

**22.06 HERITAGE POLICY**15/09/2016  
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This policy applies to all land covered by the Heritage Overlay and should be read in conjunction with the Heritage Policy for any relevant Heritage Precinct (Clause 22.07-22.21) or Heritage Group (Clause 22.22).

**22.06-1 Policy Basis**15/09/2016  
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This policy applies the SPPF provisions at Clause 15.11 to local circumstances and builds on the local objectives and strategies identified at Clause 21.03. The MSS identifies the protection of places of cultural heritage significance as a key objective. The MSS also identifies the need for the Shire's cultural heritage assets to be conserved and enhanced.

The MSS and this policy implements the *Moira Shire Stage One Heritage Study (2004)* and the *Moira Shire Stage Two Heritage Study (Volumes 1-5) (2007)* and the *Moira Shire Heritage Study (2007) Addendum 24 March 2015 ('The Moira Heritage Study')*. The Heritage Study was an appraisal of individual sites, precincts and groups across the Shire. A statement of significance was prepared for each individual heritage place, each precinct and each group.

The statements of significance provide a summary of the significance and key attributes of each of Moira's Heritage Places. The statements have been identified in *the Moira Shire Stage Two Heritage Study 2007* and are also included in Clauses 22.07-22.22 (inclusive). The statements describe the history and condition of each heritage place and identifies specific qualities that contribute to the place's heritage significance.

**22.06-2 Policy objectives**15/09/2016  
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To conserve and enhance a range of buildings, features and precincts that strengthen community identity by helping to convey how the municipality originated and developed over time.

To encourage the retention and restoration of heritage places.

To discourage the demolition of significant and contributory heritage places which are included in the Heritage Overlay.

To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintain the significance of the heritage place and employ a contextual design approach.

To ensure that the conservation of heritage places and precincts is based upon a clear understanding of the reasons for their significance.

To improve community understanding about the value of heritage places and raise community awareness about appropriate conservation techniques.

To consider allowing alternative uses of heritage buildings or places to assist in the protection of significant buildings.

**22.06-3 Policy**15/09/2016  
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The following policies apply when considering planning permit applications under the Heritage Overlay.

In the event that another specific Policy (at Clause 22.07 to 22.22) includes a different requirement, the specific policy shall prevail.

### **Statements of Significance**

It is policy to:

- Take into account the statement of significance for the heritage place when making decisions about proposed buildings and works associated with that place.

### **Demolition and removal of Buildings**

It is policy to:

- Require all applications for demolition to be accompanied by an application for new development.
- Allow the demolition of part of a heritage place if it will not affect the significance of the place and the proposed addition is sympathetic to the scale and form of the place.
- Allow the demolition of a non-contributory heritage place if its replacement will make a positive contribution to the place and is sympathetic to the scale and form of the place.
- Not support the demolition of a significant building unless and only to the extent that:
  - The building is structurally unsound or cannot be feasibly reused.
  - The replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area.
- Not support the demolition of a contributory building unless and only to the extent that the building is structurally unsound or cannot be feasibly reused, and either:
  - The replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the areas, or
  - In exceptional circumstances the streetscape is not considered intact or consistent in heritage terms.
- Disregard the poor physical condition of a heritage place as being a reason for permitting demolition.
- Require the owner/developer to provide a visual record of any contributory or significant heritage fabric that is to be demolished or removed to the satisfaction of the responsible authority prior to the demolition being approved.

### **Additions and/or Alterations to heritage places**

It is policy that alterations and additions:

- Do not change the original principal façade(s) or roof.
- Are distinguishable from the original parts of the heritage place to be conserved if a contemporary architectural approach is used.
- Are based on research that can identify the elements, detailing and finishes originally employed.
- Do not obscure or alter an element that contributes to the significance of the heritage place.
- Maintain an existing vista or viewlines to the principal façade(s) of a heritage place.
- Ensure that an upper storey addition which is sited and massed behind the principal façade so that it preferably is not visible, particularly in intact or consistent streetscapes.
- If visible, the roof form or any addition is related to that of the heritage place.
- Where the property is located on a corner site the upper storey addition is sited and massed so it is visually recessive from the building's main frontage so that the scale of the heritage place is the dominant element in either streetscape.

- New openings in the principal façade(s) visible from the street are avoided, or if openings are visible, they are proportionally related to those of the heritage place, unless concealed from view from the principle street frontage.
- Walls, roof and fences are complementary to the heritage place in terms of materials, finishes and textures and paint colours and are appropriate to its architectural style.

#### **New Development in a Heritage Overlay**

It is policy that new buildings:

- Incorporate setbacks that maintains and enhances an existing vista to the principal façade(s) of the heritage place, where new development is adjacent to a heritage place.
- Have side setbacks which reflect those of the adjacent dwellings and the streetscape, where there is an important element in the streetscape.
- Generally reflect the prevailing streetscape scale and does not dominate the streetscape or public realm.
- Include roofs that respond to any predominant roof form characteristic of the streetscape.
- Ensure that door and window openings are complementary to the prevailing streetscape characteristics and large expanse of glass or horizontal windows are generally avoided in principal front facades except where this is considered an appropriate design response.
- Respect the scale and setting of the heritage place while responding to the prevailing scale of the heritage overlay area, especially if it is a major development site containing a significant or contributory heritage place.
- Includes visible wall elevations of the new building that are articulated in a manner that is complementary to the streetscape through the use of different materials, massing and the inclusion of windows and doors where appropriate.
- Have materials, textures and finishes that complement materials evident in the streetscape.
- Have colour schemes that complement the appearance and character of the streetscape.

#### **Subdivision**

It is policy to:

- Ensure that the subdivision of a heritage place does not adversely affect the heritage significance of the place.
- Ensure that the lot layout proposed does not affect the heritage significance of the place.
- Ensure that the subdivision of heritage places results in a pattern of development that retains the existing pattern of development where such pattern contributes to the significance of the heritage place.
- Require building envelopes to be provided on the plan of subdivision for any lots for which an accompanying development proposal has not been provided.

#### **Fences**

It is policy that:

- Original front fences are retained where possible.
- New front fences do not obstruct views of a heritage place.
- New front fences are consistent in height and style with the architectural period of the heritage place.

- Front fences are appropriate to the architectural style of the building.
- Front fencing interprets the prevailing character of fencing in the immediate environs and in particular responds to prevailing fence height, degree of transparency, form and materials.

### **Advertising Signs**

It is policy that advertising signs:

- Do not obscure any architectural elements that contribute to the significance of the heritage place.
- Do not dominate or detract from the appearance of existing heritage buildings.
- Are not internally illuminated, except where located under a verandah, on an existing commercial premises.
- Are located flush to the building parapet and not at right angles to the building façade.

### **Landscaping**

It is policy to:

- Discourage the construction of large areas of hard paving in the front setback.
- Discourage the removal of trees where the schedule to the Heritage Overlay identifies that tree controls apply, unless:
  - A report prepared by a suitably qualified arborist assesses that the tree(s) cannot be maintained in a reasonably safe and healthy manner.
  - A report by a suitably qualified structural engineer assesses that the tree(s) are causing significant structural damage to the heritage building that cannot be reasonably rectified.

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### **Application requirements**

An application should be accompanied by a report prepared by a suitably qualified heritage consultant, which assesses the impact of the application upon the significance of the heritage place. This information may not be required for minor applications as determined by the responsible authority.

All applications for the total demolition of an Individually Listed Local Heritage Place or Contributory Heritage Place are to be accompanied by a report from a suitably qualified and experienced structural engineer that outlines the structural condition of the building.

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### **Decision Guidelines**

Before deciding on an application for demolition, the responsible authority will consider, as appropriate:

- The degree of heritage significance.
- Whether the demolition or removal of any part of the building contributes to the long term conservation of the significant fabric of that building.
- Whether the demolition or removal is justified for the development of the land.
- The cost of demolition compared to the cost of restoration.
- Whether the demolition of a non-contributory place will facilitate a replacement that makes a positive contribution to the place and is sympathetic to the scale and form of the place.

Before deciding on an application to use or develop land, the responsible authority will consider, as appropriate:

- The potential impact of the proposal on the heritage values of the site and/or its setting and area.
- Whether new buildings and works will be compatible with the characteristics of the heritage place and be undertaken generally in accordance with any guidelines prepared by the responsible authority.
- Whether the design, bulk and setback of any new buildings and works are responsive to existing heritage assets.
- Whether the surface materials, or a new building, an addition or alteration to an existing building are respectful.

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### Definitions

A **Heritage Place** is a place that has identified heritage value and could include a site, area, precinct, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, habitat or other place of natural or cultural significance and its surrounding land. A Heritage Place includes:

- An **Individually Listed Local Heritage Place** which is an individually important place of local heritage significance that has been separately identified in the Moira Shire Heritage Study Stage One (2004) and Moira Shire Heritage Study Stage Two (2007).
- A **Contributory Heritage Place** which is an individually important place of state, regional or local heritage significance or a place that contributes to the significance of a Heritage Overlay area or precinct. Contributory places may include buildings that are of a built style that contributes to the significance of a precinct, even though it may have been constructed in a later period.

A **Non-Contributory Heritage Place** is a building or place within a Heritage Overlay area where the original building has been demolished, replaced or modified beyond recognition, or where the constructed building is stylistically inconsistent with the period of the precinct. Any new development on these sites may impact on the heritage significance of the areas. Therefore, the development of a non-contributory place should take into account the heritage characteristics of the heritage place as well as the heritage values of the streetscape.

Council will disregard **non-contributory** buildings and works when determining the appropriate siting, massing, height, form and scale of new buildings or extensions to existing buildings in a Heritage Overlay.

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### Policy References

- The Moira Shire Heritage Study (*comprising Moira Shire Heritage Study Stage One – 2004; Moira Shire Heritage Study Stage Two (Volumes 1-5) – 2007*) Lorraine Huddle Pty. Ltd.; and the Moira Shire Heritage Study (2007) Addendum, 24 March 2015.
- *The Heritage Overlay: Guidelines for Assessing Planning Permit Applications.*