

9

The Heritage Overlay Guidelines

Landscapes, Gardens and Trees

This section applies to heritage landscapes and trees covered by the Heritage Overlay. This section also applies to trees where the Schedule to the Heritage Overlay identifies the Heritage Place as one where tree controls apply.

Refer also to the relevant Planning Scheme – including the State Planning Policy Framework, the Local Planning Policy Framework, and applicable Zones and Overlays (particularly the Heritage Overlay).

9.1 Objective

To ensure heritage landscapes and trees are adequately conserved, maintained and managed and are not adversely affected by development of these places or their settings

9.2 Rationale

Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

Conservation requires a cautious approach of changing as much as necessary but as little as possible. Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. (Burra Charter)

9.3 Matters for Consideration

In assessing changes to **heritage landscapes**, consideration should be given to whether:

- **subdivision respects the patterns and proportions of lots within heritage landscapes with multiple ownerships;**
- **subdivision would diminish the significance of heritage landscapes and important gardens;**
- **Contributory Elements of the heritage landscape are retained;**
- **new buildings or works are subservient to, and maintain the prominence of the Contributory Elements of the heritage landscape;**

- **new buildings or works in heritage landscapes with multiple ownerships respect any existing and recurring patterns of development within the landscape; and**
- **new buildings or works do not adversely affect views and vistas toward, from and within the heritage landscape.**

In assessing the effect of changes on **significant trees**, consideration should be given to whether:

- **all significant trees are retained, and unnecessary pruning is avoided;**
- **the root zone of the tree is left unencumbered by impermeable paving, compaction of soil, soil disturbance and building works;**
- **a report from a qualified arborist should be obtained prior to undertaking any major pruning or lopping, removing a significant tree, or undertaking any building works within the root zone of the tree which details:**
 - the health of the tree;
 - the reason for the proposed works;
 - the proposed works;
 - impact of the proposed works upon the tree;
 - any proposed measures to minimise potential unintended damage to the tree, such as a site management plan or protective fencing; and
 - any potential impact (positive or negative) of the removal of the whole or part of the tree on nearby buildings, other significant trees, gardens or landscapes.



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9.4 Development Guidelines

The following guidelines and examples are intended to assist when changes to landscapes, gardens or trees are being considered. They are based on some common settings, but will not be appropriate for every situation. Heritage Places should be approached on a case by case basis and there is no 'one-size-fits-all' answer to development. Use the Statement of Significance to inform decisions.

It is acknowledged that there may be other ways to achieve the objectives. Where alternative methods are proposed, the planning permit application should be accompanied by a written explanation that shows how the objectives will be achieved.

9.4.1 Heritage Landscapes

Heritage landscapes cover a diversity of places from private domestic gardens, to recreation and other reserves, and farming or other landscapes with multiple land owners. They include carefully designed public parks and gardens, 'beauty spots' such as waterfalls and scenic reserves, as well as historic rural or industrial landscapes which may demonstrate early farming, cultivation approaches, mining or other industrial practices.

The significance of heritage landscapes could include:

- boundaries and demarcations that assist in understanding land ownership patterns and changes over time;
- indications of circulation networks, tracks, pathways and roads;
- spatial patterns of land use and human occupation within the landscape, including evidence of deliberate design;
- vegetation patterns;
- the character of vegetation related to past land use patterns;
- responses to natural features, including geology, landform and habitat;
- groupings of uses, settings and surrounds of structures that indicate past use;
- structures such as walls and ruins, etc.;
- integrity and evidence of layers or sequences of activity over time; and
- technological innovations.



Image: Fire Services Museum



Image: Meredith Gould

Landscape elements make a contribution to significance. Elevated garden court and brick paths at the former North Melbourne Fire Station residential quarters

Development (e.g. subdivision, new buildings, works and the demolition or removal of buildings, structures, walls and other features) can significantly affect heritage landscapes.

Identify the elements that contribute to the significance of the heritage landscape and ensure that these are retained. In the case of a landscape, spacing may also be an important Contributory Element and consideration may also need to be given to its retention.

The approach taken to the Conservation of a garden depends upon a number of factors, the most important being:

- physical or documentary evidence of the garden's original Form and subsequent history;
- the degree of intactness of the garden and its setting, including built elements of the garden; and
- surviving trees and other plants.

Where heritage landscapes may involve multiple owners, it can be important to ensure that a consistent approach is taken to development within that landscape. It may be important to ensure that existing patterns of subdivision, buildings, materials and fences (or walls), for example, are repeated in new development.

In the case of gardens, public parks and reserves, the accurate Reconstruction and reinstatement of historic elements (such as pathways, terracing, shelters, plantings and other structures) should be encouraged.

The preparation of a Conservation Management Plan should be encouraged for heritage landscapes prior to undertaking any major development.

Where removal of a significant tree is unavoidable and justifiable, a replacement plant should be propagated from the significant tree where possible. If that is not possible, a tree of the same species should be replanted. In some circumstances, replanting with a similar species may be considered.

9.4.2 Significant Trees

Elements of an indigenous or exotic tree that might contribute to significance include:

- size and form;
- rarity of the species in Victoria;
- association with a person or historical event; and
- relationship to its context within a garden or landscape.

Development can affect significant trees. This is particularly important during construction activity when particular care may be required. The construction of services that require trenching, hard paving and building construction in close proximity, may jeopardise health and appearance. Roots are hidden and extend beyond the canopy edge. Most root growth is lateral and the diameter of spread can be approximately 2-3 times the height of the canopy. Therefore development beyond five metres of the canopy edge of a tree may still impact adversely on its health.

In considering the protection of significant trees in a Heritage Overlay (HO), management of street trees through careful positioning of services is desirable.

Evidence of the situation should be provided where emergency or urgent works are required to prevent injury to people or damage to property.