heritage list.

Unless part of a heritage precinct, development of places of little significance should be allowed without reference to

heritage values. Information on these places is still of value, and data in the MHI may inform heritage trails, creation of heritage areas, investigations into local history, educational activities and more. There are currently 28 category 4 places proposed for inclusion within the draft MHI.

Where the threshold for inclusion in the heritage list should be set as Category 4, places assessed as being Category 3 could be included in the list, however, conservation of these places may be considered to be a lower priority than category 1 and category 2 listed places. This has led some local governments to consider an opt-in model for the inclusion of Category 3 places within the Heritage List. Opting-in to a heritage list means that the default position is for places in Category 3 is **not** to be included in the heritage list, but the provision is made for the owner to request inclusion. This is normally associated with access to development or other incentives that require a heritage status. There are currently 205 category 3 places proposed for inclusion within the draft MHI. This significant number would garner the opt-in model more appropriate however an opt-out model could still be considered.

It is important to note that this option would not be open in relation to category 1 or category 2 listed places, for which objections should focus on the heritage assessment as these places are considered to hold exceptional significance to the locality and development should be avoided where possible. Additionally, owners within a heritage area may choose to not opt-in in relation to an individual listing, but a declared heritage area/precinct would apply to all places within the defined boundaries. There are currently 12 heritage areas/precincts proposed for inclusion within the draft MHI as a category 2.

A local government may alternatively choose to include all Category 3 places in the heritage list, or determine that Category 3 is below the threshold. This decision should be informed by the number and type of places that have been included as category 3 listed places. There are currently 205 category 3 places proposed for inclusion within the draft MHI. Standard local government practice would consider this too many for inclusion within a heritage list and therefore the opt-in or opt-out model is recommended subject to the Town's standard stakeholder consultation and public advertising process.

The creation of the heritage list will be most effective when integrated with a broader policy on incentives and assistance. This recognises that retention and conservation of heritage places provides a community benefit, and that local government acts on behalf of the community to assist private owners in delivering this benefit.

Access to incentives is a practical and accessible way for local governments to recognise the contribution of owners to the

conservation of heritage places, and can also encourage participation in an optional listing if used. Considering time constraints in delivering a final copy of the draft MHI to Council for adoption, it is prudent for Council to make a commitment for the creation of heritage incentives whereby category 3 heritage place owners will be enticed to 'opt in' to the Heritage List in order to qualify for these incentives. Any category 3 place that chooses to 'opt in' to the Heritage List will remain as a category 3 listed place, however, will be afforded statutory protection.

Information on incentives should be contained in a heritage strategy or other summary document. A local planning policy on heritage can provide information on incentives that are available within the planning framework and criteria for eligibility for incentives. A separate document would generally be required to identify non-planning incentives available in relation to heritage, however, at this stage of the process; a commitment from council will be sought to that effect.

All local planning schemes have at least one incentive available to encourage the conservation of heritage places being the capacity to vary other scheme provisions to facilitate the conservation of a heritage place (Clause 7.5 of LPS10). Because this is such an open-ended provision, it is useful to identify whether there are any site or development requirements for which variation will not be approved and the degree to which variation may be acceptable.

In general, there should be an identifiable correlation between the heritage outcomes delivered by the development proposal, with the advantage to the applicant being no greater than the heritage benefit being achieved.

Some local governments have added specific bonuses that can be accessed through conservation outcomes, or provisions such as the capacity to transfer development potential from a heritage to a non-heritage site. These incentives may also involve related processes that are not strictly planning conditions, such as the waiving of fees, access to specialist planning advice and other assistance that may be offered (eg. Heritage grants).

As requested from the MHI Review Committee, the following ten examples (attached) of proposed category 3 places demonstrate whether a coding variation is required to allow for the lot to achieve its full development potential whilst ensuring the heritage dwelling is retained. The following properties were chosen as they represent different codings, lot sizes and frontages. There were also many examples that were not included that demonstrate subdivision having already occurred whereby the existing dwelling has been retained.

6 Anzac Terrace, Bassendean  
47 Anzac Terrace, Bassendean  
53 Anzac Terrace, Bassendean  
34 Walter Road East, Bassendean  
1 Barton Parade, Bassendean  
2 Briggs Street, Bassendean  
75 Guildford Road, Bassendean  
3 Anstey Road, Bassendean  
32 Broadway, Bassendean  
5-7 Brook Street, Bassendean

From the sample properties, it was evident that the majority of properties are able to retain the existing dwelling whilst realising their full development potential in single coded areas using a battle axe configuration. There were some examples whereby a coding variation would be required to ensure retention of the existing dwelling. It was evident that properties within dual coded areas could be problematic. The main portion of Bassendean that this would apply to is bound by Iolanthe Street, Railway Parade, Walter Road East and Lord Street which has a dual coding of R20/40.

Local Planning Scheme No. 10 states that where a split density code is depicted on the scheme maps, any development shall conform to the lower density code applicable to the lots unless council determines that development up to the higher density code is acceptable.

Subdivision or development in excess of the lower density coding shall be considered to be acceptable to Council where:-

- (a) The lot has a frontage sufficient to allow at least two homes to front the street and where development is proposed at the rear access is provided via a shared access way;
- (b) There is due regard for Local Planning Policies (Energy Efficient Design);
- (c) Identified heritage objectives are not compromised;
- (d) The proposal demonstrates elements of water sensitive urban design; and
- (e) The existing streetscape is being preserved.

The Town would consider any proposed subdivision/development of a property listed within the MHI that proposes demolition of the existing building to not satisfactorily address the requirements for development at the higher coding as heritage objectives will be compromised. Should the dwelling be retained, development at the higher coding would still not be obtainable as dual street frontage would more than likely be unobtainable and an existing house will never meet the requirements of Local Planning Policy No. 2: Energy Efficient Design. As such any development/subdivision of a property listing within the MHI would be subject to development at the

lower density code. During the public advertising stage of the MHI, property owners of proposed category 3 listed properties would be aware of the development potential of their properties and it is anticipated that there may be some opposition to their properties being included within the updated MHI. Development potential of a lot is not a valid planning consideration when considering the heritage significance of a property.

Nonetheless, it is apparent that in some circumstances, a commitment from council to allow category 3 listed places a coding variation to ensure retention of the heritage dwelling and allow property owners to realise their current development potential will help ease any concerns about a heritage listing. A report will be referred to Council in August 2016 seeking such a commitment.

*It was agreed that the word 'notes' would be changed to 'receives'.*

#### COMMITTEE/OFFICER RECOMMENDATION – ITEM 8.1

**MHIRC – 1/08/16** MOVED Michael Grogan, Seconded Jennie Collins, that the Committee receives the report by the Planning Officer on the implications of listing and on the potential to retain the development potential of properties.

CARRIED UNANIMOUSLY 6/0

#### 9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

#### 10.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

#### 11.0 CONFIDENTIAL BUSINESS

Nil

#### 12.0 CLOSURE

The next meeting will be held on Tuesday 8 November at 6.00pm.

There being no further business the Presiding Member declared the meeting closed the time being 6.30pm.