

REVIEW OF HERITAGE PROVISIONS IN PLANNING SCHEMES - ADVISORY COMMITTEE REPORT – AUGUST 2007

Advisory Cmte key findings	Advisory Cmte Recs (Aug 07)	COS submission (April 07)	COS current position (Jan 07)
2. IDENTIFYING WHAT IS BEING CONTROLLED			
2.1 Appropriate criteria to assess significance at the local level			
<p>Need consistent set of <u>heritage values</u> at state and local level, addressing full range of values (including natural and indigenous values).</p> <p><u>Criteria</u> need to have crisper categories. Need to demonstrate how a place demonstrates cultural heritage values including illustration of themes in development of locality.</p> <p><i>NB. Noted that NSW has recently produced local criteria.</i></p> <p><u>Thresholds</u> include importance to the development sequence documented in the thematic history.</p> <p><u>Comparative analysis</u> and consideration of thematic history is important at threshold stage.</p> <p><u>'Local'</u> area may not necessarily be the 'municipality', and should be informed by the thematic history.</p> <p><u>Gradings</u> system tends to result in dismissal of lower grade places as of marginal significance.</p>	<ol style="list-style-type: none"> 1. The cultural <u>heritage values</u> presented in the <u>Burra Charter and the P&E Act and the Heritage Council criteria</u> should be identified as being the various types of heritage value that may be ascribed to a place and be used to provide the framework for development of an agreed set of assessment criteria to be used State-wide to identify items of local significance in terms of those values (3)(4). 2. The <u>assessment criteria</u> at the local level should be based on the HERCON modified AHC criteria. The criteria should be modified to suit local area analysis and allow each of the values above to be individually assessed. (3) 3. A list of factors relevant to defining <u>local significance thresholds</u> should be developed and promoted for State-wide application. (3) 4. Advice should be provided to planning authorities about the role of <u>comparative assessment</u> in the threshold stage of the listing process. (3) 5. The above matters including the outcome of the work on assessment criteria and threshold factors should be included in a <u>revised or new Planning Practice Note</u> covering values, criteria and thresholds with detailed guidance provided on how to approach the parts of the assessment process. The advice must be suitable to the full range of circumstances that might be encountered in heritage studies across the State. (3) 	<p>Council supports the proposal to use the Burra Charter criteria for assessment of buildings of local significance. The AHC criteria have proven difficult when working with buildings of local significance and no other suitable criteria have emerged. The Burra Charter also provides a full process from identification/assessment of significance through to policy that remains useful.</p> <p>The Committee has not really addressed the identification of thresholds for local significance, which remains the most difficult issue in the Heritage Study/Panels process. It is considered that while the present Review may not be able to set thresholds but should provide some guidance as to how they might be set.</p> <p>The potential for 'precinct gradings' is flagged in Ian Wight's Discussion Paper but the Advisory Committee Paper makes little reference to gradings and does not appear to be in favour of them. Generally speaking, Council supports the use of gradings and rather than, disposing of them believe that a parallel grading system for buildings in precincts should be established.</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>In interim (prior to more detailed recommendations), Council should:</p> <ul style="list-style-type: none"> • Use Burra Charter values in current work until more detailed criteria available. Add natural and indigenous values. • Ensure Statements of Significance refer to the heritage values and state <i>how</i> the place is significance and <i>what</i> fabric elements contribute to this significance. • Ensure initial assessment stage includes a comparative analysis and consideration of the thematic environmental history. • If using gradings - need to have clear links to consistently accepted levels of significance.

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2.2 Intactness and structural integrity and condition of fabric			
<p>Condition or structural integrity should not influence the inclusion of a place in a HO, but may be a relevant consideration at the time of a planning permit.</p>	<p>6. While intactness should be relevant in an assessment of significance, <u>condition or structural integrity</u> should not influence the inclusion of a place in a HO. (3)(7)</p> <p>7. <u>Guidelines</u> for assessing intactness should be developed with a view to providing a consistent approach. These should be included in a Planning Practice Note, Heritage Victoria advisory note and/or in the standard heritage study brief. (4)</p>	<p>No specific submission</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p>
2.3 Delineating the heritage place			
<p>Makes distinction between citation (data sheet) and statement of significance.</p> <p>Statements of significance should <u>list</u> all components of a place that contribute to its significance, including</p> <ul style="list-style-type: none"> • Individually significant places that contribute to precinct; • Individually significant places that are contributory to precinct; • Other places that contribute to the precinct. <p>Precinct definition should include:</p> <ul style="list-style-type: none"> • Geographic distribution of important elements. • Whether place illustrates historic themes or particular period of development. • Whether it is a defined part of the 	<p>8. <u>Statements of significance</u> should be referenced in the decision guidelines to Clause 43.01. (1)</p> <p>9. <u>Statements of significance</u> should describe clearly all elements of a place – including of a precinct – which are assessed as contributing to its heritage significance and, where appropriate, should identify any buildings or other elements with a different basis of significance (whether that significance is to the State or to the locality) which may be located within the boundaries of a heritage precinct. (3)</p> <p>10. A <u>model format for citations, including statements of significance</u>, should be developed by HV and DPCD. Statements of significance for places listed under the HO should be <u>included in an incorporated document</u> referenced in the HO. (2)</p> <p>11. Heritage studies, where dealing with rural properties or <u>complex sites</u>, should include <u>sketch maps or plans</u> that identify the physical location of</p>	<p>Council has some reservations about the proposal to have separate mapping of state and local components where a site or precinct contains elements with different levels of significance. It considers this will further confuse owners and developers. A better and clearer method is to have one overlay and use the statement of significance and a grading system to clearly identify the separate elements on the site precinct. Hermes provides an effective tool to record and access this information.</p> <p>For example in circumstances where a nineteenth century mansion allotment has been subdivided during the interwar period to allow the construction of a new community of shops, churches and California bungalows and the entire group is protected under a single heritage overlay, the following precinct gradings could be useful:</p> <ul style="list-style-type: none"> • Buildings of high individual significance but no precinct significance (the original mansion) 	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>In interim (prior to more detailed recommendations), Council should:</p> <ul style="list-style-type: none"> • Use consistent approach (COS templates) for preparation of citations and statements of significance. • Prepare statements of significance with view to their suitability for incorporation in Planning Schemes (via Hermes). • Clearly differentiate places in precincts - in accordance with Council's submission (consistent with AC's recommendation). • Progressively identify 'individual'

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<p>municipality recognized by the community.</p> <ul style="list-style-type: none"> Whether non-built elements (such as subdivision pattern contribute to the significance). <p>To define precinct on basis of percentage of contributory buildings is misleading. Precincts need to be coherent, thematically or in terms of design and justifiable in terms of protection of significant elements.</p>	<p>significant components of the place and their relationship to each other, as a basis for later HO mapping. (3)(7)</p> <p>12. <u>Thematically related buildings or sites that do not adjoin each other</u> or form a geographical grouping should, where appropriate, be able to be treated as a single heritage place and share a statement of significance and HO number. (3)(7)</p> <p>13. <u>Greater guidance</u> should be given in the Planning Practice Note <i>Applying the Heritage Overlay</i> concerning criteria to guide decisions on delineating precincts. (3)</p>	<ul style="list-style-type: none"> Buildings of high precinct significance (a nice church or extraordinary bungalow) Buildings of precinct significance (a California bungalow). Buildings of low precinct significance (a very altered California bungalow or a 1960s villa of a similar size and form to the prevailing bungalow type). Buildings of no precinct significance (a block of 1970s flats). <p>This could be a better solution to the issue of anomalies in HO areas than multiple heritage overlays over the same site. It would also demistify the notion that a C graded building can become a B graded building is certain streetscapes.</p>	<p>places in precincts and prepare separate citations.</p>
<p>2.4 Ambit of elements to be controlled. No recommendations (Noted that heritage is expanding to include greater range of issues).</p>			
<p>2.5 Sites of scientific interest</p>			
<p>HO may not the most appropriate tool in this case.</p> <p>Sites and areas of intrinsic environmental value - use ESO.</p> <p>Modified sites and areas (eg mining landscapes) - could use HO or SLO.</p> <p>Heritage Rivers are a special case. It may be appropriate to identify them in PS, but decisions made pursuant to own Act.</p>	<p>14. <u>More guidance</u> should be given to responsible authorities about the appropriate VPP tools for protecting places of scientific significance. This could include some cross references in the SPPF (Clause 15.11) and suitable treatment in the VPP Practice Note on <i>Applying the Heritage Overlay</i> which might need to be renamed to something like 'Protecting Heritage Values under Overlays' rather than the current title. (2)(3)</p> <p>15. DPCD, in consultation with DSE and GSA(Vic) should prepare a <u>model ESO</u> schedule containing appropriate permit exemptions and decision guidelines relevant to sites of geological significance.(4)</p>	<p>No specific submission</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>Identify potential sites of scientific value (per TEH) and consider options for recognition / protection.</p>

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	<p>16. The Victorian Government should consider identifying an <u>agency or other appropriate body</u> to act as a champion for protection of sites of geological significance, to accord with the prominence that they are given as heritage places in the SPPF, and to provide advice to responsible authorities. (7)</p> <p>17. The Victorian Government should give consideration to developing a <u>formal relationship with GSA(Vic)</u> to support the continued assessment and review of sites of geological significance, the maintenance and updating of the Society's database and its availability for planning purposes. (5)(7)</p>		
<p>2.6 Culturally significant landscapes</p>			
<p>Do not agree with apparent DPCD view that heritage objectives are separate from planning objectives and should be confined to HO. AC view is that heritage objective can be implemented by another appropriate tool. Could use SLO. Could schedule-in demolition control / subdivision control etc.</p>	<p>18. Introduce the ability to add <u>purpose-specific schedules to the HO including one to cover heritage gardens and other designed landscapes</u> and provide a limited ability to 'customise' it to reflect the particular characteristics and values of each area and the pressures likely to be experienced. The schedule should include the ability to 'turn on' controls on changes to specified garden components, including garden beds and vegetation that do not qualify under 'tree controls', provided this is justified by the statement of significance. (1)</p> <p>19. Amend the <u>SLO</u> to clarify that cultural heritage values may be one aspect of landscape significance and to allow controls on subdivision and on demolition of specified built components to be 'scheduled-in' where these are justified by a statement of significance. Controls on tree planting may also be justified in some circumstances. (2)</p>	<p>No specific submission.</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>Identify potential sites of cultural value (per TEH) and consider options for recognition / protection.</p> <p>Review / identify list of significant trees and gardens.</p>

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	<p>20. HV and DPCD should prepare a <u>model SLO</u> schedule for culturally significant landscapes (particularly 'organically evolved' landscapes or larger-scale 'associative' landscapes). Decision guidelines in the model schedule should draw on those in the draft HC/HV Guidelines and should refer to statements of significance. (2)</p> <p>21. Provide <u>guidance</u> in the VPP Practice Note <i>Applying the Heritage Overlay</i> (renamed as 'Managing Heritage Places') about the appropriate identification and treatment of culturally significant landscapes, including reference to the 2002 Landscape Assessment Guidelines. (3)</p>		
2.7 Redundant infrastructure			
<p>Needs whole of government support and appropriate funding.</p> <p>Longer term requirement for statutory obligation of government agencies to identify and conserve heritage assets.</p>	<p>22. Consideration should be given to dealing with some classes of heritage items including redundant infrastructure particularly smaller items by <u>adding them to a renamed Clause 52.16</u> (which currently relates only to historic post boxes). (2)</p>	<p>No specific submission.</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>Identify potential redundant infrastructure sites (per TEH) and consider options for recognition / protection.</p>
2.8 Industrial and other complex sites			
<p>Submissions supported original recommendations and no change.</p> <p>Noted that complexities and difficulties associated with the management of this category of heritage make it higher risk for loss.</p>	<p>23. In municipalities that contain a large number of industrial sites or other complex sites of potential heritage significance, the need for <u>additional resources</u> to assess these places should be taken into account by the planning authority and Heritage Victoria in determining the budget for heritage studies. (7)</p> <p>24. Where heritage study resources are inadequate to properly address <u>complex sites</u>, those that cannot be assessed from historical research and</p>	<p>No specific submission.</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>Identify potential industrial / complex sites (per TEH) and consider options for recognition / protection.</p>

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	<p>street-based surveys should have <u>interim HO controls</u> applied in the first instance. An <u>incorporated plan</u> – based on a conservation management plan for the site – should be exhibited and evaluated in conjunction with any proposal to apply permanent HO controls to these places. (2)(4)</p> <p>25. Heritage Victoria should give consideration to funding a wider range of <u>thematic studies of industrial sites</u> particularly for industries now obsolete or phasing out in Victoria. Where a site is identified as having potential State – or perhaps regional – heritage significance, funding should be provided to help prepare a conservation management plan to act as an incorporated plan under the HO. (7)</p> <p>26. <u>Decisions guidelines</u> appropriate to the evaluation of industrial sites and other complexes should be developed and added to Clause 43.01 (or relevant schedules in the Committee's suggested new HO structure). (1)</p> <p>27. Councils with heritage policies in Clause 22 should give consideration to whether these provide adequate guidance on conservation of the heritage significance of industrial and other complex sites and if not, they should adopt the guidance offered in the <u>HC/HV Guidelines</u>. (4)(6)</p>		
2.9 Dry stone walls			
<p>Recommend interim 'blanket' control via Clause 52.16 - could schedule out areas with no known walls. Sunset clause (5 years) so Councils can undertake detailed studies to</p>	<p>28. Clause <u>52.16</u> should be amended by the Minister without public exhibition to introduce a permit requirement for demolition or alteration of fences that are dry stone walls (possibly only those constructed prior to 1940) in scheduled</p>	<p>No specific submission.</p>	<p>NA</p>

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<p>map and assess (then schedule out municipalities where studies complete).</p>	<p>municipalities for a period of five years. This permit requirement should be expressed as extending to routine repairs and maintenance where not in accordance with existing materials and construction details. The provisions should include exemptions from permission for dry stone walls included in an HO (or SLO), and should include appropriate application requirements and decision guidelines. (2)</p> <p>29. Councils in the scheduled municipalities should be required/assisted to complete assessments of dry stone walls to identify and map those of local significance <u>within five years</u> from the date of introduction of the Clause 52.16 interim control and to introduce appropriate permanent controls through the application of the HO (and/or the SLO). Municipalities where studies have been completed and permanent changes to the planning scheme to protect dry stone walls considered should be progressively scheduled out of the interim control. (1)(7)</p> <p>30. A <u>definition of 'dry stone wall'</u> should be considered for inclusion in Clause 72 of the VPP. (2)</p> <p>31. Non-linear dry stone constructions assessed to be of local heritage significance should (continue to) be protected by the <u>HO</u>. (1)</p> <p>32. <u>Other non-planning measures</u> such as awareness and encouragement programs for property owners should be implemented in municipalities where dry stone walls are located. (8)</p>		

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2.10 Land use			
<p>Submissions generally opposed previous recommendation (to have default scheduled-in prohibited uses for all HOs).</p> <p>AC subsequently modifies recommendation for precincts, but retains it for individual places.</p> <p>AC forms the view that probably not necessary to require views of HC in case of proposals for prohibited uses of any places (including VHR listed places). ??</p> <p>Note - DPCD current proposal to change Clause 43.01 changes this provision but retains referral to HV for VHR listed places.</p>	<p>33. If a system is introduced that enables different controls to be applied to precincts and individual places in the HO, then the default position for <u>individual places</u> should be that otherwise prohibited uses are allowed to be permitted, unless they are scheduled-out. The contrary position should be adopted for <u>precincts</u>. That is, in the case of places that are precincts, otherwise-prohibited uses should only be able to be considered if this discretion is scheduled-in. (1)</p> <p>34. A <u>revised VPP Practice Note</u> should provide guidance on when otherwise prohibited uses should be scheduled-in, including the necessary strategic justification. (3)</p> <p>35. The prerequisites and <u>decision guidelines</u> applicable to consideration of an otherwise prohibited use should be reviewed. (1)</p> <p>36. Consideration should be given to <u>deleting the requirement</u> in Clause 43.01-5 <u>for the views of the Heritage Council</u> to be taken into account. (1)</p> <p>37. The <u>HC/HV Guidelines</u> should include clear guidance on the exercise of discretion when a permit is sought for an otherwise prohibited use. (4)</p> <p>38. Further consideration should be given to allowing the <u>subdivision of land</u> including <u>excision of a second dwelling on a lot</u>, in situations where there would be a clear conservation benefit. This consideration should extend to whether satisfactory measures can be put in place to ensure conservation benefits are realised. (1)</p>	<p>The Committee recommendation is to "<i>liberalise use of the prohibited uses ability, by reversing the current statutory arrangement whereby provision must be scheduled in so that instead it always applies unless deleted</i>"</p> <p>Council opposes this recommendation. The majority of places in the HO are in residential precincts. It would not be appropriate to turn on the prohibited use button for all places. It may be appropriate for some individually listed places. Such as consideration should be made at the time of the introduction of the place into the HO or as part of a review. If an owner or developer wishes to use the place for a 'prohibited use', an application can be made for a combined amendment/application pursuant to S96A of the Planning and Environment Act.</p>	<p>Qualified support for AC recommendations, reserving position in relation to opposing default scheduling-in of prohibited use consideration for all individual places.</p> <p>Identify any individual places where prohibited uses should not be able to be considered, and review position.</p> <p>Identify any precincts where prohibited uses could be considered (for some or all buildings).</p>

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2.11 Places of significance for historical or social reasons			
<p>Thematic history should identify themes and people associated with the themes and places that might be connected with them.</p> <p>Relationship between the stories (historical and social) and the fabric need to be made explicit in the statement of significance.</p> <p>An appropriate threshold that a heritage place should be required to pass is that <u>it has 'something to be managed'</u>. This is usually tangible fabric, but may be a significant absence of built form, special spatial characteristic or a pattern of ownership. If these things are present, however ephemeral they are, there will be something to manage. If not a commemorative plaque is appropriate.</p>	<p>39. Heritage studies should give consideration to the process recommended by the Bayside C37 & C38 Panel, that is, <u>identifying themes and people considered important in the history</u> of the area and seeking out places connected with them. (7)</p> <p>40. The decision guidelines in Clause 43.01 4 should be amended to include specific reference to the <u>statement of significance</u> for a place (where one exists). (1)</p> <p>41. Heritage studies/documentation of places on the HO should be reviewed and updated progressively to ensure that all individually significant places have their own <u>statement of significance</u>. (7)</p> <p>42. Greater flexibility should be provided (by means of a schedule or incorporated plan) to vary the provisions of the HO to reflect the specific values of a place and to modify the controls required to protect its significance. (1)</p> <p>43. The importance of the <u>basic threshold for listing under the HO – having something to manage</u> – should be spelled out in the PPN <i>Applying the Heritage Overlay</i> (as renamed). (3)</p>	<p>No specific submission.</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>Identify places of historical or social significance (per TEH) and consider options for recognition / protection.</p> <p>Review all individually significant places to ensure each has a statement of significance and that any historical / social association is noted appropriately.</p> <p>If historical / social association is not sufficiently 'significant' to warrant 'contributory' status, this should still be recorded in the citation (not the statement of significance) as a matter of heritage 'interest'.</p>
2.12 Visibility from the public and private realm			
<p>Focus of heritage controls should be on the significance of the place and not on views from vantage points per se. Any control should be on an individual basis from the statement of significance ie:</p>	<p>44. <u>Statements of significance</u> should indicate whether significance relates only to views from the public realm, or whether views from other vantage points are also relevant. (2)(3)</p> <p>45. The role of views in heritage considerations</p>	<p>No specific submission.</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>Identify precincts / places where rear / non-visible parts of site are <u>not</u> significant.</p>

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<ul style="list-style-type: none"> • If basis of significance is confined to the historic streetscape. • If a public view needs to be protected. • If both public and private realm need protection. <p>Councils to decide which precincts there is no need to control various buildings and works not visible from street or park.</p>	<p>should be expressed in the <u>decision guidelines</u> of the HO and clarified in a revised VPP Practice Note. (1)(3)</p> <p>46. Consideration should be given to introducing a provision in the HO which requires <u>public views</u> to the heritage place be '<u>turned-on</u>' as a <u>decision guideline</u>. (1)</p>		<p>Define these parts in the statement of significance, including reference to vantage points (as applicable).</p>
<p>2.13 Researching and recording significance</p>			
<p>Most submitters supported a consistent approach.</p> <p>AC report acknowledges COS submission and concern about prescriptive templates.</p> <p>DPCD footnotes to its proposed model new HO (p5-305):</p> <ul style="list-style-type: none"> • A template of Statement of Significance to be developed • Decision guidelines to refer to Statement of Significance in HERMES. • Day 1 implementation - existing HOs will continue to operate (with minor changes). • Neutral 20(4) translation into new HO schedules. 	<p>47. The <u>standard study brief</u> for heritage studies should be reviewed so that it can also apply to '<u>gap</u>' <u>studies</u> and the review of dated heritage studies. (7)</p> <p>48. <u>Further training</u> should be provided for Council planners, heritage consultants and relevant stakeholders in relation to the conduct of heritage studies. (8)</p> <p>49. A <u>template for statements of significance</u> should be prepared by Heritage Victoria and its use promoted through the standard heritage study brief and the revised Practice Note. (3)(7)</p> <p>50. The <u>decision guidelines</u> in Clause 43.01 should include reference to considering the <u>statement of significance</u> for places subject to permit applications. (1)</p>	<p>While it is acknowledged that there are some deficiencies in the existing heritage study panel process, some refinement rather than a complete overhaul is required. If all of the changes to the system suggested in the Paper were to be implemented, virtually all of Council's existing documentation would need to be redrafted. Some care should be taken in implementing wholesale change for little return and the loss of all of the work undertaken over the last two decades.</p> <p>Council supports the recommendation for a consistent approach and for a standard Citation Template for new HOs. However, it would be very costly and time-consuming to convert all of the existing citations in Council's 250+ HOs to a standard format.</p> <p>Council does not support the proposal for a standard template for the Statement of Significance. Such a template may constrain and distort the key messages that need to be made for a particular place. It is agreed that the</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>In interim use consistent approach (COS templates) for preparation of citations and statements of significance.</p> <p>Refer 2.1 and 2.3 for more detailed interim positions re statements of significance and citations.</p> <p>Note AC and DPCD endorsement of COS position re:</p> <ul style="list-style-type: none"> • Use of Hermes for accessing statements of significance and citations. • Ensuring minimum effort translation of data to new HO model.

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Advisory Cmte key findings	Advisory Cmte Recs (Aug 07)	COS submission (April 07)	COS current position (Jan 07)
<ul style="list-style-type: none"> Councils not required to undertake additional studies to determine Statements of Significance in new HOs. Individual places currently in precincts can be moved to individual place overlay schedule as part of neutral translation. <p>DPCD proposed minor changes to existing HO (Dec 07) include reference to statement of significance in the decision guidelines.</p>		<p>Statement of Significance should address some key elements. Council supports the development of a set of guidelines and samples of statements of significance.</p> <p>Council is concerned that the Statements of Significance are expected to be all things to all people. Statements of Significance are only useful if they remain a brief summary of the key issues relating to the significance of a heritage place. The entire citation including its history, description and analysis of all of the issues should be read in conjunction with the statement of significance. All of this material cannot usefully be included in a Statement of Significance. There is for example no potential to incorporate details of all of the significance buildings in a precinct within a Statement of Significance without its becoming cumbersome and ultimately, not particularly useful.</p>	
2.14 A priori listing			
<p>AC considered a Level 1 (well researched) and Level 2 (simplified / more cost effective) approach, with Level 2s being fully assessed at the time of a permit application. Most submitters opposed the Level 2 approach as undermining the overall significance of heritage and increasing uncertainty</p>	<p>51. The concept of a priori listing should <u>not</u> be pursued. (7)</p>	<p>No specific submission.</p>	<p>Support AC recommendations.</p>
2.15 Keeping and updating heritage documentation			
<p>Most submitters supported a centralized data base and the use of Hermes, but with some concerns, including:</p>	<p>52. HERMES should be the <u>principal repository for heritage data</u>, including existing and future heritage studies, statements of significance and full citations. (7)</p>	<p>Council supports the recommendation to use Hermes for all data collection and updating. It also needs to include a planning amendment history section.</p>	<p>Support ACs recommendations.</p> <p>Note AC and DPCD endorsement of COS position re:</p>

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<ul style="list-style-type: none"> • Cost; • Public access (not all people have broadband); • Dynamic nature (if it's a legal 'incorporated' document then a process needs to be in place to ensure relevant data is not changed without going through proper process. 	<p>53. <u>Funding and technical support</u> should be provided to local Councils to facilitate the use of HERMES, including the integration with Council databases and software systems. (7)</p> <p>54. HERMES should have an <u>archive capacity</u> showing the <u>history of planning scheme amendments</u>, earlier heritage studies and statements of significance. (1)(7)</p> <p>55. <u>Paper records</u> of heritage documentation should be maintained and be readily available. (7)</p> <p>56. There should be an investigation of how and when stored information should be <u>reviewed and updated</u>. (7)</p> <p>57. HERMES should also be the repository of archival material concerning <u>demolished buildings</u> or other fabric. (7)</p>	<p>The paper notes that the Hermes Database should not become a de facto incorporated document. However, Hermes would appear to be the most practical and central location for all of the relevant information relating to the significance of and heritage controls over a heritage place. Council will over the next few years use substantial resources to refine existing citations for uploading to Hermes. It seems logical that Councils should receive some benefit in the form of freedom from maintaining paper documentation.</p> <p>The Review generally proposes very little that would make the issues clearer for owners, developers and statutory planners. Hermes as a central, up to date resource would help to demistify the process by providing a one stop shop for heritage information irrespective of the Council concerned.</p>	<ul style="list-style-type: none"> • use of Hermes as a one-stop-shop for accessing statements of significance and citations. • that Hermes is also used to show planning history.
<p>3.1 Fitting in with related and complementary Heritage controls Refers to other legislative controls / Acts with implications for heritage. Discussed in other sections.</p>			
<p>3.2 Aboriginal cultural heritage</p>			
<p>Supports use of HO to identify sites of aboriginal significance.</p> <p>AC generally recommends that AAV should be responsible for the identification, mapping and assessment of applications to develop identified land pursuant to Aboriginal Heritage Act.</p> <p>DPCD suggests a special separate overlay schedule.</p>	<p>58. All VPP references to Aboriginal cultural heritage should be amended to reflect the terminology and <u>approach used in the Aboriginal Heritage Act</u>. (1)(2)</p> <p>59. The ability to list places of Aboriginal cultural heritage significance under the <u>HQ</u> should be retained. (1)</p> <p>60. If a place has only Aboriginal cultural values, the HO provisions could indicate that <u>no permit</u> is required for:</p>	<p>No specific submission.</p>	<p>Support AC recommendations and DPCD variations.</p> <p>In association with AAV (via COS Social Planning), identify sites of aboriginal significance and consider options for their recognition and protection, with reference to TEH and Council's Indigenous History of Stonnington.</p>

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	<ul style="list-style-type: none"> • any development of the place under the HO that requires a permit under the Aboriginal Heritage Act; or • any development that requires the preparation of a Cultural Heritage Management Plan under the Aboriginal Heritage Act and is in accordance with such an approved plan. (1) <p>61. Places of Aboriginal cultural heritage significance should be <u>identified in the HO</u> and the HO should indicate whether other HO controls apply to the place. (1)</p> <p>62. <u>Decision guidelines</u> should be developed and included in the HO relevant to sites with Aboriginal and non-Aboriginal heritage significance. (1)</p> <p>63. Consideration should be given to the use of the <u>SLO</u> (subject to the modifications proposed to that overlay above) or the <u>ESQ</u> to manage landscape-scale sites that have Aboriginal cultural heritage values. (2)</p> <p>64. Consideration should be given to use of the <u>DDO</u> for controlling development on and adjacent to defined sites of Aboriginal cultural heritage significance, and amending the DDO schedule to make explicit reference to these values. (2)</p> <p>65. In order to provide as much information as possible to planners and landholders and to call attention to the requirements of the Aboriginal Heritage Act, AAV and DPCD should give consideration to <u>mapping</u> the defined areas of cultural heritage sensitivity as a sub-set of the planning scheme maps of each municipality. This may require a special HO schedule or a separate</p>		

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Advisory Cmte key findings	Advisory Cmte Recs (Aug 07)	COS submission (April 07)	COS current position (Jan 07)
	<p>'Aboriginal Heritage Overlay' to be developed. (1)(2)</p> <p>66. If this <u>mapping</u> were done, an administrative arrangement should be put in place that would enable the maps to be amended should areas of sensitivity later be modified as a result of local studies (and/or additions to Schedule 1 of the Regulations redefining or overriding the general definition of areas of sensitivity for a particular municipality). (2)(7)</p> <p>67. Ideally, the responsibility for maintaining and updating the mapping in planning schemes should lie with AAV. (2)(7)</p>		
3.3 Historical (post contact) archeological sites			
<p>HV maintains a register of known archaeological sites (known as the VHI). These and unregistered sites are protected under the Heritage Act.</p> <p>PS provides vehicle for identifying and referring applications, but should not be automatically included until reviewed.</p> <p>HV should be responsible for identification, mapping and assessment of applications of sites of state significance, and Councils for sites of local significance.</p> <p>DPCD suggests a separate special schedule (with aboriginal heritage).</p>	<p>68. Clause 15.11 should be expanded to make reference to <u>historical archaeological sites</u> in addition to archaeological places of Aboriginal origin. (6)</p> <p>69. The 'head clause' of Clause 43.01 should be modified to include historic archaeological sites. This would involve a new a dot point in Clause 43.01-2 exempting development of a heritage place which is on the VHI from the need for a permit under the HO if a 'Consent to Disturb' is required for that development under the Heritage Act or the development is exempt under that Act. Permits may still be required under the HO for matters not controlled by the Heritage Act. (1)</p> <p>70. Historic archaeological places should be identified in a new column in the <u>HO</u>. (1)</p> <p>71. <u>Decision guidelines</u> should be developed and</p>	<p>No specific submission.</p>	<p>Support AC recommendations and DPCD variations.</p> <p>Identify sites of archaeological significance and consider options for their recognition and protection, with reference to TEH.</p>

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Advisory Cmte key findings	Advisory Cmte Recs (Aug 07)	COS submission (April 07)	COS current position (Jan 07)
	<p>included in the HO schedules to deal with sites with other heritage values in addition to historic archaeological significance.(1)</p> <p>72. The <u>Planning Practice Note Applying the Heritage Overlay</u> should provide advice with regard to the application of the HO to historic archaeological sites and should refer to the requirements under the Heritage Act. (3)</p>		
3.4 VHR refusals under the Heritage Act			
<p>All parties agreed that a better system was required to protect HC rejected places that may have 'local' significance.</p> <p>AC received more detailed analysis of HV's decision-making process and protocols on this matter.</p> <p>DPCD recommended using automatic 20(4) interim controls with a sunset clause.</p> <p>The AC considered this approach the most appropriate to ensure local Council responsibility for deciding if a place as 'local' significance and to provide opportunities for third party submissions.</p>	<p>73. Procedures should be put in place - by legislation if required - so that where the nomination of a place for inclusion on the VHR is rejected but the Executive Director or the Heritage Council (as relevant) is of the view that planning scheme controls appear appropriate, the nomination is referred to the Minister for Planning who has discretion to introduce an <u>interim amendment to the planning scheme</u> under sections 8 and 20(4) of the P&E Act (including a sunset clause - which might be extended on application to the Minister). Any such application of interim controls should occur no later than release of the decision of the Executive Director or Heritage Council to refuse to include the place or any part of it on the VHR. The interim controls should be removed at the end of the sunset period (as extended if appropriate), upon amendment of the planning scheme to include in the HO some or all of the place or upon any refusal to adopt or approve the amendment. (5)(7)</p> <p>74. The <u>VPP Practice Note</u> should accurately refer to the legislated roles of the Heritage Council and Heritage Victoria in considering places for planning scheme protection. (3)</p>	<p>This item refers to cases where HV considers a place does not have state significance but may have local significance. The current approach is for HV to advise Council by letter.</p> <p>The Committee has sought feedback on this issue. Council considers that the current approach is entirely inadequate and fraught with risk. Council recommends that if HV finds that a place may have local significance it is automatically included in the HO with interim status (subject to a sunset clause). This will ensure a timely and proper process for the relevant Council to further assess the place and pursue a planning scheme amendment as required, which in turn will provide the owner with full opportunity for formal submissions.</p>	<p>Support AC recommendations.</p> <p>Note AC's endorsement of COS submission.</p>

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3.5 Interaction with the VHR			
<p>DPCD's proposed revisions to Clause 43.01 (Dec 07) corrects current anomaly re permit exemption wording.</p> <p>DPCD's alternate HO model proposes a separate listing of VHR listed places (with places of aboriginal and archeological significance), so that VHR data cannot be changed by local Councils.</p> <p>AC does not agree with DPCD's model, as it would result in a separate listing of any locally significant part of a place (eg. garden) and this would suggest that this was 'secondary'. AC suggests a note would be sufficient to indicate a 'no changes' protocol.</p>	<p>75. The <u>permit exemption</u> in the HO regarding places on the VHR should be changed to 'If there is a requirement for a permit under the <i>Heritage Act 1995</i>'.(1)</p> <p>76. A permit exemption for places on the VHR could also be included in the <u>SLO and ESO</u>. (2)</p> <p>77. The <u>PPN or scheme provisions</u> should indicate that all places on the VHR are not to be amended without prior approval from Heritage Victoria. (3)</p> <p>78. The <u>VPP Practice Note</u> should be updated to accurately reflect current requirements in relation to VHR places. (3)</p> <p>79. Consideration should be given to Heritage Victoria undertaking immediate work to ensure that <u>all places listed on the VHR are included in HO</u> (via Ministerial amendment) as soon as practicable and establishing processes to fulfil obligations under section 48(2) of the Heritage Act – that is to amend the planning scheme 'as soon as practicable after notice is given...of the inclusion of a place in the Heritage Register'. (2)(7)</p>	<p>No specific submission</p>	<p>Support AC's recommendations and DPCD variations.</p>
3.6 Other interactions with the Heritage Act			
<p>Submitters expressed concerns about HV/HC not recognizing the local significance of a place in its permit assessments of VHR places (eg. If VHR place contributes to a precinct or part of place is locally significant).</p>	<p>80. Where appropriate, the State and local significance of land should be <u>differentially mapped</u>. (2)</p> <p>81. Statements of significance for VHR places should identify whether the place is <u>also of local significance</u> and the permit policy section of the statement of significance should provide direction</p>	<p>No specific submission</p>	<p>Support AC's recommendations.</p>

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<p>Separate mapping of state and local parts of a place (with same HO no) will alert both Councils and HV of the dual significance of a place. In this case HV should be required to consult with Council and consider its views. Current controls only require HV to provide Council with a copy of the application.</p> <p>Submissions noted that HV permits for subdivisions create issues of retrofit for Councils, who may need to modify HV permits to address drainage, ResCode and other issues.</p>	<p>on matters of local significance. (2)(7)</p> <p>82. There should be a requirement for the Executive Director of Heritage Victoria to seek and consider the <u>views of the relevant local Council</u> when assessing a permit application for a place on the VHR. Such a requirement should be included in the Heritage Act, either by amending sections 71 73 or by providing for the local Council to be a referral authority. (5)</p> <p>83. The operational procedures of Heritage Victoria should ensure that the relevant local <u>Council is involved</u> from the pre-application stage of a VHR permit process. (7)</p> <p>84. Further consideration should be given to the desirability of legislative change so as to require <u>applications for the subdivision</u> of VHR places to be dealt with under the P&E Act, with Heritage Victoria acting as referral authority to the local Council. (2)(7)</p>		
<p>3.7 Interaction with Building Controls</p>			
<p>AC firmly of the view that legally appropriate to remove ResCode assessment if the only trigger is HO.</p> <p>Could have an automatic referral to the Council building surveyor.</p> <p>Problem of inconsistency with S64(2) of the P&E Act, which precludes a responsible authority or VCAT from including a permit condition that is inconsistent with the Building Act / Regs. Need to review the Acts.</p>	<p>85. There should be an <u>urgent review of the relationship between building and planning approvals</u>, including the impact of section 64(2) of the P&E Act. This provision of the Act has wider application than just to permits issued under the HO. (5)</p> <p>86. DPCD should prepare an <u>Advisory Note</u> regarding the relationship between planning permits and the Building Regulations. (4)</p> <p>87. Meanwhile, Councils should be encouraged to instigate procedures to <u>better integrate planning and building approval processes</u> and ensure that</p>	<p>No specific submission.</p>	<p>Support AC recommendations.</p> <p>Note AC's interpretation that alterations and additions = whole new building, and should be addressed in the same way. Council has requested clarification of this point in its response to DPCD's current proposed changes to CI 43.01.</p>

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<p>May also need to clarify how 'additions' and 'alterations' are addressed. Should be same as a whole new building.</p>	<p>conditions issued under the HO do not conflict with the siting requirements of ResCode or other aspects of the Building Regulations. (7)</p>		
<p>3.8 Role and Scope of Statements of Significance</p>			
<p>AC maintained its view that statements of significance should be incorporated documents in PS (to maximize their importance).</p> <p>However, it also supported the concept of including statements of significance as part of the full citation in Hermes, provided Hermes is capable of incorporation as part of the statutory system.</p> <p>VCAT suggested alternative - similar to Development Plans (DPOs)- ie statements of significance are prepared to the satisfaction of the responsible authority.</p>	<p>88. Reference to statements of significance should be included in the <u>decision guidelines</u> of the HO in relation to permit applications. (1)</p> <p>89. As planning scheme reviews and amendments allow, statements of significance should be included in an <u>incorporated document</u> of the planning scheme <u>or included in HERMES</u> with a reference to this source of the statement included in the scheme (see also recommendation in Section 2.3.6). (2)</p> <p>90. The Planning Practice Note and standard brief for the preparation of heritage studies should provide <u>clear guidance on the appropriate recording and documenting of outcomes</u> so as to facilitate the inclusion of relevant material in HERMES. (2)(4)(7)</p>	<p>Council agrees that a Statement of Significance is the most important part of a heritage assessment. However, it does not agree with the recommendation that it, and it alone, is incorporated into the Planning Scheme. If only the Statement of Significance is given statutory status then there is a risk that it will be divorced from the remainder of the citation and/or will be bulked up to be an unwieldy document. Nor does Council agree that the Statement of Significance should become a management tool. The tools include the provisions of the Planning Scheme, heritage guidelines, conservation management plans and incorporated plans. Hermes provides the opportunity to have all the data and controls in the same place.</p>	<p>Qualified support for AC recommendations, reserving position in relation to the use and status of statements of significance in the Planning Scheme, with view to COS making a submission to any final recommendations.</p> <p>Note the AC's endorsement of COS proposal to use Hermes as the main source of all data.</p> <p>In the interim (prior to final recommendations):</p> <ul style="list-style-type: none"> • Continue to input data into Hermes, extracting information relevant for a best fit statement of significance. • In new citations, prepare a separate statement of preferred outcomes / conservation management.
<p>3.9 Mapping of places in the Planning Scheme</p>			
<p>General support for AC's recommendations, but with some reservations about complexity, time and cost of preparing and updating maps and layers of maps.</p>	<p>91. To the extent practicable, all places assessed as being of <u>individual heritage significance</u> should be <u>listed separately</u> in the HO schedule(s) and <u>separately depicted on the planning scheme maps</u>. If there is a new system involving multiple schedules to the HO, this may require a place to be shown on two or more sets of HO maps each one linked to a schedule. Where individually significant places are located within and contribute to precincts, they could be listed and mapped using a</p>	<p>No specific submission, however refer submission to 2.3 above, viz:</p> <p>Council has some reservations about the proposal to have separate mapping of state and local components where a site or precinct contains elements with different levels of significance. It considers this will further confuse owners and developers. A better and clearer method is to have one overlay and use the</p>	<p>Qualified support for AC recommendations, reserving position in relation to mapping, with view to COS making a submission to any final recommendations.</p> <p>In the interim (prior to final recommendations), in new citations:</p> <ul style="list-style-type: none"> • Clearly differentiate places in precincts of different status (In

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	<p><u>supplementary number</u> (e.g. HO47-1) to clarify the relationship. (1)(2)(3)</p> <p>92. Mapping of the <u>extent of heritage significance on large properties and/or complex sites</u> should reflect the statement of significance and include all components identified as contributing to the significance of the site. This may include the broader setting of buildings or works and/or spaces between major elements. The mapping should be tailored to the location of significant components and should not simply cover the extent of the relevant title or property boundary. (2)(3)</p> <p>93. It should be accepted as appropriate practice to <u>group buildings or sites that are linked thematically, but not geographically adjacent</u>, as one heritage place, sharing an HO number and statement of significance.(2)(3)</p> <p>94. Control of development <u>adjacent to 'free standing' individually significant places</u> (that is those not part of precincts or heritage areas) should generally be achieved through a <u>DDO</u> or an NCO, rather than through applying the HO to adjoining properties. (2)(3)</p> <p>95. The <u>description of the place</u> given in the schedule (or schedules) to the HO, supported by the statement of significance, should be the predominant means of identifying the areas to which the overlay applies. If there is a discrepancy between the schedule(s) and the HO maps, the <u>schedule(s) should prevail</u>.(1)</p> <p>96. Councils whose planning schemes contain heritage places listed in the HO schedule but not</p>	<p>statement of significance and a grading system to clearly identify the separate elements on the site precinct. Hermes provides an effective tool to record and access this information.</p>	<p>accordance with COS submission to 2.3 above).</p> <ul style="list-style-type: none"> • Progressively identify 'individual' places in precincts and prepare separate citations. • Ensure Statements of Significance refer to the heritage values and state <i>what</i> fabric elements contribute to this significance.

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	included in the planning scheme maps should be encouraged to <u>complete such mapping</u> as soon as possible, in consultation with property owners. (2)(7)		
3.10 Interim Heritage Controls			
<p>General support for using existing systems:</p> <ul style="list-style-type: none"> • Using S29(A) of Building Act as last resort to protect places not yet identified in a study. • Applying PS amendment process (S20(4) P & E Act) to introduce interim protection after consultation, and as the first stage in a permanent amendment process. <p>In interim controls, consider demolition-only protection, and sunset clauses - for fairer system.</p>	<p>97. Interim heritage controls should continue to be applied through the <u>provisions of the Building Act</u>. (7)</p> <p>98. There should be <u>further investigation</u> of the best way to deal with interim heritage controls over contributory elements within areas identified as potentially warranting heritage protection. (5)(7)</p> <p>99. A revised <u>Practice Note</u> should be prepared in relation the process of applying interim heritage controls. It should address the timing, the material and degree of justification required to support the amendment and whether a sunset clause is to apply. (4)</p> <p>100. Councils should review their planning schemes to <u>remove policies or provisions</u> that seek to take heritage values into account when evaluating permit applications that are triggered by controls other than the HO. (2)</p>	No specific submission.	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>Seek interim heritage protection (in the HO) for current Gap Study places and precincts as soon as practical, taking into account resourcing capacity and programming priorities.</p>
3.11 Demolition issues - refer below			
3.12 Demolition by neglect			
<p>Two main approaches were considered:</p> <ul style="list-style-type: none"> • Local law or other enforcement, with significant penalties • Softer approach - incentives and advice (combined with funding availability). 	<p>101. A <u>standard local law</u> – requiring buildings covered by a HO to be maintained - should be formulated. (5)</p> <p>102. The <u>HC/HV Guidelines</u> should be expanded to provide guidance on the management of places that are in danger of being demolished by neglect.</p>	No specific submission.	Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.

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<p>General agreement that while building conditions and costs of maintenance needed to be understood, neglect should not be rewarded. One suggestion was that further development should be prohibited until a development which integrated with heritage restoration was proposed.</p>	<p>(4)</p> <p>103. The Heritage Council and Heritage Victoria should prepare a <u>Practice Note for municipal building surveyors</u> that would provide techniques for 'making safe' buildings. (4)</p> <p>104. Consideration should be given to establishing a <u>State-wide fund</u>, with established criteria, to assist the repair of places within a HO. (7)</p>		
<p>3.13 Demolition pursuant to Council order</p>			
<p>Current HO does not exempt the need for a planning permit for demolition when an order has been placed by a Council Building Surveyor, because the site is deemed unsafe or neglected.</p> <p>AC considered that such exemptions would encourage neglect.</p> <p>AC does not encourage automatic exemption for demolition or urgent repairs that change the appearance of the place.</p>	<p>105. There should be <u>no permit exemption</u> in the HO for demolition where a local Council has issued a demolition order. (1)</p> <p>106. There should not be a permit exemption in the HO for <u>urgent repair works</u> required by a Council order, where the works change the appearance of a heritage place or are not undertaken to the same details, specifications and materials. (1)</p> <p>107. Local Councils should be encouraged to adopt <u>fast track processes</u> for the consideration of permit applications for urgent repair cases which are not exempt. (7)</p>	<p>No specific submission.</p>	<p>Support AC recommendations.</p>
<p>3.14 Optional or additional HO controls - refer below</p>			
<p>3.15 External paint controls</p>			
<p>AC supported need to retain opportunity to schedule in paint controls.</p> <p>Need for clarification of terms.</p> <p>Need for state standard guidelines.</p>	<p>108. A permit should be required under the HO to 'Paint an unpainted external surface', to 'Paint a <u>previously painted external surface</u>' unless a schedule identifies that such a control does not apply, and to 'Externally paint a building if the painting constitutes an advertisement'. (1)</p> <p>109. The <u>column</u> in the schedule to the HO should</p>	<p>Council believes that there is need to clarify that painting which is bright and/or eye-catching is classified as a 'sign', thus triggering the need for a permit.</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p>

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	<p>refer to 'External paint controls apply to previously painted surfaces'. (1)</p> <p>110. The VPP <u>Practice Note</u> should provide greater guidance on when controls over previously painted surfaces should be scheduled-in. (3)</p> <p>111. Areas where controls over previously-painted surfaces have been removed should be <u>monitored</u>. (7)</p> <p>112. There should be clarification of what type of painting 'constitutes <u>an advertisement</u>'. (2)(3)</p> <p>113. Councils should be encouraged to produce <u>detailed guides</u> to appropriate paint schemes for use as a reference document, or incorporated document in relation to further <u>permit exemptions</u>. (7)</p>		
3.16 Internal alteration controls			
<p>AC supported need to retain opportunity to schedule in internal controls.</p> <p>Noted rarely used for local places and mainly for churches.</p> <p>Supported 'liturgical' exemption already available for VHR listed places. This changes is included in the proposed DPCD change to Cl. 43.01.</p>	<p>114. The ability to schedule-in a requirement for a permit for internal alterations to a building should be retained in the HO, where this is <u>justified by the statement of significance</u>. Planning authorities should specify the features or rooms to which the control applies, preferably in the relevant column in the schedule. (1)</p> <p>115. The HO should be amended, along the lines of section 65 of the Heritage Act, to provide that alterations to a church covered by the overlay, where these are required for <u>liturgical purposes</u>, are <u>exempt</u> from the need for a permit. (1)(2)</p>	No specific submission	Support AC recommendations.
3.17 Tree controls and heritage gardens			
General support for retaining	116. The ' <u>tree controls apply?</u> ' column should be	No specific submission	Support AC recommendations.

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<p>separate tree controls and introducing separate garden controls (provided identified in statement of significance).</p> <p>Consider conservation management plans (rather than incorporated plans) for management of gardens - provides more flexibility.</p> <p>Consider use of VPO, ESO, SLO or HO as applicable.</p> <p>Note - DPCD's alternate model includes trees and gardens in an 'individual' HO schedule (rather than using other overlays).</p>	<p>retained in the HO schedule (in the 'Directory' schedule in the proposed new HO structure discussed in Chapter 5) and the trees to which it applies should be specified in the column (if a small number of trees) and in the statement of significance. (1)</p> <p>117. A <u>separate schedule to the HO should be developed to cover gardens</u> and other designed landscapes. If part of a new HO schedule as discussed in Chapter 5, a table within the schedule could enable specific items - shrubs, lawns, views of key elements, etc. within gardens to be specified as requiring permits for removal or development. This control should be used sparingly and only where justified by the statement of significance. Routine maintenance should be exempt from any permit requirement. (1)</p> <p>118. The <u>PPN Applying the Heritage Overlay</u> (as renamed) should indicate that the optional controls over gardening should be used very sparingly. (3)</p> <p>119. In addition to statements of significance, the decision guidelines relating to this discretion should refer to any <u>approved conservation management plan</u> for the place. (1)</p> <p>120. 'Gardening' should be moved from Clause 62.02-1 to <u>Clause 62.02-2</u>. (2)</p>		
<p>3.18 Streamlining permit processes</p>			
<p><u>Permit exemptions</u></p> <p>Non-significant parts of site need to be made clear in statement of significance.</p>	<p>121. The HO should be revised in a manner which allows <u>place-specific permit exemptions</u> to be applied which would only allow as of right those works which do not have the potential to damage the significance of the place. (1)</p>	<p>No specific submission to AC</p> <p>COS is making submission on DPCD proposed changes to CI 43.01 (Dec 07) - due 29 Feb 08:</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p> <p>In response to DPCD proposal for changes</p>

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<p>Does not support pre-set prescriptive standards for minor works in all cases. The impact of minor works will vary for each place.</p> <p>Support exemptions for <u>public art</u>, <u>telephone booths</u>, <u>flag poles</u>, <u>small low level domestic decks</u>, <u>shade sails</u> -if not attached to significant item, <u>disability access ramps</u>.</p> <p><i>(NB. <u>Underlined</u> items are already exempt pursuant to Clause 62.02-2).</i></p> <p>Reservations re side boundary fences if behind development façade - will only work for terrace housing, otherwise can be seen.</p> <p><i>NB. DPCD proposed changes to CI 43.01 (Dec 07) include permit exemptions for a side fence behind the front setback of a building (contrary to AC's findings).</i></p> <p>Not appropriate to exempt consolidation of lots, as may be part of elements contributing to significance.</p> <p><u>Exemption from notice requirements</u></p> <p>Could apply to above matters.</p> <p><u>Shop fronts</u>. Consider exempting ground floor shop fronts from permit.</p>	<p>122. A small group of <u>generic exemptions</u> could be added to those already in the HO as identified above. (1)(2)</p> <p>123. The ability to schedule-in a requirement for permission for <u>repainting of external surfaces</u> should continue to apply. (1)</p> <p>124. The continued use of <u>incorporated plans</u> as a means to allow permit exemptions (as well as achieve other refinements to provisions applying to an HO) is supported. (1)</p> <p>125. <u>Shortened permit processing times</u> should be investigated for minor works in the HO such as repainting and fencing. (5)(7)</p> <p>126. Significantly reduced <u>public notice</u> for works in the HO should apply as suggested in Chapter 5. (1)</p> <p>127. <u>Code Assess</u> should be investigated for those minor works for which it might be possible to develop a set of prescriptive standards. This should be more seriously pursued if the HO is restructured to allow more place-specific requirements. (1)(7)</p> <p>128. Consideration should be given to re-introducing controls over the <u>upper level of commercial facades in strip centres</u> by modification of the relevant permit exemption in the buildings and works clause of the business zones of the VPP. (2)</p>		<p>to CI 43.01, COS should:</p> <ul style="list-style-type: none"> • Support the increased permit exemptions, except that the side fence exemption should not apply to fences over a specified height limit. • Support the increased exemptions from notice, except with clarification that this does not apply to the removal of buildings and to alterations and additions.

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Advisory Cmte key findings	Advisory Cmte Recs (Aug 07)	COS submission (April 07)	COS current position (Jan 07)
4. AMINISTERING HERITAGE CONTROLS			
4.1 Challenges to significance			
<p>Agreed that significance of the place should not generally be challenged at time of permit, but may be appropriate to allow a re-examination of a place of there has been material change to the fabric of a place or the original research was flawed or inadequate.</p> <p>Agreed that if demolition permitted, any amendment to remove the place from the HO should be streamlined.</p>	<p>129. A revised or new <u>Practice Note</u> should provide information on the status of the 'significance' of a place included in a HO, including the circumstances when the statement of significance can be challenged. (4)</p> <p>130. When a permit is granted for the full demolition of an individual place in a HO, the place should be removed from the HO as soon as possible by a <u>Ministerial amendment without notice</u> under section 20(4) of the P&E Act. (7)</p>	<p>Council considers that if a permit is issued for demolition and such demolition effectively results in the place no longer having heritage significance, then the place should be deleted from the HO as soon as possible and without the need for a full-blown amendment to the Planning Scheme. A combined amendment / application would achieve this. Alternatively, such an event should qualify for a 'fast-track amendment'.</p>	<p>Support AC recommendations.</p> <p>Note AC's endorsement of COS submission.</p>
4.2 Ambit of relevant considerations			
<p>AC believes need for certainty to address public confusion about the relevant considerations when HO is the only trigger for a permit.</p> <p>AC believes VCAT should make a 'decision-guideline' on the relevant considerations, but VCAT requested that AC make a recommendation.</p> <p>Noted that Clause 65 introduces broader matters which are at odds with the fundamental principle that discretion is confined to the considerations of the overlay, and appears to be a relic of old PSs.</p> <p><i>NB. DPCD did not propose removing reference to Cl. 65 in its current proposed revision of Cl 43.01.</i></p>	<p>131. Decision makers should be provided with <u>training / education</u> opportunities with respect to the ambit of considerations when the only permit trigger is the HO. (8)</p> <p>132. The VPP <u>Practice Note</u> should be revised or a new practice note prepared in order to clarify that the ambit of considerations is limited to heritage matters when the sole permit trigger is the HO. (3)(4)</p> <p>133. There should be an investigation of the way in which <u>notice is given of applications</u> that only require permission under the HO. (7)</p> <p>134. The reference in the decision guidelines at Clause 43.01-4 to 'the <u>decision guidelines in Clause 65</u>' should be removed. Consideration should be given to the role of Clause 65 more generally in planning schemes. (1)(2)</p>	<p>No specific submission</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p>

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4.3 Building condition and economic considerations			
<p>Noted that Heritage Act allows for consideration of 'reasonable economic use' and 'undue financial hardship', and that these are becoming accepted considerations for planning permits, sometimes using the 'fairness objective in S4 of the P&E Act.</p> <p>Some submitters felt that formal recognition of economic factors in the Act/PS/HO may encourage building neglect / increased demolition.</p> <p>AC is firmly of the belief that owner's 'financial circumstances' are not relevant but 'building economics' may be relevant (including whether further information demonstrates that the 'significance' of the place has changed and no longer warrants the amount of expenditure necessary to maintain a reasonable economic use.</p>	<p>135. The HO <u>decision guidelines</u> should refer to building condition and economic considerations which are restricted to 'economics of the building'. The application requirements should also refer to required information. (1)</p> <p>136. The VPP <u>Practice Note</u> should refer to the fact that structural condition and economic issues are not factors considered in assessing significance but are management considerations following that process. (3)</p> <p>137. The <u>HC/HV Guidelines</u> should be revised to provide clear guidance on the building condition and economic matters that might be considered when full or partial demolition of a building is proposed and the evidentiary requirements. (4)</p> <p>138. The PPN should include guidance on <u>what information is required</u> if it is sought to argue that a building is physically or economically beyond repair. It should also provide guidance on how such information should be assessed. (4)</p>	<p>No specific submission</p>	<p>Support AC recommendations, on proviso of further consultation when more detailed recommendations are prepared.</p>
4.4 Demolition issues			
4.5 Demolition and replacement development			
<p>Many current policies require an application for the replacement building at the same time as demolition. AC of the view that a high quality replacement building should not justify demolition of a significant building. The only reason for a combined application is to save time and to avoid a 'bomb site'.</p>	<p>139. A revised VPP Practice Note should clarify that <u>demolition and new development are separate permit triggers</u> in the HO and that the decisions should not be merged in a way that allows one to 'trade-off' the other.(3)(4)</p> <p>140. The <u>HC/HV Guidelines</u> should clarify the matters to be considered when permission is sought under the HO for demolition and a</p>	<p>No specific submission</p>	<p>Support AC recommendations.</p> <p>Amend current COS Heritage Guidelines to more clearly differentiate the requirements for demolition and replacement buildings.</p> <p>Review Clause 22.04 Heritage Policy in the PS to clarify the two types of C graded buildings and whether the second type (ie.</p>

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<p>One submitter noted that there may be circumstances where 'improved public benefit' may result - eg. extension of a hospital, school or park - but this should not apply to private development of a carpark.</p>	<p>replacement development. (4)</p> <p>141. <u>Local policies</u> that include explicit or implicit statements suggesting that a replacement development can compensate or offset the loss of significance caused by demolition of a contributory heritage building should be revised. (6)</p>		<p>'substantially altered but having streetscape or amenity value' are of lesser significance and hence candidates for demolition. A different policy statement should require any replacement building to contribute to the established streetscape and amenity (relevant to precincts only).</p>
<p>4.6 Enforcement against demolition by default</p>			
<p>This issue addresses cases where 'routine repairs' degenerate into a progressive, whole-sale removal of parts and then all the fabric. It can also occur when a permit is issued for alterations and the alterations get out of hand.</p> <p>Submissions suggested more a restrictive definition of 'routine repairs', or limiting these to only 2 types of built form fabric at a time (eg windows, doors, roof cladding, etc).</p> <p>AC saw some benefit in this approach but considered there would be practical problems with the re-definitions and enforcement.</p>	<p>142. Heritage Victoria should be requested to develop a standard permit condition requiring a <u>Scope of Works document</u>, and associated guidelines. Such a condition should be promoted as an appropriate standard condition on permits involving the removal of significant fabric. (4)</p> <p>143. Local Councils should be encouraged to impose a <u>standard permit condition</u> requiring that all heritage fabric proposed to be retained must be protected from the weather, compaction and other development activity until completion of the construction phase. (7)</p> <p>144. Heritage Victoria should investigate the practicalities and legality of a '<u>heritage bond</u>' system applicable to permits for the removal of significant fabric. (5)(7)</p>	<p>No specific submission</p>	<p>Support AC recommendations.</p> <p>Note that the AC recommendations only apply to permitted works and not exempt works.</p>
<p>4.7 The role of Heritage Advisors in planning</p>			
<p>Submitters and AC noted need for consistency and need for advisors to be aware of the planning context and implications in both the permit process and the PS amendment process.</p>	<p>145. <u>Heritage Victoria should take a lead role</u> in establishing the role of locally based Heritage Advisors, managing their training and professional development and ensuring consistent advice. (8)</p> <p>146. The possibility of an <u>accreditation system</u> for Heritage Advisors should be investigated. (8)</p>	<p>No specific submission</p>	<p>Support AC recommendations.</p>

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	147. <u>Adequate funding</u> should be provided to ensure a comprehensive system of Heritage Advisors, able to offer timely advice. (7)		
4.8 Education and training of decision-makers			
General support for more education for a whole range of stakeholders.	<p>148. DPCD should continue to provide and expand the <u>heritage courses for planning and other relevant professionals</u> run through the Planet program and should continue to sponsor participation of staff from rural councils.(8)</p> <p>149. Consideration should be given to developing a more targeted series of professional development opportunities for <u>Heritage Advisors</u>. (8)</p> <p>150. Heritage Victoria should liaise with <u>tertiary education providers</u> to examine ways to increase the provision of heritage training in professional courses in planning and the design professions. (8)</p> <p>151. DPCD should consider developing an <u>information brochure</u> to clarify the matters relevant for consideration in relation to applications under the HO. (4)</p>	Council supports the Committee's recommendations. However, it also sees the need for heritage training of the architects and designers who make the applications / design the developments.	Support AC recommendations. Note AC's endorsement of COS submission.
4.9 Conservation incentives			
General support for a range of incentives, but funding is an issue; <ul style="list-style-type: none"> • Access to advisors • Fee waivers • Grants / low interest loans • Awards 	152. There should be an investigation by HV of the feasibility of providing a <u>range of awards and financial incentives</u> for owners, with particular attention to the usefulness of a revolving fund, similar to the Melbourne Restoration Fund, operating on a State wide basis. (7)(8)	No specific submission	Support AC recommendations.
4.10 HC/HV guidelines			
AC supported guidelines provided reviewed to address several other	153. The HC/HV Guidelines should: <ul style="list-style-type: none"> • be reviewed in terms of their application to a 	No specific submission	Support AC recommendations, on proviso of further consultation when more detailed

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<p>issues.</p> <p>AC still sees role for local Council guidelines,</p>	<p>broad range of places</p> <ul style="list-style-type: none"> • make explicit reference to building economics as a matter possibly of relevance in decision-making on permits • describe the different considerations that will apply to HO permits alone vs HO permissions together with other scheme permissions • provide information on the management of places that are in danger of being demolished by neglect • clarify matters to be considered when permission is sought for demolition and replacement development. (4) <p>154. When the HC/HV Guidelines are finalised, they should be referenced in <u>Clause 15 and/or Clause 43.01 of the VPP</u> in order that they can act as a guide to decision-making on permits, especially in those municipalities where the planning scheme does not contain its own area-specific guidelines. (1)(2)(4)</p>		<p>recommendations are prepared.</p> <p>Note two current COS projects (being undertaken by Council's Heritage Advisor):</p> <ul style="list-style-type: none"> • Review of Council's own guidelines - currently underway. • Review of HV/HC guidelines - yet to commence. This should be brought forward as DPCD is closing submissions.

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