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Our Ref: 3583.300

21 October 2022

Mr Mark Seymour
Cowes Bay Group Pty Ltd
PO Box 24431
Melbourne, Victoria 3000

**Re: 35-65 Paramount Road & 99 Olympia Street, Tottenham – Cultural Heritage
Statutory Obligations**

Dear Mark,

I am writing in response to your request for an investigation into the cultural heritage statutory obligations regarding land situated at **35-65 Paramount Road & 99 Olympia Street, Tottenham (Map 1)**. The proposed development for this site is to demolish a number of existing warehouses and build new warehouses, car parks, and offices on the property. Plans for the development is attached (**Appendix 1**).

This summary focuses on the statutory obligations under the *Aboriginal Heritage Act 2006*, the *Aboriginal Heritage Regulations 2018*, *Heritage Act 2017* and the *Planning and Environment Act 1987*. It includes a review of the Victorian Aboriginal Heritage Register (VAHR), the Victorian Heritage Database (VicPlan), and the relevant Heritage Overlay on the Planning Scheme for previously recorded sites and relevant reports.

The advice in this letter examines legislative requirements in relation to cultural heritage. It does not assess the likelihood of unknown Aboriginal or European cultural heritage being present within the activity area.

The advice contained in this letter is based on our interpretation of the above Acts and Regulations and is considered to be true and accurate. This letter is not legal advice.

Planning Map



Heritage ■ Aboriginal Cultural Heritage Sensitivity



Map Projection: GDA 1994 VICGRID94
Print Date: 10/20/2022



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Map 1 Map of Activity Area (*blue*) with Aboriginal Cultural Heritage (*green*) (Vicplan 2022)

Aboriginal Cultural Heritage

Cultural Heritage Management Plan (CHMP) Triggers

Pursuant to Regulation 7, *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) All or part of the activity area for the activity is an area of cultural heritage sensitivity; *and*
- (b) All or part of the activity is a high impact activity.

If only one of these two conditions apply, then the preparation of a mandatory CHMP is not required. Areas of cultural heritage sensitivity are specified in Division 3 and Division 4 of Part 2 of the Regulations. High impact activities are specified in Division 5 of the Regulations.

A CHMP is also required:

1. If the Minister directs a CHMP to be prepared pursuant to Section 48 of the Act;
2. If an Environmental Effects Statement, Impact Management Plan or Comprehensive Impact Statement is required pursuant to Section 49 and 49A of the Act; or
3. If the Secretary has certified a preliminary Aboriginal Heritage Test (PAHT) that has determined that an activity requires a CHMP pursuant to Section 46(e) of the Act.

None of these three conditions are known to currently exist.

High Impact Activities

The proposed industrial development at **35-65 Paramount Road & 99 Olympia Street, Tottenham** is considered to be a high impact activity under the Regulations to the *Aboriginal Heritage Act 2006*.

46 Buildings and works for specified uses

- (1) The construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of the works—
- (a) would result in significant ground disturbance; and
 - (b) is for, or associated with, the use of the land for any one
 - (iii) a car park;
 - (xii) an industry;
 - (xvii) an office;
 - (xxvi) a transport terminal;
 - (xxix) a warehouse;

Since the activity **is** a high impact activity, a mandatory CHMP is required **only if** all or part of the activity area is an area of cultural heritage sensitivity, and the area of cultural heritage sensitivity has **not** been subject to significant ground disturbance.

Exempt Activities

Division 2 of the Regulations lists exempt activities. A review shows that the activity is not an exempt activity pursuant to Regulation 46 Buildings and works for specified uses (1)(a)(b)(iii)(xii)(xvii)(xxvi)(xxix).

Areas of Cultural Heritage Sensitivity

Divisions 3 and 4 of the Regulations list areas of cultural heritage sensitivity. These are also shown on the Aboriginal Cultural Heritage Register Information System (ACHRIS). A review of both the Regulations and ACHRIS shows that *part* of the activity area is an area of cultural heritage sensitivity being within 200 metres of the Stony Creek (**Map 1**).

26 Waterways

- (1) Subject to subregulation (2), a waterway or land within 200m of a waterway is an area of cultural heritage sensitivity.
- (2) If part of a waterway or part of the land within 200 metres of a waterways has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

Since *part* of the activity area is an area of cultural heritage sensitivity and the activity is a high impact activity, a mandatory CHMP is required.

However, if the area of cultural heritage sensitivity has been subject to significant ground disturbance (SGD), then a mandatory CHMP is *not* required (see SGD section below).

Aboriginal Cultural Heritage Register and Information System (ACHRIS)

A search of the Aboriginal Cultural Heritage Register and Information System (ACHRIS) database has revealed that there are **no** registered Aboriginal heritage places within the activity area or within 50m of its boundaries.

The activity area **has not** previously been subject to a Cultural Heritage Management Plan.

Significant Ground Disturbance (SGD)

If the activity is a high impact activity and part of the activity area is a legislated area of cultural heritage sensitivity, then a mandatory CHMP is required. However, if the entire area of cultural heritage sensitivity in the activity area has been subject to SGD, then it is not an area of cultural heritage sensitivity. This means that a mandatory CHMP is not required. This is because the condition related to the area of cultural heritage sensitivity in Regulation 7 has not been met (See CHMP triggers above).

It has been demonstrated above (High Impact Activities) that the activity is a high impact activity; therefore, a mandatory CHMP is required. However, if the entire area of cultural heritage sensitivity in the activity area is subjected to SGD, then a CHMP is not required pursuant to Regulation 26(b).

SGD is defined in Regulation 5 as follows:

significant ground disturbance means disturbance of—

- (a) the topsoil or surface rock layer of the ground; or
- (b) a waterway—

By machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping;

Topsoil is not defined in the Regulations and has its ordinary meaning. It is not a geological term, but a common name used in a gardening context. The definition and reference for 'topsoil' used here is as follows (Murphy & Murphy 2000: 70-82):

A1 horizon is the surface soil and is generally referred to as topsoil. It has an accumulation of organic matter, a darker colour and maximum biological activity relative to other horizons. This is usually the most useful part of the soil for plant growth and re-vegetation. It is typically from 5 to 30cm thick.

The Practice Note Significant Ground Disturbance published by Aboriginal Victoria states that the burden of proving SGD is the responsibility of the applicant. It outlines four levels of investigation:

- Level 1: Common knowledge
- Level 2: Publicly available records
- Level 3: Further information from the applicant
- Level 4: Expert advice or opinion

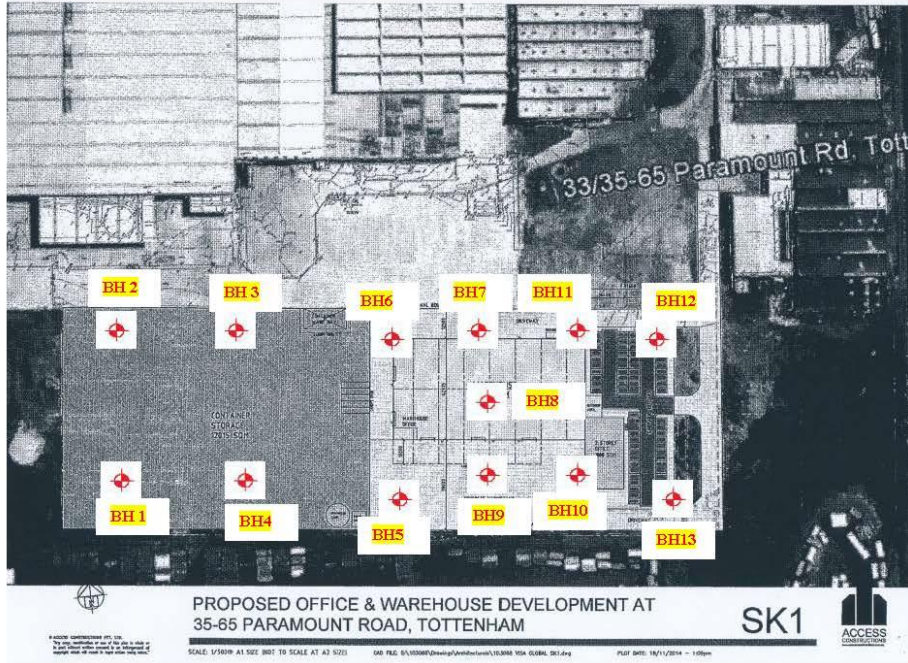
To determine whether or not SGD has occurred, the following investigations have been conducted:

1. Sediment Profile Investigation
2. Google Earth aeriels

Sediment Profile Investigation

A review has been undertaken by AS James Pty Ltd produced a geotechnical report for Paramount Victoria Pty Ltd and provided to us (**Appendix 2**). Thirteen boreholes were drilled across the across the activity area (Map in **Appendix 2**). The results are consistent with the conditions required to demonstrate significant ground disturbance as all boreholes demonstrated fill over clay.

 A.S. JAMES PTY LTD Geotechnical Engineers	JOB: 35-65 Paramount Road , TOTTENHAM	JOB No. 116349
		DATE: Dec '14



 Denotes Approximate Borehole Location

PLAN OF APPROXIMATE BOREHOLE LOCATIONS (N.T.S.)	Tested:	Figure 1
	Drawn:	

Map 2 Borehole location (Provided by client 2022)

Table 1 Bore Hole Log

Bore Hole	Soil Profile
1	0-2m FILL (clay and basaltic gravels) 2+m CLAY over BASALT
2	0-1.3m: FILL (clay with silt and basaltic gravels) 1.3+m: CLAY
3	0-1.3m: FILL (clay with silt and basaltic gravels) 1.3+m: CLAY
4	0-2.6m: FILL (clay with silt and basaltic gravels) 2.6+m: CLAY over BASALT
5	0-2.5m: FILL (clay with silt and basaltic gravels) 2.5+m: CLAY
6	0-2m: FILL (clay with silt and basaltic gravels) 2+m: CLAY
7	0-2m: FILL (clay and basaltic gravels) 2+m: CLAY over BASALT
8	0-2.5m: FILL (clay with silt and basaltic gravels) 2.5+m: CLAY
9	0-2.5m: FILL (clay with silt and basaltic gravels) 2.5+m: CLAY
10	0-2.6m: FILL (clay with silt and basaltic gravels) 2.6+m: CLAY
11	0-2.5m: FILL (clay with silt and basaltic gravels) 2.5+m: CLAY over BASALT
12	0-2.8m: FILL (clay with silt and basaltic gravels) 2.8+m: CLAY over BASALT
13	0-3.2m: FILL (clay with silt and basaltic gravels) 3.2+m: CLAY over BASALT

The Geotech report supplied by the client is supported by historic aerials (**Picture 1 & 2**) which show historical clearing and grading of the south of the activity area.

Google Earth Aerials

An aerial from 2001 shows the southern side of the activity (area of Cultural Heritage Sensitivity) had been subjected to clear and grade and the removal of the topsoil (**Picture 1**).

The 2009 aerial shows the same southern side of activity area being subjected again to clear and grade (**Picture 2**).



Picture 1 2001 Google Earth aerial of Activity Area (red) showing a clear & grade as (Google Earth 2022)



Picture 2 2009 Google Earth aerial of Activity Area (red) after a second clear & grade (Google Earth 2022)

Has Significant Ground Disturbance Occurred?

Several Victorian Civil and Administrative Tribunal (VCAT) hearings have addressed the issue of SGD. For example, in relation to subdivision, the Azzure decision (VCAT 2009) determined that if there was no 'smoking gun' evidence, SGD could reasonably be determined through comparative and contextual information, including urban context; timing of subdivision; the shape, size, topography and configuration of lots in the subdivision; the development of buildings on the site and the pattern of use over time; the provision of underground drainage and services; the style and configuration of houses and gardens; and the lack of remnant vegetation.

The above investigation has shown that SGD **has** occurred throughout the entire activity area.

It is therefore reasonable to extrapolate from the evidence presented above that ground disturbance has been demonstrated across the entire activity area and this disturbance has been caused by machinery which satisfies the definition of SGD in Regulation 5.

Therefore, a mandatory Cultural Heritage Management Plan **is not** required.

Statutory Obligations under the *Aboriginal Heritage Act 2006*

The above checks demonstrate that, under conditions of the *Aboriginal Heritage Act 2006*, the proposed industrial development at **35-65 Paramount Road & 99 Olympia Street, Tottenham does not** require the preparation of a mandatory Cultural Heritage Management Plan because the area of Aboriginal Cultural Sensitivity has been subjected to Significant Ground Disturbance.

Historic Cultural Heritage:

Statutory Obligations under the *Heritage Act 2017*

All historic sites are protected under the *Heritage Act 2017* which requires appropriate Consents or Permits to be obtained before any historic site is disturbed. In addition, all historic sites must be reported to the Executive Director of the Heritage Council. Any archaeological site older than 75 years is considered to have potential archaeological value. Historic archaeological sites with above low scientific significance are listed on the Heritage Inventory. Historic sites with State Significance to the Government of Victoria are listed on the Victorian Heritage Register

Historic Database Search

A search of Heritage Victoria's Victorian Heritage Database (VHD), the VicPlan online map and City of Melbourne Planning Scheme Online Heritage Overlay shows (**Map 3**) shows that there **is** a previously recorded historic site in the activity area.

Planning Scheme Search

A search of LGAs Planning Scheme (Heritage Overlay) (Planning Schemes Online, **Map 3**) shows that there is a previously recorded historic sites in the activity area.

Sites on the Heritage Overlay:

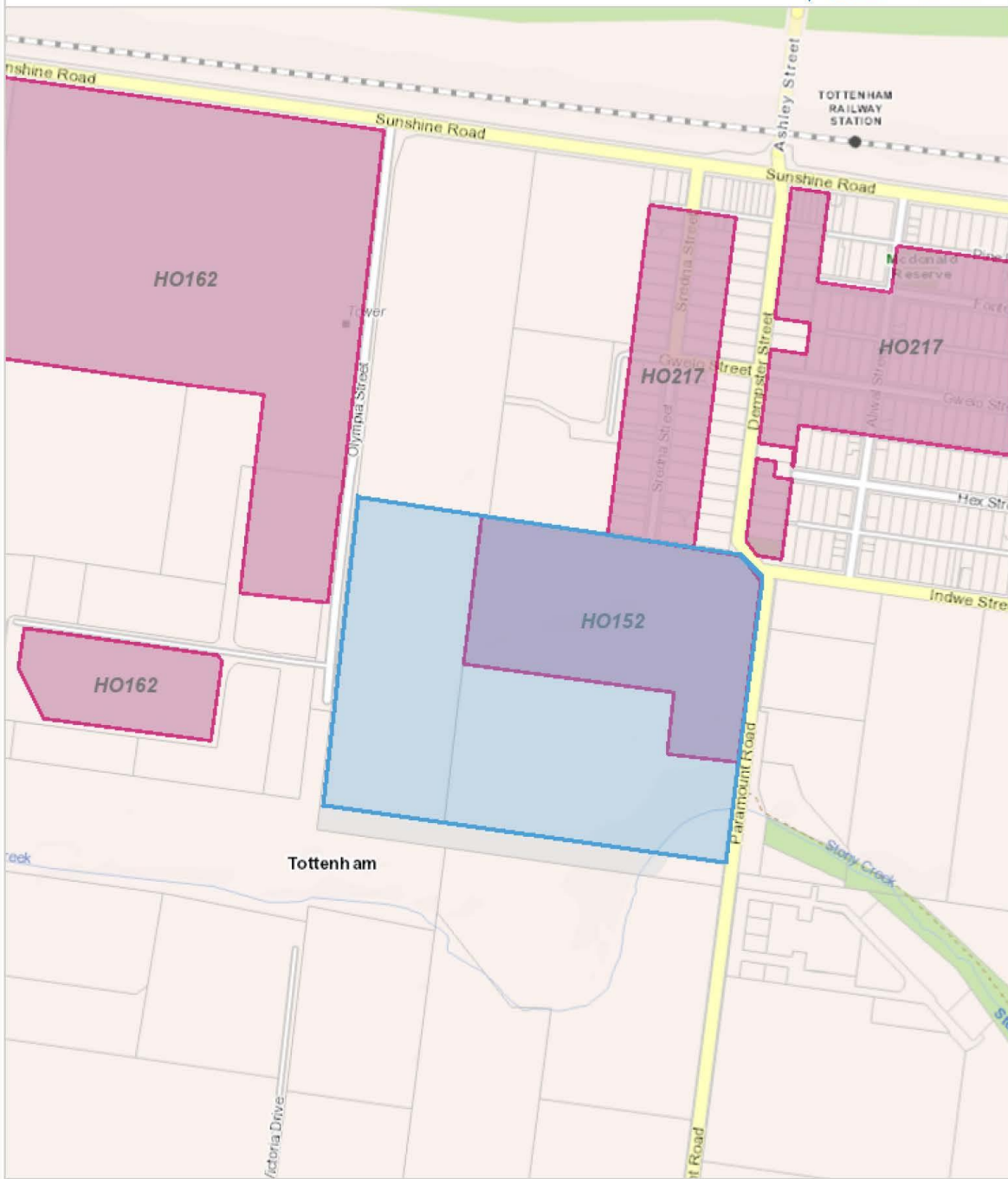
- HO152

Pacific Carpets

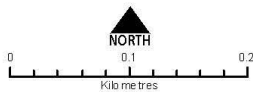
Maribyrnong Planning Scheme:

There is **one** Maribyrnong Planning Scheme Heritage Overlay located within the activity area (HO152) (**Map 3; Appendix 3**). The Maribyrnong Planning Scheme specifies in Schedule 43.01-1 that a Permit is required to demolish or remove or construct a building to which a Heritage Overlay applies (**Appendix 3**). Therefore, a Permit is required from Maribyrnong City Council for any works which may impact on the buildings and land covered under HO152 'Pacific Carpets'.

Planning Map



Planning Scheme Overlays HO - Heritage Overlay
Heritage and Built Form



Map Projection: GDA 1984 VICGRID94
Print Date: 10/20/2022



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Map 3 Map of Activity Area (blue) with Heritage Overlay (purple) (Vicplan 2022)

Summary of Statutory Obligations

Table 1 Summary of Cultural Heritage Obligations

Aboriginal	<i>Is the activity a high impact activity?</i>	Yes, pursuant to Regulation 46 (1)(a)(b) (iii)(xii)(xvii)(xxvi)(xxix)
	<i>Is part of the activity area a legislated area of cultural heritage sensitivity?</i>	No, pursuant to Regulation 26 (2)
	<i>Is a mandatory CHMP required?</i>	No
Historic	<i>Are there any Heritage Inventory (HI) or Victorian Heritage Register (VHR) places within or immediately abutting the activity area?</i>	No
	<i>Are there any Maribyrnong City Council Heritage Overlays within or immediately abutting the activity area?</i>	Yes
	<i>Are any Permits or Consents required from Heritage Victoria required prior to the activity commencing?</i>	No
	<i>Are any Permits required from Maribyrnong City Council required to manage a Heritage Overlay prior to the activity commencing?</i>	Yes

This investigation has reviewed the statutory obligations associated with both the *Aboriginal Heritage Act 2006* and the *Heritage Act 1995*. The proposed subdivision at **35-65 Paramount Road & 99 Olympia Street, Tottenham** will not require the preparation of a mandatory Cultural Heritage Management Plan because the activity area has been subjected to SGD therefore there is no area of legislated cultural heritage sensitivity (**Map 1**).

One Maribyrnong Planning Scheme Heritage Overlay (HO152: Pacific Carpets) is located within the activity area. The sponsor must apply for a Permit to the Maribyrnong City Council to enable redevelopment of the Overlay.

Yours Sincerely,

Epoxitis

Leah Politis

Archaeologist

REFERENCES:

Murphy BW & CL Murphy 2000 'The Soil Profile.' In PEV Chapman & BW Murphy eds. Soils: Their Properties and Management. 2nd Edition. Oxford University Press: 79-82.

APPENDIX 1 – PROPOSED DEVELOPMENT PLAN

Provided by client



ARTIST'S IMPRESSION - BUILDING B1



ARTIST'S IMPRESSION - BUILDING C

SHEET LIST - TOWN PLANNING		
SHEET #	SHEET NAME	REVISION
TP00	COVER SHEET AND LOCALITY	B
TP01	EXISTING ZONING AND DEMOLITION	B
TP02	PRELIMINARY CONCEPT TOWN PLANNING	B
TP03	PARAMOUNT ROAD EXISTING FOOTSCRAY NORTH	B
TP04	EXISTING TOWN PLANNING PLAN	B
TP05	SITE SECTIONS	B
TP06	Stage 1 Plan	B
TP07	Stage 2 Overall Site Plan	B
TP08	Stage 2 Overall Site Plan	B
TP09	Stage 2 Overall Site Plan	B
TP10	Stage 2 Overall Site Plan	B
TP11	Stage 2 Overall Site Plan	B
TP12	Stage 2 Overall Site Plan	B
TP13	Stage 2 Overall Site Plan	B
TP14	Stage 2 Overall Site Plan	B
TP15	Stage 2 Overall Site Plan	B
TP16	Stage 2 Overall Site Plan	B
TP17	Stage 2 Overall Site Plan	B
TP18	Stage 2 Overall Site Plan	B
TP19	Stage 2 Overall Site Plan	B
TP20	Stage 2 Overall Site Plan	B

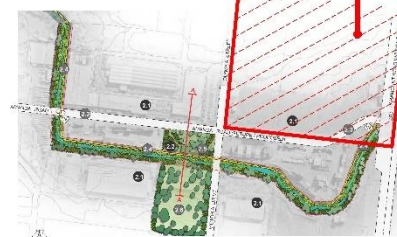


LOCALITY PLAN
SCALE 1:2500 @ B1



SUBJECT SITE

MILWAY REFERENCE: MAP 41-01



STORY CREEK FUTURE DIRECTIONS PLAN - EXCERPT
SCALE 1:5000 @ B1

2 QUARRY ROAD - PARAMOUNT ROAD

LEGEND

NOTES & ACCESS

- 1. Proposed 20m wide access road to the site.
- 2. Proposed 20m wide access road to the site.
- 3. Proposed 20m wide access road to the site.
- 4. Proposed 20m wide access road to the site.

PROPOSED DEVELOPMENT

- 1. Proposed 20m wide access road to the site.
- 2. Proposed 20m wide access road to the site.
- 3. Proposed 20m wide access road to the site.
- 4. Proposed 20m wide access road to the site.

PARAMOUNT RD
35-65 PARAMOUNT ROAD, TOTTENHAM



SHEET NAME: COVER SHEET AND LOCALITY

JOB NO.	4372	SCALE:	1 : 2500	SHEET NO.	001 OF 020 SHEETS
Drawing No:	TP00	ISSUE DATE:	2022.10.18		
REVISION:	B	DRAWN BY:	MR		



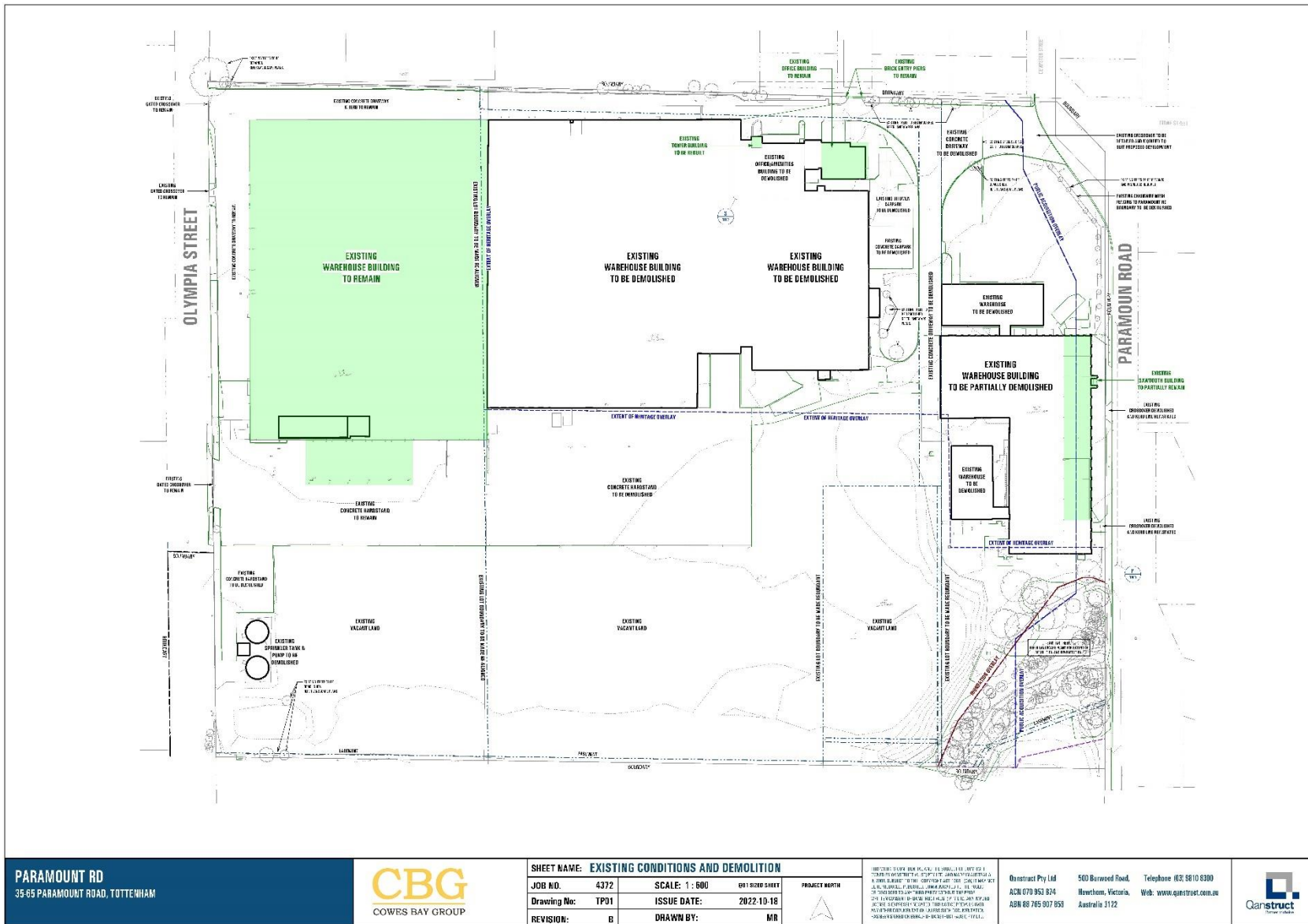
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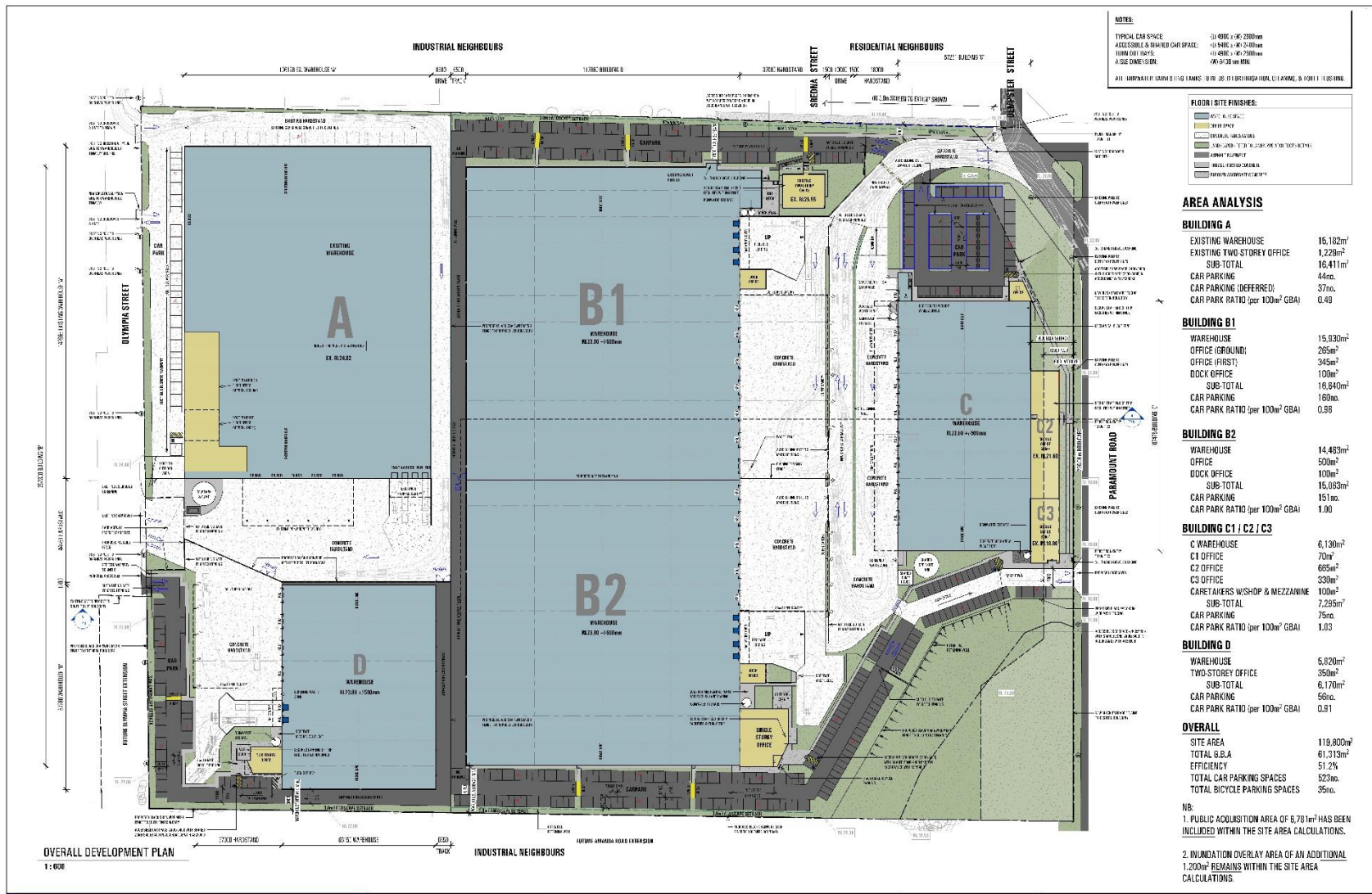
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Newtown, Victoria,
Australia 3122

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Web: www.quantrust.com.au







PARAMOUNT RD
35-65 PARAMOUNT ROAD, TOTTENHAM



SHEET NAME: OVERALL DEVELOPMENT PLAN

JOB NO.	4372	SCALE:	As indicated	SHEET	OF 1
DRAWING NO.	TP10	ISSUE DATE:	2022.10.18		
REVISION:	B	DRAWN BY:	MR		

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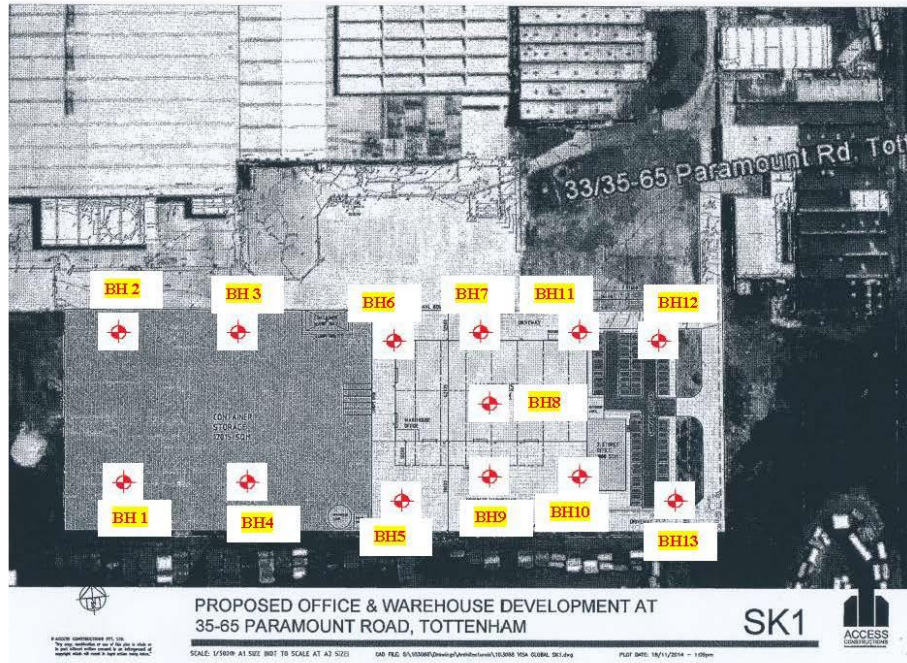
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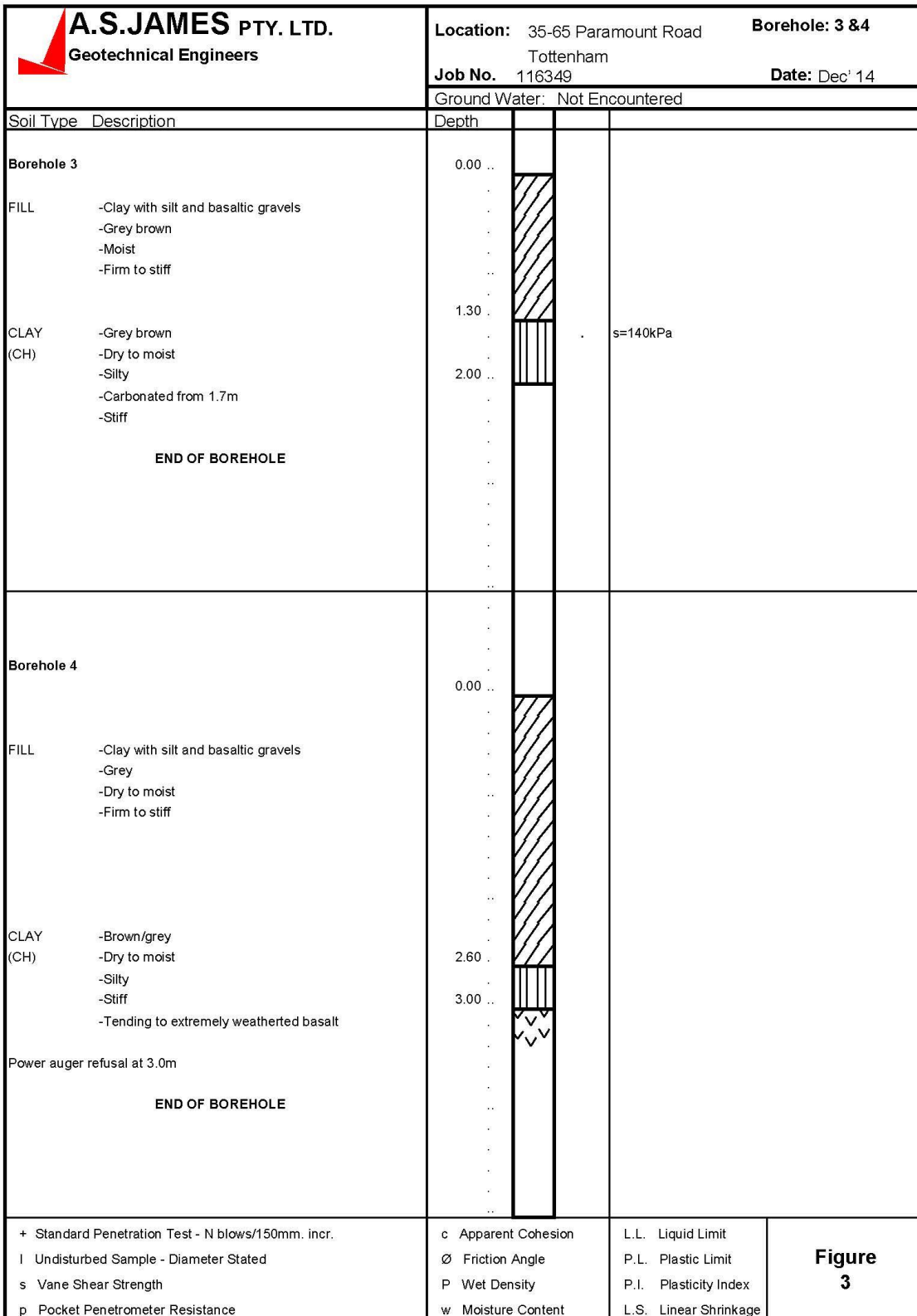
APPENDIX 2—GEOTECH REPORT

 A.S. JAMES PTY LTD Geotechnical Engineers	JOB: 35-65 Paramount Road, TOTTENHAM	JOB No. 116349
		DATE: Dec '14



 Denotes Approximate Borehole Location

PLAN OF APPROXIMATE BOREHOLE LOCATIONS (N.T.S.)	Tested:	Figure 1
	Drawn:	



**APPENDIX 3 – MARIBYRNONG SCHEDULE TO THE PLANNING SCHEME
HERITAGE OVERLAY**

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	road reserve beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.								
HO149	Plane Street Tree Near 294 Nicholson Street, Seddon The heritage place is the Plane tree and the land within the road reserve beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO150	Solomon's House (archaeological site) Medway Golf Club 57 Omar Street, Maidstone	No	No	No	No	No	No	Archaeological Management Plan	-
HO151	Central Drawing office (Building 71) Ordnance Reserve, Maribyrnong	No	No	No	No	No	No	-	-
HO86	Inspection Headquarters (Building 72) Ordnance Reserve, Maribyrnong	No	No	No	No	No	No	-	-
HO62	Brick church: 77a Paisley Street Footscray	No	No	No	No	No	No	-	-
HO152	Pacific Carpets 35-65 Paramount Rd, cnr Indwe St, Tottenham	No	No	No	No	No	No	-	-

APPENDIX 3 – MARIBYRNONG PLANNING SCHEME HERITAGE OVERLAY

43.01
21/09/2009
VC60

HERITAGE OVERLAY

Shown on the planning scheme map as **HO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

43.01-1
21/09/2009
VC60

Permit requirement

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
 - A solar energy facility attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.
 - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
 - A fence.
 - Road works and street furniture other than:
 - traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating
 - speed humps, pedestrian refuges and splitter islands where the existing footpaths or kerb and channel are not altered.
 - A domestic swimming pool or spa and associated mechanical and safety equipment.
 - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
 - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
 - Non-domestic disabled access.

- Bicycle pathways and trails.
- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay identifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay identifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay identifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
 - If the tree presents an immediate risk of personal injury or damage to property.

43.01-2 No permit required

15/09/2008
VC49

No permit is required under this overlay:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the Cemeteries and Crematoria Act 2003.
- To develop a heritage place which is included on the Victorian Heritage Register.

43.01-3 Exemption from notice and review

15/09/2008
VC49

An application under this overlay for any of the following classes of development is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is identified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is identified in the schedule to this overlay.
- External alteration of a building.
- External painting.
- Construction of a fence.

- Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.

43.01-4 Decision guidelines

15/09/2008
VC49

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

43.01-5 Use of a heritage place

15/09/2008
VC49

A permit may be granted to use a heritage place (including a heritage place which is included on the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay identifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

43.01-6 Aboriginal heritage places

17/09/2007
VC45

A heritage place identified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the Aboriginal Heritage Act 2006.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.