

What does the Heritage Overlay mean for me?

Generally, the Heritage Overlay has little impact upon the daily lives of the property owners.

If your place is protected under the Heritage Overlay and you want to carry out works to your property, you may require a planning permit.

What is the Heritage Overlay?

The Heritage Overlay seeks to conserve and enhance places of natural and cultural significance, and ensure new development does not adversely affect the significance of the heritage place. The Heritage Overlay may protect just one element, such as an individual building or structure, or a number of elements, such as a group of houses or trees in a street.

The Heritage Overlay is a statutory planning tool identifying places of heritage importance. The provisions are set out in clause 43.01 of all planning schemes in Victoria.

Are there different types of heritage significance?

Yes. A heritage study will determine whether a place is significant in its own right, or significant, contributory or non-contributory to a group of buildings.

What does it mean if a building is significant, contributory or non-contributory?

A significant place is a heritage place that has cultural heritage significance independent of its context. That is, if the precinct did not exist, they are places of local significance that could be eligible for individual inclusion in the Heritage Overlay. These places may also contribute to the significance of a precinct.

A contributory place contributes to the significance of a heritage precinct but would not be significant on its own.

‘Non-contributory’ places do not contribute to the significance of a heritage precinct. In some instances, a significant place may be considered non-contributory within a precinct. For example, an important Modernist house within a Victorian era precinct. In other instances non-contributory places are included in precincts due to their location within the precinct.

What requires a planning permit under the Heritage Overlay?

A planning permit is usually required for:

- demolition or relocation of buildings
- subdivision or consolidation of land
- construction or extension of buildings
- external alterations
- painting of external surfaces
- signage and advertising
- tree removal (in some cases).

Council’s Permit Exemptions Policy sets out permit exemptions for minor building and works in Heritage Overlay precincts, and maps the heritage status of properties within precincts.

If you are considering alterations to contributory

and significant places, the alterations should:

- respect the contributory elements of the heritage building
- retain the significant parts of heritage values
- not adversely affect the significance, character and appearance of the heritage place.

If you are considering alterations to non-contributory buildings, the alteration should:

- respect the near-by contributory and significant buildings in the heritage precinct
- not adversely affect the character and appearance of the surrounding heritage precinct
- ensure that the near-by contributory and significant buildings retain their prominence and are not dominated by the new works.

Visit mvcc.vic.gov.au/heritage to view our heritage guidelines for further guidance.

Do I always need a planning permit?

For properties identified within the Heritage Overlay, planning permits are generally not required in the following instances:

- General maintenance and repairs
- Water tanks, air conditioning units or other dwelling services not visible from the street
- Repainting or repairing the building in the same materials and colours
- Internal alterations of buildings (unless specifically stated in the schedule to the Heritage Overlay).
- Demolition of a building or part of a building on a property shown as non-contributory
- Repairs or routine maintenance to the wall of a building that faces the rear boundary that would change the appearance of only that wall on a property shown as contributory on the relevant precinct map. This exemption does not apply if the repairs or maintenance would result in an extension to the building or to a property on a corner site (including a laneway).

Please note: some works may require a building permit. We recommend seeking advice from Council about what permits are needed prior to commencing any works.

Can I demolish a building in the Heritage Overlay?

Being able to demolish a house or building in the Heritage Overlay depends on a number of factors, including the extent of demolition and the significance of the property. If the heritage place is individually significant, or if the building contributes to the significance of an area, a permit for demolition is unlikely to be supported.

If a building is non-contributory (e.g. a 1970s era home within a precinct valued for its Edwardian heritage) demolition may be supported. However, the design of any replacement building would need to consider its impacts on the heritage significance of surrounding properties.

Property owners and developers are strongly encouraged to discuss proposals with Council prior to committing to a project.

Do I have to restore my house to its original appearance?

No. The Heritage Overlay does not require an owner to restore or return a property to its original appearance.

However, if an owner is interested in restoring a property, Council's Heritage Advisor is available to provide guidance and advice.

How do I get a planning permit for my heritage place?

Owners of properties within the Heritage Overlay must apply for a planning permit from Council for external changes including the construction of extensions, garages and front fences. In addition, a planning permit is sometimes required for painting, internal alterations and removing or pruning trees.

The planning permit process allows us to assess how the proposed works will impact on the heritage significance of the place.

Before you can apply for a permit, you must complete a pre-application meeting form which is available from mvcc.vic.gov.au/planning and have a meeting with a member from the Statutory Planning team. This meeting will help ensure that what you are proposing is sympathetic to the purpose of the heritage overlay and that you are applying for the correct permit/s.

