

Heritage Victoria Guidelines for preparing heritage impact statements

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Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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Purpose of the guidelines

Heritage Victoria is a Victorian Government agency primarily responsible for working with the community to protect and conserve our historic environment. As part of its responsibilities as regulator, Heritage Victoria assesses the impacts of proposed works or activities on places or objects included in the Victorian Heritage Register (VHR).

Many registered places and objects can absorb 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 of a registered place. The principal aim should always be to achieve a solution that retains and preferably enhances the cultural heritage significance of the registered place or object, including the setting of the place, where applicable.

Heritage Victoria's *Guiding principles for changes proposed to places on the Victorian Heritage Register (Guiding principles)*, developed in accordance with the *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013 (the Burra Charter)*, advocates a cautious approach to changes to heritage places:

do as much as necessary to care for a place to make it useable, but otherwise change it as little as possible so that its significance is retained

Heritage Victoria has developed the *Guidelines for preparing heritage impact statements (the Guidelines)* for works or activities which require permit approval under the *Heritage Act 2017* (the **Heritage Act**).

The Guidelines have been prepared to assist owners/managers of heritage places (and the consultants they engage) who wish to carry out work that could impact on a place or object which is included in the VHR. The Guidelines outline Heritage Victoria's expectations in relation to the content of a heritage impact statement (**HIS**), and the level of detail to be provided.

These Guidelines will help you or your consultant prepare an adequate HIS and develop the content required for your submission.

Proponents should initially contact Heritage Victoria to seek a pre-application meeting. The purpose of the pre-application meeting is for Heritage Victoria to:

- be briefed on the proposal
- understand the nature of the proposal
- provide preliminary feedback in relation to how the proposal may affect the cultural heritage significance of the VHR place or object
- provide advice on the appropriate approval process, and
- provide advice on additional information that may be required in assessing a future permit application.

Any commentary made by Heritage Victoria during a pre-application meeting and in subsequent correspondence should not be interpreted as acceptance or refusal of a proposal. Applications are determined following full consideration of the application against relevant policies and the criteria of the Heritage Act during the assessment process.

An introduction to heritage impact statements

What is a heritage impact statement?

An HIS assists the owner of a heritage registered place or object to go through a logical process that enables them to understand the impact of change when developing a future proposal for change to a registered place or object.

In determining whether to approve an application for a permit to undertake works to a place or object in the VHR, the Executive Director, Heritage Victoria (the **Executive Director**) must consider the extent to which the proposal, if approved, would affect the cultural heritage significance of the place or object [s 101(2)(a)]. An HIS assists the Executive Director in making this assessment and decision under s 101(2) and 101(3). An HIS may also assist the broader community in understanding the rationale underlying the proposal.

An HIS should clearly demonstrate to both the Executive Director and other interested parties, that in developing a proposal for a heritage registered place or object, a clear process has been undertaken to anticipate and reduce the potential impacts of the proposal on the cultural heritage significance of the place or object.

An HIS, together with supporting information, addresses:

- why a place or object is of cultural heritage significance to the State of Victoria
- what options were considered in developing the proposal
- what impact (positive and/or negative) the proposed works will have on that significance,
- if a negative impact is proposed, why the proposed option was chosen and why other more sympathetic options were not feasible, and
- what measures are proposed to minimise and mitigate negative impacts.

When is a heritage impact statement required?

An HIS should form part of the project brief and its findings should shape the scope of work proposed. Heritage Victoria requires an HIS to be lodged as part of an application for a permit under s 93 or a permit amendment under s 105 of the Heritage Act. An HIS may also be required for permit exemption applications under s 92, where those works are the development of new buildings, extensions, alterations or additions. An HIS is strongly recommended when an application is made to Council to subdivide a VHR place is made to understand the potential impacts to the heritage values of the place as a whole and the contextual impact of future development.

The level of detail included in an HIS will vary to reflect the scale and complexity of the proposed works.

What needs to be addressed in the heritage impact statement?

Understanding significance

Before proposing changes to a VHR place or object, it is necessary to understand its cultural heritage significance. This is consistent with the principles that underpin the Burra Charter, and Heritage Victoria's Guiding Principles. The statement of significance is a useful starting point for understanding the significance of a place or object and why it is included on the VHR. However, the VHR Statement of Significance for the place is sometimes incomplete and further research may be required to identify the heritage values of the place further.

The cultural heritage significance of the place, and its context, use and condition will determine any constraints and opportunities when contemplating change. Changes must not harm the cultural heritage significance of the place or object. Alterations, new structures, landscaping or other changes that remove, conceal, dominate or otherwise detrimentally impact on a place's significance should be avoided. New works should respect the significance of the place through consideration of siting, bulk, form, scale, character, colour, texture and material.

Options considered

Where the effect of proposed work is likely to be detrimental to the cultural heritage significance of the place or object, the HIS needs to outline other options considered and objectively assess why the proposed action is preferred and explain why alternatives are not. The works that will have a negative impact should be listed, with statements made under each point as to why the impacts cannot be avoided, and what steps have been taken to minimise their effects. It is expected that these will also be considered in relation to the criteria of heritage significance.

Impacts on cultural heritage significance

The HIS must explain how a proposal positively or negatively affects the cultural heritage significance of a place or object and what measures have been put in place to first avoid and minimise any negative impacts, and if unfeasible, mitigate such impacts. If proposing a negative impact, the HIS should outline the options that were considered, why more sympathetic options were not feasible, and why the impacts are required. The HIS should adequately demonstrate how the proponent has sought to avoid, minimise and mitigate adverse impacts on the cultural heritage significance of the place or object.

The HIS must clearly address the relevant issues as completely as possible. An HIS needs to explain how the heritage value of a place or object is to be adversely affected, conserved, or enhanced, by the proposed development. If a Conservation Management Plan (**CMP**) exists, direct reference should be made to the conservation policies.

If it is considered that the cultural heritage significance of a place is not negatively affected by the proposed works, a discussion should be included indicating how this conclusion has been reached.

In assessing the impact of a proposal on cultural heritage significance, refer to the criteria used by the Heritage Council of Victoria to identify heritage values including those identified in the statement of significance for the place or object.

Where adverse impacts cannot be avoided, the HIS should set out the recommended mitigation, safeguards or other management measures necessary to retain the values of the place as much as possible. The proponent should be aware that any commitments made in the HIS may be formalised into the conditions of a permit issued for the proposal.

Other information to be provided

In making their determination on a permit application, the Executive Director must consider the matters set out at s101(2) of the Heritage Act and may consider the matters set out at s101(3).

While the HIS should address the matters to be considered under s101(2)(a), the Applicant should also provide documentation that the Executive Director must or may consider. This will include, as required:

- an assessment of the effect of a refusal on the reasonable or economic use of the registered place or object [s101(2)(b)] with reference to the Heritage Victoria and Heritage Council policy guideline *Matters to be considered in determining a permit application under section 73(1)(b) of the Heritage Act 1995*
- a statement as to the duties of the public authority [s101(2)(d)] with reference to the Heritage Victoria's policy *Applying section 101(2)(d) of the Heritage Act 2017*
- relevant matters relating to the protection and conservation of the registered place or object [s101(2)(f)]
- any other relevant matter [s101(3)(b)] (refer below).

If the proposal is within a World Heritage Environs Area [s101(2)(e)], or if there are adjacent heritage places or heritage controls [s101(3)] it is recommended that these matters are addressed in the HIS.

In those cases where the proposed works are within a World Heritage Environs area, the proposal should be reviewed against the relevant World Heritage Management Plan and particularly the relevant World Heritage Environs Area Strategy Plan.

If there is an adjacent or neighbouring property with a heritage control, the HIS should identify heritage items and determine whether the proposal would affect the cultural heritage significance of those places. This is particularly relevant for tall tower developments, or developments which may overshadow heritage places.

Any other relevant matter

The HIS may make any further argument in this section.

It should be noted that activities having a significant impact on the values of places on the World Heritage List or National Heritage List will require assessment in accordance with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*. That may also trigger the provisions of the Victorian Assessment Bilateral Agreement. Information on how to assess the significance of impacts to these places is available on the website of the Commonwealth Department of Agriculture, Water and the Environment.

How should the information be presented?

A HIS can be very short or very detailed depending on the nature of the proposed activity, the impact to the cultural heritage significance of the place or object, and the proposed management and mitigation measures. An HIS should be clear and concise and the level of detail should be reflective of the scale and/or complexity of the proposal. Works referred to in the HIS should be indicated on architectural drawings and other documents submitted with the application.

Where works will not harm the cultural heritage significance of the place or object and an application for a permit exemption under s 92 is sought, the HIS could be based on a statement of significance or conservation policy only. Where a more complex or large-scale proposal requires a permit application under s 93, a more detailed HIS would be required to support the application.

In the case of complex and large-scale proposals, a heritage consultant must be involved in preparing the HIS. The HIS may also include reports or advice prepared by other professionals to support particular aspects of the proposal, such as engineering or economic issues.

Structure and content

The location

The location of the proposed works should be described using the street address, VHR number, Lot/DP number(s), a description of the location and a locality plan. The locality plan should show the location of the proposed activity in relation to adjoining heritage places.

Maps, photographs, diagrams, and existing condition site plan to assist with the description should be attached.

The name of the heritage place or object as it is described in the VHR should be included. If a specific building associated with the place will be affected by the proposal, this should be referred to in a manner consistent with the VHR citation (eg B1 Shearing Shed).

The site plan should also clearly indicate the boundary of the VHR extent area as shown in the gazettal diagram, which may or may not correspond with the title boundary.

Cultural heritage values

The HIS must identify the significance of the place or object. The statement of significance in the VHR entry is a useful starting point for understanding significance and why it is included in the VHR, but is not definitive. Additional information may be detailed in a CMP or determined through historic research. CMPs are useful assessments but are not statutory documents.

The HIS must include a comprehensive description of the cultural heritage values that may be affected by the proposed works. This includes the site on which the work is proposed to occur and its surrounding environment.

If there is a CMP for the place or object it should be reviewed with consideration to the proposal. CMPs can be accessed via the Victorian Government Library Service.

The proposed activity

The HIS must contain a full and comprehensive description of the proposal. The description should be written so that a person who is not familiar with the place or object or the proposed works can understand them. All aspects and phases of the proposed works must be described, as well as the estimated timing of the works. The description should include, where relevant:

- the footprint of the proposed works against the VHR boundaries and existing conditions
- a description of any ancillary activities, for example signage, consequential upgrades, access, pre-construction activities including site establishment works
- a description of all stages of a project, including the pre-construction, construction, operation, post-construction/operation, decommissioning and remediation stages as relevant
- any unknowns relating to the project, for example, the level of seismic strengthening required to bring the place to compliance
- appropriate project plans, including locality, design, construction and cross-section
- a description of any possible maintenance, future extensions, additions, or consequential activities such as structural or compliance upgrades that may result from the proposed works
- construction timetable, proposed construction methods and materials
- any mitigation measures and management options proposed to prevent, control, abate or mitigate identified heritage impacts associated with the proposal, including proposed conservation works, and
- the proposal's relationship to any other activity.

The objectives of the proposed activity should be clearly stated and justified. **Physical changes proposed to original fabric and fabric of significance must be clearly articulated in the HIS.**

Project splitting

Projects are occasionally proposed that involve multiple elements, with funding streams and physical staging potentially occurring over a longer period of time than more typical projects. Examples might include the redevelopment of a broader precinct; infrastructure upgrades, geotechnical testing, and structural upgrades required as a consequence of an initial proposal.

In such cases, it is often reasonable and appropriate that projects are broken into discrete stages so that they can be planned and implemented in a logical and controlled manner. Each stage would then be subject to an appropriate detailed assessment process through the Heritage Act.

In these circumstances, care should be taken to avoid breaking down projects into smaller components to such an extent that the cumulative impacts of the overall proposal are no longer apparent. For example, the impacts of a project on a railway station complex may seem negligible when considered in a series of small-scale stand-alone applications spread over time, but the total impact may be significant. The key risks here are an increased chance of significant impacts to the cultural heritage values of the place or object and an insufficient level of assessment and scrutiny.

Options to avoid these risks include:

- Preparing master plans or precinct plans for larger projects to guide the overall scope of works and identification of potential heritage impacts. These can then provide the framework within which individual permit or exemption applications can be prepared. Public consultation at this scale can also be an important tool to ensure the community is fully informed.
- Careful planning of the size, scope and sequence of individual applications being prepared for a large proposal to avoid inadvertently creating sub-projects of a scale that make it difficult to assess overall impacts and do not provide clarity of the overall likely outcome for the heritage place or object.

Reasons for the activity

If there is an adverse impact as a result of the works, the reasons for the activity and possible alternatives must be included in the HIS. The HIS is a tool that assists Heritage Victoria to determine whether the proposed level of impact to the cultural heritage significance of the place is appropriate or not. To do this, the HIS requires an examination of alternatives to the activity which may have a lesser heritage impact.

Stating the reasons behind the proposed activity assists in identifying possible alternatives. As an example, the reasons behind carrying out a proposed upgrade in a heritage building could include: providing improved access for *Disability Discrimination Act 1992* compliance, improving the facilities for tenants or improving the condition of the building.

Any reasonable alternatives should be objectively considered including the 'do nothing' option. The alternatives should include, for example, use of different technologies; options for retention and adaptive reuse; different locations, design, construction methods and operational management. Negative outcomes resulting from the 'do nothing' option should be reflected in the reasons for undertaking the activity.

Justification for the preferred option is required. This should include what would happen if the activity is not approved. Selection of the preferred option should be justified in terms of:

- the ability to satisfy the objectives of the proposal
- relative heritage costs/impacts of each alternative
- acceptability of heritage impacts and contribution to heritage values
- acceptability of any heritage risks or uncertainties
- reliability of proposed heritage impact mitigation measures, and
- efficient use of heritage places, including prioritising appropriate adaptive reuse.

Assessment against the Heritage Act

Section 101 of the Heritage Act sets out the considerations which must be made in determining permit applications. As discussed above, the intention of the HIS is to assess the proposal against s 101(2)(a) of the Heritage Act, but it may be useful to include other aspects of s 101(2) and s 101(3).

The extent to which the cultural heritage significance of the place or object is affected by the proposal [s 101(2)(a)]

It is Heritage Victoria policy that all HIS' must state whether or not the proposed activity is likely to have an impact on the cultural heritage significance of a place or object and include information on how this assessment was made.

The HIS must include a detailed analysis of the impacts of the proposal on the cultural heritage values of the place/object as identified in the statement of significance or CMP. Motherhood statements about heritage impact should be avoided. As noted above, care should be taken to avoid any risks associated with 'project splitting'.

The extent and nature of the impacts will assist in determining whether or not there will be a significant impact. The impact assessment should consider impacts at all phases of the project cycle including construction, routine operation, start-up operation, rehabilitation and decommissioning if relevant.

The level of assessment should be commensurate with the risk to the heritage values. The HIS must provide an overview of the methodology used to identify and prioritise issues. The methodology should take into account:

- relevant Heritage Victoria guidelines
- best practice guidelines
- relevant research and reference material, and
- relevant preliminary studies or reports for the proposal.

The HIS should also consider potential for cumulative impacts (i.e., where a project, in combination with one or more other proposed projects, or existing activities in an area, may have an overall significant effect on the same heritage asset). This may include a discussion of previously approved projects and impacts at the place, later project stages that have yet to be planned in detail, or consideration of other activities in the vicinity of the project that a proponent might reasonably be aware of that has the potential for cumulative effects.

Management and mitigation measures

The HIS must describe any mitigation measures and management options proposed to prevent, control, abate or mitigate identified heritage impacts associated with the proposal. This should include an

assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

Management and mitigation measures may include:

- archival recording including 3D scanning
- preparation of or update to a CMP
- cyclical maintenance schedule
- heritage audit management plan
- heritage covenant
- interpretation strategy and plan
- conservation works schedule
- construction management plan

This list is not exhaustive. Recommended management and mitigation measures should reflect the impact of the proposal.

Summary of impacts and conclusion

This section of the HIS summarises the impacts and considers the cumulative effects of the proposed activity as follows:

- the cultural heritage significance of the place before the proposed activity
- the proposed activity and the avoidance, minimisation and mitigation options considered
- the impact of the proposed activity on the assessed heritage values
- the measures proposed to manage and mitigate those impacts
- any residual impact following the implementation of the measures
- the cumulative impact of the proposal when considered in addition to previous impacts, upcoming projects and surrounding development
- the assessed heritage values of the place following on from the proposed activity and assessed cumulative impact.

In the case where impacts cannot be avoided, the proponent should include full details of any mitigation measures or heritage safeguards proposed.

Heritage Impact Statement template

Note: This simple template may assist owner/managers of heritage places in providing the information required by Heritage Victoria to support a permit application. The level of detail included in an HIS will vary to reflect the scale and complexity of the proposed works. This template may be most useful to guide smaller less complex project responses, while more complex proposals may need more detail and professional input.

Project details

Heritage Impact Statement for:

Name of heritage registered place or object

Victorian Heritage Register Number:

Victorian Heritage Register number for the place or object

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

Insert description of proposal

Pre-application meeting number:

Summary of pre-application feedback from Heritage Victoria

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 number and email of author.

Prepared for:

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

Date:

Date of HIS.

Significance of the place or object

The cultural heritage significance of the place or object

Provide a summary from the Statement of Significance and Conservation Management Plan (where relevant). Statements of Significance can be found on the Victorian Heritage Database. Reference to any archaeological values or potential must also be included which may also be found on the Victorian Heritage Inventory, where relevant. Describe how the significance is embodied or represented at the place.

Existing condition of the place or object

Provide a summary of the existing condition of the place or object including, if relevant any changes to the place or object. 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 place or object

Provide a description of the current use/uses of the place or object.

Constraints and opportunities resulting from the significance of the place or object

Identify constraints and opportunities resulting from the significance of the place.

Proposal

The proposed works

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

Options considered

Provide detail of other options considered, and objectively assess why the proposed action is preferred.

Information to support an assessment against sections 101(2) and 101(3) of the Heritage Act 2017

Impact of the proposal on the cultural heritage significance of the place or object

What will be the affect on the cultural heritage significance of the registered place or object if the proposal were to be approved [s101(2)(a)]? List the impacts, positive and/or negative of the various aspects of the proposal on the cultural heritage significance of the place or object as set out above.

If the proposal will result in negative impacts, outline the options that were considered, why more sympathetic options were not feasible, justification for the impacts, and mitigation measures proposed. Where adverse impacts cannot be avoided, set out the recommended mitigation, safeguards or other management measures necessary to retain the values of the place as much as possible. If there are detrimental impacts on the cultural heritage significance of the place or object, provide reasons why the proposal should be permitted.

Provide reasons why the proposed works should be supported. Reasons must address the matters which the Executive Director is to consider under s101(2) including:

What will be the effect on the reasonable or economic use of the registered place or object if the proposal were to be refused [s101(2)(b)]? Refer to the Heritage Victoria and Heritage Council of Victoria 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. Note that section 73(1)(b) of the Heritage Act 1995 is identical to s101(2)(b) of the Heritage Act 2017, except that undue financial hardship no longer applies.

If the applicant is a public authority what will be the effect on the ability of the public authority to perform a statutory duty specified in the application if the proposal were to be refused [s101(2)(d)].

What other matters relating to the protection and conservation of the registered place or object may be relevant [s101(2)(f)]?

Is there registered place or object located within 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 [s101(2)(e)]?

Reasons may address the matters which the Executive Director may consider under s101(3) including:

Impacts on adjacent or neighbouring heritage places, or any other relevant matter.

Summary of impacts and conclusion

Summarise the impacts of the proposal and the cumulative impacts of the proposed activity. Include full details of any mitigation measures or heritage safeguards proposed.