

Heritage in Boroondara

Frequently Asked Questions (FAQ)

The City of Boroondara has a rich and diverse history which has defined the character of the city and provides important insights into our community. This history can be seen in the City's historic properties and precincts, churches and parks that contribute to a high quality public realm. Council is committed to protecting the City's heritage assets through the Heritage Overlay. This FAQ answers some of the key questions you may have about the Heritage Overlay.

MUNICIPAL WIDE HERITAGE GAP STUDY

What is the Municipal Wide Heritage Gap Study?

Last year, Council decided to move towards a proactive program of heritage assessments to identify and protect valued heritage places of local significance through the introduction of the Heritage Overlay.

Which properties will be assessed in the Gap Study?

Over the next two years, Council will assess all dwellings, commercial buildings and State owned buildings in Boroondara that are currently not protected by the Heritage Overlay. This includes assessing places which have been identified in previously adopted heritage studies or nominated by the community for heritage protection.

Most suburbs in Boroondara will be assessed as part of the MWHGS, except Balwyn, Balwyn North, Deepdene and Surrey Hills. These areas have been or are the subject of their own heritage studies.

In undertaking the gap study, a number of additional individual properties and precincts are likely to be protected through the Heritage Overlay.

How will the MWHGS be undertaken?

Council has engaged expert heritage consultants to prepare the MWHGS. Properties will be assessed using criteria prescribed under the Victorian Government's Practice Note *Applying the Heritage Overlay* (January 2018).

Places and precincts which demonstrate aesthetic, social and historical values important to Boroondara may be recommended for heritage protection.

The suburb assessments are being undertaken over two financial years:

- 2016/2017: Canterbury, Camberwell, Kew and Hawthorn.
- 2017/2018: Kew East, Hawthorn East, Glen Iris, Ashburton and Mont Albert.

Implementation is expected to commence after each suburb assessment is complete and will consist of the planning scheme amendment process to introduce the Heritage Overlay on a permanent basis, by suburb.

IDENTIFYING HERITAGE PLACES

How does Council identify heritage places?

Before Council can introduce a Heritage Overlay, a heritage assessment or study needs to be prepared that identifies properties that have heritage value. Such a study is prepared by a qualified heritage expert engaged by Council.

The heritage expert will identify and assess the significance of each property and precinct in accordance with Victorian Government's legislation, best practice principles and established criteria.

What is the purpose of a Heritage Overlay?

The purpose of the Heritage Overlay is to protect places of aesthetic, social or historical importance. The inclusion of properties in the Heritage Overlay ensures that new development does not negatively impact on the heritage significance of the place or precinct.

To ensure heritage properties are protected, planning permission is required from Council to demolish, construct, alter or extend buildings and/or structures in the Heritage Overlay.

Council has legislative obligations under the *Planning and Environment Act 1987* to ensure places of heritage significance are conserved and enhanced by the Heritage Overlay so that the identity of a place can be enjoyed by future generations.

How are heritage places graded?

Properties affected by the Heritage Overlay are listed individually or as part of a heritage precinct. A heritage precinct is an area comprising heritage places that are historically related or share common characteristics. They are commonly a group of houses or shopping strips.

Heritage places in a heritage precinct are graded 'significant', 'contributory' or 'non-contributory'.

- Significant heritage places are of state, municipal or local cultural heritage significance that are individually important.
- Contributory heritage places contribute to the cultural heritage significance of a precinct. They are not considered to be individually significant, however when combined with other heritage places they play an integral role in demonstrating the heritage significance of a precinct.
- Non-contributory heritage places have no identifiable cultural heritage significance, but exist within a wider heritage precinct. These properties are included in a Heritage Overlay to control the impact future development may have on the heritage significance of an area.

The heritage expert determines the grading of a particular property.

How does Council introduce a property in the Heritage Overlay?

Once the heritage expert has completed their assessment, Council needs to make a change to its planning scheme to introduce the Heritage Overlay to the identified properties. This process is called a planning scheme amendment and involves consultation with affected property owners, occupiers, neighbours and stakeholders. For additional information on this process, visit:

www.boroondara.vic.gov.au/PSAprocess

At the same time as initiating the amendment process for permanent heritage controls, Council will also request that the Minister for Planning apply an interim Heritage Overlay to all heritage properties identified in the Study. This is to ensure that heritage properties are protected whilst the amendment process is completed.

It is important to note that once an interim Heritage Overlay is introduced, a Planning Permit may still be required for certain buildings and works, even if a Building Permit has been obtained prior.

DEMOLITION OF A PROPOSED HERITAGE PLACE

Can I demolish a place recommended for heritage protection?

Council may not support an application to fully or partially demolish a place that has been identified for heritage protection in the MWHGS, even if the Heritage Overlay has not yet been introduced.

If you lodge a demolition application under Section 29A of the *Building Act 1993* and the property is identified as being of individual heritage significance or contributory to a heritage precinct in the MWHGS, a decision on the application will be suspended.

The Strategic Planning Department will then seek an interim Heritage Overlay for the property from the Minister for Planning. Approval of the interim Heritage Overlay will mean that a planning permit is required for all demolition, alterations and additions to the property.

The applicant to the demolition and property owner will be notified in writing if this process has been initiated.

HAVE YOUR SAY

How and when can I get involved?

Council will consult with affected property owners throughout the process.

Your first opportunity to provide feedback will be once a draft heritage assessment has been prepared and you have been notified to comment. Should Council decide to pursue a Heritage Overlay, there will also be another period of consultation as part of the formal planning scheme amendment process, and

further opportunity to present your case to an independent planning panel (if required).

Anyone wishing to object to their property being included in the Heritage Overlay will have the opportunity to make verbal presentations to Council's Urban Planning Special Committee (UPSC) at various stages of the project.

What format should my feedback follow?

Your feedback must be made in writing in order for Council to consider it.

Your feedback can be lodged via an online submission form. Alternatively, you can also send Council a letter. Details of how to access the online submission form or where to mail your feedback is provided in the consultation letter that Council will send to all affected property owners and occupiers, as well as, adjoining properties..

What matters will Council consider?

Your feedback should focus on heritage-related issues, including:

- The **heritage assessment criteria** set out in the heritage citation and why you believe that the property or precinct does or does not meet the relevant criteria.
- the **history** or **description** of the property as outlined in the heritage citation.
- details of **alterations** or **additions** to a property that may undermine its heritage significance and that may not be noted in the heritage citation.

Council cannot consider the following matters in deciding whether a property should be included in the Heritage Overlay:

- The potential **impacts on property values** (see below).
- A property owner's **ability to undertake alterations and additions** to a home.

Further, a property's or precinct's location in an area zoned for commercial use or higher density development is not in itself a reason why a property should not be protected for its heritage value.

Does Council consider potential impacts on the value of my property?

The application of the Heritage Overlay is principally based on the heritage significance of the property or precinct and the need to protect the heritage place. Council therefore cannot consider any potential impacts on the property value in deciding whether to apply the Heritage Overlay or not. This approach has been repeatedly confirmed by various independent planning panels.

HERITAGE OVERLAY AND PLANNING PERMITS

How will Council assess proposals in the Heritage Overlay?

Council's Statutory Planning Officers will assess a planning application for a property subject to a Heritage Overlay against Council's Local Heritage Policy (Clause 22.05) and the Heritage Overlay (Clause 43.01) of the Boroondara Planning Scheme. In addition, they will consider the following:

- The Statement of Significance and/or Heritage Citation for the site or precinct and/or the adopted heritage study.
- The heritage grading of the property (significant, contributory or non-contributory).

Council strongly encourages land owners and permit applicants to discuss your proposal with Council's Statutory Planning Department prior to committing to a project. For additional information on the planning permit application process, visit:

www.boroondara.vic.gov.au/planning

Does the Heritage Overlay prohibit changes to a property?

No. The Heritage Overlay does not prohibit development, alterations or demolition. The purpose of the Heritage Overlay is to conserve and enhance heritage places, ensuring development does not adversely affect the significance of the place.

Each planning application is assessed on its merits, taking into consideration the heritage significance of the place. For example, if a heritage place is individually significant or contributes to the significance of a precinct, Council may not support an application for

demolition or significant alteration. Instead, Council's Statutory Planning Officers will work with the owner to develop a solution that respects the heritage place. If a planning permit is refused, it is possible to have this decision reviewed by the Victorian Civil and Administrative Tribunal (VCAT).

Is a planning permit always required in the Heritage Overlay?

No. A planning permit is not required to carry out routine maintenance and repairs which do not change the external appearance of the heritage place. For example, a weathered tile roof could be replaced with a new tile roof without the need for a planning permit. However, if the roof were to be replaced with a different material (e.g. metal) then a planning permit is required. Similarly, internal alterations (such as a new kitchen or bathroom, or removal of internal walls) generally do not require a planning permit from Council.

Other planning permit exemptions are set out at Clause 43.01 (Heritage Overlay) of the Boroondara Planning Scheme.

Will owners be required to restore their property?

No. The Heritage Overlay does not require landowners to return their property to its original appearance, nor does it affect the day-to-day upkeep of a property.

How do you apply for a planning permit?

For information about applying for a planning permit including the planning application form, visit:

www.boroondara.vic.gov.au/making-a-planning-permit-application

FURTHER INFORMATION

Where can I find further information?

Visit: www.boroondara.vic.gov.au

Speak to a Strategic Planning Officer about heritage assessments on 9278 4815.

Speak to a Statutory Planning Officer about the planning application process on 9278 4888.

For more information in your preferred language, call 9278 4444.

National Relay Service (NRS):

Voice: 1800 555 660

TTY: 1800 555 630

Email: helpdesk@relayservice.com.au