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C79**HERITAGE**

This policy applies to applications in the Heritage Overlay within the Rural City of Mildura.

Policy Basis

Many culturally significant sites, precincts and places have been identified and documented through heritage studies of the municipality. It is recognised that these places make a strong cultural contribution to the distinctive character of the municipality and the region and assist residents and visitors to appreciate the history of the area.

This policy:

- Applies the State Planning Policy Framework provision relating to Heritage (Clause 15.11) to local circumstances.
- Supports and builds on the MSS objectives and strategies identified in Clause 21.07, which identifies the conservation and enhancement of heritage places as a key objective.

Objectives

To conserve the distinctive and often unique historic characteristics that contribute to the individual identity of communities within the Rural City of Mildura and to the identity of the municipality as a whole.

To ensure that the cultural significance of heritage places is not diminished by:

- The loss of any fabric, which contributes to the significance of the heritage place or precinct.
- Inappropriate new development.

To promote the conservation of heritage places in accordance with the principles and procedures recommended by the Burra Charter.

To encourage 'best practice' and a more consistent approach to the conservation of heritage places that is based upon a clear understanding of the reasons for their significance.

To ensure that new development is of the highest quality contemporary design and becomes a valued addition.

To conserve, manage and enhance identified places of cultural heritage significance.

To encourage the conservation and longevity of planted landscapes.

To give particular regard to the heritage values of places associated with the early development of the municipality by the Chaffey Brothers.

Policy**Definitions**

The terms used in this policy are consistent with those defined by the *Burra Charter*. For the purposes of this policy, the following heritage place definitions apply:

Heritage Place: A building (e.g., house, shop, factory etc), structure (e.g., memorial, bridge or tram poles), features (e.g., mine shafts and mullock heaps, street gutters and paving), private garden or public park, single tree or group of trees such as an avenue, group of buildings or sites (e.g. precinct), landscape, geological formation, fossil site, or habitat or other place of natural or cultural heritage significance and its associated land.

Significant place: A place (e.g. a building, structures, tree etc.) that has cultural heritage significance independent of its context. Significant places may also make a contribution to the significance of an area or precinct.

Contributory place: A place or feature (e.g. buildings, structures, trees etc.) that contributes to the significance of an area or precinct.

Non-contributory place: A place or feature (e.g. buildings, structures, trees etc.) that does not make a contribution to the significance of a Heritage Place. In some instances, a Significant place may be considered Non-contributory within a precinct. For example, an important Modernist house within a Victorian era precinct.

It is policy to:

- Conserve Significant and Contributory heritage places, and in particular to, as appropriate:
 - Support the maintenance and conservation of heritage places.
 - Support the restoration or reconstruction (where appropriate) of fabric where opportunities arise.
- Discourage the total demolition of Significant or Contributory heritage places unless it can be demonstrated to the satisfaction of the responsible authority that, as appropriate:
 - The place is structurally unsound and cannot feasibly be repaired without undertaking significant alterations that would diminish the integrity of the place; and
 - The proposed replacement building embodies design excellence that is complementary in form, scale and materials to the elements of primary significance, but is clearly contemporary in approach.
- Consider demolition of part of a Significant or Contributory place when it can be demonstrated to the satisfaction of the responsible authority that, as appropriate:
 - The demolition or removal will not adversely affect the significance of the place;
 - It will assist in the long term conservation or maintenance of the place; or
 - It will support the viability of the existing use of the place or will facilitate a new use that is compatible with the on-going conservation of the building.
- Encourage the removal of non-significant alterations or additions, particularly where this would assist in revealing the significance of the place.
- Give preference to new development, including alterations or additions to existing heritage places, that:
 - Creatively interprets and responds positively to the historic context provided by the heritage place.
 - Is visually recessive and compatible in terms of its scale, siting, design, form and materials with the historic character and significance of the heritage place (including any associated building, trees or other significant elements).
 - Does not distort the historic evidence provided by heritage places by simply copying or reproducing historic styles or detailing.
 - Responds positively to special features such as views, vistas, mature vegetation and landmarks.
 - Includes landscaping that will enhance the historic cultural landscape character of a heritage place.
- Support the replacement of non-contributory buildings with new development that responds more positively to the historic context provided by any nearby heritage place.

- Conserve historic public realm features such as basalt gutters, unmade roadside verges and mature street trees.
- Give preference to subdivision that:
 - Is compatible with the historic subdivision pattern found in an area; and / or
 - Maintains significant fabric associated with a heritage place on a single lot.
- Give preference to advertising signs in traditional forms and locations on buildings, and that are limited in number.
- Support the maintenance and management of significant trees in a manner that ensures that they will survive in good condition according to their normally expected lifespan.
- Ensure that any future development, or changes in immediate environmental conditions, adjacent to a significant tree will not have a detrimental impact upon the integrity and condition of the tree.
- Encourage strategic replanting programs of significant trees using the same species.
- Encourage applications to include a heritage impact assessment.
- Encourage applications to include a heritage management plan to guide the implementation of any proposed development, including conservation works.

Application requirements

An application may be required to be accompanied by the following information, as appropriate:

- A report 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 as part of the Site Analysis the significant elements of the place, having regard to the relevant heritage place citation and how these have been considered in the preparation of the application.
 - If the application includes demolition, include an assessment of whether the fabric is significant and, if so, provide reasons why it is to be removed.
 - On the basis of the above, include an assessment of how the application will affect the significance of the heritage place.

Note: It is possible that there may be significant fabric not specifically identified by an existing heritage study. Any additional fabric identified should be noted and assessed as part of the report.

- A Conservation Management Plan prepared in accordance with the Burra Charter for large or complex sites, or for major alterations or additions to places that are of individual significance, or for any other application that the responsible authority considers to raise significant heritage issues.
- A report prepared by a suitably qualified consultant 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 consultant, which assesses the impact of an application upon potential archaeological deposits on the site.
- A report prepared by a suitably qualified consultant, which assesses the impact of an application upon any significant tree.

- Where the trees or gardens on the site have been identified as significant, a landscaping plan prepared by a suitably qualified consultant, which demonstrates how landscaping on the site will respond to the cultural landscape character and setting of the heritage place.

Decision guidelines

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

- Any relevant heritage impact assessment or conservation management plan.
- Whether the application has responded to the relevant design suggestions in *The Heritage Overlay: Guidelines for Assessing Planning Permit Applications*.
- Whether the proposed buildings or works will assist in the short or long term conservation of the place by:
 - Maintaining, protecting, restoring, repairing or stabilising significant fabric.
 - Supporting the continued original use of the building by enabling it to be upgraded to meet present day requirements and standards, including improved energy efficiency.
 - Implementing works in accordance with a Conservation Management Plan that has been prepared to the satisfaction of the responsible authority and any other relevant organisation.
 - Allowing an alternative use when the original use of the building is no longer viable, or in accordance with a Conservation Management Plan.
 - Avoiding any adverse effects upon a significant tree, or any tree that contributes to the setting of a heritage place or precinct.