

Guidelines for preparing Heritage Impact Statements

These Guidelines are provided by Heritage Victoria to assist you to prepare a Heritage Impact Statement.

If you adapt the template please ensure your own details are included and references to Heritage Victoria, the State of Victoria and other authorities are removed.

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CONTENTS:

INTRODUCTION

HERITAGE IMPACT STATEMENT - template

TABLE 1 Some questions to be addressed in a Heritage Impact Statement and supporting information that may be required

APPENDIX 1 Extract from Section 101 of the *Heritage Act 2017*

APPENDIX 2 Definitions from Section 3 of the *Heritage Act 1995*
Definitions from *The Burra Charter - The Australia ICOMOS charter for places of cultural significance 2013*

Introduction

Victoria's registered heritage places and objects include buildings, gardens, landscapes, archaeological sites and historic shipwrecks. They are irreplaceable assets. While their long-term survival is often dependant on ensuring an on-going use, and in some cases through new development, this should not be at the expense of the cultural heritage significance of the place or object.¹

When the Executive Director determines a permit application to undertake works to a place or object included in the Victorian Heritage Register, he/she must consider the extent to which the application, if approved, would affect the cultural heritage significance of the registered place [in accordance with s.73(1)(a) of the *Heritage Act 1995* – see Appendix 1].

A Heritage Impact Statement assists the Executive Director in making this assessment and decision. It will also assist the owner of a registered place or object to follow a logical process when developing proposals for changes to that place or object, and the broader community to understand the rationale underlying the proposal.

Many registered places and objects are capable of absorbing some degree of change without impacting adversely on their cultural heritage significance. Furthermore, it is rare that there is only one option for change available for a place or object, be it an alternative use, the location for an extension, or development within the grounds. The principal aim should always be to achieve a solution that retains the cultural heritage significance of the registered place or object, including the setting of the place, where applicable.

A Heritage Impact Statement should clearly demonstrate to both the Executive Director and other interested parties that in developing a proposal for change, a clear process has been undertaken that addresses the impacts of the proposal on the cultural heritage significance of the place or object. The process is quite simple, requiring answers to a number of basic questions set out in Table 1.

Minor proposals

In the case of relatively minor works, a brief assessment of the impacts on the cultural heritage significance of the registered place or object by a heritage consultant, relevant specialist, or the owner's agent would normally be sufficient rather than a full Heritage Impact Statement.

It is not the scale of the proposed development, but its impact on the heritage registered place or object which is the critical issue to be addressed.

Major proposals

In the case of a major proposal, such as adaptive re-use or new development on or around a registered place, a heritage consultant should be involved in preparing the Heritage Impact Statement, along with other relevant specialists. Ideally a Conservation Management Plan should have been undertaken to inform and guide development options and future management, and to underpin the Heritage Impact Statement. Other reports to support particular aspects of the proposal, such as planning, engineering or economic issues, may also be required to be submitted as part of the Heritage Impact Statement for a major development proposal.

¹ The protection of Historic Shipwrecks, including permitting, is dealt with through different processes under Part 5 of the *Heritage Act 1995*; or under delegation through Commonwealth *Historic Shipwrecks Act 1976*.

While the Heritage Impact Statement is primarily focussed on addressing the extent of the impact on the cultural heritage significance of the registered place or object, in those cases where the proposal will have a negative impact on heritage significance, the Executive Director must also consider the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or object, or cause undue financial hardship to the owner in relation to that place or object [under s.73(1)(b) of the Heritage Act].

If a proposal is submitted that relies on s.73(1)(b), the argument would need to be fully addressed with supporting evidence in accordance with the Heritage Victoria and Heritage Council of Victoria Policy Guideline *Matters to be considered in determining a permit application under section 73(1)(b) of the Heritage Act 1995*.

Heritage Impact Statement

The following Template and associated Table 1 is provided to guide you when preparing a Heritage Impact Statement. It is recognised that not all the questions will require answering in every case. The author may introduce sub-headings to the various sections within the Heritage Impact Statement template if they consider the issues and information appropriate and relevant to the assessment process.

Section 73 of the *Heritage Act 1995*

The Executive Director, in making a decision in respect to a heritage permit, must have regard to the provisions of Section 73 of the Heritage Act. This section is reproduced in full in Appendix 1 and relevant considerations are identified within the Heritage Impact Statement template.

Definitions

Appendix 2 sets out the definitions to a number of terms used in this document, taken from the Heritage Act and the *ICOMOS Burra Charter 2013*.

Government Owned Heritage Places and Objects

Places or objects included in the Victorian Heritage Register that are owned or managed by the Victorian Government or agencies on behalf of the Victorian Government should comply with the Victorian Government Cultural Heritage Asset Management Principles. These Principles were adopted by the State Government on 15 December 2009 and state that the Victorian Government has a responsibility to identify, protect, conserve and present its cultural heritage assets for current and future generations. The Principles are available on Heritage Victoria's website: www.dtpli.vic.gov.au/heritage/apply-for-heritage-permits/permit-policies-and-decision-making-guidelines.

Heritage Impact Statement Template

Heritage Impact Statement for:

Name of heritage registered place

This Heritage Impact Statement forms part of a permit application for:

Insert description of the proposal

Date:

Victorian Heritage Register Number:

Victoria Heritage Register [VHR] number for the place

Address and location description:

If the proposal affects part of a large registered complex or precinct also describe the part of the place proposed to be affected

Prepared by:

Name, address, phone and email of author

For:

Name of client or owner, where manager or owner is not the author

Heritage Impact Statement

Existing condition of the registered place

Provide a brief summary of the existing condition of the registered place including, if relevant, any changes to the place. Recent photographs should be included. Plans can also be provided where this assists an understanding of the existing condition of the place.

Current use of the registered place

Provide a brief description of the current use/uses of the registered place .

The proposed works

Provide detail of the proposed works. Refer to plans and images lodged with the application, where relevant.

The cultural heritage significance of the place or object, including setting and any archaeological values or potential (relates to s.73(1)(a) of the Heritage Act)

Provide summary from the Statement of Significance and Conservation Management Plan (where relevant). Refer to the Victorian Heritage Inventory for archaeological information, where relevant.

What physical and/or visual impacts will result from the proposed works? i.e. what will be the affect on the cultural heritage significance of the place (relates to s.73(1)(a) of the Heritage Act)

List the impacts, positive and/or negative of the various aspects of the proposal on the cultural heritage significance of the place as set out above.

Is the registered place or object in a World Heritage Environs Area? If yes, how does the proposal affect the world heritage values of the listed place or any relevant Approved World Heritage Strategy Plan? (relates to s.73(1)(ab) of the Heritage Act)?

If there are detrimental impacts on the cultural heritage significance of the place or object, provide reasons why the proposal should be permitted (relates to s.73(1)(b), (e) and (f) and s.73(1A) of the Heritage Act)

*Provide reasons why the proposed works should be supported. Reasons **must** address the matters which the Executive Director is to consider under s.73 (1)(b) ,(e) and (f) and s.73(1A) of the Heritage Act [See Appendix 1]. Refer to the Heritage Victoria and Heritage Council Guideline: "Matters to be considered in determining a permit application under section 73(1)(b) of the Heritage Act 1995" when providing reasons for support of the proposal. The guideline is available on Heritage Victoria's website: www.dtpli.vic.gov.au/heritage/apply-for-heritage-permits/permit-policies-and-decision-making-guidelines.*

If there are detrimental impacts on the cultural heritage significance of the place or object, detail alternative proposals that were considered and reasons why these were dismissed (relates to s.73(1)(b), (e) and (f) and s.73(1A) of the Heritage Act)

A detailed analysis of alternative options and reasons for their dismissal should be provided where there is a negative impact on the cultural heritage significance of the place or object.

What measures are being proposed to avoid, limit or manage the detrimental impacts?

Detail measures that are to be taken to ensure the detrimental impacts on the cultural heritage significance of the place are being minimised or off-set, e.g. conservation works, including repairs/reinstatement of the fabric and/or setting of the place, program of interpretation, archaeological monitoring etc.

Has the proposal been influenced by, or does it address any Local Planning Scheme or *Building Act 1993* requirements? (relates to s.73(1)(f) and s.73(1A) of the Heritage Act)

If applicable, detail how the proposal has been influenced by and/or addresses requirements of any Building regulation or Local Planning Scheme Provisions, such as Design and Development Overlays, Significant Landscape Overlays, or policies relating to parking and/or traffic requirements, waste disposal, etc.

Note: If the registered place is adjacent or neighbours another heritage registered place or a place included in a Heritage Overlay, or if the registered place sits within a Heritage Overlay precinct, an assessment of the affect of the proposal on the cultural heritage significance of those adjacent places is required (relates to s.73(1)(f) and s.73(1A) of the Heritage Act).

Conclusion

Summarise the main points

Attachments:

Attach all relevant documents, for example: relevant extracts from a Conservation Management Plan, engineer's report, building condition report, archaeologist report, economic or financial reports.

Table 1

Some questions to be addressed in a Heritage Impact Statement and supporting information that may be required

The following are some questions that need to be addressed, as relevant, in a Heritage Impact Statement. In some cases a combination of works will be proposed, e.g. adaptive re-use, an extension, development within the grounds, and subdivision. The Heritage Impact Statement will need to address the impacts of all aspects of the proposal.

While the Table includes total demolition/destruction as a potential development option, such proposals are rarely approved. Compelling justification in accordance with s.101 of the Heritage Act would be required for such a proposal.

PROPOSED CHANGE TO HERITAGE REGISTERED PLACE	SOME QUESTIONS TO BE ADDRESSED IN A STATEMENT OF HERITAGE IMPACT AND SUPPORT INFORMATION THAT MAY BE REQUIRED BY THE EXECUTIVE DIRECTOR
1. Total demolition/destruction of a heritage registered place	<ul style="list-style-type: none"> • Why is the existing registered place not capable of retention and adaptive reuse? • Can any of the significant elements of the registered place be retained as part of the new development or any new development located elsewhere on the site? • Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If not, why not? • What other options have been considered for the place and why have these been dismissed? • Is the work likely to expose material of archaeological significance? If so, has the advice of a consultant archaeologist been sought? <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan • Engineering and/or Building Surveyor's report • Economic Feasibility Study • Archaeologist's Report
2. Demolition/destruction of one of a number of buildings on a registered site	<ul style="list-style-type: none"> • Why is the existing building not capable of retention and adaptive reuse? • Can the building be retained as part of any new development or any new development located elsewhere on the site to avoid demolition? • What other options have been considered for the place and why have these been dismissed?

	<ul style="list-style-type: none"> • Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If no, why not? • Why is this proposal the best conservation outcome for the registered place? • Is the work likely to expose material of archaeological significance? If so, has the advice of a consultant archaeologist been sought? <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan • Engineering and/or Building Surveyor's report • Economic Feasibility Study • Archaeologist's Report
<p>3. Part demolition/destruction of a heritage registered place, including interiors, fixtures and fittings, identified as significant</p>	<ul style="list-style-type: none"> • Is the proposed demolition essential for the heritage place to function? • Is the proposed demolition essential for the long-term viability of the registered place? • Has the extent of demolition been minimised as much as possible? (for example, creating openings in internal walls rather than removal of the walls altogether) • Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If no, why not? • Why are the proposed works in the best interests of the conservation of the registered place? <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan • Engineering and/or Building Surveyor's report • Economic Feasibility Study
<p>4. Construction of substantial extensions to a registered place</p>	<ul style="list-style-type: none"> • Why are the proposed works in the best interests of the conservation of the registered place? • Will the addition visually dominate the registered place or its setting? • How will the proposed works affect the significant garden setting, landscape and trees? • Are the additions sympathetic to the registered place? In what way (e.g., form, proportion, design, materials)? • How is the impact of the addition on the registered place to be minimised? • Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If no, why not? • Are the additions sited on any known or

	<p>potentially significant archaeological deposits? How is this issue being addressed?</p> <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan • Engineering and/or Building Surveyor’s report • Economic Feasibility Study • Archaeologist’s Report • Horticultural/Arboriculture/Landscape advice
<p>5. Construction of new buildings, car parking, within the grounds of a heritage registered place</p>	<ul style="list-style-type: none"> • Why are the proposed works in the best interests of the conservation of the registered place? • How is the impact of the new development on the heritage significance of the registered place to be minimised? • Is the new development sympathetic to the heritage place? In what way (e.g., siting, form, proportion, design, materials)? • How will the proposed works affect the significant garden setting, landscape and trees? • How does the new development affect the setting, views to/from the heritage place? • How does the curtilage retained around the registered place contribute to the conservation of its heritage significance? • Has the advice of a heritage consultant/specialist been sought? Have the consultant’s recommendations been implemented? If no, why not? • Is the new development sited on any known or potentially significant archaeological deposits? How is this issue being addressed? <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan • Architect/Urban design report • Horticultural/Arboriculture/Landscape advice • Archaeologist’s Report • Economic Feasibility Study • Engineering and/or Building Surveyor’s report
<p>6. Subdivision of heritage registered place</p>	<ul style="list-style-type: none"> • Does the proposed subdivision provide an adequate setting or context for the registered place? • Could future development that results from this subdivision compromise the significance of the registered place? • Could future development that results from the subdivision affect views to, and from, the registered place? • What management processes, such as a Body Corporate, is being considered to ensure the conservation of any common property resulting

	<p>from the subdivision?</p> <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan • Architect/Urban design report for major development • Economic Feasibility Study for major development • Body Corporate model/s and rules • Design guidelines for buildings and complexes to be subdivided (to ensure a consistent approach to change). • Draft Heritage Covenant to ensure maintenance of heritage fabric into the future • Draft Interpretation Strategy for large sites/complexes
<p>7. Physical change to fabric/feature identified as being of cultural heritage significance.</p>	<ul style="list-style-type: none"> • Is the detailing of the change sympathetic to the heritage significance of the registered place? • Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If no, why not? • Why is the proposed works in the best interests of the conservation of the registered place? <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan or assessment by a heritage consultant/specialist
<p>8. Demolition/destruction of a non-significant building within the grounds of a registered place</p>	<p>Information that may be required</p> <ul style="list-style-type: none"> • Assessment of proposal by heritage consultant or specialist to confirm no impact • If the work likely to expose material of archaeological significance, the advice of a consultant archaeologist should be provided.
<p>9. Part demolition/destruction of and/or changes to a registered place, including interiors, not identified as significant</p>	<p>Information that may be required by the Executive Director</p> <ul style="list-style-type: none"> • Assessment of proposal by heritage consultant or specialist to confirm no impact
<p>10. Repainting Using new colour scheme</p>	<ul style="list-style-type: none"> • Have previous (including original) colour schemes been investigated? Are previous schemes being re-instated? • Will the painting effect the conservation of the fabric of the heritage item, such as removing earlier colour schemes? <p>Information that may be required</p> <ul style="list-style-type: none"> ▪ Assessment of proposal by a heritage consultant/specialist

<p>11. Re-roofing/re-cladding</p>	<ul style="list-style-type: none"> • Is as much original fabric being retained as possible? • Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)? • Is the original type of material being re-instated? • Will the re-roofing/re-cladding effect the conservation of the fabric of the heritage place? <p>Information that may be required</p> <ul style="list-style-type: none"> • Assessment of proposal by a heritage consultant/specialist
<p>12. New services (air conditioning, plumbing)</p>	<ul style="list-style-type: none"> • How has the impact of the new services on the heritage significance of the place been minimised? • Are any of the existing services of any significance? Are they affected by the new works? • Has the advice of a heritage consultant/specialist been sought? Has the advice been implemented? • Are any known or potential archaeological deposits (underground or under floor) affected by the works? • Is the proposal the best technical and conservation solution for the delivery of new services? <p>Information that may be required</p> <ul style="list-style-type: none"> ▪ Assessment of proposal by a heritage consultant/specialist
<p>13. Fire protection/services upgrade</p>	<ul style="list-style-type: none"> • How has the impact of the fire protection/services on the heritage significance of the place been minimised? • Are any of the existing fire services of any significance? Are they affected by the new works? • Has the advice of a heritage consultant/specialist been sought? Has the advice been implemented? • Has the advice of a fire services consultant been sought to look at options that would have less impact on the heritage place? • Is the proposal the best technical and conservation solution for the registered place? <p>Information that may be required</p> <ul style="list-style-type: none"> ▪ Assessment of proposal by a heritage consultant/specialist and fire consultant
<p>14. New landscape works and features</p>	<ul style="list-style-type: none"> • Is as much original fabric being retained as possible?

	<ul style="list-style-type: none"> • How has the impact of the new work on the heritage significance of the existing landscape been minimised? • Has evidence (archival or physical) of previous landscape work been investigated? Are previous works being re-instated? • Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, are the recommendations being implemented? • Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered? Has advice been sought from a consultant archaeologist? • How does the work impact on views to, and from the heritage registered place? <p>Information that may be required</p> <ul style="list-style-type: none"> • Conservation Management Plan if significant garden/park or landscape setting. • Archaeologist's Report
<p>15. Tree removal or replacement</p>	<ul style="list-style-type: none"> • Does the tree contribute to the heritage significance of the registered place? • Why is the tree to be removed? • Has the advice of a tree surgeon or horticultural specialist been obtained? <p>Information that may be required</p> <ul style="list-style-type: none"> ▪ Report from tree surgeon or horticultural specialist if tree identified in heritage registration or Conservation Management Plan as significant

Appendix 1

Extract from Section 101 of the *Heritage Act 2017*

101 Determination of permit applications

(1) After considering an application the Executive Director may—

(a) approve the application and—

(i) issue the permit for the proposed works or activities; or

(ii) issue the permit for some of the proposed works or activities specified in the application; or

(b) refuse the application.

(2) In determining whether to approve an application for a permit, the Executive Director must consider the following—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;

(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;

(c) any submissions made under section 95 or 100;

(d) if the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to perform a statutory duty specified in the application; Part 5—Permits Heritage Act 2017 No. of 2017 86

(e) if the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the extent to which the application, if approved, would affect—

(i) the world heritage values of the listed place; or

(ii) any relevant Approved World Heritage Strategy Plan;

(f) any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.

(3) In determining whether to approve an application for a permit, the Executive Director may consider—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—

(i) included in the Heritage Register; or

(ii) subject to a heritage requirement or control in the relevant planning scheme; or

(b) any other relevant matter.

Appendix 2

Definitions from Section 3 of the *Heritage Act 2017*

"alter", in relation to a place or object, means to modify or change the appearance or physical nature of the place or object, including any modification or change by way of structural or other works, by painting, plastering or other decoration;

"place" includes—

- (a) an archaeological site; and
- (b) an area of land covered with water; and
- (c) a building; and
- (d) a garden; and
- (e) a landscape; and
- (f) a precinct; and
- (g) a shipwreck; and
- (h) a site; and
- (i) a tree; and
- (j) land associated with any thing specified in paragraphs (a) to (i);

"building" includes a structure, work and fixture, and any part of a building, structure, work or fixture;

"conservation" includes—

- (a) the retention of the cultural heritage significance of a place or object; and
- (b) any maintenance, protection, preservation, restoration, reconstruction or sustainable use of a place or object;

"cultural heritage" means places and objects of—

- (a) cultural heritage significance; or
- (b) State-level cultural heritage significance;

"cultural heritage significance" means aesthetic, archaeological, architectural, cultural, historical, scientific or social significance.

"develop", in relation to a place, means—

- (a) to construct or alter the place or a building on the place; or
- (b) to demolish or remove a building or structure on the place; or
- (c) to carry out any works on, over or under the place; or
- (d) to subdivide or consolidate land comprising the place, including any building or airspace; or
- (e) to place or relocate a building or structure on the place; or
- (f) to construct or put up for display signs or hoardings;

"harm", in relation to a place or object, includes moving or removing any part of the place or object;

"works" includes—

- (a) any physical intervention, excavation or action that may result in a permanent or temporary change to the appearance or physical nature of a place or object; and
- (b) any change to the natural or existing condition or topography of land; and
- (c) any removal or destruction of trees; and
- (d) any removal of vegetation or topsoil;

Definitions from *The Burra Charter - The Australia ICOMOS charter for the conservation of places of cultural significance 2013*

Article 1 - Definitions

- 1.4 Conservation** means all the processes of looking after a place so as to retain its cultural significance.
- 1.5 Maintenance** means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction
- 1.6 Preservation** means maintaining the fabric of a place in its existing state and retarding deterioration
- 1.7 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.
- 1.8 Reconstruction** means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- 1.9 Adaptation** means modifying a place to suit the existing use or a proposed use.
- 1.10 Use** means the functions of a place, as well as the activities and practices that may occur at the place.
- 1.11 Compatible use** means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 Setting** means the area around a place, which may include the visual catchment.