

22.04 HERITAGE PLACES AND ABUTTING LAND

05/03/2015
C174(Part 3)

This policy applies to any application for use or development of land that is within, partly within or abutting a Heritage Overlay.

22.04-1 Policy basis

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Many places of cultural heritage significance (heritage places) have been identified and documented through heritage studies, but planning regulation is needed to ensure that the management and development of these places is consistent with their identified heritage values.

This policy builds on the State Planning Policy Framework and the Local Planning Policy Framework, in particular:

- Clause 15.03-1 Heritage conservation
- Clause 15.01-2 Urban design principles
- Clause 21.07-2 Local area character

22.04-2 Objectives

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- To conserve and appropriately manage identified heritage places.
- To ensure that development on land abutting a heritage place respects the heritage values of the place.
- To encourage the conservation of trees, gardens and landscaping associated with heritage places.
- To provide opportunities for the community to view, appreciate and learn about the significance of heritage places.

22.04-3 Policy

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It is policy to:

- Assess and record the significance of a heritage place including its aesthetic, historic, scientific or social value to past, present and future generations.
- Recognise and apply the principles, processes and practices of the Burra Charter in the practice of local heritage protection.
- Support the conservation of heritage places.
- Discourage the total demolition of a heritage place.
- Discourage partial demolition of a heritage place unless it can be demonstrated that one of the following apply:
 - It will not adversely affect the significance of the place.
 - It will assist in the long-term conservation of the place.
 - It will support the viability of the existing use or will facilitate a new use that is compatible with ongoing conservation of the place.
 - It will remove non-contributory elements such as alterations or additions.
- Discourage any demolition within a Heritage Overlay in advance of a planning permit for replacement development.

- Encourage the removal of non-significant alterations or additions, particularly where this would assist in revealing the significance of the place.
- Support the restoration or reconstruction of fabric of heritage significance where opportunities arise.
- Support the replacement of non-contributory buildings with new development that responds positively to the historic context provided by any nearby heritage place.
- Require new development, including boundary fences, to retain the significance of a heritage place, such as through:
 - creatively interpreting and respecting identified heritage values and not simply copying or reproducing historic styles or detailing;
 - being visually recessive and compatible in terms of scale, siting, design, form and materials with the historic character and significance of the heritage place, and,
 - responding positively to special features such as views, vistas, mature vegetation and landmarks.
- Assess the impact of a proposed development on the heritage values of abutting land in a Heritage Overlay.
- Support landscaping that will enhance the historic cultural landscape character of a heritage place.
- Ensure advertising signs are appropriate to the period and style of the heritage place.
- For estates and subdivisions of heritage significance, have proper regard to the original subdivision pattern, street layout and landscape design.
- Require subdivision to:
 - have proper regard to the historic subdivision pattern in an area;
 - maintain the contributory elements associated with a heritage place on a single lot and where possible utilise the original boundaries; and,
 - maintain an appropriate setting for a heritage place.
- Provide opportunities for public access and on-site interpretation of heritage places, where feasible.
- Require the recording and documentation of heritage places, including through photographic records, if permission is granted for demolition of heritage places.
- Encourage the salvage, re-use, display and time capsuling of materials and artefacts of historic value from demolished heritage places.
- If there is more than one heritage citation (statement of significance) for a place (such as when there is an individual citation as well as a group or precinct citation), then consider all citations.
- Seek comments from the National Trust of Australia (Victoria) if an application would affect a listing with an International, National, State, Regional or Local level of significance classification on the National Trust Register or the National Trust's Victorian Register of Significant Trees.
- To ensure that new development and subdivision proposals have proper regard to heritage values within the Ranelagh Estate.

Application requirements

Land within a Heritage Overlay

An application within a Heritage Overlay should be accompanied by the following information. If a requirement is considered to be unnecessary, it may be waived or reduced to the satisfaction of the responsible authority.

- A heritage impact assessment prepared by a suitably qualified heritage consultant, which assesses the impact of the application upon the significance of the heritage place. This report should:
 - describe the significant elements of the place having regard to the relevant citation and how these have been considered in the preparation of the application;
 - include supporting documentation such as measured drawings and photographs as necessary;
 - if the application includes any demolition, an assessment of whether the fabric is significant and if so, provides justification for why it is to be removed;
 - assess how the application will affect the significance of the heritage place, and,
 - identify and assess any fabric of heritage significance which has not been specifically identified by an existing heritage study.
- A heritage management plan prepared in accordance with the Burra Charter.
- A structural report prepared by a suitably qualified structural engineer with experience in heritage places that assesses the structural condition of a heritage place and whether or not any defects can be repaired or mitigated.
- An archaeological survey and assessment prepared by a suitably qualified professional, which assesses the impact of an application upon potential archaeological deposits on the site.
- A landscaping plan prepared by a suitably qualified professional which demonstrates how landscaping will respond to the landscape, character and setting of the heritage place.
- For removal of trees or plantings, a report by a suitably qualified arborist with experience in assessing the cultural significance of historic plantings, which assesses the significance and condition of plantings including alternatives to removal.

Land abutting a Heritage Overlay

An application on land abutting a Heritage Overlay should be accompanied by the following information. If a requirement is considered unnecessary, it may be waived or reduced to the satisfaction of the responsible authority.

- An assessment of how the proposal will affect the heritage values on an abutting lot in terms of architectural form and layout including setbacks, size, height, materials, landscaping and colours.

22.04-4 Decision guidelines

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Before deciding on an application the responsible authority must consider as appropriate:

- The significance of the heritage place.
- Whether the proposed buildings or works will assist in the conservation of the heritage place by maintaining, protecting, restoring, repairing or stabilising significant fabric.
- Whether the proposed buildings or works will assist in the conservation of a heritage place by:
 - supporting the continued original use of a building by enabling it to be upgraded to meet present day requirements and standards; or,
 - allowing an alternative use when the original use is no longer viable or inconsistent with a heritage management plan.

- The impact upon any tree, garden or landscaping that contributes to the setting of a heritage place.
- The findings of any relevant heritage or conservation study listed in Clause 22.04-5.
- Any comments made by Heritage Victoria or the National Trust of Australia (Victoria).
- Whether the proposed development respects the heritage values on the abutting lot.

22.04-5 Policy reference

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15 Finlayson, Mount Martha, Statement of Significance (MPSC, October 2011)

Citation for 818 The Esplanade, Mornington for Panel Hearing Amendment C90 (Heritage Intelligence, April 2008)

City of Frankston Heritage Study Volume One Recommendations and Guidelines (Graeme Butler & Associates; McConville, C; Gilfedder, F & Morrison, D; 1995)

City of Frankston Heritage Study Volume Two Environmental History (Graeme Butler & Associates; McConville, C; Gilfedder, F & Morrison, D; 1995)

City of Frankston Heritage Study Volume Three Significant Sites (Graeme Butler & Associates; McConville, C; Gilfedder, F & Morrison, D; 1995)

Hastings District Heritage Study, Volume 1, Heritage Place Reports, Project Methods, Recommendations and Volume 2, Environmental History (Graeme Butler & Associates 2002)

Heritage Assessment, 187 Mt Eliza Way, Mt Eliza (Heritage Intelligence, July 2009)

Heritage Report, Pentecost house, now Mornington Toy Library, 8 Albert Street, Mornington (Graeme Butler & Associates, November 2003)

Mornington Commercial Heritage Precinct and Individual Places (Heritage Intelligence, August 2011)

Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Background Report, (Mornington Peninsula Shire Council, December 2013)

Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Significant Place Citations, (Mornington Peninsula Shire Council, October 2014)

Mornington Peninsula Shire Thematic History, (Graeme Butler and Associates, edited by Context Pty Ltd, July 2013)

Recognising the Heritage of Ranelagh; Conservation Management Plan for the Ranelagh Estate, Mt Eliza (Context Pty Ltd; Blair, S; Helms, D & Dyson, C; July 2009)

Shire of Flinders Heritage Study History and Heritage (Context Pty Ltd; Kellaway, C & Lardner, H; 1992)

Shire of Flinders Heritage Study Caring for our Heritage (Context Pty Ltd; Kellaway, C & Lardner, H; 1992)

Shire of Flinders Heritage Study Inventory of Significant Places (Context Pty Ltd; Kellaway, C & Lardner, H; 1992 (Updated 1997))

Shire of Mornington Heritage Study Volume 1 Recommendations and Guidelines Volume 2 Environmental History and Volume 3 Significant Sites and Areas (Graeme Butler & Associates, 1994)

‘Spring Farm’ Moorooduc - Heritage Assessment, 245 Mornington-Tyabb Road, Moorooduc (Heritage Intelligence, July 2009)