

# Growth Area Heritage Places Policy

Version: 1.1

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Responsible Department: Strategic Planning & Environment

## 1 Purpose

The purpose of this Policy is to provide a framework for decision making regarding heritage places in Casey's growth areas.

## 2 Definitions

<b>Adaptation</b>	means changing a place to suit the existing or a proposed use.
<b>Council</b>	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.
<b>Council officer</b>	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Councillors</b>	means the individuals holding the office of a member of Casey City Council.
<b>Conservation</b>	means all the processes of looking after a place so as to retain its cultural significance.
<b>Cultural significance</b>	means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
<b>Fabric</b>	means all physical material including elements, fixtures, contents and objects.
<b>Heritage Place</b>	means a geographically defined area including elements, objects, spaces and/or views that are of heritage significance.
<b>Maintenance</b>	means the continuous protective care of a place and its setting. Maintenance is to be distinguished from repair which involves restoration or reconstruction.

*Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at [www.casey.vic.gov.au/policiesstrategies](http://www.casey.vic.gov.au/policiesstrategies) to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.*

<b>Reconstruction</b>	means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.
<b>Responsible Authority</b>	means the authority responsible for the administration and enforcement of the Casey Planning Scheme and provisions therein, as defined by Section 13 of the <i>Planning and Environment Act 1987</i> .
<b>Restoration</b>	means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
<b>Use</b>	means the functions of a place, including the activities and traditional customary practices that may occur at the place or are dependent on the place.

### 3 Scope

This Policy applies to the strategic planning, planning scheme amendments and proposals to use, develop or subdivide any property subject to the Heritage Overlay within Casey's growth areas.

Casey's growth areas are defined in Appendix A.

### 4 Context

As one of the fastest growing municipalities in Victoria, the City of Casey faces the significant challenge of trying to protect and integrate the most valued parts of our heritage into a rapidly developing urban area.

The development of rural areas for suburban housing can have a negative impact on heritage places within and adjoining these developments. Such factors include:

- » Lack of knowledge or appreciation of conservation values in heritage places.
- » Lack of maintenance of heritage places.
- » Decline in the health of trees due to age, damage and disease.
- » Increasing land values and subsequent pressure for redevelopment.
- » Lack of funding, resources or appropriate expertise to properly care for heritage places.

Conversely, with good consultation and a commitment from all stakeholders, positive outcomes can be achieved through a range of initiatives and mechanisms.

#### 4.1 Principles for the conservation of growth area heritage places

The following principles apply to the conservation of Casey's growth area heritage places:

- » Places of cultural significance in growth areas enrich people's lives and provide deep and inspirational sense of connection to community, landscape, past and to lived experiences. As such, growth area heritage places should be conserved.
- » The recording of heritage places and the conservation, maintenance and use of growth area heritage places should be considered at the early stages of planning for future development.
- » Early intervention is critical to maintaining the heritage significance of a place within an identified growth area. As such, the protection and conservation of heritage places will be considered early in the strategic planning processes and at the first development application.
- » The City of Casey is committed to working closely with land owners and developers to ensure that heritage places in growth areas are managed in a sustainable way to protect, maintain and preserve the place.
- » The aim of conservation is to retain the cultural significance of growth area heritage places.
- » Places of cultural significance in growth areas should be safeguarded and not put at risk or left in a vulnerable state.
- » The City of Casey recognises that the significance of the place can extend beyond the built form and into the environment and its surrounds.

#### 4.2 Guidelines for the conservation of growth area heritage places

The following guidelines apply to the conservation of Casey's growth area heritage places.

- » Maintenance is fundamental to conservation. Maintenance should be undertaken where fabric is of cultural significance and its maintenance is necessary to retain that cultural significance. Heritage places should be protected to prevent neglect, vandalism or destruction.
- » Change to the built form and use of heritage places may be necessary to ensure the sustainable retention of the place. Change to a heritage place and its use should be specifically guided by its cultural significance and, if the change is non-reversible should aim not to prevent future conservation action.
- » Adaptation to suit a proposed use is acceptable, but should result in minimal impact on the cultural significance of the heritage place and should retain significant fabric where feasible.

- » Restoration and reconstruction should reveal culturally significant aspects of the heritage place. Restoration is appropriate if there is sufficient evidence of an earlier state of the fabric. Reconstruction is appropriate where a heritage place is incomplete through damage or alteration, and where there is sufficient evidence to reproduce an earlier state of the fabric.
- » Deconstruction and/or removal of significant fabric of a heritage place is generally not acceptable. However, in some cases the City of Casey recognises that minor demolition may be appropriate as part of conservation. Removal of significant fabric should be recorded to allow for future reconstruction. Removed significant fabric should be reinstated when circumstances permit.
- » New work such as additions or other changes to the heritage place may be accepted by the City of Casey where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.
- » The City of Casey may determine to apply additional flexibility to the standard decision guidelines in the Casey Planning Scheme where it can be demonstrated to support the ongoing use and conservation of the growth area heritage place.

## 5 Policy

The City of Casey recognises that Growth Area Heritage Places are diverse and require treatment on a case by case basis. A variety of mechanisms are available to ensure their appropriate and sustainable treatment.

The following are descriptions and requirements of the implementation mechanisms referenced in Section 6.

### 5.1 Conservation Management Plan

Where subdivision, use or development of a heritage place is proposed, the City of Casey may require a Conservation Management Plan (CMP).

A Conservation Management Plan should:

- » Identify the history of the place to understand how it has changed over time and what factors have contributed to change.
- » Describe the elements of the place and their condition in both written and photographic form.
- » Identify the importance and significance of the place and its components.
- » Identify current management principles, legislation and factors that are likely to be constraints or opportunities.
- » Identify actions to be implemented to prevent deterioration or neglect of the heritage place, and to provide security against vandalism and weather damage.

- » Set individual or collective policies for all significant elements identified and provide clear guidelines on their ongoing conservation and management.
- » Prioritise works or activities to be carried out and provide guidance as to how and when these works should be undertaken.

Where a Conservation Management Plan identifies works required to repair, maintain or change a heritage place, the plan can be provided as rationale for seeking permit exemptions through an Incorporated Plan.

A Conservation Management Plan must be prepared by a suitably qualified heritage consultant, be reviewed by Council's heritage advisor and be to the satisfaction of the City of Casey.

## 5.2 Incorporated Plan

Where works are required to repair and maintain a heritage place, the City of Casey encourages the inclusion of an Incorporated Plan into the Schedule to the Heritage Overlay, under the provisions of *Clause 43.01 Heritage Overlay* in the Casey Planning Scheme.

An Incorporated Plan should list the works that are specifically required to repair and maintain the heritage place. Where the heritage place is in significant disrepair, the works indicated in an Incorporated Plan should be in accordance with a structural report prepared by a suitably qualified structural engineer.

In accordance with *Clause 43.01-2*, an Incorporated Plan included in the Schedule to the Heritage Overlay removes the permit requirement for the works identified in the plan.

An Incorporated Plan must be prepared by a suitably qualified heritage consultant, be reviewed by Council's heritage advisor and be to the satisfaction of the City of Casey.

## 5.3 Adaptive Reuse

The City of Casey encourages adaptive reuse of growth area heritage places to ensure long term use of the property and commercial viability of any restoration and ongoing maintenance works that may be required.

To encourage alternative uses for growth area heritage places, the City of Casey may support applications for uses which would otherwise be prohibited by the Casey Planning Scheme.

An application for a use that would otherwise be prohibited must:

- » Consider the effects on amenity of the area.
- » Not adversely affect the significance of the heritage place.
- » Demonstrate the benefits obtained by the use on the conservation of the heritage place.

An adaptive reuse should be considered in conjunction with an Incorporated Plan to remove permit requirements for works associated with the necessary adaptation of the place.

## **6 Implementation**

The City of Casey is committed to the conservation of growth area heritage places in the municipality through:

- » Facilitating early intervention to manage heritage conservation from the first stage of development.
- » Working closely with landowners and developers at all stages of the development process to ensure heritage places are managed in a sustainable way.

The following implementation mechanisms apply at the relevant stages of the development process.

### **6.1 Precinct Structure Plan**

In most instances, Council's role in the Precinct Structure Planning stage is limited to providing advice to the Metropolitan Planning Authority (MPA). Council will undertake and support advocacy to ensure the interests of the heritage property are considered at this earliest stage of planning. The MPA will be strongly encouraged to prepare an Incorporated Plan to be included in the Schedule to the Heritage Overlay or specify permit requirements in the schedule to the Urban Growth Zone or the Precinct Structure Plan that specify the heritage requirements of the heritage place(s).

### **6.2 Planning Permit Pre Application Discussions**

Prior to lodging a planning application affecting a growth area heritage property, applicants are encouraged to arrange a pre-application meeting with Council officers. At this stage, applicants will be encouraged to consider the future use or adaptive reuse of the place. Pre application discussions may identify a need for a combined planning permit and planning scheme amendment application in some instances.

### **6.3 Permit Applications**

An application for subdivision, use or development affecting a growth area heritage place should:

- » Discuss the proposed future use or adaptive reuse of the affected heritage place(s).
- » Include a draft Conservation Management Plan for the heritage place(s) to the satisfaction of the Responsible Authority.
- » Include the provision of sufficient space around the heritage building to allow its adaptive reuse to comply with other planning requirements such as car parking and landscaping.

#### 6.4 Conditions for Subdivision Permits

A permit for subdivision affecting a growth area heritage place should include the following conditions:

- » Prior to the certification of a plan of subdivision for the first stage of the subdivision, a Conservation Management Plan must be adopted for the heritage place(s) to the satisfaction of the Responsible Authority. (Condition applies only where a Conservation Management Plan does not already exist).
- » Before the commencement of works for any stage of subdivision, the heritage place(s) must be appropriately secured against damage as a result of works, deterioration, and the effects of weather, trespassing or vandalism to the satisfaction of the Responsible Authority.
- » Prior to the issue of a Statement of Compliance for the first stage of subdivision, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* which provides for:
  - » Works to the heritage place(s) for the purposes of restoration and repair in accordance with the timeframes and requirements of an Incorporated Plan or Conservation Management Plan.
  - » The ongoing management and works to the heritage place(s) as identified in an Incorporated Plan or Conservation Management Plan.

The owner/applicant must pay the Responsible Authority's costs of the preparation, execution and registration of the Section 173 agreement.

Works for the purpose of restoration of a heritage place should be completed in the early to middle stages of the subdivision and should not be deferred until the latter stages of subdivision.

#### 6.5 Conditions for Use and Development Permits

A permit for use or development of, or adjoining, a growth area heritage place(s) should include the following conditions:

- » Prior to the commencement of works, the heritage place(s) must be appropriately protected against damage as a result of works, deterioration, the effects of weather, trespassing or vandalism to the satisfaction of the Responsible Authority.
- » Prior to commencement of use or development, a Conservation Management Plan must be adopted for the heritage place(s) to the satisfaction of the Responsible Authority. (Condition applies only where a Conservation Management Plan does not already exist).
- » Prior to commencement of use or development, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* which provides for:

- » Works to the heritage place(s) for the purposes of restoration and repair in accordance with the timeframes and requirements of an Incorporated Plan or Conservation Management Plan.
- » The ongoing management and works to the heritage place(s) as identified in an Incorporated Plan or Conservation Management Plan.

The owner/applicant must pay the Responsible Authority's costs of the preparation, execution and registration of the Section 173 agreement. (*Condition applies only where a Section 173 Agreement for restoration, repair and ongoing management and works does not already exist*).

## **7 Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

## **8 Review**

The next biennial review of this document is scheduled for completion by 6 October 2017.



## 9 Appendices

### Casey's Growth Areas Boundary

