

AUGUST 2020

Attachment 4
Agenda item 6.2
Future Melbourne Committee
4 August 2020



HERITAGE OWNER'S GUIDE



CITY OF MELBOURNE

Acknowledgement of Traditional Owners

The City of Melbourne respectfully acknowledges the Traditional Owners of the land, the Boon Wurrung and Woiwurrung (Wurundjeri) people of the Kulin Nation and pays respect to their Elders, past and present.

CONTENTS

Introduction	4
Heritage	5
The Heritage Overlay	7
Heritage significance	8
Building and development	10
Frequently asked questions	13
Heritage grants	16
More information	17

A contemporary infill house within a heritage context.

North Melbourne House

NMBW Architecture Studio

photo credit: Peter Bennetts



INTRODUCTION

The City of Melbourne has a rich and important heritage locally, nationally and internationally. It has been at the forefront of heritage planning in Australia since the 1980s.

Council's role is to identify and protect Melbourne's heritage for current and future generations. We do this through a proactive program of heritage reviews and assessments, amendments to the planning scheme and the implementation of [Council's Heritage Strategy](#).

More than 7,000 properties are protected under the Heritage Overlay in the Melbourne Planning Scheme. The municipality has benefited from this commitment to heritage and is renowned as one of the world's great Victorian-era cities.

Who is this guide for?

This guide is primarily for people who own a place protected by the Heritage Overlay in the City of Melbourne Planning Scheme. It focuses on Victoria's current system of heritage protection as it applies to places created after European settlement.

Does it include Aboriginal heritage?

This guide does not include advice about the protection and management of Aboriginal cultural heritage which has its own framework of statutory protection in Victoria: *The Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018*. Find more information at [Aboriginal Victoria](#).

The City of Melbourne acknowledges that the Aboriginal people were the first people of this land and have strived to retain their culture and identity through the period of non-Aboriginal settlement for more than two centuries. We recognise the value of the diversity and strength of cultures to the heritage of all Australians and are committed to the conservation and celebration of Aboriginal heritage places.

The Heritage Owner's Guide must be read in conjunction with the Melbourne Planning Scheme and to the extent of any inconsistency, the Melbourne Planning Scheme prevails. The Heritage Owner's Guide is a resource to assist relevant land owners and provide information generally and does not constitute legal advice. The Heritage Owner's Guide and in particular the diagrams and photographs contained within it are for illustrative purposes only noting that assessing and responding to heritage controls will depend on the individual site context and all the circumstances.

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HERITAGE

What it is and why we protect it

Heritage is the full range of our inherited traditions, objects and culture. It is expressed through places: buildings, landscapes, public parks and gardens, trees, infrastructure, monuments, public art and more.

Heritage is at the heart of community identity and an essential part of the present we live in and of the future we build. Heritage places, objects and stories can give our lives meaning and purpose; they create a strong and enduring sense of community identity.

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

Australia ICOMOS Burra Charter 2013

Heritage protection in Victoria

Victoria protects heritage through a mix of legislation and state and local planning policy. The City of Melbourne has a responsibility under the *Planning and Environment Act 1987* to identify and protect places of [heritage significance](#).

Some places in the City of Melbourne are of National or State significance and are included on the [National Heritage List](#) or, at state level, on the [Victorian Heritage Register](#). The majority of heritage places are locally significant and are protected through the Heritage Overlay in the [Melbourne Planning Scheme](#). This guide applies to places protected through the Heritage Overlay.

Government role

State

To assess and protect places and objects that have significance to Victoria and to administer the *Victorian Heritage Act 2017* which establishes the [Victorian Heritage Register](#).

Local

To conserve and enhance buildings, areas or other places which are of significance within their municipalities (*Planning and Environment Act 1987*).

Need advice? Speak with a planner on 9658 9658

THE HERITAGE OVERLAY

The [Heritage Overlay](#) is a planning tool used in the Melbourne Planning Scheme to protect places of [heritage significance](#) to the city. It can be applied to individual places or to a defined area known as a [heritage precinct](#). If you have a Heritage Overlay on your property you are likely to need to apply to Council for a planning permit for certain types of building and works. This is so that we can work with you to ensure that the proposed development does not detract from the heritage significance of your property and the area around it if you are in a precinct.

(See [Building and development](#)).

Applying a Heritage Overlay

Before a Heritage Overlay is considered Council conducts a heritage study of an area or individual place using qualified heritage consultants.

The study documents the history of the area and its transformation and development over time. It assesses and documents places and buildings of heritage significance according to criteria set in [Planning Practice Note 1](#) around historic, social, scientific, aesthetic and spiritual values. The assessment is a combination of physical research, historic research and community consultation. If a place meets the requirements of one or more of the criteria it is recommended for inclusion in the Heritage Overlay.

Council then prepares a planning scheme amendment to apply the Heritage Overlay to the places recommended for heritage protection. At this stage there are opportunities for owners and the wider community to support or object to the proposed heritage control.

You can view completed heritage studies and current heritage studies [here](#).



HERITAGE SIGNIFICANCE

Heritage significance explains what, how and why a place is important to the City of Melbourne community. This explanation is documented in a written Statement of Significance, the product of a rigorous assessment carried out in the heritage study and which becomes an integral part of the Melbourne Planning Scheme.

There are three levels of significance for heritage places in the Melbourne Planning Scheme: significant, contributory and non-contributory. Significant places may be in their own Heritage Overlay, or sit within a precinct. The levels of significance are described in the box to the side.

A collection of buildings can be significant in their own right, and is known as a significant streetscape.

Most places in the City of Melbourne are in a heritage precinct and the precincts have Statements of Significance. Individually significant heritage places are being reviewed over time and a Statement of Significance will be produced as part of this process.

You can find out the significance level of your property by checking the [Heritage Places Inventory](#) in the Melbourne Planning Scheme. If your property is not listed in the inventory it is likely to be non-contributory.



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.



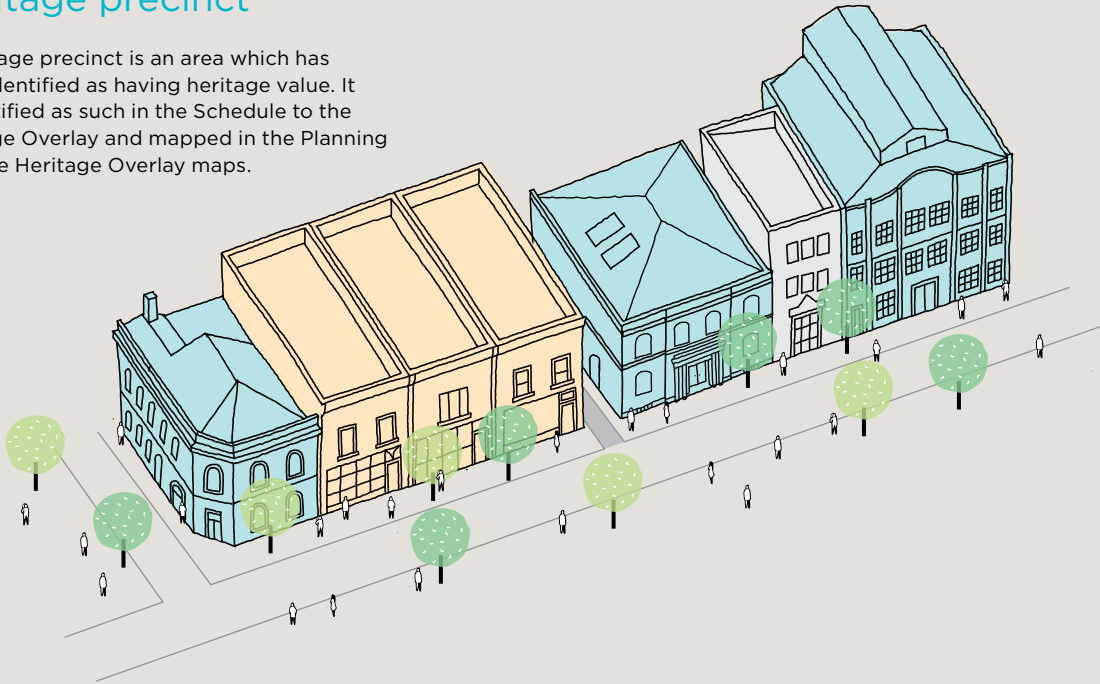
Non-contributory place

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



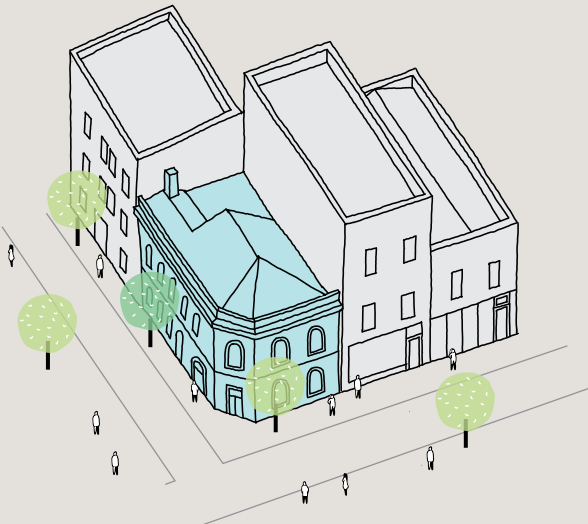
Heritage precinct

A heritage precinct is an area which has been identified as having heritage value. It is identified as such in the Schedule to the Heritage Overlay and mapped in the Planning Scheme Heritage Overlay maps.



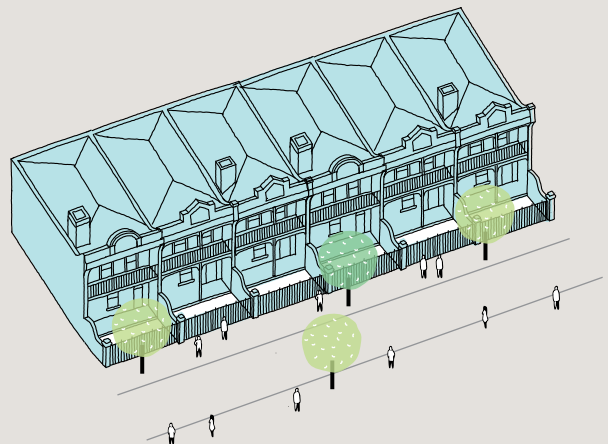
Individual heritage place

An individual heritage place is equivalent to a significant heritage place. It may be categorised significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.



Significant streetscape

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.



BUILDING AND DEVELOPMENT

When you need a permit

Having a Heritage Overlay on your property does not mean that you cannot make any changes but you may need a planning permit for building and works.

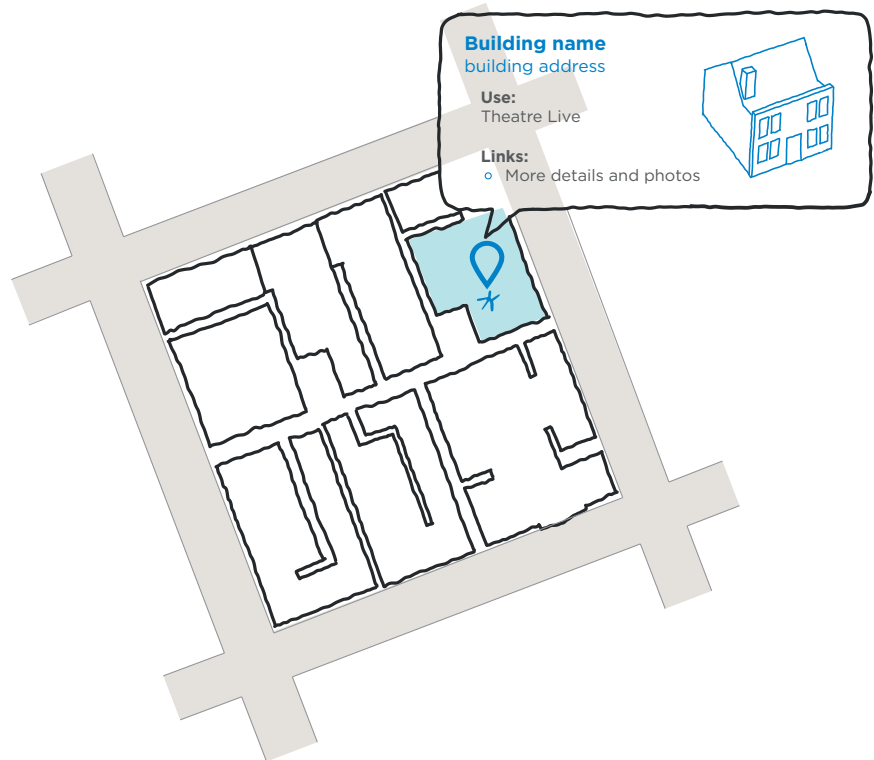
There is more detailed information on the City of Melbourne website and we encourage you to speak with a planner before lodging a permit application. The steps to finding out if you need a planning permit and how to apply for one are:

Step 1

Check [City of Melbourne Interactive Maps \(CoMMaps\)](#) to see what planning controls apply to your property, including the Heritage Overlay and the Victorian Heritage Register.

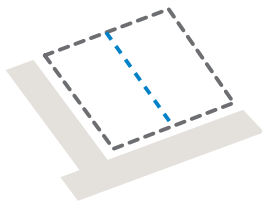
Step 2

Read the planning controls that apply to your property (Heritage Overlay is Clause 43.01) and check whether a permit is required for your buildings and works.

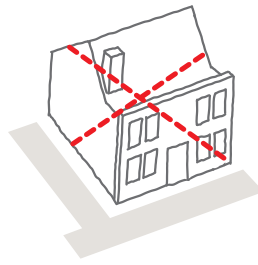


Need advice? Speak with a planner on 9658 9658

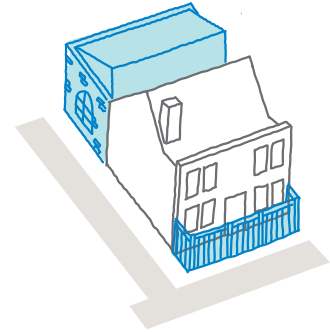
Currently permits are needed under the Heritage Overlay to:



subdivide land



demolish or remove a building or part of a building



construct a building or part of a building or a fence



construct or carry out works



externally alter a building



construct or display a sign



externally paint an unpainted surface (or re-paint an already painted surface a different colour)



externally paint a building if the painting constitutes an advertisement

BUILDING AND DEVELOPMENT

Assessing planning permits

The City of Melbourne's heritage policies guide planners in assessing applications for permits under the Heritage Overlay. The policies encourage development that is in harmony with the existing character and appearance of designated heritage places and areas.

Planners consider a range of factors including but not limited to how the proposed development impacts the heritage significance of the property, how it contributes to the character of the surrounding area or precinct and other elements such as height, setbacks, what can be seen from the street and materials used.

Refer to the [Heritage Design Guide](#).

Find out more about the planning application process

[Planning applications](#)

[Process overview](#)

[Do I need a permit?](#)

[Advice before you apply](#)

[Apply for a planning permit](#)



FREQUENTLY ASKED QUESTIONS

How does the Heritage Overlay affect me?

The Heritage Overlay triggers the need for a planning permit for specified types of building and works that may affect the heritage significance of that place. The permit requirements are listed in the Heritage Overlay Clause at 43.01-1 in the [Melbourne Planning Scheme](#).

Is my building in a Heritage Overlay?

To find out if your property is in a Heritage Overlay search for your address at the [City of Melbourne Maps online](#).

Where can I find out the level of significance of my property?

To find out if your property is significant, contributory or non-contributory check the [Heritage Places Inventory in the Melbourne Planning Scheme](#). If your property is not listed in the inventory it is likely to be non-contributory.

How can I find out more about my house?

If your property has been included in a recent heritage review there may be a Statement of Significance identified in the Schedule to the Heritage Overlay at Clause 43.01 as a document incorporated in the Melbourne Planning Scheme.

The most recent heritage reviews are Arden, Macaulay, City North, Kensington, West Melbourne, Guildford and Hardware Laneways, Southbank and the Hoddle Grid. You can also consult the [list of documents incorporated in the Melbourne Planning Scheme](#).

If you wish to conduct more in depth research about the history of your place the local library or historical society is a good place to start. Here is [a list of local libraries](#).

The Public Records Office of Victoria also has a section on [researching your house](#).



Need advice? Speak with a planner on 9658 9658

FREQUENTLY ASKED QUESTIONS

Can I demolish my heritage property?

Full demolition of a significant or contributory building will not generally be permitted.

What sort of changes can I make to my heritage property?

Council recognises that heritage places need to change to adapt to contemporary needs. There are likely to be opportunities for changes and additions that meet your needs but do not impact adversely on the building's significance. It is recommended that you discuss your plans with a planner prior to lodging your permit application. Some people choose to engage a suitably qualified heritage consultant to assist with developing plans and applying to Council.

How much of the building structure can I remove before it becomes demolition?

Changes to heritage places are approached on a case by case basis with consideration of their significance and the proposed works. All decisions must be informed and guided by the Statement of Significance and the potential impact on heritage significance of the place. Please discuss with a planner.

If I build an extension/addition to my property does it have to look the same as the existing heritage building?

New work, meaning changes or additions to a place, needs to respect heritage significance and be identifiable as something new. While some people believe that new work needs to reproduce the appearance of the existing heritage building Council's heritage policies encourage high quality contextual design which avoids replicating historic forms and details.

Refer to the [Heritage Design Guide](#).



Do I need a planning permit for routine maintenance and repairs e.g. fixing the gutter?

Under the Heritage Overlay you do not need a permit for routine repairs and maintenance that replace 'like for like' so long as they do not change the appearance of the place or impact on its significance. If you have any questions, or are unsure, please contact Council's planning department.

Can I paint my house without a planning permit?

Under the Heritage Overlay you do not need a permit for routine repairs and maintenance when replacing 'like for like' so long as they do not change the appearance of the place or impact on its significance. If you are thinking about re-painting the building in a different colour from its current colour you may need planning permission. Certain areas in the Heritage Overlay will specify that paint controls apply – check the Schedule to the Heritage Overlay to see if the 'external paint control' column is ticked.

If you have any questions, or are unsure, please contact Council's planning department.

Can I make changes inside my house without a planning permit?

Usually yes unless the Melbourne Planning Scheme identifies your property as having internal heritage controls. Internal controls are rare and it is unlikely that your property has them. You can check by looking up your property on the [Schedule to the Heritage Overlay at Clause 43.01](#).

Do I need a permit to install solar panels?

You need a permit to install a solar energy facility (solar panels) if it is visible from the street (other than a lane) or public park.

How can I find out about significant trees?

If an individual tree is of heritage significance it will be on the Heritage Overlay and listed separately in the Schedule to the Heritage Overlay. If a tree or trees form part of the heritage significance of a property the column headed 'tree controls' will be ticked in the table to the Schedule to the Heritage Overlay at Clause 43.01 and a permit will be required for some works on those trees. Check with Council's planners.

In addition, Melbourne has an Exceptional Tree Register that recognises, celebrates and protects trees on private land. Find out more and check where they are using the [online map](#).



Need advice? Speak with a planner on 9658 9658

HERITAGE GRANTS

Melbourne Heritage Restoration Fund

If you are planning a project to conserve or restore your heritage place in the City of Melbourne there are grants available through the Melbourne Heritage Restoration Fund.

There are two streams: the Landmark and Community Buildings Fund and The All Heritage Buildings Fund. To find out more and apply visit [heritage grants](#).

Living Heritage

Living Heritage is targeted at state significant places at risk. A place must be on the Victorian Heritage Register to be eligible for this grants stream. The program is administrated by Heritage Victoria. To find out more visit [Living Heritage Program](#).



20 Wimble Street, Parkville - before and after paint removal

MORE INFORMATION

[City of Melbourne's Heritage Strategy 2013](#)

[Melbourne Planning Scheme online](#)

[Heritage and planning at the City of Melbourne](#)

[City of Melbourne's Heritage Design Guide](#)

[Heritage Victoria](#)

Heritage Victoria is the State Government's principal cultural (non-Aboriginal) heritage agency. It identifies, protects and interprets Victoria's most significant cultural heritage resources and advises on heritage matters. It also administers the [Victorian Heritage Database](#).

[Aboriginal Victoria](#)

Aboriginal Victoria administers the *Aboriginal Heritage Act 2006* and works with Traditional Owners to protect and manage Victoria's Aboriginal cultural heritage.

[Victorian Heritage Database](#)

The Victorian Heritage Database is home to the Victorian Heritage Register which lists the State's most significant heritage places, objects and historic shipwrecks protected under the *Heritage Act 2017*. It's also home to the Victorian Heritage Inventory which lists all known historical archaeological sites in Victoria.

[Heritage Council of Victoria](#)

The Heritage Council of Victoria advises the government and others on how to conserve and protect historically important objects and places. It is an independent statutory body and provides legal protection for places and objects that are important to the history and development of Victoria.

[Office of the Victorian Government Architect](#)

OVGA provides leadership and strategic advice to government about architecture and urban design and promotes awareness about how good design can make great living places and urban environments.

[The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013](#)

The Burra Charter sets a standard of best practice for all involved in the assessment, documentation and management of places of cultural heritage significance in Australia.

[The National Trust of Australia \(Victoria\)](#)

An independent charity and the leading operator of house museums and heritage properties in the state with a mission to 'inspire the community to appreciate, conserve and celebrate its diverse natural, cultural, social and Indigenous heritage.'

[What House is That? A Guide to Victoria's Housing Styles, Heritage Council of Victoria 2007](#)

Easy to use booklet which identifies Victoria's key housing styles

[Public Records Office of Victoria \(PROV\)](#)

The PROV is the archive of the State Government of Victoria.

[Planning Practice Note 1](#)

Applying the Heritage Overlay, DELWP, August 2018

How to contact us

Online:

melbourne.vic.gov.au

In person:

Melbourne Town Hall - Administration Building
120 Swanston Street, Melbourne
Business hours, Monday to Friday
(Public holidays excluded)

Telephone:

03 9658 9658
Business hours, Monday to Friday
(Public holidays excluded)

Fax:

03 9654 4854

In writing:

City of Melbourne
GPO Box 1603
Melbourne VIC 3001
Australia



Interpreter services

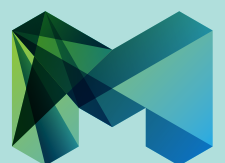
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National Relay Service:

If you are deaf, hearing impaired or speech-impaired,
call us via the National Relay Service: Teletypewriter (TTY)
users phone 1300 555 727 then ask for 03 9658 9658
9am to 5pm, Monday to Friday (Public holidays excluded)

melbourne.vic.gov.au



CITY OF MELBOURNE