

POLICY NUMBER:	16 (C)
NAME OF POLICY:	HERITAGE POLICY
DATE AMENDED:	17 November 2015
DATE OF NEXT REVIEW:	17 November 2019
DATE ADOPTED:	17 November 2015
RESPONSIBLE OFFICER:	Manager Planning

#### REFERENCES:

In dealing with the heritage assets of Hepburn Shire, Council will defer to the information and provisions of the following documents.

- *Planning and Environment Act 1987.*
- The Hepburn Shire Planning Scheme, in particular the Heritage Overlay [Cl. 43.01] and the Schedule to the Heritage Overlay.
- The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance, 2013. Draft Heritage Guidelines HV [the Burra Charter].
- The Heritage Overlay – Guidelines for Assessing Planning Permit Applications, Public Draft, February 2007 [Heritage Victoria and The Heritage Council of Victoria].
- Creswick Conservation Study 1991 - Lester Tropman & Associates
- Talbot and Clunes Conservation Study 1985 - Richard Aitken (Architect and Conservation Consultant)
- Daylesford / Hepburn Springs Conservation Study 1985 - Perrott Lyon Mathieson Pty. Ltd.
- Daylesford Streetscape Study 1996
- Recommendations of Daylesford Streetscape Study 1998
- Heritage Guidelines

## Best Value Principles

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

## Purpose

The Policy is intended to provide guidance to Council, developers, public agencies and the general community on:

- Re-development, restoration or alteration to places of heritage significance.
- New developments within designated sites and precincts or other areas of historical significance.
- Public or private works on infrastructure such as roads, drainage channels, footpaths, lighting, parkland, and so on.
- The value and role of heritage preservation in maintaining and enhancing the unique character of the varied localities within the Shire.
- The administration of the Hepburn Shire Council's Heritage Loans Scheme.
- Applications to Council to have a Hepburn Shire Heritage Plaque installed on a building, place, asset or object in the Shire.

## Policy Objectives

It will be Council's policy to:

### Guiding Principles

- Encourage the conservation and enhancement of all of the Shire's heritage assets, while having due regard to economic, employment and social considerations.

- Encourage the development of appropriate policies and guidelines as incorporated or referral documents in the Hepburn Planning Scheme.
- Maintain a Heritage Advisory Service through employment of a qualified and experienced Heritage Adviser.
- Not accept past inappropriate actions in the Heritage Overlay as a basis for lesser standards in dealing with new works.
- Discourage faux historic designs and encourage the introduction of new character to heritage places through contemporary design excellence and innovation that may be valued in the future.
- Ensure that in the development of heritage places, the authentic heritage elements remain the dominant publicly visible feature of the site and that new elements do not overwhelm them by either bulk or character.
- Seek to balance commercial interests, particularly in business signage, with heritage objectives for the commercial precincts within the Shire in order to achieve high aesthetic and environmental standards that are attractive for the community and visitors.
- In dealing with heritage places that demonstrate development over their history, respect each significant phase of the development of the place.

#### **Council Awareness**

- Enhance the awareness of Council staff in heritage issues and their engagement in achieving good and comprehensive outcomes in Council's own works in the Heritage Overlay.
- Maintain and enhance Council's own heritage places as exemplars of good conservation practice.
- Maintain and support a Council Heritage Advisory Committee and to respond appropriately to its recommendations.
- Seek to comprehensively survey and analyse the heritage assets of the Shire and to include in the schedule to the Heritage Overlay.
- Support the display of Council approved plaques that explain the history and significance on the Shire's publicly accessible heritage places.
- Seek to provide complementary enhancement of public places and infrastructure within Council control that are included in heritage overlay precincts.
- Where necessary, to take steps to protect heritage places, such as the imposition of Interim Demolition Controls.
- Maintain a Heritage Loans Policy for the provision of low interest loans to fund the restoration of places of heritage and conservation significance in Hepburn Shire.

- Make nominations, where appropriate, for places to be included on the Victorian Heritage Register.
- Support and integrate the preparation of heritage data-bases and photographic collections by local historical societies.
- Ensure and/or encourage the retention of important trees with heritage value for historic places through the adoption of the Significant Tree Register.
- Defer to appropriate organisations and experts in relation to indigenous heritage.

#### **Statutory Planning**

- Refer Planning Applications in the Heritage Overlay to the Heritage Adviser for comment for input into the assessment of the application in association with other relevant planning issues.
- Make available through planning staff and the Heritage Adviser, advice to potential purchasers of properties in the Heritage Overlay. This will include the providing guidelines which will provide more specific guidance to Council, residents and developers in the restoration and/or development in places within a Heritage Overlay.
- Encourage pre-application consultation on projects in the Heritage Overlay with a view to facilitating the issue of timely and collaborative planning permits.
- In certain circumstances, require bonds or bank guarantees to be lodged against the proper conduct of proposed works.

#### **Education**

- Enhance community awareness of heritage matters and the responsibilities of owners as custodians of heritage places, including encouraging the production of published material and electronic web-sites in association with the Shire's tourism and community development strategies.

### **Compliance and Enforcement**

- Where the provisions of the Planning Scheme have not been followed and where consultation breaks down, to take enforcement action under the Planning and Environment Act 1987 to require that appropriate permits be obtained and/or the works to be made compliant with any permit issued. Where compliance is resisted or not achieved, to take the appropriate action

### **Heritage Loans**

Heritage Loans are proposed to:

- Promote the conservation and protection of heritage places in the Shire by the provision of financial assistance to worthy conservation projects.
- To provide a loan scheme, which will fund, wholly or partly, restoration works to buildings, sites or objects listed in the Hepburn Planning Scheme's Heritage Overlay.

**Application Criteria and administration of the Heritage Loans is attached as Appendix 1**

### **Heritage Plaques**

The objective is to provide for heritage plaques for privately owned buildings, places, asset or objects in recognition of the historic importance and value of a building, place, asset or object to the community.

This policy provides guidelines in respect of:

- The type of building, place, asset or object which is eligible for a heritage plaque.
- The terms and conditions under which a Hepburn Shire Heritage Plaque will be provided and installed.
- The accountability of each party.
- Provide the details of the cost of Heritage Plaques to the applicant.

**Application criteria and administration of the Heritage Plaques is attached as Appendix 2**

### **Appendix 1 - Application Criteria and administration of the Heritage Loans**

### **Heritage Loans Application Criteria**

Applications for funds under this scheme will only be considered if they meet the following criteria:

- The project involves carrying out work on;
- A heritage asset, object or place listed in the Hepburn Planning Scheme's Heritage Overlay, or
- A heritage asset, object or place proposed for inclusion in the Heritage Overlay.
- Where the work to be funded is external and will be visible from the public realm or is otherwise necessary to conserve the significant fabric.
- Will be likely to comply with the requirements of the Heritage Overlay.
- The project involves other recommendations from the Hepburn Shire Council's Heritage Advisor.
- Where all proposed works are adequately documented by the applicant to the satisfaction of the Heritage Advisor and are likely to receive relevant permits

### **Funds will not be made available for:**

- Projects which involve undertaking research, recording and documentation of heritage places.
- The applicant's own labour.
- The payment of building insurance.
- Works that have been completed or are in progress prior to the lodgement of an application for a Heritage Loan.
- Planning and Building permit fees.

### **Council Commitment**

The Hepburn Shire Council will make available funds of \$20,000.00 for the scheme. The balance of funds remaining in the pool at each financial year's end will be credited forward to the Scheme.

The funding arrangements are to be reviewed at the next policy review date.

### **ELIGIBILITY CRITERIA OF THE APPLICANT**

The applicant must:

- Be the owner or occupier of the place or object.
- Or have the written consent of the owner for the submission of the application and conduct of the works.
- Have the ability to fulfill the requirements of the loan contract as determined by Council at its discretion.

### **ADVERTISING OF LOANS**

Council will advertise the availability of the Heritage Loans and call for applications annually to be considered in July of every year, subject to the availability of funds.

#### **ASSESSMENT AND DECISIONS IN RESPECT OF APPLICATIONS**

Applications will be assessed by the Council's Heritage Advisor and Council Officers. A recommendation will be given to Council's Chief Executive Officer to make a determination of any application/s received.

#### **REPORTING REQUIREMENTS**

Council officers will report on the progress of the Scheme to Council at the end of each financial year.

#### **TERMS OF THE LOAN AGREEMENT**

##### **Principal**

The minimum amount of any loan is \$1,000.

The maximum amount of any loan is \$7,000.

##### **Payment to contractors**

10% of any payments to contractors is to be withheld by the applicant subject to the satisfactory completion of the works as determined by Council.

##### **Duration**

The maximum term for the loan repayment is 24 months. The term will be determined during the approval process.

However, the maximum loan term for a loan of \$1,000 (the minimum amount for a loan) shall be 12 months from the final payment.

##### **Repayments**

Loans are to be repaid monthly or at other agreed intervals over the term of the loan.

Repayment method to be determined by agreement prior to approval of any loan.

##### **Interest rate**

The interest rate will be fixed for the period of the loan and will be set at the Reserve Bank of Australia official cash rate applicable at the time of the loan.

##### **Defaults in conduct of the works**

Should the works not be carried out satisfactorily as determined by Council and/or are not in accordance with any planning or building permit obtained, Council may give notice, in accordance with the provisions of the agreement [see following clause], of its intention to terminate the agreement.

#### **Defaults in repayment**

If the recipient of a loan should make unreasonable default in the repayment of the loan, or performance of the works, Council shall give seven days notice of its intent to terminate the loan agreement. Upon the expiry of the seven days the whole of the moneys owing shall become payable and recoverable as a debt due to the Council.

#### **APPLICATION INFORMATION**

Applicants will be required to submit the following information:

- A completed application request.
- Proof of ownership or occupation of the place, object, asset or property. This can include a recent copy of the Certificate of Title, or in the case of an occupier written approval from the owner (along with Certificate of Title as before).
- Proof of ability to repay the loan such as payslips, business activity statement, bank statement and details of existing borrowings and other financial commitments, all as required by Council.
- A description of the proposed works, which are the subject of the loan application including the extent and nature of the works.
- If available, a copy of the relevant planning permit and/or building permit, which has been issued for the proposed works.
- Any architectural, archaeological or horticultural reports where appropriate.
- Photographs of the existing condition of the object or place.
- Two quotes or costs estimates from appropriately registered and experienced builders/contractors.
- Identification of any works to be carried out using the applicant's own labour.
- Where painting involving a change of colour scheme is proposed, samples of the proposed colours and their locations.

#### **APPLICATION**

The application is to be in the form of a written request to the Chief Executive Officer, Hepburn Shire Council.



#### **LOAN CONTRACT**

The loan contract shall be binding between the two parties to the satisfaction of Council.

### **Appendix 2 - Application Criteria and administration of Heritage Plaques**

#### **ELIGIBILITY CRITERIA**

The installation of plaques may be proposed by owners of places, by the Hepburn Shire Heritage Advisory Committee [the Committee], or by members of the public or organizations not directly

associated with the place. Applications for a Heritage Plaque under this scheme will only be considered if they meet the following criteria:

- The place has high or special historic and/or cultural value for the heritage of the Shire. Places of low or only representative value will not be considered.
- The place has a citation in a relevant Heritage Study or other heritage listing and is included or is proposed to be included in the Schedule to the Heritage Overlay of the Hepburn Planning Scheme.
- The place is nominated and/or approved by the Committee and Council.
- Where nominated by the Committee, the owner of the place agrees to the installation.
- Places and their plaques are in publicly accessible locations. Priority will be given to those places of highest value and most accessible to the public.
- The place does not have a plaque provided under the schemes operated by the Heritage Council or the National Trust.

#### **ADVERTISING OF THE HERITAGE PLAQUE SCHEME**

Hepburn Shire Council will publicise the existence of the Heritage Plaque Scheme.

#### **Nomination Process**

The following processes will be adopted in the nomination and installation of Heritage Plaques:

- Council will retain the all rights to the design of the Hepburn Shire Heritage Plaques.
- Council will retain the all the rights to provide and install the plaques. No other arrangements will be entered into without the consent of Council.
- The cost of a Heritage Plaque, including administrative costs, the cost of manufacture and the cost of installation will be borne by the Hepburn Shire Council.
- When applications from private persons are received, the application will be presented to the next available meeting of Council's Heritage Advisory Committee for consideration.
- The Heritage Committee in consultation with Council will consider the merits of the application and the accuracy of the information provided with the application.
- The Heritage Advisory Committee will determine the proposed wording for the Heritage Plaque. The final decision regarding wording shall rest with the Committee.
- Applicants will be advised of the outcome of their application once Council has considered the recommendations of the Committee regarding the provision and installation of a Heritage Plaque.

- The location for the installation of all Heritage Plaques will be determined by Council in consultation with the property owner.
- The plaque will be provided and installed by Council.
- Once a Heritage Plaque has been installed, the owner of the property shall take full responsibility for the maintenance of the plaque and the element on which it is located and shall not relocate the plaque without the prior approval of the Council.
- Plaques may not be removed without the consent of Council