

# The Heritage Overlay

## Guidelines for Assessing Planning Permit Applications

Public Draft February 2007



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These Guidelines have been prepared by Heritage Victoria and the Heritage Council of Victoria. The Heritage Council is established under the *Heritage Act 1995* as the public body charged with the responsibility to educate the public and protect and enhance the cultural heritage of the State. Heritage Victoria is a branch of the Department of Sustainability and Environment. In publishing these Guidelines, both organisations aim to encourage high quality Conservation, alteration and development of Heritage Places. The Guidelines do not replace any local heritage guidelines produced by the relevant Responsible Authority.

This document is a set of guidelines, and is not intended to have a statutory effect unless it has been formally adopted as part of a planning scheme.

### 1.1 The Purpose of this Document

The Guidelines have been prepared to assist local government planners, heritage advisors and councillors in the assessment of planning permit applications under the Heritage Overlay (HO). They will also assist owners of Heritage Places and those preparing planning permit applications.

In many cases councils have developed their own local heritage policies or guidelines, and these should continue to be applied. This document can provide an additional resource and also assist those councils that are yet to develop local policies or guidelines, or are reviewing those that currently exist.

Within Heritage Overlays the key objective is to retain the Cultural Heritage Significance of the Heritage Place, yet still allow Alteration and Adaptation, while not stifling high quality contemporary design.

The Guidelines apply to decision making under the *Planning and Environment Act 1987*, for Heritage Places covered by the Heritage Overlay. They do not address other elements of the planning scheme such as the residential development controls in Clauses 54 and 55 or design controls such as the Design and Development Overlay.

The Guidelines do not apply to the administration of heritage permits for places of State Cultural Heritage Significance under the Heritage Act.

Development proposals should achieve the objectives set out at the beginning of the relevant chapters, which also demonstrate ways of achieving the objectives in common situations. However, it should be noted that changes to Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to their development. There may be ways to achieve the objectives other than through the methods described in these Guidelines. If this is the case, the planning permit application would be assisted by a clear written explanation of the way that the proposal meets the relevant objectives.

### 1.2 The Burra Charter

The Burra Charter is the short name of the *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance*. It defines the basic principles and procedures to be followed in the Conservation of all kinds of places of Cultural Heritage Significance in Australia. The Charter defines certain terms, including Conservation and Cultural Heritage Significance, and outlines a process by which the Cultural Heritage Significance of a place should be determined and managed.

As the principles in the Charter should guide the implementation and administration of heritage planning controls, relevant references are included under the discussion of 'Rationale' in the following chapters.



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### 1.3 The Heritage Overlay

The Victoria Planning Provisions (VPP) include a Heritage Overlay that sets out the requirements for planning permit applications for places identified as having Cultural Heritage Significance.

A Heritage Overlay is a planning scheme control applied to areas (or precincts), or individual buildings, land, gardens, trees or other items that have been determined to be of Cultural Heritage Significance. Sites and areas covered by Heritage Overlays vary greatly in character and nature of significance. A Heritage Study generally details “what, why, and how” a Heritage Place is significant.

The Heritage Overlay provisions are found at clause 43.01 of all Victorian planning schemes. The schedule to the Heritage Overlay contains the list of places covered and any particular controls applying to them. The overlay maps for the relevant planning scheme delineate the area or sites to which the Heritage Overlay applies. Clause 43.01 also includes a set of Decision Guidelines that need to be considered in the assessment of heritage related planning permit applications.

The Victoria Planning Provisions Planning Practice Note *Applying the Heritage Overlay* (February 1999) provides details of the purpose and operation of a Heritage Overlay, including the information that should be included and the content of the Overlay. Amendments to planning schemes that introduce the Heritage Overlay must be consistent with the requirements of the Practice Note. Heritage Victoria and the Department of Sustainability and Environment can provide further information about the operation of the Heritage Overlay.

### 1.4 Other Heritage Related Planning Scheme Provisions

All Victorian planning schemes include a heritage “objective” and a discussion of its implementation at Clause 15.11 of the State Planning Policy Framework. This provides the overarching context for heritage provisions elsewhere in the planning schemes.

Most planning schemes also include additional heritage related references including objectives, strategies and the means of their implementation in the Municipal Strategic Statement at Clause 21. This provides the local context for the subsequent application of the Heritage Overlay and any heritage related Local Planning Policies.

Many planning schemes also contain heritage related Local Planning Policies, at Clause 22, that augment the Heritage Overlay.

All of these references need to be taken into account when preparing and assessing heritage related planning permit applications.

### 1.5 The Role of Heritage Studies

Most places within Heritage Overlays will have been identified as places of Cultural Heritage Significance in a Heritage Study. Heritage Studies can be carried out for whole municipalities, individual buildings, or groups of related buildings, properties or features, such as mining sites or bridges.

#### 1.5.1 Content

A Heritage Study should:

- include Statements of Significance that clearly state why each Heritage Place is significant; and
- identify the elements that contribute to the significance of the Heritage Place (the ‘Contributory Elements’).

Statements of Significance for areas should identify all Contributory Elements and could include public domain features such as bluestone laneways or kerbs, signage, street trees, archaeological sites, fences, open space patterns and any other relevant factors, as well as buildings, settings, trees and landscape features. Sometimes Contributory Elements are given titles such as ‘significant’ or ‘contributory’, and sometimes gradings are given numbers or letters. In other cases, some places or features are just noted.

Statements of Significance for individual Heritage Places should consider the significance of elements such as external building treatments and details, original finishes, internal Building Fabric (where relevant), fences, gates, open space areas, landscaping layout and features.

#### 1.5.2 Process

The scope, integrity and quality of a Heritage Study will determine its effectiveness as a tool for introducing and administering a Heritage Overlay. A Heritage Study should be carried out utilising the Burra Charter as a guide, and be consistent with relevant VPP Practice Notes. The standard brief prepared by Heritage Victoria can also be used. The steps involved in assessing Cultural Heritage Significance, developing a Conservation policy and strategy, and carrying out the Conservation strategy are detailed in the *Guidelines to the Burra Charter*.

### 1.5.3 What if the Statement of Significance is not Complete?

There may be situations when a Statement of Significance has not been prepared for a Heritage Place, or the Statement of Significance is not sufficiently comprehensive. In these cases, the preparation of a Statement of Significance for the Heritage Place should be the first priority before any change to the place is considered. This might be prepared by the council, or the applicant/designer may need to identify the Contributory Elements, in consultation with the council. In a limited number of cases, information about the significance of a Heritage Place can be obtained from the Commonwealth Register of the National Estate or the Register of the National Trust of Australia (Victoria).

## 1.6 Format of this Guide

The guide is structured into chapters defined by the type of development or change for which a permit might be required under the Heritage Overlay. Each chapter is intended to stand alone for easy reference and distribution, resulting in some repetition between sections.

Chapters also have a common format that includes:

- **objectives (the outcomes that are sought);**
- **rationale (the reasons for the guidelines);**
- **matters for consideration (the basis for applying the guidelines); and**
- **development guidelines (the detailed guidance for preparing and assessing proposals).**

A glossary of terms is also provided at the end of the Guidelines to define commonly used terms in the document.

## 1.7 Terminology

The following is a description of the main terms used in this guide. The Glossary contains a more extensive list of definitions.

### 1.7.1 Heritage Place

Under the Victoria Planning Provisions, (refer to VPP Practice Note – *Applying the Heritage Overlay*) a Heritage Place can be:

- a building, e.g. house, shop, factory, etc.;
- a structure, e.g. memorial, bridge or tram poles;
- features, e.g. mine shafts and mullock heaps, street gutters and paving;
- a private garden or public park;
- a single tree or group of trees such as an avenue;
- a group of buildings or sites;
- a landscape;
- a geological formation, fossil site or habitat; or
- other place of natural or Cultural Heritage Significance and its associated land.

The term Heritage Place does not include movable objects, such as machinery within a factory or furniture within a house.

### 1.7.2 Statement of Significance

A Statement of Significance is a guide to understanding the Cultural Heritage Significance of a place. This is often divided into three parts: what, how and why.

### 1.7.3 Heritage Overlay

A HO is applied to a Heritage Place to conserve its cultural heritage values. The Heritage Overlay provisions are found at Clause 43.01 of planning schemes.

The Guidelines assume that a Statement of Significance for a Heritage Place (or another assessment such as a Heritage Study) has defined or identified the relevant Contributory Elements.

In planning scheme terms, a Heritage Overlay includes the land associated with the Heritage Place.

**Maribyrnong Planning Scheme**

*Example of a Heritage Overlay schedule*

PS Map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO112	Washingtonia Palm 78 Cowper St, Footscray  The heritage place is the Washingtonia Palm tree and the land beneath the canopy of the tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	–	–
HO113	Klipspringer 40-54 Cranwell St, Braybrook	No	No	No	No	No	No	–	–
HO114	Olympic Tyre & Rubber 56-84 Cross St, Footscray West	No	No	Yes – Cypress at office block.	No	No	No	–	–
HO134	'The Pebbles' 57a Droop St, Footscray	–	–	–	–	Yes Ref No VHR 1308	No	–	–
HO115	Redcourt 60 Droop St, Footscray	No	No	No	Yes Stable	No	No	–	–

Introduction



*Example of a planning scheme Heritage Overlay map*

**Individual HO**

An Individual HO is a single Heritage Place that has Cultural Heritage Significance independent of its context. Some places covered by an Individual HO also make a contribution to the significance of an Area HO. There should be a Statement of Significance for every Individual HO.

**Area HO**

An Area HO is a collection of sites that contribute to the Cultural Heritage Significance of an area. The Statement of Significance or other heritage assessment should identify its Contributory Elements.

### 1.7.4 Contributory Elements

Contributory Elements are those that contribute to the significance of the Heritage Place. These should be identified in the Statement of Significance or other heritage assessment document, such as a Heritage Study. Note that some Heritage Places covered by an Individual HO surrounded by an Area HO might be Contributory Elements, while others might not, e.g. where the architectural style of the individual place is different to that of the area.

The Statement of Significance should list all Contributory Elements. For example, the Contributory Elements of a Heritage Place in an Individual HO might include, but are not limited to: walls, windows, doors, roof, chimney, verandah, outbuildings, fencing, gardens, etc.

Contributory Elements for an Area HO might include, but are not limited to:

- all sites identified in the relevant Heritage Study, including buildings and land;
- Individual HOs and places included on the Victorian Heritage Register, where these are within the primary period of significance for the Area HO;
- the town plan, including layout and features of roads and lanes;
- civic works, including bluestone kerbs, channels and gutters, bluestone paving, sewer siphons, service covers, etc.;
- parks;
- mature street trees and avenues; and
- archaeological sites associated with the Aboriginal community before and after European settlement.

Parts of a Contributory Element within an Area HO which contribute to significance might include, but are not limited to; walls, windows, doors, the roof, chimneys, verandahs, detached buildings, paving, fencing, open spaces, gardens, the proportions of the road, gutters, street signs, etc.

There may be some parts of a Contributory Element that do not contribute to significance, e.g. recent Additions to the building, traffic lights or roundabouts.

### 1.7.5 Non-contributory Elements

Elements that do not make a contribution to the significance of the Heritage Place covered by an HO are Non-contributory Elements. An example of a Non-contributory Element in a Heritage Place covered by an Individual HO might be an aluminium window frame in an Edwardian house. An example of a Non-contributory Element of a Heritage Place covered by an Area HO might be a new petrol filling station in a primarily Victorian period streetscape.

It is important to note that some Heritage Places covered by Individual HOs within an Area HO may be considered as Non-contributory Elements in the Area HO, e.g. Modernist apartments in an area of Edwardian single dwellings.



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# 2

## The Heritage Overlay Guidelines

# Subdivision and Consolidation

This section applies to the subdivision or consolidation of land covered by a Heritage Overlay.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

## 2.1 Objectives

To ensure that the subdivision or consolidation complements and supports the significance of the Heritage Place

To ensure that an appropriate setting and context for the Heritage Place is maintained or enhanced

To ensure that development that might result from a subdivision or consolidation does not adversely affect the significance, character or appearance of the Heritage Place

## 2.2 Rationale

Subdivision of land, particularly where buildings are also involved, can have a major impact upon a Heritage Place and therefore needs to be approached sensitively. The purpose of a subdivision is usually to allow for the sale or disposal of separate lots, with an expectation that at least a fence can be constructed between lots, and that the lots can be separately developed. The potential impact of any future development should therefore be considered in determining whether or not subdivision or a consolidation of lots is appropriate.

The significance of a Heritage Place sometimes relies on it being seen in its original setting and context, with all the related elements such as gardens, outbuildings, fences, paths or interrelated buildings. The physical relationship of separate structures to each other, as well as the spaces between buildings, may also be of significance. Consequently, in some cases, if a part of a Heritage Place is isolated from its setting, its significance may be diminished or even lost.

The Cultural Heritage Significance of a Heritage Place may also be derived from its visual prominence, and in such cases the setting and views to the Heritage Place are of particular importance.

Subdivision or consolidation in an urban context may result in development that affects the consistent rhythm and pattern of buildings in a street. In a rural context, subdivision may result in a cumulative impact upon significant landscapes as larger land holdings are fragmented. Consolidation may result in a change to landscape components, e.g. paddocks divided by hedgerows and fences.

## 2.3 Matters for Consideration

In assessing proposals for subdivision or consolidation, consideration should be given to whether:

- **the location of any new lot boundary includes all Contributory Elements of the Heritage Place on the one title, and utilises significant original boundaries where appropriate;**
- **the proposal respects the patterns and proportions of lots in the immediate area;**
- **buildings (including fences) that might result from the subdivision or consolidation will relate to the rhythm and spacing of buildings in the streetscape;**
- **the visual setting of, and any interrelationship between, the Contributory Elements on the site or at an adjoining Heritage Place will be retained;**
- **there are any historically important views; and**
- **there are any associations or historical links that are essential in maintaining the significance and understanding of the place.**



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Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

## 3.1 Objectives

To encourage the Restoration and Conservation of Heritage Places

To ensure that Contributory Elements of Heritage Places are retained

## 3.2 Rationale

*The aim of conservation is to retain the cultural significance of a place. Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible. (Burra Charter)*

For Cultural Heritage Significance to be conserved in a Heritage Place covered by an Individual Heritage Overlay (HO), the majority of the significant parts of the Heritage Place, and their relationship to the setting within the Heritage Place, should be retained.

For Cultural Heritage Significance to be conserved in a Heritage Place covered by an Area HO, the significant parts of the Contributory Elements to the Heritage Place and their relationship to the setting within the area should be retained. In this context the following factors should be considered.

- Demolition of the whole of a building which is a Contributory Element generally has an adverse effect on the significance of a Heritage Place.
- While some parts that contribute to significance may appear to be unexceptional, they can have greater value when considered as part of the whole Contributory Element.
- Individually unexceptional Contributory Elements may make a greater contribution when considered as part of a collection of sites – the significance of the Heritage Place covered by an Area HO is greater than the sum of the significance of each Contributory Element.

- The cumulative effect of demolition to a series of typical Contributory Elements has the potential to adversely affect the significance of the Heritage Place.
- Recording is not a justification for the demolition or removal of significant fabric.

Where the scale, setting, repetition, or prominent location of a Contributory Element may strengthen its contribution to the Heritage Place, demolition of parts visible from the public domain has the potential to adversely affect the significance of the Heritage Place.

## 3.3 Matters for Consideration

In assessing what fabric could be removed, consideration should be given to whether:

- **the fabric makes a contribution to the significance of the Heritage Place;**
- **the demolition would adversely affect the Conservation of Contributory Elements to the Heritage Place;**
- **aspects of the location, scale, setting, prominence or repetition of the Building Fabric result in an increased contribution to the Heritage Place;**
- **the Building Fabric assists in understanding the historical activity which is part of the significance of the Heritage Place;**
- **sufficient fabric is retained to ensure structural integrity during and after the development; and**
- **the retained fabric would be subjected to an accelerated deterioration through exposure to greater weathering.**



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### 3.4 Development Guidelines

The following guidelines and examples are intended to assist when demolition of a Heritage Place is being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

#### 3.4.1 Demolition of Parts that are Not Significant

In most cases the demolition of parts that do not make a contribution to significance is appropriate where there is no impact on significant fabric. Exposure to weathering or removal of structural support may lead to an adverse impact.



*The aluminium windows of this verandah enclosure do not contribute to the significance of this Heritage Place*

#### 3.4.2 Demolition of Damaged Parts

Some Contributory Elements may be damaged by neglect, fire, storm or physical impact. In most cases it will be possible to repair damage with appropriate professional advice.



*Most Heritage Places are able to be repaired: Pirron Yallock Railway Station before (top) and after repair (below)*

Image: Gaye McKenzie

### 3.4.3 Facadism

A facade is an exterior wall to a building or structure. Buildings are conceived in three dimensions. For a building to continue to be a Contributory Element, it should normally be retained in its original three dimensional Form. Inadequate retention of fabric can result in Facadism and should be avoided.



*Facadism resulting from inadequate fabric retention*

### 3.4.4 Structural Integrity and Weathertightness

To ensure that development will not adversely affect the significance of a Heritage Place, the quantity of retained fabric should be sufficient to ensure a weathertight envelope and independent structural integrity, both during and after development.

### 3.4.5 Individual Heritage Overlays

Before demolition proposals are considered, the significance of the Heritage Place and the Contributory Elements should be identified and assessed. These are likely to include external components, whether or not these are visible from the public realm. In some cases internal Form, fixtures and finishes will also be covered by the HO (see Chapters 8 and 9).

To conserve the Contributory Elements of a Heritage Place in an Individual HO, the retained fabric should include the following:

- the parts of the Heritage Place which contribute to its significance;
- outbuildings which contribute to its significance, e.g. stables;
- site works which contribute to its significance, e.g. internal roads, paths and fences; and
- where a Heritage Place covered by an Individual HO is also within an Area HO, the fabric that contributes to the significance of the Area HO.

### 3.4.6 Area Heritage Overlays

**The development 'settings' discussed in the following sections are common although they do not cover all situations. Some Heritage Places are within areas that exhibit a combination of these characteristics and in these situations it might be appropriate to draw on a mixture of guidelines for the relevant settings when considering the Contributory Elements that should be retained.**

#### Low Density Settings

In residential settings in townships and suburban metropolitan locations, the pattern of space between buildings is often a key feature of the Heritage Place, allowing views to the three dimensional roof form and to a substantial portion of the side walls of buildings. Consequently, in many such cases the main roof structure and the side walls are Contributory Elements and should be retained.

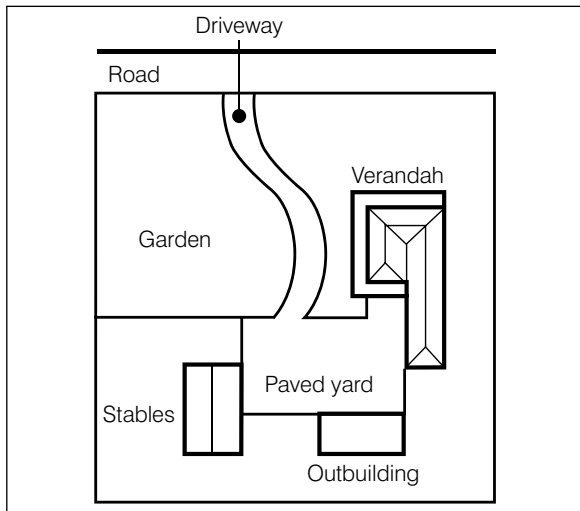
To conserve the Contributory Elements of a Heritage Place in a low density setting, the retained fabric should include the following:

- all fabric which contributes to the significance of the Contributory Element whether visible or not from the public realm, where identified as individually significant in the Statement of Significance for the Area HO or the Heritage Study from which it is derived;
- all of the building covered by the main roof structure, including the roof and chimneys and attached verandah and balconies, etc.;
- outbuildings which contribute to significance, e.g. stables, etc.; and
- site works which contribute to significance, e.g. internal roads, paths and fences.



*Example of low density setting: rural cottage and outbuildings*





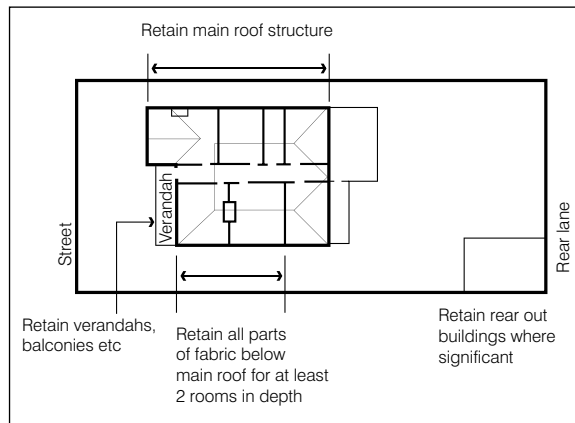
Minimum retained fabric in a typical low density setting

- the main roof structure of the building, including chimneys;
- retain all parts of fabric below main roof for at least the front two rooms in depth;
- attached verandahs, porticos and balconies, etc.;
- outbuildings and fences that contribute to significance;
- site works that contribute to significance; and
- the parts that are visible from the public domain and contribute to the significance of the Area HO where the location of the Building Fabric results in a greater contribution to the Heritage Place, (e.g. corner, multiple frontages, elevated sites; and sites abutting laneways that are significant parts of the Heritage Place).

**Suburban Settings**



Example of suburban setting



Minimum retained fabric in a typical suburban setting

In residential settings in townships and suburban metropolitan locations, the pattern of space between buildings is often a key feature of the Heritage Place, allowing views to the three dimensional roof Form and to a substantial portion of the side walls of buildings. Consequently, in many such cases the main roof structure and the side walls are Contributory Elements and should be retained.

To conserve the Contributory Elements of a Heritage Place in a suburban setting, the retained fabric should include the following:

- all fabric which contributes to the significance of the Contributory Element whether visible or not from the public realm, where identified as individually significant in the Statement of Significance for the Area HO, or the Heritage Study from which it is derived;

## Higher Density Settings



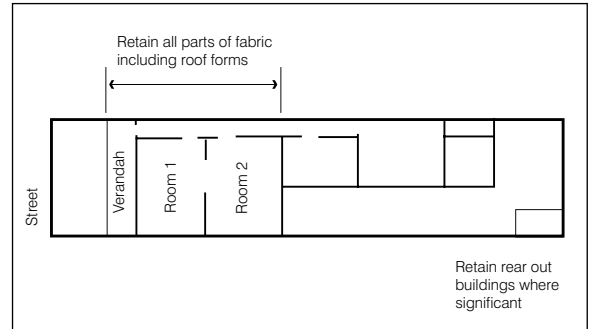
Example of higher density setting

Zero lot setbacks are common in inner urban residential settings and commercial areas in country towns and metropolitan suburban locations. The significant parts of a Contributory Element visible from the public realm often cover a relatively small area in locations where zero side setbacks are common.

To conserve the Contributory Elements of a Heritage Place in a higher density setting, the retained fabric should include the following:

- all fabric which contributes to the significance of the Contributory Element whether visible or not from the public realm, where it has been identified as individually significant in the Statement of Significance for the Area HO or the Heritage Study from which it is derived;
- the exterior to at least the front two rooms in depth including the roof structure, chimneys and decorative elements;
- attached verandahs and balconies;
- outbuildings which contribute to significance, e.g. stables, etc.;
- site works which contribute to significance, e.g. internal paths and fences;
- in corner situations, parts that contribute to significance and are visible from public areas in the side street; for a depth of two rooms including roof structure, chimneys, decorative elements, verandahs and balconies;
- where service roads and lanes are Contributory Elements, the Building Fabric abutting the lane including associated roof Forms, e.g. toilets, stables etc., and parts of the Building Fabric that contribute to significance and which are visible from the service road or lane, for a depth of two rooms (including the roof structure, chimneys, decorative elements, verandahs and balconies, rear wings); and

- the parts that are visible from the public domain and contribute to the significance of the Area HO where the location of the Building Fabric results in a greater contribution to a Heritage Place, (e.g. corner, multiple frontages and elevated sites).



Minimum retained fabric in a typical higher density setting

## Industrial settings

In industrial settings, the capacity to understand the industrial activity through the built Form is often a key feature of a Heritage Place. For example, the requirements for light will often be expressed in the roof Form (through glazing configuration) or the elevation Form (through particular window distribution).

The requirements for supplying raw materials and dispatching goods will often dictate the position of transport access. The scale of the operation will often be expressed in the extent of the facades to the street; and special industrial requirements such as boilers or storage may be reflected in chimney stacks, silos or roof ventilation systems.

To conserve the Contributory Elements of a Heritage Place in an industrial setting, the retained fabric should include the following:

- all fabric which contributes to the significance of the Contributory Element whether visible or not from the public realm, where it has been identified as individually significant in the Statement of Significance for the Area HO or the Heritage Study from which it is derived;
- sufficient roof structure to ensure one structurally complete section, demonstrating all aspects of its construction and materials. This will normally include a complete bay of each roof structure type, (sometimes more) and the associated facades. Depending on the type of structure, this will often be one bay in depth for the full length of the building, or one bay in width for the full depth of the building;



- where the Building Fabric is in a prominent setting or of substantial scale, the significant parts visible from the public domain. Sometimes this might lead to the retention of all of the roof structure, in other cases, to the retention of the roof structure for one structural bay in depth abutting all street and lane frontages;
- the distinctive industrial built Forms that enable an understanding of the industrial activity, e.g. flues, chimneys, rail entrances, storage facilities, etc. These significant parts will not always be visible from publicly accessible locations;
- the facades to street frontages;
- site works that are Contributory Elements, e.g. internal roads, paths, fences and other landscaping; and
- fabric that contributes to the significance of the area covered by the Area HO, where the Heritage Place covered by an Individual HO is also within an Area HO.

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# 4

## The Heritage Overlay Guidelines

# Removal and Relocation

This section applies to the relocation of all or part of a Heritage Place covered by a Heritage Overlay, either within the site or to a new location.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay). If demolition is proposed, also refer to Chapter 3 – Demolition.

### 4.1 Objective

To encourage the Conservation of Heritage Places

### 4.2 Rationale

*The physical location of a place is part of its cultural significance. A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival. (Burra Charter)*

Change should not diminish Cultural Heritage Significance.

For Cultural Heritage Significance to be conserved in a Heritage Place covered by an Individual Heritage Overlay, the majority of the significant parts of the Place and their relationship to the setting within the Heritage Place should be retained.

Within a Heritage Place covered by an Area HO, the significant parts of Contributory Elements to a Heritage Place should be retained for Cultural Heritage Significance to be conserved. Accordingly, relocation of the whole of a building which is a Contributory Element generally has an adverse effect on the significance of a Heritage Place, and should only occur in limited circumstances.

### 4.3 Matters for Consideration

In assessing whether relocation is appropriate, consideration should be given to whether:

- **the structural condition at the site prevents Conservation in that location, e.g. a building on a cliff undermined by the sea;**
- **the building was designed to be relocated and has a history of relocation;**
- **the current location contributes to the significance of the Heritage Place; and**
- **the current location contributes to an understanding of a significant historical activity at the Heritage Place.**

### 4.4 Development Guidelines

The following guidelines and examples are intended to assist when removal or relocation of a Heritage Place is being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

In the very few instances where relocation or removal is appropriate, the following actions are recommended:

- select a new location which will not diminish the significance of the building;
- engage an appropriately qualified person before relocation, to record the Heritage Place using photography, physical measurement and other means considered appropriate;
- relocate without disassembly unless this is physically impossible;
- engage an appropriately qualified person to document a procedure for the relocation process that will not damage the building; and
- engage an appropriately qualified person to supervise the relocation.



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Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 5.1 Objectives

To ensure that new buildings enhance the character and appearance of the Heritage Place

To ensure that new buildings do not adversely affect the significance, character or appearance of the Area Heritage Overlay (HO)

To ensure that Contributory Elements retain their prominence in the Heritage Place and are not dominated by new buildings

To allow for reasonable change within Heritage Places and Area HOs, while ensuring that all other heritage objectives are met

### 5.2 Rationale

New buildings should not undermine the significance or detract from the prominence and character of adjoining and nearby Contributory Elements and the area covered by the Area HO. New buildings should reinforce the existing spatial and visual characteristics of a Heritage Place.

Either contemporary or conservative design approaches may be appropriate. The design of new buildings should have close regard to context and reflect the relationships between nearby Contributory Elements and the streetscape. Design that closely imitates, replicates or mimics historic styles is discouraged because it can distort an understanding of the development of an area, and hence the significance of a Heritage Place.

New buildings designed in a conservative manner should not misrepresent the historical Form of a Heritage Place. They should be clearly distinguishable as new buildings.

New buildings present an opportunity for innovative new development within a Heritage Place. Appropriate development guidelines can ensure that new buildings enhance the character and appearance of the Heritage Place covered by the Area HO and that the significance of a Heritage Place is not adversely affected by the new works.

The use of an existing, intrusive, Non-contributory element as a model for new works could diminish the prominence of Contributory Elements to the Heritage Place.

### 5.3 Matters for Consideration

In assessing the appropriate Form for new buildings which are visible from the public realm, consideration should be given to whether:

- **the height, bulk, setbacks, roof Form, facade pattern, finishing materials and the rhythm of open spaces respect or would negatively impact upon the prominence of the adjoining and adjacent Contributory Elements, including the impact from adjacent streets;**
- **the new building would diminish the prominence of landmark buildings which are Contributory Elements in the Area HO, such as places of worship, town halls and schools, etc.;**
- **on close inspection, the use of traditional details would confuse an understanding of the significance of the Heritage Place in an Area HO; and**
- **the use of traditional details is associated with Reconstruction of an earlier Contributory Element.**



## 5.4 Development Guidelines

The following guidelines and examples are intended to assist when a new building in an Area HO is being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

### 5.4.1 Design of New Buildings

While both contemporary and conservative design approaches are appropriate, Forms and materials that detract from nearby Contributory Elements should be avoided. In addition, Non-contributory Elements and Atypical Elements should not be used as the reference point for new works.

The design of new buildings should not detract from the Form and materials of nearby Contributory Elements within the Area HO. New buildings should be positioned and sized to ensure that the prominence of adjoining Contributory Elements in the Area HO are retained.

The use of simple shapes of similar scale, proportions and materials is appropriate. However, the use of traditional details should not confuse an understanding of the historical development, and hence the significance of the Heritage Place. In some cases traditional details might be appropriate, such as where a component to a group is missing, e.g. the Reconstruction of a demolished house in a terrace row. Otherwise, traditional details on a new building are not appropriate - on close inspection new buildings should be distinguishable as new.

It may not be necessary to restrict the Form of a new building where it is not visible from the public realm and the works would not dominate the Heritage Place.

### 5.4.2 Setback of New Buildings

To enhance Contributory Elements and ensure that development does not adversely affect the significance of a Heritage Place:

#### For **front setbacks**

- Adopt a setback no less than that for any adjoining Contributory Elements, e.g. verandahs should be set back to match adjoining verandah setbacks and building facades should be set back to match adjoining front walls.
- Avoid setbacks which are substantially greater than for adjoining Contributory Elements.
- Avoid setbacks associated with Atypical Elements.
- Where the site does not adjoin Contributory Elements, adopt the setback common for Contributory Elements in the street block.
- Where parts of the development are proposed to be taller than the front facade height (see 5.4.3 below), increase the front setback of the taller parts:
  - in higher density settings, a minimum of 5m from the facade; and
  - in suburban settings, a minimum of 9m from the facade.
- In low density settings, avoid structures which have parts of walls that are taller than the facade height.

#### For **side setbacks**

- Adopt the side setbacks which are common within the Heritage Place covered by the Area HO, e.g. where zero side setbacks are common, consider alignment at the property boundary; where there is a clear rhythm of open side setbacks, match this; and where open space on all sides is a key characteristic, adopt similar side setbacks.
- On either corner or open sites, adopt setbacks to the side street which are consistent with corner setbacks within the Heritage Place covered by the Area HO, and which would not diminish the prominence of adjoining Contributory Elements.

#### For **rear open space**

- Where open space in rear yards on corner sites is important, retain the open rear Form of corner development.
- Set back new buildings so that rear open space is aligned with that of adjoining properties.
- Where rear open space is a feature of the Heritage Place covered by the Area HO as noted in the Statement of Significance, align the rear of new buildings with adjoining properties.

### 5.4.3 Facade Height of New Buildings

To ensure that development does not adversely affect the significance of a Heritage Place:

- adopt a facade height consistent with adjoining contributory buildings (see figure 1 for higher density settings and figure 2 for suburban settings);
- where the site adjoins atypically tall contributory building/s, use the common facade height for Contributory Elements in the street as the reference point;

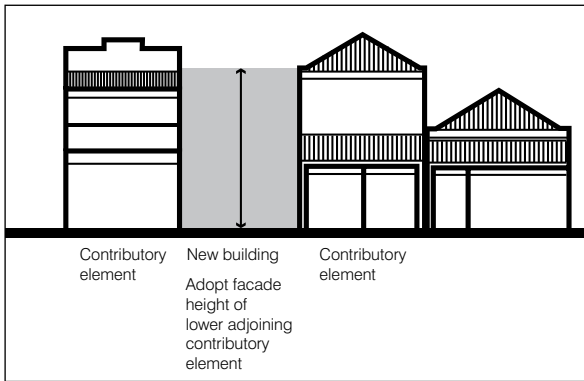


Figure 1: Facade height where a new building adjoins Contributory Element in a higher density setting

- avoid facade heights substantially lower than the common facade height for Contributory Elements;
- on corner sites have regard to adjoining Contributory Elements in both streets;

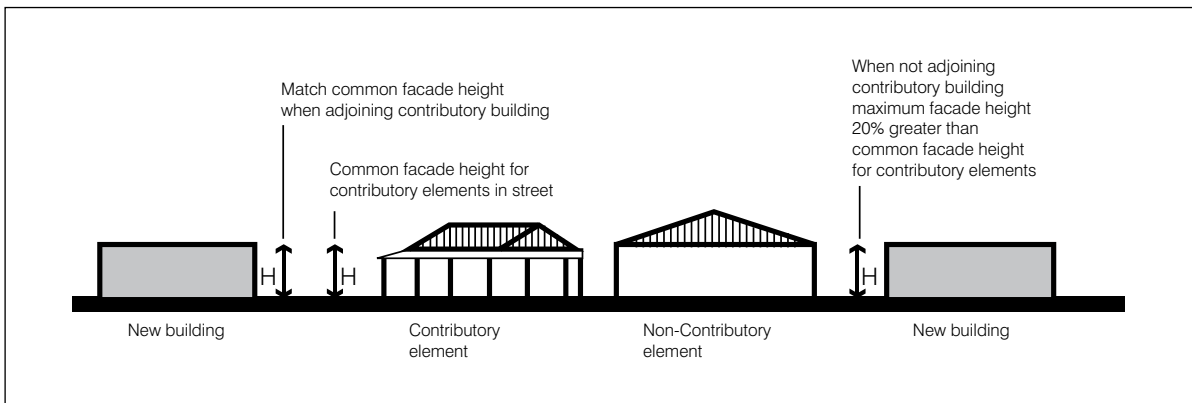


Figure 2: Facade heights for new buildings in a suburban setting

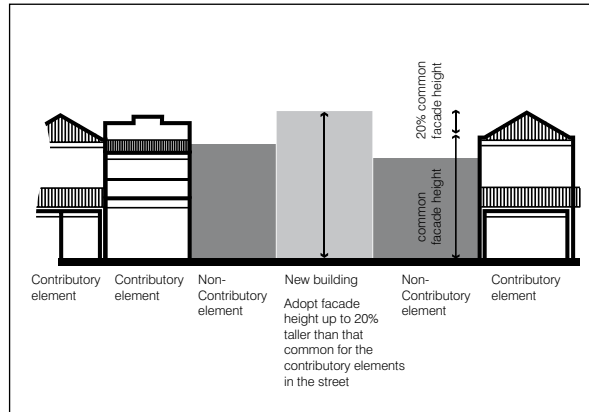


Figure 3: Facade height where a new building adjoins Non-contributory Elements in a higher density setting

- on corner sites and open situations, the overall new building height should not dominate adjoining Contributory Elements when viewed from the footpath directly opposite in both streets or from the open situation e.g. adjoining parks; and
- where sites do not adjoin Contributory Elements, adopt a facade height consistent with, or up to 20% greater than, the common facade height of Contributory Elements in the street block (see figure 3).

#### 5.4.4 Rear Portions of New Buildings

For sites where a portion of the proposed development is to be taller than the facade height:

- consider the level of concealment that is appropriate within a Heritage Place;
- avoid the overall new building height, including the roof, dominating any adjoining Contributory Elements, the Contributory Elements in the streetscape and the area covered by the Area HO;
- increase the front setback for parts of walls which are taller than the facade height;
- assess the visibility of the development within the Heritage Place, and from viewing points 1.7m above natural ground level on the opposite footpath, from directly in front and from a position aligned with the boundary two allotments away on either side; and
- on corner sites, assess the visibility of taller parts from both streets (see figure 4).

#### 5.4.5 New Buildings and Laneways

For sites abutting contributory lanes and open public spaces the following guideline should be considered.

- New buildings should not dominate lanes and adjoining public spaces noted as Contributory Elements in the Statement of Significance, and the built components of Contributory Elements within them e.g. stables, toilets and outbuildings, etc.

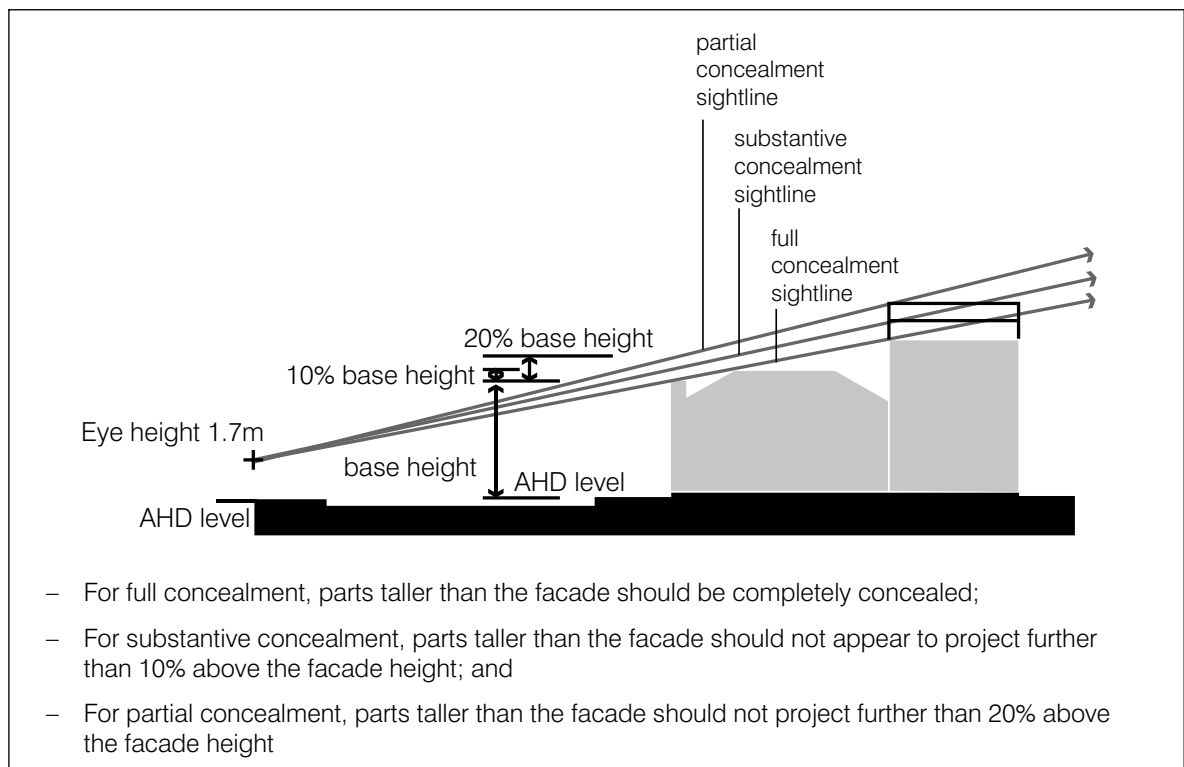


Figure 4: Techniques which can be applied when considering the appropriate height for rear portions of new buildings

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# 6

## The Heritage Overlay Guidelines

### External Alteration and Additions to Contributory Elements

This section applies to works (including detached Additions such as garages) to the exterior of a Contributory Element in a Heritage Place covered by a Heritage Overlay.

If demolition is proposed, also refer to Chapter 3 – Demolition.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

#### 6.1 Objectives

To encourage the Conservation and Restoration of Heritage Places

To ensure that Alterations and Additions respect the Contributory Elements of a Heritage Place

To ensure that Alterations and Additions do not adversely affect the significance, character and appearance of the Heritage Place

To ensure that Alterations retain the significant parts of built fabric

To ensure that the significant parts of Contributory Elements retain their prominence and are not dominated by new works

To allow for the Adaptation of heritage buildings, while ensuring that all other heritage objectives are met

#### 6.2 Rationale

*The aim of conservation is to retain the cultural significance of a place.*

*Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.*

*New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. New work should be readily identifiable as such. (Burra Charter).*

Few Heritage Places survive in a totally unaltered state. Most undergo some form of change. Appropriate development guidelines can ensure that the significance of the place is not adversely affected by change.

Alterations and Additions which copy historical styles misrepresent the historical Form of the Heritage Place. They can also create confusion between significant and introduced fabric for future generations.

#### 6.3 Matters for Consideration

In assessing how built fabric may either be added to or altered, consideration should be given to whether:

- **evidence of a relevant previous Form is available;**
- **on close inspection, the use of traditional details would confuse an understanding of the development of the place and its significance;**
- **changes to external finishes would constitute an Alteration;**
- **Alteration would be consistent with achieving the Objectives for Demolition (See Chapter 3);**
- **Alterations visible from the public realm respect the significant parts of the building;**
- **the Form of the Addition, where visible from the public realm, respects the external shape, bulk, facade pattern and materials of the significant parts of the site, including open spaces;**
- **the Form of the Addition, where visible from the public realm, respects the external shape, bulk, facade pattern and materials of adjoining Contributory Elements, including open spaces; and**
- **the height and position of an Addition, where visible from the public realm, would negatively impact upon the prominence of either the significant parts of the Heritage Place or of adjoining and adjacent Contributory Elements.**





## 6.4 Development Guidelines

The following guidelines and examples are intended to assist when external Alterations or Additions to Contributory Elements and Individual Heritage Overlays are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

Note that where identified in the Statement of Significance for a Heritage Place covered by an Area HO, particular Contributory Elements may require greater retention of fabric than that indicated in the guidelines in Chapter 3 – Demolition. Alterations and Additions to existing fabric in these instances might similarly be further restricted. For example, in some heritage studies there is a graded system for Contributory Elements with particular grades recommending the retention of intact significant parts whether or not these are visible from the public realm.

### 6.4.1 Alterations and Additions to the Built Fabric of Heritage Places Covered by an Individual HO

A site-specific response is required for each place covered by an Individual HO. In some cases where substantial changes are proposed to a building covered by an Individual HO, a suitably qualified professional should prepare a Conservation assessment. This should include a Statement of Significance for the site and an assessment of the impact of the proposed works on significance.

Alteration to original or later significant components constitutes demolition of part of the significant Building Fabric, and is not consistent with the Conservation of the significance of a Heritage Place.

Conservation might include Alterations that restore or Reconstruct to a known earlier state, for example missing windows, verandahs or shopfronts. Accurate Reconstruction of missing parts is encouraged where evidence exists. Appropriate evidence for Reconstruction includes photographs, early and original plans and maps, and physical examination of the surviving fabric by an appropriate expert.

Where previous Form is not known, Alterations should be distinguishable on close inspection as an interpretation of anticipated Form. Conjectural Reconstruction is not encouraged. *Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture. (Burra Charter).*

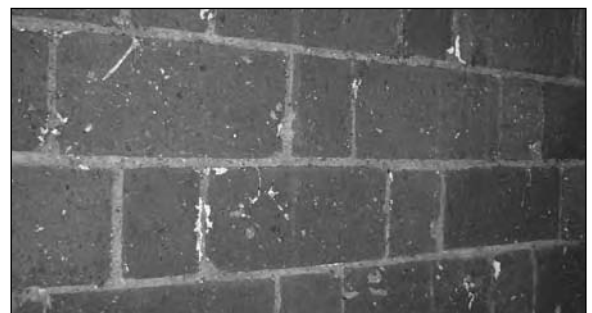
The design of Additions should not detract from the Form and materials of a Heritage Place, and should be positioned and sized to ensure that the prominence of significant parts of a Heritage Place are retained. While both contemporary and conservative design approaches are appropriate, Forms and materials that detract from the significant parts of a Heritage Place should be avoided.

The use of simple shapes of similar scale, proportions and materials is appropriate. However, the use of traditional details should not confuse an understanding of the significance of the place. On close inspection, Additions similar to the existing Forms at a Heritage Place should be distinguishable as new works.

Where Heritage Places covered by Individual HOs are also within an area covered by an Area HO, Additions and Alterations should be consistent with the Contributory Elements of the Area HO.

### 6.4.2 Alteration to Surface Finishes to Built Fabric in a Heritage Place Covered by an Individual and an Area HO

Removal of existing surface finishes by water blasting, sandblasting or chemical removal and the like is discouraged where this would alter the original fabric. For example, sandblasting which removes a layer of the original material and usually damages it, is inappropriate. Sometimes gentle removal of later layers will reveal parts which contribute to significance, and is appropriate. Refer to Chapter 10 (External Painting and Finishes) and to Heritage Victoria technical notes.



*Damage to brick surface as a result of inappropriate sandblasting*

### 6.4.3 Alterations within a Heritage Place Covered by an Area HO

#### Alterations to Building Fabric

To conserve Contributory Elements and ensure that development does not adversely affect the significance of a Heritage Place, the retained components of Contributory Elements should not be altered. Refer to Chapter 3 - Demolition.

#### Alterations to Building Fabric which reinstate missing parts

Conservation might include Alterations that restore or reconstruct to a known earlier state, for example missing windows, verandahs or shopfronts. Accurate Reconstruction of missing parts will enhance elements that contribute to the significance of Heritage Places and is encouraged where evidence exists. Appropriate evidence for Reconstruction includes photographs, early and original plans and maps, and physical examination of the surviving fabric by an appropriate expert.

Where the previous Form is not known, Alterations should be distinguishable on close inspection as an interpretation of anticipated Form. Conjectural Reconstruction is not encouraged. *Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture. (Burra Charter)*



*Reconstruction of the rear stairwell of the Toongabbie Mechanics Institute – before (left) and after reinstatement of missing parts (right)*

### 6.4.4 Additions within a Heritage Place Covered by an Area HO

#### Approach

To enhance Contributory Elements and ensure that development does not adversely affect the significance of a Heritage Place, the design of Additions should not overwhelm the Form and materials of the Contributory Elements. Additions should be positioned and sized to ensure that their prominence is retained.

While both contemporary and conservative design approaches are appropriate, Forms and materials that detract from the parts which contribute to the significance of Contributory Elements should be avoided.

#### Form of Additions visible from the public realm

New Additions should respect the Form and materials of a Heritage Place, and be positioned to ensure that the prominence of parts which contribute to the significance of the Contributory Element and adjoining Contributory Elements.

The use of simple shapes of similar scale, proportions and materials is appropriate. However, the use of traditional details should not confuse an understanding of the significance of the Contributory Element. On close inspection, Additions similar to existing Forms of the Contributory Element should be distinguishable as new works.

Atypical buildings within a Heritage Place (whether Contributory or Non-contributory Elements), should not be taken as reference points for the purposes of determining the appropriate Form or features for Additions.

#### Form of Additions not visible from the public realm

It may not be necessary to restrict the Form of the Addition where it is not visible from the public realm and would not dominate a Heritage Place.

#### Setback of Additions

To enhance Contributory Elements and ensure that development does not adversely affect the significance of a Heritage Place:

- set back rear Additions behind the retained Building Fabric (refer Chapter 3 – Demolition);
- ensure Additions are not positioned above the retained Building Fabric;
- where open space is a feature of the Heritage Place (as defined in the Statement of Significance), Additions should be set back to align rear open space with that of adjoining properties;
- in a low density setting (see Chapter 3 - Demolition), Additions should be located where they have minimal impact on the main buildings and the outbuildings which contribute to significance;
- on either corner or open sites Additions should be set back from the side street consistent with other corner setbacks within the area covered by the Area HO; and

- where the side street contains adjoining buildings which are Contributory Elements, Additions should be set back to ensure that they do not diminish the prominence of the adjoining Contributory Element.

### Height of Rear Additions

The Statement of Significance, Local Planning Policy or council's heritage advisor might provide guidance on the level of concealment that should apply to Additions which are taller than the existing building, in a particular Heritage Place covered by a HO.

To ensure that new development does not adversely affect the significance of a Heritage Place the following guidelines should be considered:

- the level of concealment that is appropriate within the Heritage Place;
- Additions should not dominate the public view of retained fabric;
- the overall height of the Additions, including the roof, should not overwhelm any adjoining Contributory Elements; and
- where the height of proposed Additions is taller than the retained fabric, the visibility of development should be assessed in relation to the retained building, from viewing points 1.7m above natural ground level on the opposite footpath, from directly in front and from a position aligned with the boundary two allotments away, on either side. Taller Additions should not dominate the retained fabric when viewed from these positions. (See figure 1).
- in a low density setting where open landscape is the dominant characteristic, Additions should be kept lower than either the main buildings and/or the outbuildings which are significant parts.
- on corner or open sites:
  - the visibility of taller Additions should be assessed from both streets; and
  - Additions should not dominate the retained fabric when viewed from the footpath directly opposite in both streets or from the open situation, e.g. adjoining parks.
- where lanes and adjoining public spaces are noted as a Contributory Element in the Statement of Significance, Additions should not dominate them.

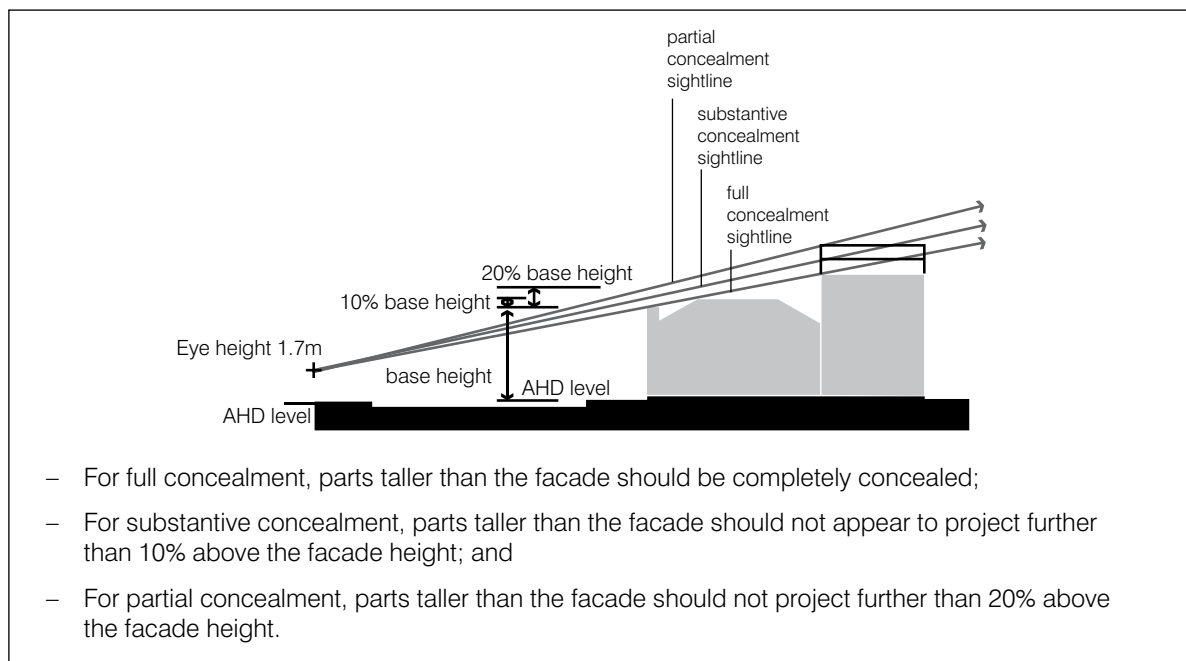


Figure 1: Techniques which can be applied when considering visibility of Additions which are taller than the retained fabric

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# 7

## The Heritage Overlay Guidelines

# External Alterations and Additions to Non-contributory Elements

This section applies to works to the exterior of a Non-contributory Element covered by an Area Heritage Overlay, including detached Additions.

If demolition is proposed, also refer to Chapter 3 – Demolition.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 7.1 Objectives

To ensure that Alterations and Additions respect the Contributory Elements of the Heritage Place covered by an Area Heritage Overlay (HO)

To ensure that Alterations and Additions enhance the character and appearance of the Heritage Place covered by an Area HO

To ensure that Alterations and Additions do not adversely affect the significance, character or appearance of the Heritage Place covered by an Area HO

To ensure that Contributory Elements retain their prominence in the Heritage Place covered by an Area HO and are not dominated by new works

### 7.2 Rationale

Some existing buildings within Heritage Overlays intrude upon the character and appearance of the Heritage Place covered by the Area HO. New works to these existing Non-contributory Elements or structures are often desirable to provide a more appropriate context for Contributory Elements.

Existing intrusive elements should not be a model for works to Non-contributory buildings and structures.

Alterations and Additions which copy historical styles misrepresent the historical Form of the Heritage Place.

Non-contributory Elements do not have significant fabric. They present an opportunity for innovative new development within a Heritage Place.

### 7.3 Matters for Consideration

In assessing how Non-contributory Building Fabric may either be added to or altered where visible from the public realm, consideration should be given to whether:

- **Alterations respect adjoining Contributory Elements;**
- **the Form of the Addition respects the external shape, bulk, facade pattern and materials of adjoining Contributory Elements, including open spaces;**
- **the height and setbacks of the Addition is the same as the height and setback for adjoining contributory buildings;**
- **the height and setbacks of the Addition would negatively impact upon the prominence of adjoining and adjacent Contributory Elements, including the impact from adjacent streets; and**
- **Alterations or Additions would misrepresent the historical Form or confuse an understanding of the significance of the Heritage Place covered by the Area HO.**

### 7.4 Development Guidelines

The following guidelines and examples are intended to assist when external Alterations or Additions to Non-contributory Elements are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.





### 7.4.1 Alterations and Additions to Non-contributory Buildings in an area covered by an Area HO

#### Approach

While both contemporary and conservative design approaches are appropriate, Forms and materials that detract from the nearby Contributory Elements should be avoided.

Non-contributory Elements and Atypical Elements, should not be used as the model for Alterations and Additions.

#### Form of Additions visible from the public realm

Where visible from the public realm, the design of Alterations and Additions should respect the Form and materials of nearby Contributory Elements within the Heritage Place covered by an Area HO, and be positioned and sized to ensure that the prominence of adjoining Contributory Elements in the Area HO is retained.

The use of simple shapes of similar scale, proportions and materials is appropriate. However, the use of traditional details should not confuse an understanding of the significance of the place. On close inspection, Additions similar to the existing Forms at the Heritage Place should be distinguishable as new works.

#### Form of Additions not visible from the public realm

It may not be necessary to restrict the Form of the Addition where it is not visible from the public realm and would not dominate the Heritage Place.

#### Setback of Additions

To enhance Contributory Elements and to ensure that development does not adversely affect the significance of a Heritage Place:

- Additions should be set back to be consistent with adjoining Contributory Elements and to ensure that the prominence of any adjoining Contributory Elements is not diminished;
- Additions should be set back to retain rear open space aligned with adjoining properties, where this is a feature of the Heritage Place as defined in the Statement of Significance;
- on either corner or open sites, setbacks to the side street should be consistent with corner setbacks within the Area HO and should not diminish the prominence of adjoining Contributory Elements.

#### Height of Additions

The Statement of Significance, Local Planning Policy or council's heritage advisor could provide guidance on the level of concealment that should apply to parts of new building that are taller than the facade.

To enhance Contributory Elements and ensure that development does not adversely affect the significance of a Heritage Place, the facade height of Additions should not dominate adjoining Contributory Elements when viewed from the public realm.

#### For all sites

- The overall height of the Addition (including the roof) should not dominate adjoining Contributory Elements, or the Contributory Elements in the streetscape and the Area HO.
- In Area HOs where open space in rear gardens is a feature of the Heritage Place (as identified in the Statement of Significance), the open Form should be retained.
- Where lanes and adjoining public spaces are noted as a Contributory Element in the Statement of Significance, Additions should not dominate them.

#### For sites adjoining buildings which are Contributory Elements

- Facade height should not exceed that of adjoining Contributory Elements, except where the side setback is 4.5m or greater, in which case the facade height of the new building could be up to 20% greater than that of the adjoining Contributory Element (as measured from the centre of the site at natural ground level).
- Where the site adjoins atypically tall Contributory elements, the common facade height for Contributory Elements in the street should be used as the reference point.
- The overall height of the Addition including the roof, should not overwhelm the adjoining Contributory Elements.

#### For rear Additions

- Where the height of proposed Additions is taller than the adjoining Contributory Elements, assess the visibility of development from viewing points 1.7m above natural ground level on the opposite footpath, from directly in front and from a position aligned with the boundary two allotments away, on either side, to ensure that taller Additions do not dominate the adjoining Contributory Element when viewed from these positions. (See figure 1).

### For **corner and open situations**

- Additions should not dominate adjoining Contributory Elements when viewed from the footpath directly opposite in both streets or from open situations, e.g. adjoining parks.
- On corner sites the visibility of taller Additions should be assessed from both streets.

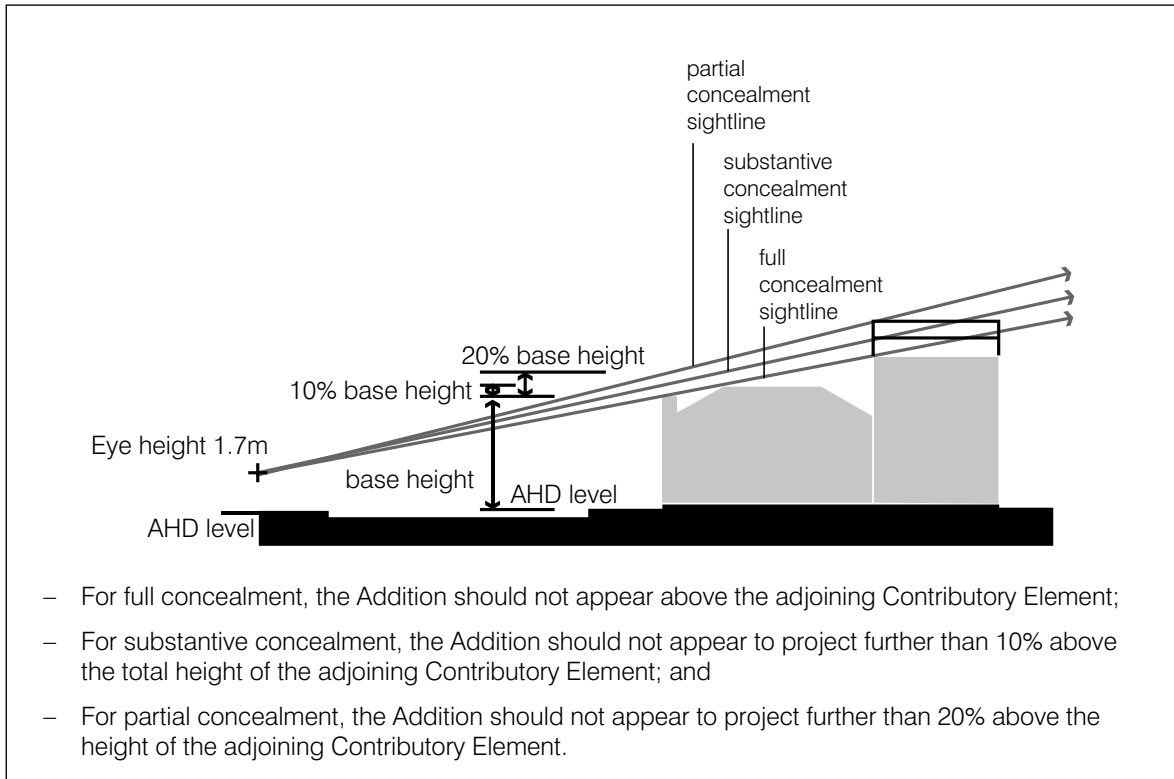


Figure 1: Techniques which can be applied when considering visibility of Additions which are taller than the retained fabrics

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# 8

## The Heritage Overlay Guidelines

# Internal Alterations

This section applies to internal Alterations to a Heritage Place, where the schedule to the Heritage Overlay indicates that internal controls apply.

Refer also to the relevant Planning Scheme – including the State Planning Policy framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 8.1 Objectives

To ensure that internal features that contribute to significance are retained and conserved

To ensure that interiors that contribute to significance are not adversely affected by development

### 8.2 Rationale

*The aim of conservation is to retain the cultural significance of a place.*

*Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach to changing as much as necessary but as little as possible.*

*Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.*

*Traditional techniques and materials are preferred for the conservation of significant fabric. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate. (Burra Charter)*

Internal Alteration controls will normally only apply to interiors of particular note and significance. The Statement of Significance should establish which of the internal features are Contributory Elements and which are not.

Interiors of buildings often contain important elements that contribute to the overall understanding of the building, the activities within the building and general societal functioning. Most interiors have undergone a number of changes over time. Attention should not necessarily be placed on any one period of a building's history unless one period is significantly more important than the others. It may be that changes should be retained as contributing to the understanding of the significance of the building.

The Statement of Significance for a Heritage Place should indicate the features which contribute to significance. These could include, but are not restricted to:

- spatial arrangements;
- internal Building Fabric and finishes, for example timber floors, plaster walls and timber joinery;
- floor coverings including concealed layers;
- decorative wall finishes including wallpaper;
- fireplaces, surrounds and over-mantles;
- joinery;
- doors and windows and associated joinery;
- bathroom fittings and fixtures;
- stairways and historic access points;
- room layout and historic patterns of movement; and
- services such as water supply and electrical installations, etc.

### 8.3 Matters for Consideration

In assessing the appropriateness of internal changes to Contributory Elements that contribute to significance, consideration should be given to whether:

- **any Building Fabric including decorative features and finishes, fixtures, and building layout and circulation patterns that contribute to significance are affected by the works;**
- **later Non-contributory Alterations to the interior are to be removed;**
- **the proposed works use simple and inconspicuous fixtures and fittings for new services;**



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- **the reinstatement of features, such as fixtures and fittings is an accurate representation; and**
- **the nature of the works is complex and /or extensive and decision making would be assisted by the preparation of a Conservation Management Plan by a suitably qualified professional.**

## 8.4 Development Guidelines

The following guidelines and examples are intended to assist when internal Alterations to a Heritage Place are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

### 8.4.1 Preliminary Investigations

Before undertaking any works in a building with an interior that contributes to significance, careful investigation of the structure's history and fabric should ideally be undertaken by an appropriately qualified professional. In some instances the preparation of a Conservation Management Plan is the most appropriate method of investigating, documenting and planning for the future of the interior.

Initial investigations should identify the periods of change to the interior. For example, important interior decorative schemes have sometimes been discovered behind mouldings, under later fixtures or beneath layers of paint.

### 8.4.2 Building Fabric including Decorative Finishes

Floors, ceilings, walls and decorative finishes of significance should not be altered or removed. Building Fabric which is not contributory may be removed.

Usually a means can be found to retain Building Fabric and finishes and to repair in situ. Where there is no other alternative but to remove either Contributory fabric or decorative treatments that contribute to significance to enable the Conservation of the building (for example to remedy a structure in danger of collapse) a Conservation professional should always be involved in the preparation, planning and execution of the works. All actions should be fully recorded, including concealed surfaces. In most situations either reinstatement or Reconstruction to match the original is required.

### 8.4.3 Interior Fittings and Fixtures

Interior fittings and fixtures of significance should not be altered or removed. Where missing fixtures are proposed to be reinstated, the original Form should be adopted. Where this is not known, a simplified substitute should be used.

### 8.4.4 Services

Services, including emergency services, should be located where there will be minimal disruption to fabric and finishes that contribute to significance. Simple and inconspicuous techniques should be used where the installation of the services is visible.

The installation and operation of new services should not damage Building Fabric or fixtures or finishes that contribute to significance.

### 8.4.5 Alterations and Additions to the Building Fabric

New works should be located where the significance of the place will not be affected. New works should respect the Heritage Place but be readily distinguishable from it. New works should not dominate the parts that contribute to significance.

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This section applies to heritage landscapes and trees covered by the Heritage Overlay.

This section also applies to trees where the Schedule to the Heritage Overlay identifies the Heritage Place as one where tree controls apply.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 9.1 Objective

To ensure heritage landscapes and trees are adequately conserved, maintained and managed and are not adversely affected by development of these places or their settings

### 9.2 Rationale

*Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.*

*Conservation requires a cautious approach of changing as much as necessary but as little as possible. Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.*

*Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. (Burra Charter)*

### 9.3 Matters for Consideration

In assessing changes to **heritage landscapes**, consideration should be given to whether:

- **new buildings or works in heritage landscapes with multiple ownerships respect any existing and recurring patterns of development within the landscape; and**
  - **new buildings or works do not adversely affect views and vistas toward, from and within the heritage landscape.**
- In assessing the effect of changes on **significant trees**, consideration should be given to whether:
- **all significant trees are retained, and unnecessary pruning is avoided;**
  - **the root zone of the tree is left unencumbered by impermeable paving, compaction of soil, soil disturbance and building works;**
  - **a report from a qualified arborist should be obtained prior to undertaking any major pruning or lopping, removing a significant tree, or undertaking any building works within the root zone of the tree which details:**
    - the health of the tree;
    - the reason for the proposed works;
    - the proposed works;
    - impact of the proposed works upon the tree;
    - any proposed measures to minimise potential unintended damage to the tree, such as a site management plan or protective fencing; and
    - any potential impact (positive or negative) of the removal of the whole or part of the tree on nearby buildings, other significant trees, gardens or landscapes.



## 9.4 Development Guidelines

The following guidelines and examples are intended to assist when changes to landscapes, gardens or trees are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

### 9.4.1 Heritage Landscapes

Heritage landscapes cover a diversity of places from private domestic gardens, to recreation and other reserves, and farming or other landscapes with multiple land owners. They include carefully designed public parks and gardens, 'beauty spots' such as waterfalls and scenic reserves, as well as historic rural or industrial landscapes which may demonstrate early farming, cultivation approaches, mining or other industrial practices.

The significance of heritage landscapes could include:

- boundaries and demarcations that assist in understanding land ownership patterns and changes over time;
- indications of circulation networks, tracks, pathways and roads;
- spatial patterns of land use and human occupation within the landscape, including evidence of deliberate design;
- vegetation patterns;
- the character of vegetation related to past land use patterns;
- responses to natural features, including geology, landform and habitat;
- groupings of uses, settings and surrounds of structures that indicate past use;
- structures such as walls and ruins, etc.;
- integrity and evidence of layers or sequences of activity over time; and
- technological innovations.



Image: Fire Services Museum



Image: Meredith Gould

*Landscape elements make a contribution to significance. Elevated garden court and brick paths at the former North Melbourne Fire Station residential quarters*

Development (e.g. subdivision, new buildings, works and the demolition or removal of buildings, structures, walls and other features) can significantly affect heritage landscapes.

Identify the elements that contribute to the significance of the heritage landscape and ensure that these are retained. In the case of a landscape, spacing may also be an important Contributory Element and consideration may also need to be given to its retention.

The approach taken to the Conservation of a garden depends upon a number of factors, the most important being:

- physical or documentary evidence of the garden's original Form and subsequent history;
- the degree of intactness of the garden and its setting, including built elements of the garden; and
- surviving trees and other plants.

Where heritage landscapes may involve multiple owners, it can be important to ensure that a consistent approach is taken to development within that landscape. It may be important to ensure that existing patterns of subdivision, buildings, materials and fences (or walls), for example, are repeated in new development.

In the case of gardens, public parks and reserves, the accurate Reconstruction and reinstatement of historic elements (such as pathways, terracing, shelters, plantings and other structures) should be encouraged.

The preparation of a Conservation Management Plan should be encouraged for heritage landscapes prior to undertaking any major development.

Where removal of a significant tree is unavoidable and justifiable, a replacement plant should be propagated from the significant tree where possible. If that is not possible, a tree of the same species should be replanted. In some circumstances, replanting with a similar species may be considered.

#### 9.4.2 Significant Trees

Elements of an indigenous or exotic tree that might contribute to significance include:

- size and form;
- rarity of the species in Victoria;
- association with a person or historical event; and
- relationship to its context within a garden or landscape.

Development can affect significant trees. This is particularly important during construction activity when particular care may be required. The construction of services that require trenching, hard paving and building construction in close proximity, may jeopardise health and appearance. Roots are hidden and extend beyond the canopy edge. Most root growth is lateral and the diameter of spread can be approximately 2-3 times the height of the canopy. Therefore development beyond five metres of the canopy edge of a tree may still impact adversely on its health.

In considering the protection of significant trees in a Heritage Overlay (HO), management of street trees through careful positioning of services is desirable.

Evidence of the situation should be provided where emergency or urgent works are required to prevent injury to people or damage to property.

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Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 10.1 Objectives

To encourage the use of external paint colours and treatments that enhance the understanding and appearance of Heritage Places

To ensure that external treatments and paint removal techniques do not damage significant Building Fabric

To ensure that external treatments that contribute to significance are retained and conserved

### 10.2 Rationale

*The aim of conservation is to retain the cultural significance of a place. Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.*

*Change may be necessary to retain cultural significance, but is undesirable where it reduces cultural significance. Traditional techniques and materials are preferred for the conservation of significant fabric. (Burra Charter)*

Surface finishes make a contribution to the Cultural Heritage Significance of a Heritage Place. In many cases, original finishes survive, e.g. face brickwork or render. Sometimes, Maintenance has covered over the original finish, often encapsulating early finishes. Careful assessment of surface finishes will establish whether the existing surface is original and should be kept, whether the original surface could be revealed, or whether reproduction of an earlier scheme would enhance significance.

Surface finishes sometimes require works to prevent decay.

### 10.3 Matters for Consideration

In assessing a proposal to change the external finishes of a Contributory Element, consideration should be given to whether:

- **the proposed change would adversely affect the Conservation of a Contributory Element;**

- **the paint removal methods proposed would damage the surface of the building material;**
- **previously painted surfaces are proposed to be painted;**
- **the removal of a later finish would reveal the original surface;**
- **the proposed external paint colours and treatments complement the palette of typical colours from the original construction and were applied to parts of the building that were originally painted;**
- **reinstatement of an original painting scheme is appropriate;**
- **the Contributory Element is a building within a row or group of similar buildings and it is appropriate to adopt a consistent or co-ordinated approach to paint colours;**
- **the proposal retains and conserves original materials and detailing, including tiles, glass, cast and wrought iron decoration, tuck pointing of masonry, and mouldings, wherever possible; and**
- **external finishes and paint colours on new and non-original works complement those used and are appropriate for Contributory Elements.**

### 10.4 Development Guidelines

The following guidelines and examples are intended to assist when external painting of changes to finishes are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.



### 10.4.1 Painting Unpainted Surfaces

Unpainted original surfaces e.g. stone, render, brickwork and some timber, should not usually be painted. Careful and gentle cleaning may be undertaken utilising techniques that will not damage or alter the underlying surface.

### 10.4.2 Painting Previously Painted Surfaces

A number of treatments and finishes may have been applied to a building or contribute to the significance of the building or structure, and as a result subsequent changes may be important. The original treatments and finishes are part of the original intent of the design and style of the building or structure, and may indicate many aspects of significance, such as the wealth and status of the owner, as well as demonstrating the building techniques of the time.

Where the surface to which the paint has been applied in the past was not originally intended to be painted, it is often preferable for paint removal to be undertaken.

Sound previous layers should generally be retained as a record of changes over time.

Previously painted surfaces should be painted in compatible materials and colours.

### 10.4.3 Paint Removal

The process of removing paint, by whatever means, can damage masonry and, once exposed, the masonry and mortar may be susceptible to further damage and deterioration.

Sandblasting removes both the paint and the hard outer surface of the substrate, removing the protection provided by these elements against damp penetration. Sandblasting can also cause damage to tuck-pointing, mortar, and nearby joinery, such as timber window frames and doors. Sandblasting of iron-work may be appropriate off site after testing a small sample for any potential damage.

Paint removal should be undertaken by a professional in the field to avoid damage to underlying materials and surfaces.

Paint removal may be appropriate where the building is best understood in its unpainted condition. For example, polychromatic brickwork was intended as a major design element in the facade and was not designed to be painted.

Paint removal is a specialist procedure and must be undertaken with extreme care to avoid damaging the masonry and mortar underneath.

### 10.4.4 Brick and Stone

Most brick and stone, and some rendered surfaces of 19th and 20th century buildings were not intended to be painted. The finish, texture and colour of the original external material were part of the design. The use of unpainted stone, brick or rendered surfaces in both the 19th and 20th centuries was predominantly a result of aesthetic choice. Painting such a surface would fundamentally change the appearance of the Place and hide the original intent of the designer.

### 10.4.5 Render

The application of render to the external walls of buildings served to both decorate and protect original wall materials. The removal of original render from underlying masonry, whether brick or stone, will expose masonry and mortar to the destructive effects of weathering and atmospheric pollution and increase the risk of damp penetration. As render was often used as a decorative treatment, its removal may be contrary to the intention of the building's architect or builder. Repair of historic render is a specialist skill. Any repairs to render should be carried out by an experienced tradesperson following consultation with heritage professionals.

### 10.4.6 Paint Colours

Depending on the significance of the Heritage Place, paint schemes need not precisely match the original. In most cases a complementary scheme is satisfactory.

Paint colours could be selected from the palette of colours typical for the period of the building, and applied to the appropriate parts of the building. Expert advice should be sought for the application of unusual surfaces, or for complex buildings and treatments.

In some cases, paint colours can enhance the appearance and understanding of a Heritage Place. The application of colours to buildings and their specific features was often part of the architectural design and intended to highlight the architectural qualities of the exterior.

Inappropriate use of paint colours on a Heritage Place can create a false impression of a building's history. The most common mistakes are the use of too many colours, the use of the right colours in the wrong places, or the picking out of features, such as mouldings, that were never historically treated in this way.

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If demolition of a fence is proposed, also refer to Chapter 3 – Demolition. Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

## 11.1 Objectives

To ensure fences enhance the character and appearance of the Heritage Place

To ensure the retention and Restoration of fences where appropriate

To encourage the Reconstruction of original front fences where appropriate

## 11.2 Rationale

Fences visible from public places often contribute to the significance of the Heritage Place.

The dimensions, siting, and appearance of fencing affect the context of a Heritage Place.

Historically, domestic front fences were generally of a height and style that permitted a view into and out of the property, while side and back fences tended to be more solid to ensure privacy. Retaining established patterns assists in providing an appropriate setting.

## 11.3 Matters for Consideration

In assessing works to existing fences or proposals for new fences, consideration should be given to whether:

- **it is possible to retain and conserve any significant fences and gates, and to repair them where necessary;**
- **there is sufficient evidence of the original fence Form;**
- **the proposed fence is consistent with the dimensions and siting of Contributory Elements within the Heritage Overlay;**
- **the proposed fence complements the style and construction of the building;**

- **the proposed fence would obscure a view of the Contributory Element from a street or other public space; and**
- **a fence was a feature of the original design of the Heritage Place.**

## 11.4 Development Guidelines

The following guidelines and examples are intended to assist when construction, demolition or removal of a fence is being considered. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

### 11.4.1 Fencing Patterns

Where the original fence is unknown and cannot be established through investigation, the original common pattern of fences for the style of dwelling should be identified and adopted for new work where visible from the public realm.

Common patterns of fence height, position, materials, and level of transparency should be retained in residential settings.

High front walls should be avoided in urban areas. Where noise attenuation or privacy in the front yard is an issue, alternatives such as secondary double-glazing of the windows to combat noise or vegetation to improve privacy should be considered.

### 11.4.2 Reinstatement of Original Design

Where possible, the original front fence design should be reinstated.





### 11.4.3 Conjectural Original Form

A fence that replicates a fence style common to the period and style of the building to which it relates may be appropriate. Appropriate surviving original fences within the HO should be used as a style type.

### 11.4.4 Gates and Fences on Lanes

Similar fencing to the character of fences within the Heritage Place should be adopted.

Where service streets such as lanes have a distinctive character which contributes to the Heritage Place, modern garage doors may not be compatible.

### 11.4.5 Fences on Side Boundaries

Where visible from the front street, fences on side boundaries should usually adopt a similar scale to that for the front fence. On corner allotments, side boundary fences should usually reflect rear boundary fence types.

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If the proposed works affect signs in original fabric also refer to Chapter 3 – Demolition. Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

## 12.1 Objectives

To ensure that signs are appropriate to the era, style and Cultural Heritage Significance of the Heritage Place

To ensure the retention and Conservation of signs that contribute to the significance of the Heritage Place

## 12.2 Rationale

*The contribution of all aspects of cultural significance of a place should be respected.*  
(Burra Charter)

Signs can provide evidence of previous use and social change. Some signs are landmarks.

Signs may be individually significant or may be part of a Contributory Element.

## 12.3 Matters for Consideration

In assessing proposals for the construction of new signs, or Alterations to or demolition of an existing significant sign, consideration should be given to whether:

- **the Conservation of the sign in situ is possible;**
- **the proposed sign complements the Heritage Place in its location, size, materials and illumination; and**
- **the proposed sign would dominate the Heritage Place.**

## 12.4 Development Guidelines

The following guidelines and examples are intended to assist when new signs or Alterations to signs are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

### 12.4.1 Historic Signs

All signs that contribute to the significance of an Individual Heritage Overlay (HO) or an Area HO should be retained.

Significant signs should be maintained using best practice Conservation techniques.

### 12.4.2 New Signs

Signs should not dominate a Contributory Element or a Heritage Place.

Advertising signs should be placed where they would have traditionally been placed.

Signs should be limited to a level consistent with traditional coverage.

Signs should not be located where they would obscure or detract from a feature of the building, e.g. a window, a view to a Heritage Place, or in front gardens.

Views to individually significant signs should be maintained.

New signs should be readily removable.

Fixings for new signs should not damage the fabric of a Heritage Place.



Image: Lorraine Huddle



*Inappropriate signs in a Heritage Area*

### 12.4.3 Size of New Signs

There is no standard size for signs. The appropriate size will vary according to the character of a Heritage Place. Standard corporate sign sizes may not be appropriate.

### 12.4.4 Placement of New Signs

Signs are discouraged in locations where there is no history of signs, e.g. on houses.

Sky signs, large freestanding and billboard signs are discouraged in all locations within a Heritage Overlay.

The location of signs should not interrupt views into and within Heritage Places.

Signs should not be painted on previously unpainted masonry surfaces.

### 12.4.5 Design of New Signs

Reproduction of historic advertising styles is not necessary for new signs.

Respectful but clearly modern design is preferred for new signs.

Colours should be appropriate to the Heritage Place. In some instances this may require departure from standard corporate advertising colours.

### 12.4.6 Illumination of New Signs

New signs should not be internally illuminated unless this is a characteristic of the Heritage Place. External lighting should be limited to be consistent with the character of a Heritage Place.

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This section relates to Heritage Places where the schedule indicates that prohibited uses may be permitted. These provisions are contained at Clause 43.01-5 of the relevant planning scheme.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 13.1 Objectives

To encourage the restoration and conservation of Heritage Places

To ensure that Contributory Elements of Heritage Places are retained

To ensure the long-term care and Maintenance of Heritage Places

To ensure the impact of any change of use on the Heritage Place is minimised

To encourage the continued use of Heritage Places

### 13.2 Rationale

*Where the use of a place is of cultural significance it should be retained.*

*A place should have a compatible use.*

*Adaptation is acceptable only where the adaptation has minimal impact on the cultural significance of the place.*

*Adaptation should involve minimal change to significant fabric, achieved only after considering alternatives. (Burra Charter)*

Changes to the use of buildings may result in major changes to the fabric of the place. It is preferable that a Heritage Place continues to be used for the purpose for which it was built, or for a use with which it has a long association. There may be instances when many alternative uses are possible, provided that Contributory Elements and significant parts are retained.

In a small number of instances it may be necessary to consider a use that would otherwise be prohibited by the planning scheme, if this will demonstrably assist with the Conservation of the significance of the Heritage Place.

### 13.3 Matters for Consideration

In assessing proposals for a use which would otherwise be prohibited by the planning scheme, consideration should be given to whether:

- **the Heritage Place would be used for the purpose for which it was originally constructed, or for a use with which it has had a long and significant association;**
- **adequate evidence is provided as to how the change of use would ensure the future Conservation of the Heritage Place;**
- **changes are proposed to the Contributory Elements or significant parts of the Heritage Place, including spaces and access patterns, to accommodate a new use; and**
- **adequate evidence is provided to demonstrate that other options for uses that are not prohibited have been examined.**

### 13.4 Development Guidelines

The following guidelines and examples are intended to assist when a change of use is being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.



Where substantial changes are proposed to a Heritage Place, a Conservation Management Plan prepared by a suitably qualified professional may be required.

For uses otherwise prohibited by the planning scheme, evidence should be submitted about the economic viability of the existing use and how the otherwise prohibited use will ensure the future Conservation of the Heritage Place. Applicants should also demonstrate that uses that are permitted or permissible have been considered.



*Adaptive reuse of an industrial Heritage Place: the former Newport Railway Electricity Substation undergoing conversion to a community arts centre*

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Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 14.1 Objectives

To encourage the Restoration and Conservation of Heritage Places

To ensure that public works enhance the character and appearance of Heritage Places through appropriate works

To ensure that Contributory Elements in the public domain are conserved

To allow for reasonable change within Heritage Places, while ensuring that all other heritage objectives are met

### 14.2 Rationale

*The aim of conservation is to retain the cultural significance of a place...Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible. (Burra Charter)*

For Cultural Heritage Significance to be conserved in an Individual Heritage Overlay (HO), the majority of the significant parts of the Heritage Place, and their relationship to the setting within the Heritage Place, should be retained.

Local, state and national governments and agencies can provide a best-practice example of heritage management to the community by adopting a consistently high standard of retention and Maintenance of the Contributory Elements for which they are responsible.

Many aspects of the public domain are important components of the Heritage Place, e.g. road treatments, laneways, streetscape elements, street tree plantings, drains, kerbs, parks and gardens. They often display treatments, materials, standards of construction or styles that are from or are typical of the period of development of the heritage area; or display techniques that are important records of

development. Inappropriate new civic treatments can have a detrimental impact on Cultural Heritage Significance and the appearance of a heritage area.

Elements that might contribute to the significance of an area or streetscape include:

- **stone paving, kerb and channel, spoon drains, early concrete kerbing and road pavement, some asphalt paving and crossovers;**
- **horse troughs and hitching posts;**
- **bollards;**
- **lamp, tram and rail standards, light fittings, seats, street furniture;**
- **street tree avenues, single trees and Avenues of Honour;**
- **buildings such as public toilet facilities, rotundas, pavilions;**
- **historical markers, statues, fountains and artworks; and**
- **parks and gardens, paths, layout and plantings, individual trees, vistas and views to landscape features.**

### 14.3 Matters for Consideration

In assessing proposals for the construction of new buildings or works in the public realm, consideration should be given to whether:

- **all Contributory Elements in the public realm have been identified;**
- **Contributory Elements are conserved;**
- **the proposed new works (roads, footpaths, kerb and channel, pavement treatments and tree plantings, etc.) respect the Heritage Place;**



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- the proposed new works diminish the prominence of Contributory Elements within the Heritage Overlay; and
- the proposed works would affect the long-term health of trees that contribute to significance.

## 14.4 Development Guidelines

The following guidelines and examples are intended to assist when changes to civic areas, utilities or services are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

**It is acknowledged that there may be other ways to achieve the objectives.** Where alternative methods are proposed, the proposal or planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

### 14.4.1 Roads, Gutters, Kerbs, Footpaths and Laneways

Prior to the replacement or repair of roads, footpaths, laneways, kerbs, surface drains or channels, or the adoption of standard engineering designs for these features, the Cultural Heritage Significance of the existing features should be considered. Any change that could affect the Significance and appearance of these Contributory Elements may diminish Cultural Heritage significance. Parts that contribute to significance should be retained.

Changes to the shape and position of roads and footpaths are undesirable.

### 14.4.2 Services

Services should be located away from sensitive areas.

Where the replacement of services requires removal of Contributing Elements, existing conditions should be carefully recorded, components (e.g. bluestone) stored where possible and reinstated to match pre-intervention form.



*Inappropriate placement of modern services close to Contributory Elements of a Heritage Place*

### 14.4.3 Traffic Management Devices

The installation of speed humps, roundabouts, traffic islands public transport shelters and the like, should not affect parts which contribute to significance, significant views, or the context for abutting Contributory Elements.

New management systems should be designed in a manner which retains parts which contribute to significance.

### 14.4.4 Medians and Tree Planting

Median strips that change the proportions of a street, interrupt vistas or create visual clutter distracting from the streetscape appearance should be avoided. In some cases inappropriate planting of a new median strip will exacerbate the intrusion. For example, straight broad streets often provide distant views and vistas to buildings, landmarks or features and provide an open aspect for Contributory Elements. Tree planting in new medians will affect existing character.

Heritage Areas often contain tree avenues that are Contributory Elements within the HO. The position, planting interval and species combine to create a particular character for the street. Refer to Chapter 9 – Landscapes, Gardens and Trees.

Planting of trees in streets should take into account the historic Form of the street.



*Position of landscape elements. This elm avenue planted in the road pavement has a distinctive streetscape character*

#### **14.4.5 Street Lights, Bollards etc.**

Street furniture which contributes to significance should be retained and integrated into any new works programs.

#### **14.4.6 Pedestrian Malls and 'Streetscape Improvement' Schemes**

The creation of pedestrian malls that change the nature of a shopping area by changing its relationship to the street and passing traffic, both vehicular and pedestrian, could have a negative impact on heritage values.

Consideration of the impact of any 'streetscape improvements' including materials, furniture and features, should have regard to the heritage setting of the streetscape and buildings. The introduction of pseudo-historical elements should be avoided.

#### **14.4.7 Street Signs**

Retain street signs that contribute to the significance of the Heritage Place.

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This section applies to historical archaeological places in the Heritage Overlay. In addition to the Heritage Overlay, all historical archaeological sites in Victoria are protected under the provisions of the *Heritage Act 1995*. Historical archaeological places of state significance may be included in the Victorian Heritage Register.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

### 15.1 Objectives

To ensure the appropriate identification and Conservation of historical archaeological places

To ensure the appropriate management of archaeological places, in accordance with their level of significance

To encourage awareness of the provisions of the Heritage Act.

### 15.2 Rationale

Historical archaeological sites are a non-renewable resource that may contain significant information about the past. They are valuable because they contain physical remains that complement historical information and provide tangible evidence of past activities. These places often contain layers of artefacts from several periods of occupation at the same location. Not only are the artefacts themselves important, their position and arrangement in relation to other objects and features also helps to establish a detailed understanding of the place's history.

Historical archaeological places most commonly consist of the remains of domestic, civic or industrial structures, and abandoned or discarded objects. In some cases, the main features of a site may be located below the ground surface, and these places are particularly vulnerable to inadvertent disturbance. Historical research can be very useful for locating archaeological sites in cases where visible remains are limited.

Many historical archaeological places are recorded during Heritage Studies, and some councils have commissioned specific historical archaeological site identification projects to assist in the location, evaluation and management of significant sites. There will also be places in the Heritage Overlay (HO) where the potential for archaeology has not yet been assessed.



### 15.3 Matters for Consideration

In assessing a development which is likely to involve the disturbance of a Heritage Place with historical archaeological values, consideration should be given to whether:

- **the potential for archaeological deposits on the site has been assessed and, if so, whether the significance of those archaeological deposits (including archaeological, historical, scientific or social significance) has also been assessed; and**
- **a program of Conservation and management for the place is required, which may include test excavation work or a broader excavation strategy, monitoring requirements, the development of an interpretation plan, site avoidance or mitigation strategies, or other processes.**

### 15.4 Development Guidelines

The early consideration of issues relating to demonstrated or potential historical archaeological values is essential, as archaeological investigations and research can take time. Generally, it is preferred that places included in the Heritage Overlay for their archaeological significance be left undisturbed. In some cases, it may be necessary for construction plans to be altered to preserve areas of archaeological significance, and thought should be given to relocating development to avoid the disturbance of significant or potentially sensitive areas.

If disturbance is proposed for any historical archaeological site, it is likely that a process of archaeological excavation, investigation and either recording or monitoring will be required, and that consent will be required from the Executive Director, Heritage Victoria.

If previously unrecorded historical archaeological sites are exposed or identified at any time, Heritage Victoria should be contacted.

Clause 43.01-6 of all planning schemes indicates that the requirements of the *Aboriginal Relics Preservation Act 1972* and the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984* apply to Aboriginal Heritage Places. For further information, contact Aboriginal Affairs Victoria.

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## **Adaptation**

Adaptation means modifying a place to suit the existing use or a proposed use.

## **Additions**

Additions are new works including detached and attached structures.

## **Alterations**

Alterations are works that change the existing building Fabric.

## **Area HO**

An Area HO is a collection of sites that contribute to the Cultural Heritage Significance of an area. The Statement of Significance or other heritage assessment should identify its Contributory Elements.

## **Atypical Elements**

Atypical Elements are those not common to the Heritage Overlay Area due to the era, style, setbacks, height, Form or massing, materials or otherwise.

## **Building Fabric**

Building Fabric is all the physical material of the place, including finishes and fixtures. For example, for a house this would include the wall structure and any cladding or finish (such as render or paint), the roof including the structure and the cladding; the window and door joinery, verandahs including flooring, lining and posts, decoration, chimneys, paving, and fencing.

## **Conservation**

Conservation means all the processes of looking after a place so as to retain its Cultural Heritage Significance

## **Conservation Management Plan**

A detailed plan of the methods by which the Cultural Heritage Significance of a Heritage Place will be conserved and enhanced, including Maintenance, use, changes and any alterations. It should be

prepared by a qualified expert, with input from relevant parties, and should include short-term and long-term actions.

## **Contributory Element**

Contributory Elements are those that contribute to the significance of the Heritage Place. These should be identified in the Statement of Significance or other heritage assessment document, such as a heritage study. Note that some Heritage Places covered by an Individual HO surrounded by an Area HO may be Contributory Elements, while others might not.

## **Cultural Heritage Significance**

Cultural Heritage Significance means aesthetic, historic, scientific, spiritual or social value or other special value for the present community and future generations of Australians.

## **Fabric**

*Fabric means all physical material of a place including components, fixtures, contents and objects. (Burra Charter)*

## **Facadism**

Facadism is when only the facade of a building is retained and the side walls, floor and/or roof are demolished to varying degrees.

## **Form**

The shape, proportions and size of a building.

## **Heritage Area**

A Heritage Area is all the land covered by an Area HO. It may sometimes be called a precinct.

## **Heritage Manual**

A series of technical notes prepared by Heritage Victoria, available at [www.heritage.vic.gov.au](http://www.heritage.vic.gov.au).

## **Heritage Overlay**

A Heritage Overlay (HO) is applied to a Heritage Place to conserve its cultural heritage values. The Heritage Overlay provisions are found at Clause 43.01 of planning schemes.





The Guidelines assume that a Statement of Significance for a Heritage Place (or another assessment such as a Heritage Study) has defined or identified the relevant Contributory Elements.

### Heritage Place

Under the Victoria Planning Provisions, (refer to VPP Practice Note – Applying the Heritage Overlay) a Heritage Place can be a: building (e.g. house, shop, factory etc.), structure (e.g. memorial, bridge or tram poles), features (e.g. mine shafts and mullock heaps, street gutters and paving), private garden or public park, single tree or group of trees such as an avenue, group of buildings or sites, landscape, geological formation, fossil site, or habitat or other place of natural or Cultural Heritage Significance and its associated land.

In planning scheme terms, a Heritage Overlay includes the land associated with the Heritage Place. The term 'Heritage Place' does not include movable objects, such as machinery within a factory or furniture within a house.

### Heritage Study

A Heritage Study is a research and survey based document prepared by a suitably qualified professional that identifies Heritage Places of Cultural Heritage Significance based on a defined range of criteria.

### Individual HO

An Individual HO is a single Heritage Place that has Cultural Heritage Significance independent of its context. Some places covered by an Individual HO also make a contribution to the significance of an Area HO. There should be a Statement of Significance for every Individual HO.

### Maintenance

Maintenance is the continuous protective care of the Building Fabric and Setting of a Heritage Place, and is to be distinguished from repair. Repair involves Restoration or Reconstruction

### Non-contributory Element

Elements that do not make a contribution to the significance of the Heritage Place covered by an HO are Non-contributory Elements

Caution: in relation to Individual Heritage Overlays, some Individual Heritage Overlays surrounded by an Area HO will not contribute to the Area HO by virtue of the reasons for their significance, and could be considered as Non-contributory to the Area HO, but they will still be significant in their own right. Mapping convention in the past has meant that these Individually significant places surrounded by an Area HO have not always been mapped individually, but included within an Area HO.

### Reconstruction

Reconstruction means returning the Fabric of a place to a known earlier state including the introduction of new material into the Fabric.

### Restoration

*Restoration means returning the existing Fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material. (Burra Charter)*

### Statement of Significance

A guide to understanding the Cultural Heritage Significance of a place. These are often divided into three parts: what, how and why.

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*Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1999 (The Burra Charter).*

VPP Practice Note 'Applying the Heritage Overlay', February 1999 – can be down-loaded from [www.dse.vic.gov.au](http://www.dse.vic.gov.au)

Heritage Victoria, *The Heritage Manual*, Technical Notes – can be down-loaded from [www.heritage.vic.gov.au](http://www.heritage.vic.gov.au)

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