

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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