

Council's expert witness, Ms Jordan, recommended that 'Clause 22.04 Heritage Places within the Capital City Zone' and 'Clause 22.05 Heritage Places outside the Capital City Zone' be combined into one policy, 'Clause 22.05 Heritage Policy'. [This version of 'Clause 22.05 Heritage Policy' incorporates changes recommended by Council's expert witnesses.] 8 Oct 2018 CoM download

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HERITAGE POLICY

This policy applies to all places within the Heritage Overlay Area.

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Policy Basis

Melbourne's Municipal Strategic Statement identifies heritage as a defining characteristic of the municipality, and a major part of Melbourne's attraction. Heritage places enhance the city's appeal as a place in which to live, work, invest and visit.

Heritage places across the municipality, both within and outside the Capital City Zone (CCZ), encompass individual heritage places and heritage precincts. These places are variously of heritage value for their historic, aesthetic, social, spiritual and scientific significance.

The places include some of metropolitan Melbourne's most significant urban developments. They incorporate dwellings, institutions, industrial, manufacturing and commercial places, road and rail infrastructure, parks, gardens and places of recreation.

Within the CCZ, heritage places reflect the significance of the cultural, administrative and economic centre of the State. The places are fundamental to the depth of historic character of the CCZ as it developed on, and extended from the Hoddle Grid. Development within the CCZ has, and will continue to be, of a different intensity and result in varied built form outcomes compared for areas outside of the CCZ.

This policy provides guidance on conserving and enhancing heritage places and is informed by the conservation principles, processes and practices of the Australia ICOMOS Burra Charter. It encourages the conservation, preservation and restoration of heritage places, and development which enhances the heritage place and is compatible and in keeping with its cultural heritage values. The policy recognises that heritage places are living and working places; and that development should be considered in the context of the heritage policy objectives.

This policy should be read in conjunction with Statements of Significance as incorporated into this Scheme.

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Definitions

Term	Definition
Alteration	An alteration is to modify the fabric of a heritage place, without undertaking building works such as an addition.
Assessed significance	The assessed significance of an individual heritage place or heritage precinct is identified in the relevant statement of significance, as contained in the place citation. This normally identifies what is significant, how it is significant, and why it is significant.
Concealed/partly concealed	Concealed means cannot be seen from a street (other than a lane, unless the lane is classified as significant) or public park. Partly concealed means that some of the addition or higher rear part may be visible provided it does not visually dominate or reduce the prominence of the existing building's façade(s) and the streetscape.
Conservation	Conservation means all the processes of looking after a place to retain its heritage significance. It may include one or more of maintenance, preservation, restoration, reconstruction, adaptation and interpretation.
Context	The context of a heritage place can include; its setting (as defined under 'setting'), the immediate landholding, adjoining significant

Term	Definition
	or contributory places, and the surrounding area.
Contextual design	A contextual design for new buildings and additions to existing buildings is one which adopts a design approach, derived through analysis of the subject property and its heritage context. Such an approach requires new development to comfortably and harmoniously integrate with the site and its streetscape character.
Cultural significance	Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
Enhance	Enhance means to improve the presentation and appearance of a heritage place through restoration, reconstruction or removal of unsympathetic or intrusive elements; and through appropriate development.
Fabric	Fabric means all the physical material of the heritage place.
Facadism	The retention of the exterior face/faces of a building without the three-dimensional built form, and, without retention of an understanding of the function of the three-dimensional building form.
Front or principal part of a building	<p>The front or principal part of a building is generally considered to be the front two rooms in depth, with roof; or that part of the building associated with the primary roof form, whichever is the greater. For residential buildings this is generally 8 metres in depth.</p> <p>For most non-residential buildings, the front part is generally considered to be one full structural bay or generally 8 – 10 metres in depth, including the roof.</p> <p>For corner sites, the front or principal part of a building includes side and rear elevations, where these are of identified heritage value.</p> <p>For sites with more than one frontage, the front or principal part of a building can include each frontage, where these are of identified heritage value.</p>
Heritage place	A heritage place has been assessed to have natural or cultural heritage value and can include a site, area or space, building or other works, structure, group of buildings, precinct, archaeological site, landscape, garden or tree.
Heritage precinct	A heritage precinct is an area which has been identified as having heritage significance. It is identified as such in the Schedule to the Heritage Overlay, and mapped in the Planning Scheme Heritage Overlay Maps.
Individual heritage place	An individual heritage place is equivalent to a significant heritage place. It may be graded significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.
Key attributes	The key attributes or important characteristics of a heritage precinct are identified in the precinct statement of significance.
Lane	Includes reference to public or private lanes, and ROWs.
Maintenance	Maintenance means the continuous protective care of a place, and its setting, and is distinguished from repair which involves restoration or reconstruction.

Term	Definition
Massing	Massing means the arrangement of a building's bulk and its articulation into parts.
Preservation	Preservation is maintaining the fabric of a place in its existing state and retarding deterioration.
Reconstruction	Reconstruction means returning a place to a known earlier state, and is distinguished from restoration by the introduction of new material.
Respectful and interpretive	When used in relation to design, respectful and interpretive refers to design that honestly admits its modernity while relating to the historic or architecturally significant character of its context. Respectful means a modern design approach to new buildings, additions and alterations to buildings, in which prevailing building size and form inform the design, and proportions and details are referenced but not directly copied, and sympathetic colours and materials are used. Interpretive means a looser and simplified modern interpretation of historic building form, details and materials.
Restoration	Restoration means returning a place to a known earlier state by removing accretions or later additions, or by reassembling existing elements. It is distinguished from reconstruction through not introducing new material.
Services and ancillaries	Services and ancillaries include, but are not limited to, satellite dishes, shade canopies and sails, solar panels, water storage tanks, disabled access ramps and handrails, air conditioners, cooling or heating systems and hot water services.
Setting	Setting means the immediate and extended environment of a heritage place that is part of or contributes to its significance.
Streetscape	A streetscape is a collection of buildings along a street frontage. When referred to in relation to a precinct, a streetscape typically contains a majority of buildings which are graded significant or contributory.
Significant streetscape (as referred to in this policy)	Significant streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are a collection of buildings significant in their own right.
Visible	Visible means anything that can be seen from a street (other than a lane, unless the lane is classified as significant) or public park.

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Grading of heritage places

The grading (significant, contributory or non-contributory) of properties identified in the incorporated document *Heritage Places Inventory 2017* - Significant Streetscapes are also identified in this incorporated document.

'Significant' heritage place:

A 'significant' heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A 'significant' heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use,

period, method of construction, siting or setting. When located in a heritage precinct a 'significant' heritage place can make an important contribution to the precinct.

'Contributory' heritage place:

A 'contributory' heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage precinct. A 'contributory' heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a heritage precinct. 'Contributory' places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.

'Non-contributory' place:

A 'non-contributory' place does not make a contribution to the cultural significance or historic character of the heritage precinct.

22.05-4 Policy Objectives

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- To conserve and enhance Melbourne's heritage places.
- To retain fabric, which contributes to the significance, character or appearance of heritage places and precincts.
- To recognise and conserve the assessed significance of heritage places and streetscapes, as referenced in this policy or incorporated into this planning scheme as the basis for consideration of development and works. Further information may be considered, including in relation to streetscapes, where there is limited information in the existing citation or Council documentation.
- To ensure new development is respectful of the assessed significance of heritage places.
- To ensure new development is respectful of the character and appearance of heritage places.
- To encourage high quality contextual design for new development, which avoids replication of historic forms and details.
- To encourage retention of the three dimensional fabric and form of a building and to discourage façadism.
- To encourage the adaptive reuse of heritage places.
- To ensure new development is consistent with the conservation principles, processes and practices of the Australia ICOMOS Burra Charter.
- To enhance the presentation and appearance of heritage places through restoration and, where evidence exists, reconstruction of original or contributory fabric.
- To protect significant views and vistas to heritage places.
- To promote the protection of Aboriginal cultural heritage.

22.05-5 Permit Application Requirements

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The following, where relevant, may be required to be lodged with a permit application.

- Where major or consequential development is proposed to significant heritage places, the responsible authority may require preparation of a Conservation Management Plan (CMP), which is in accordance with the Heritage Council of Victoria's 'Conservation Management Plans: Managing Heritage Places A Guide 2010'.
- The responsible authority may require preparation of a Heritage Impact Statement (HIS), which is in accordance with Heritage Victoria's 'Guidelines for preparing Heritage Impact Statements'. In a heritage precinct, the HIS should address impacts on adjoining significant or contributory buildings and the immediate heritage context, in addition to impacts on the subject place.

- Where works are associated with significant vegetation (as listed in the Schedule to the Heritage Overlay or vegetation of assessed significance), an arboricultural report should be prepared. The report should, where relevant, address landscape significance, arboricultural condition, impacts on the vegetation and impacts on the assessed significance of the heritage precinct.
- For development in heritage precincts, the responsible authority may require sight lines, and heights of existing and adjoining buildings, streetscape elevations, photos and 3D model, as necessary to determine the impact of the proposed works.
- A comprehensive explanation as to how the proposed development achieves the policy objectives.

22.05-6 Performance Standards for Assessing Planning Applications

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It is policy to assess of planning applications against the objectives and performance standards set out below.

22.05-7 Demolition

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It is policy that:

- The demolition of a non-contributory place will generally be permitted.
- Full demolition of significant or contributory buildings will not generally be permitted.
- Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.
- Retention of the three dimensional form is encouraged; facadism is discouraged.
- The adaptive reuse of a heritage place is encouraged as an alternative to demolition.
- The poor structural or aesthetic condition of a significant or contributory building will not be considered justification for permitting demolition.
- A demolition permit should not be granted until the proposed replacement building or works have been approved.
- The demolition of fences and outbuildings which contribute to the cultural significance of the heritage place is discouraged.

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

- The assessed significance of the heritage place or building.
- The character and appearance of the building or works and its contribution to the historic, social and architectural values, character and appearance of the heritage place, and the streetscape.
- The significance of the fabric or part of the building, and the degree to which it contributes to the three-dimensional form of the building, regardless of whether it is visible.
- Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of the building.

- Whether the demolition is detrimental to the conservation of the heritage place
- Whether there are any exceptional circumstances.

Where approval is granted for full demolition of a significant building, a recording program including, but not limited to, archival photographic recording and/or measured drawings may be required prior to demolition, to the satisfaction of the Responsible Authority.

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Alterations

It is policy that:

External fabric which contributes to the cultural significance of the heritage place, on any part of a significant building, and on any visible part of a contributory building, should be preserved.

Alterations to non-contributory buildings and fabric are respectful of, and do not detract from the assessed cultural significance of the heritage precinct.

Sandblasting of render, masonry or timber surfaces and painting of previously unpainted surfaces will not generally be permitted.

Before deciding on an application to alter the fabric of a significant or contributory building, the responsible authority will consider, as appropriate:

- The assessed cultural significance of the building and heritage place.
- The degree to which the works would detract from the significance, character and appearance of the building and heritage place.
- Its structural condition.
- The character and appearance of the proposed replacement materials.
- Whether the works can be reversed without loss of fabric which contributes to significance.

Removal of paint from originally unpainted masonry or other surfaces is encouraged providing this can be undertaken without damage to the heritage fabric.

The introduction of awnings and verandahs to ground floor façades and shopfronts may be permitted where:

- The works reconstruct an original awning or verandah, based on evidence of the original form, detailing and materials; or
- The awning is an appropriate contextual design response, compatibly placed in relation to the building, and can be removed without loss of fabric which contributes to cultural significance.

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Additions

It is policy that additions to buildings in a heritage precinct are respectful of and in keeping with:

- Identified 'key attributes' of the heritage precinct.
- Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.
- Character and appearance of nearby significant and contributory buildings.

Where abutting a lane, additions are to be respectful of the scale and form of heritage fabric to the lane.

Additions to significant or contributory buildings:

- are respectful of the building's character and appearance, scale, materials, style and architectural expression.

- do not visually dominate or visually disrupt the appreciation of the building as it presents to the streetscape(s).
- maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height.
- do not build over or extend into the air space directly above the front or principal part of the significant or contributory building.
- retain significant roof form within the setback from the building façade together with any chimneys or similar roof elements of original fabric. Not obscure views of façades or elevations associated with the front or principal part of the building.
- be distinguishable from the original fabric of the building.

The design of additions is to:

- Adopt high quality and respectful contextual design.
- Avoid direct reproduction of the form of historic fabric.
- Adopt an interpretive design approach to other details such as verandahs, fences, and shopfronts.

Concealment of additions outside of the CCZ:

It is policy that:

Additions to a Significant or contributory building are concealed in significant streetscapes. In other streetscapes, additions to Significant buildings are concealed. For a second-storey addition to a single storey building, concealment is often achieved by setting back the addition at least 8 metres behind the front facade.

In streetscapes that are not Significant, additions to contributory buildings should be partly concealed. Some of the addition or higher rear part(s) may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape.

All ground level additions to the side of a building should be set back behind the front or principal part of the building.

All additions to corner properties may be visible, but should be respectful of the significant or contributory building in terms of scale and placement, and not dominate or diminish the prominence of the building or adjoining contributory or Significant building.

22.05-10 New Buildings

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It is policy that new buildings are respectful of and do not detract from the assessed cultural significance of the heritage place.

New buildings:

- Are to be in keeping with:
 - ‘Key attributes’ of the heritage precinct such as:
 - Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing.
 - Prevailing streetscape height and scale.
- Do not obscure views from the street(s) and public parks of the front or principal part of adjoining significant or contributory places or buildings.
- Do not visually dominate or visually disrupt the appreciation of the heritage place by:
 - maintaining a façade height which is consistent with that of adjoining significant or contributory buildings, whichever is the lesser, and
 - setting back higher rear building components.
- Do not adopt a façade height which is significantly lower than prevailing heights in the streetscape.
- Are neither positioned forward of the façade of adjoining significant or contributory heritage places or buildings, or set back significantly behind the prevailing building line

in the streetscape. For land within the CCZ, new buildings should be positioned in line with the prevailing building line in the streetscape.

- Do not build over or extend into the air space directly above the front or principal part of an adjoining significant or contributory building or place.
- Where abutting a lane, are respectful of the scale and form of historic fabric of heritage places abutting the lane.
- Do not impact adversely on the aboriginal cultural heritage values, as indicated in an archaeologist's report, for any site known to contain aboriginal archaeological relics.

The design of new buildings are to:

- Adopt high quality and respectful contextual design.
- Adopt an interpretive design approach to other details such as verandahs, fences and shopfronts.

Concealment of higher rear parts of a new building outside of the CCZ:

In significant streetscapes, higher rear parts of a new building should be concealed.

In other streetscapes, higher rear parts of a new building should be partly concealed. Some of the higher rear part may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape.

22.05-11 Restoration and Reconstruction

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It is policy to encourage the restoration and / or reconstruction of a heritage place.

Any reconstructive or restoration buildings and/or works to any part of a significant building, or any visible part of a contributory building should form part of an authentic restoration or reconstruction process, or should not preclude such a process at a future date.

Restoration or reconstruction of a building and works is to be based on evidence of what a building originally looked like and may include other parts of the building or early photographs and plans.

22.05-12 Subdivision

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It is policy that subdivision of a heritage place:

- Reflect the pattern of development in the streetscape or precinct, whichever is most relevant to the place.
- Ensure that appropriate settings and contexts for significant and contributory heritage buildings and places are maintained including the retention or any original garden areas, large trees and other features which contribute to the significance of the heritage place.
- Not provide for future development which will visually disrupt the setting and impact on the presentation of the significant or contributory building.
- Provide for three dimensional building envelopes for future built form to each lot proposed.

Subdivision of airspace above heritage buildings, to provide for future development, is discouraged.

22.05-13 Vehicle Accommodation and Access

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The introduction of on-site car parking, garages and carports, and vehicle crossovers is discouraged and should only be permitted where the following performance standards can be met:

- The car parking is located to the rear of the property, and this is an established streetscape characteristic.

- For a significant or contributory building, the new garage or carport is placed behind the principal or front part of the building (excluding verandahs, porches, bay windows or similar projecting features), and:
 - it will be visually recessive;
 - it will not conceal an original contributory element of the building (other than a plain side wall); and
 - the form, details and materials are respectful of the building, but do not replicate details of the building.
- Ramps to basement or sub-basement car parking are located to the rear of the property, or to a side street or side lane boundary, where they would not visually disrupt the setting of the significant or contributory building, or impact on the streetscape character.

22.05-14 Fences and Gates

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It is policy that new or replacement fences or gates to the front or principal part of a significant or contributory building may be permitted where:

- the works reconstruct an original fence or gate, based on evidence of the original form, detailing and materials; or
- the new fence is an appropriate contextual design response, where the style, details and materials are interpretive and consistent with the architectural period of the heritage place and established streetscape characteristics.

New fences and gates should also:

- not conceal views of the building; and
- be a maximum height of 1.2 to 1.5 metres; and
- be more than 50% transparent.

22.04-15 Trees

It is policy that buildings and works respect trees with assessed cultural significance (noted in the schedule to the Heritage Overlay) by siting proposed new development at a distance that ensures the ongoing health of the tree.

New buildings and works should also comply with the Australian Standard AD 4970-2009 Protection of trees on development sites for vegetation of assessed significance.

22.05-16 Services and Ancillaries

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The installation of services and ancillaries, in particular those that will reduce greenhouse gas emissions or water consumption such as solar panels, solar hot water services or water storage tanks, may be permitted on any visible part of significant or contributory buildings where it can be demonstrated there is no feasible alternative and the services and ancillaries will not detract from the character and appearance of the building or heritage place.

Items affixed to roofs, such as solar panels, should align with the profile of the roof.

Services and ancillaries should be installed in a manner whereby they can be removed without damaging significant fabric.

For new buildings, services and ancillaries should be concealed, integrated or incorporated into the design of the building.

22.05-17 Street Fabric and Infrastructure

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It is policy that street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, is designed and sited to avoid:

- impacts on views to significant or contributory places and contributory elements; and
- physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure and historic street tree plantings.

For existing significant and contributory street fabric and infrastructure, it is policy that:

- restoration, reconstruction and maintenance should be carried out in a way that retains the original fabric, form and appearance.

22.05-18 Signage

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It is policy that new signage associated with heritage places meet the following standards:

- Minimise visual clutter.
- Not conceal architectural features or details which contribute to the significance of the heritage place.
- Not damage the fabric of the heritage place.
- Be in keeping with historical signage in terms of size and proportion in relation to the heritage place.
- Be readily removable.
- Address all relevant performance standards of Clause 22.07 – Advertising Signage

Advertising signs may be placed in locations where they were traditionally placed.

The historical use of signage may be justification for new or replacement signage.

Existing signage that is deemed to have heritage value should be retained, and not altered or obscured, including historic painted signage.

22.05-19 Reference Documents

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Central Activities District Conservation Study 1985

South Melbourne Conservation Study 1985

Central City (Hoddle Grid) Heritage Review 2011

Bourke Hill Precinct Heritage Review Amendment C240 2015

City North Heritage Review, RBA Architects 2013

East Melbourne & Jolimont Conservation Study 1985

Parkville Conservation Study 1985

North & West Melbourne Conservation Study 1985, & 1994

Flemington & Kensington Conservation Study 1985

Carlton, North Carlton and Princes Hill Conservation Study 1994 & 1985

South Yarra Conservation Study 1985

South Melbourne Conservation Study 1985 & 1998

Harbour, Railway, Industrial Conservation Study 1985

Kensington Heritage Review, Graeme Butler 2013

Review of Heritage Buildings in Kensington: Percy Street Area, Graeme Butler 2013

Arden Macaulay Heritage Review, Graeme Butler 2012

West Melbourne Heritage Review 2016