

**MOORABOOL SHIRE HERITAGE  
PRECINCTS AND PLACES  
INCORPORATED PLAN PERMIT  
EXEMPTIONS**

UNDER THE PROVISIONS OF CLAUSE 43.01 HERITAGE OVERLAY

**May 2021**

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## 1.0 INTRODUCTION

This document establishes planning permit exemptions, under the provisions of Clause 43.01 *Heritage Overlay*, for specific *heritage precincts* and *individual heritage places* included in the Moorabool Shire Heritage Overlay. The subject *heritage precincts* are identified at Table 1 and the subject heritage places are identified at Tables 2 and 3.

The works which are permit exempt are generally of a minor nature which do not impact the heritage significance of the *individual heritage place* or *heritage precinct*.

In accordance with Clause 43.01-3, no permit is required for permit exempt works identified in this Incorporated Plan.

People using this document should contact Council to confirm that there are no planning permit requirements triggered under other parts of the *Heritage Overlay* provisions or Planning Scheme. A building permit may also be required.

### ***What is a permit exemption?***

A permit exemption allows for specific works to be undertaken without requiring a planning permit from Moorabool Shire Council under the provisions of the *Heritage Overlay*. Regardless of exemptions, applicants are advised to contact Council to discuss any proposal for works to a place included in the *Heritage Overlay*.

This plan does not provide exemptions for permits under any other provisions of the Moorabool Planning Scheme, such as zone or other overlay provisions.

### ***Places and Precincts to which the permit exemption applies***

This Incorporated Plan applies **only** to the *heritage precincts* listed in Table 1 of this document and the *individual heritage places* listed in Tables 2 and 3 of this document. The Schedule to the *Heritage Overlay* also specifies whether this permit exemption document applies.

### ***How this document is set out***

Section 2 sets out permit exemptions for the *Heritage Precincts*. A list of the *heritage precincts* to which the exemptions apply is included at the beginning of Section 2 as Table 1.

Each place within a precinct has been graded as 'Significant', 'Contributory' or 'Non-Contributory'. Depending on this grading, there are various levels of permit exemptions. It is important to check the precinct map (located in Appendix A) to identify what grading a place within a precinct has in order to understand what works are exempt from permit requirement under the *Heritage Overlay*.

Section 3 provides permit exemptions for *individual heritage places*. The location of individual places has been considered when determining appropriate permit exemptions for *individual heritage places*.

Section 3.1 provides permit exemptions for township places and Section 3.2 sets out permit exemptions for rural places.

## 2.0 PERMIT EXEMPTIONS FOR HERITAGE PRECINCTS

The following table identifies the *Heritage precincts* which are the subject of this Incorporated Plan. A copy of the precinct map showing the gradings for each place within the precinct is included at Appendix A. The gradings are 'Significant', 'Contributory' and 'Non-contributory'. The works which are permit exempt (do not require a planning permit) may vary depending on the grading. This set of permit exemptions applies consistently across the precincts listed in Table 1.

Table 1: Heritage precincts

HO Number	Precinct Name
HO206	Fisken Street Heritage Precinct Ballan
HO207	Steiglitz Street Heritage Precinct Ballan
HO256	Martin Street Heritage Precinct Blackwood
HO257	Prayer Hill Heritage Precinct Blackwood
HO258	Simmons Reef Road Heritage Precinct Blackwood
HO306	Lal Lal Heritage Precinct Lal Lal

Under Clause 43.01-3 the following works within the *heritage precincts* set out in Table 1 are exempt from the requirement for a planning permit.

### 2.1 Permit exemptions for Non – Contributory places within a heritage precinct

No permit is required to undertake the following on a site identified as 'Non-contributory.'

- Demolition or removal of a building, or part of a building, an *outbuilding*, fence or tree.
- Construction of side and rear fences, where the fences are:
  - Timber paling, and
  - No higher than 1800mm at the highest point, and
  - *Raked* to the height of the front fence in the front *setback*
- *Alterations* to the rear walls or rear parts of a building.
- *Alterations* to the side *elevations* of the main building which are set back from the *major wall line* of the existing building by no less than 50% of the depth of the existing building (see figure 1).

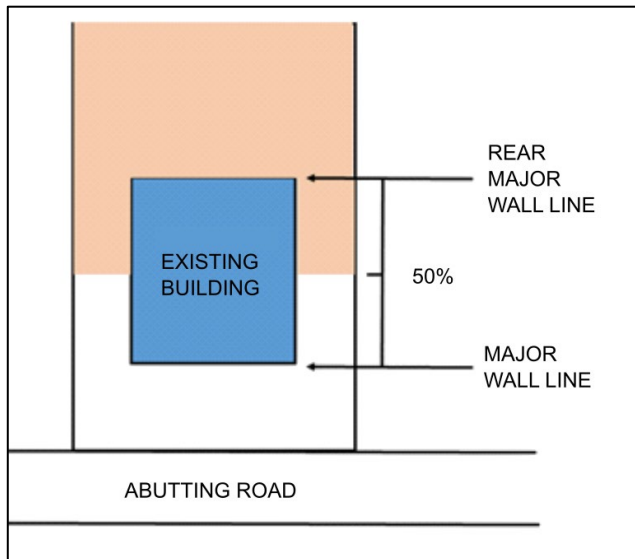


Figure 1: No permit is required for *Alterations to, Additions to or construction of New Buildings* that are not a dwelling with an *eave height* no greater than the existing located within the orange shaded area if the places is identified as Non-contributory.

- *Additions* to the building which project beyond the rear *elevation* of the building and which have an *eave height* no greater than the *eave height* of the existing building, and/or;
- *Additions* to the building which are set back from the *major wall line* of the *façade* no less than 50% of the total depth of the existing building and which have an *eave height* no greater than the *eave height* of the existing building (See figures 1 & 2), and are not visible from a street or public park.
- *Repairs* and routine *maintenance* to a building that would change the appearance of that building.
- Construction of a *New building* that is not a dwelling which has an *eave height* of no greater than the *eave height* of the existing building, and is:
  - set to the rear of the building, or
  - Set back from the *major wall line* of the *façade* no less than 50% of the total depth of the building.

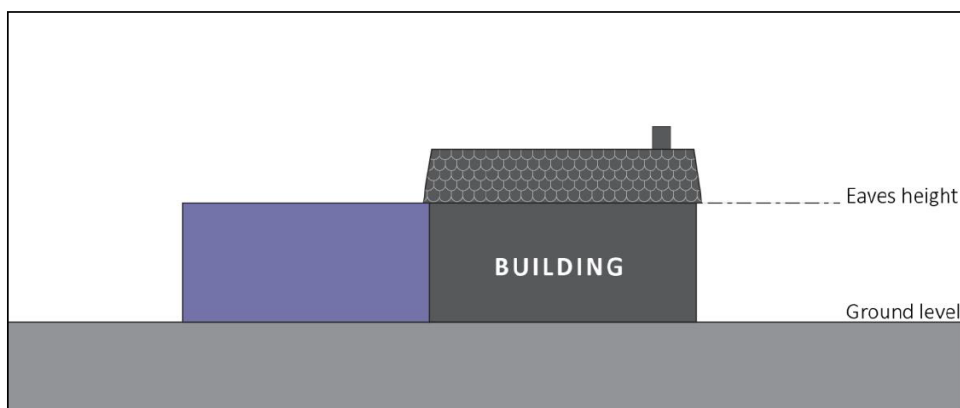


Figure 2: Example of how *eaves height* is measured.

- *Minor works* which are located beyond the rear *elevation* of the building and are not *visible* from a street or side street (other than a lane) or public park.

- Installation of *domestic services normal to dwelling* on any property, not located on the front roof and wall planes of the building, or located within the front *setback*.
- Construction of a garage or carport which is of single storey scale, detached from the building and set back a minimum of 3.0 metres from the *major front wall* of the building.

## **2.2 Permit exemptions for Contributory or Significant Places within a heritage precinct**

No permit is required to undertake the following on a site identified as '*Contributory*' or '*Significant*'.

- Demolition of side or rear fences unless they are specified in the Schedule to the Heritage Overlay or identified as a *Significant feature* in a Statement of Significance.
- Construction of side and rear fences, where the fences are:
  - Timber paling, and
  - No higher than 1800mm at the highest point, and
  - *Raked* to the height of the front fence in the front *setback*
- Construction of an *outbuilding* where all of the following apply:
  - is located to the rear of the *rear major wall line* of the building;
  - is not located on a corner property or a property with two street frontages;
  - is of an area less than 10 square metres in total;
  - is of no greater height than 3.0 metres from natural ground level at the highest point;
  - has an *eave* height at natural ground level no greater than the *eave* height of the existing building;
  - is detached from the existing building;
  - is set back from the existing building a minimum distance of 3.0 metres at its closest point;
- Construction or extension of an open-sided pergola, verandah, deck or other similar structure, including those attached to an existing building, where all of the following apply:
  - the construction does not require the removal or concealment of a *Significant feature* identified in a Statement of Significance;
  - the construction does not require the demolition or removal of any *outbuildings* or structures which are separate to the main building;
  - it is located to the rear of the existing building as shown in figure 3;
  - the highest point of the structure does not exceed 3.0 metres from natural ground level or the *eave* height of the existing building, whichever is lesser;
  - the finished floor level of the structure is no greater than 800mm above ground level;
  - it is not located on a corner property or a property with two street

frontages.

- Installation of *domestic services normal to a dwelling* located to the rear of the main building (see figure 3), or where all of the following apply:
  - is not located on the front wall of the building;
  - is not located on the front or side roof planes of the building;
  - is set back from the *major wall line* no less than 4.0 metres;
  - does not project above the ridgeline of the building;
  - is not visible from the street.

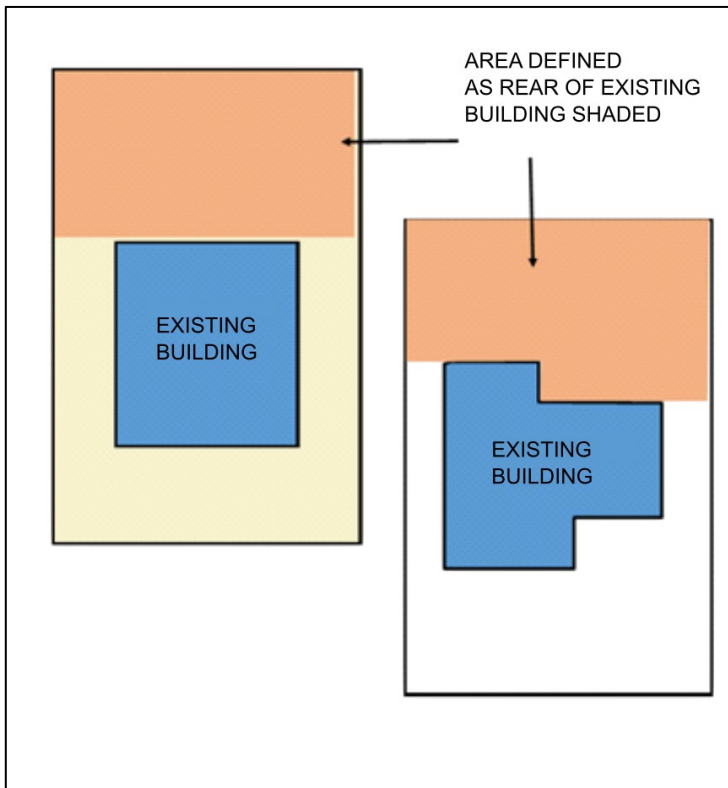


Figure 3: Area in orange defined as the rear of existing building

### 3.0 PERMIT EXEMPTIONS FOR INDIVIDUAL HERITAGE PLACES

Permit exemptions for individual places have been divided into two categories recognising the different permit exemptions which are appropriate for those places located within residential and commercial areas and those in rural areas.

#### 3.1 Individual heritage places in residential/commercial areas

The following permit exemptions apply only to those *individual heritage places* in Table 2.

Table 2: *Individual heritage places* in residential/commercial areas to which this permit exemption applies.

HO Number	Heritage Place	Address
HO208	Dwelling	31 Atkinson St, Ballan
HO209	Dwelling	45 Atkinson St, Ballan
HO210	Dwelling	55 Atkinson St, Ballan
HO213	Dwelling	18 Duncan Street, Ballan
HO214	Dwelling	35 Edols Street, Ballan
HO215	State Savings Bank Dwelling	49 Edols Street, Ballan
HO216	Dwelling & Former Bake House	30 Fiske Street, Ballan
HO219	Dwelling	34 Inglis Street, Ballan
HO220	Dwelling	36 Inglis Street, Ballan
HO221	White Thorn	42 Inglis Street, Ballan
HO222	Girraween	47 Inglis Street, Ballan
HO223	Dwelling	56 Inglis Street, Ballan
HO224	Dwelling	63 Inglis Street, Ballan
HO225	Dwelling	65 Inglis Street, Ballan
HO227	Everleigh	77 Inglis Street, Ballan
HO228	Dwelling	78 Inglis Street, Ballan
HO229	Former Dr Salter's Medical Rooms	81 Inglis Street, Ballan
HO230	Lucerne	88 Inglis Street, Ballan
HO231	Lea Hurst	90 Inglis Street, Ballan
HO233	The Mill Cottage	96 Inglis Street, Ballan



HO235	Invergowrie, fence and hedge	101 Inglis Street, Ballan
HO236	The Avenue	122 Inglis Street, Ballan
HO237	Former Saddlery Store	123 Inglis Street, Ballan
HO239	Former Chambers Red House Drapers Store	1/130 and 2/130 Inglis Street, Ballan
HO240	Ballan Hotel	136 Inglis Street, Ballan
HO242	Ballan R.S.L Clubrooms & Bakery	146 and 146a Inglis Street, Ballan
HO244	Commercial Hotel	151 Inglis Street, Ballan
HO246	Mossfield	1/169 and 2/169 Inglis Street, Ballan
HO248	Westcott, Stables and Trees	188 Inglis Street, Ballan
HO249	Hadham	437 Old Melbourne Road, Ballan
HO253	Mayfield	39 Steiglitz Street, Ballan
HO254	Ramsgate	59 Steiglitz Street, Ballan
HO255	Longley	63 Steiglitz Street, Ballan
HO260	Dwelling	4 Albert Street, Blackwood
HO263	Dwelling and Water Race	15 Golden Point Road, Blackwood
HO265	Dwelling	111 Golden Point Road, Blackwood
HO267	Hillside	5 Old Golden Point Road East, Blackwood
HO269	Dwelling	6 Terrill Street, Blackwood
HO274	Dwelling	231 Bungaree-Wallace Road, Bungaree
HO275	Dwelling	243 Bungaree-Wallace Road, Bungaree
HO276	Former Morning Star Hotel	248 Bungaree-Wallace Road, Bungaree
HO277	Former Police Residence & Lock Up	255 Bungaree-Wallace Road, Bungaree
HO289	Dwelling	35 Main Street, Gordon
HO290	Dwelling	46 Main Street, Gordon
HO291	Dwelling	56-60 Main Street, Gordon
HO292	Former London Chartered Bank	64 Main Street, Gordon

HO293	Gordon Post Office	67 Main Street, Gordon
HO294	Gordon Public Hall and former Mechanics' Institute	68 Main Street, Gordon
HO295	Former Hotel	69 Main Street, Gordon
HO296	Dwelling & Outbuilding	71 Main Street, Gordon
HO297	Dwelling & Former Store & Bakery	82 Main Street, Gordon
HO298	General Store	90 Main Street, Gordon
HO299	Gordon Hotel	92 Main Street, Gordon
HO304	Dwelling	31-33 Russell Street, Gordon
HO305	Dwelling & Former Store	32 Russell Street, Gordon
HO314	Former Holden's Chaff Mill Dwelling & Store	720 Bungaree-Wallace Road, Wallace
HO316	Wallace Masonic Temple	12 Westcotts Road, Wallace
HO317	Former Wallace Methodist Church	30 Westcotts Road, Wallace

Under Clause 43.01-3 the following works to *individual heritage places* in residential/commercial areas set out in Table 2 are exempt from the requirement for a planning permit:

- Demolition of side and rear fences, unless they are specified in the Schedule to the Heritage Overlay or identified as a *Significant feature* in a Statement of Significance.
- Construction of side and rear fences, where the fences are:
  - Timber paling, and
  - No higher than 1800mm at the highest point, and
  - *Raked* to the height of the front fence in the front *setback*
- Construction of an *outbuilding* where all of the following apply:
  - is located to the rear of the *rear major wall line* of the building;
  - is not located on a corner property or on a property with two street frontages;
  - is of an area less than 10 square metres in total;
  - is constructed of non-reflective material;
  - is of no greater height than 3.0 metres from natural ground level at the highest point;
  - has an *eave* height at natural ground level no greater than the *eave* height of the existing building;
  - is detached from the existing building;

- is set back from the existing building a minimum distance of 3.0 metres at its closest point.
- Construction or extension of an open-sided pergola, verandah, deck or other similar structure, including those attached to an existing building, where all of the following apply:
  - the construction does not require the removal or concealment of a *Significant feature* identified in a Statement of Significance, and
  - the construction does not require the demolition or removal of any *outbuildings* or structures which are separate to the main building;
  - it is located to the rear of the existing building as shown in figure 3;
  - the highest point of the structure does not exceed 3.0 metres from natural ground level or the *eave* height of the existing building, whichever is lesser;
  - the finished floor level of the structure is no greater than 800mm above ground level;
  - it is not on a corner property or a property with two street frontages.
- Installation of *domestic services normal to a dwelling* located to the rear of the main building (see figure 3), or where all of the following apply:
  - is not located on the front or side wall of the building;
  - is not located on the front or side roof planes of the building;
  - is set back from the *rear major wall line* no less than 4.0 metres;
  - does not project above the ridgeline of the building;
  - is not visible from the street.

### 3.2 Individual heritage places in rural areas

The following permit exemptions apply only to those *individual heritage places* set out in Table 3.

Table 3: *Individual heritage places* in rural areas to which this permit exemption applies

HO Number	Heritage Place	Address
HO250	Llandeilo	1001 Old Melbourne Road, Ballan
HO251	Stirling Park	27 Shaws Road, Ballan
HO270	Hawthorn Farm	145 Bungaree-Wallace Road, Bungaree
HO272	Bridge Hotel	190 Bungaree-Wallace Road, Bungaree
HO282	Sunny Rise	447 Bungaree-Wallace Road, Bungaree
HO283	Dwelling and Canary Island Palm	519 Bungaree-Wallace Road, Bungaree

HO285	Dwelling	100 Murphys Road, Bungaree
HO284	Mayfield	196 Lesters Road, Bungaree
HO286	Clare Place	64 Torpys Road, Bungaree
HO307	Oakvale	179 Donnellans Road, Millbrook
HO308	Woodlawn	1787 Old Melbourne Road, Millbrook
HO309	Former Ryan Family Farm	91 Ryans Road, Millbrook
HO310	The Pines	52 Sullivans Road, Millbrook
HO313	Farmhouse and tree	634 Bungaree-Wallace Road, Wallace
HO318	Wellwood	97 Westcotts Road, Wallace

Under Clause 43.01-3 the following works to *individual heritage places* in rural areas set out in Table 3 are exempt from the requirement for a planning permit:

- Demolition, removal or *alteration* of any fence which is not identified as a *Significant feature* of the *heritage place*.
- Demolition, removal or *alteration* of a building that is not identified as a *Significant feature* of the *heritage place*.
- Construction of a *new building* that is not a dwelling provided that the building is:
  - not located in the front *setback* where the property addresses a road or public accessway;
  - no closer to the street frontage than a *Significant feature*;
  - a minimum of 10 metres from any *Significant feature* located within the *curtilage* of the *heritage place*;
  - of a non-reflective material.
- Carrying out works associated with a Section 1 use (other than the removal of a tree specified in Schedule to Clause 43.01) under the provisions of the Rural Living Zone or the Farming Zone as set out in the Planning Scheme.
- Installation of plant and/or equipment associated with a Section 1 use. This does not apply if it would require the removal, demolition or *alteration* of a *Significant feature* of the *heritage place*.
- Installation of *domestic services normal to a dwelling* located to the rear of the main building (see figure 3), or where all of the following apply:
  - is not located on the front or side wall of the building;
  - is not located on the front or side roof planes of the building;
  - is set back from the *rear major wall line* no less than 4.0 metres;
  - does not project above the ridgeline of the building;

- is not visible from the street.
- Construction of a pool or associated fencing located to the rear of the main building This does not apply if it would require the removal, demolition or *alteration* of a *Significant feature* of the *heritage place*.

## DEFINITIONS

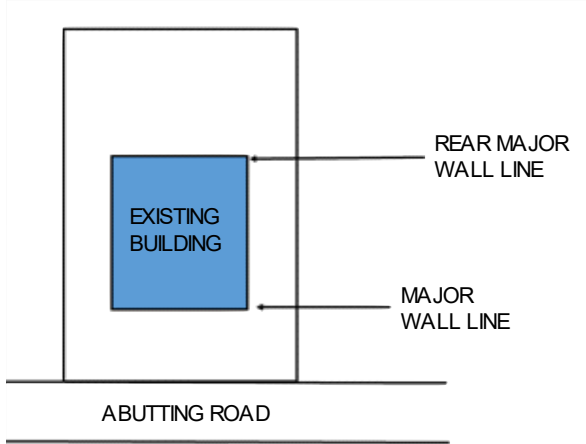
The following definitions apply regarding levels of significance used in this Incorporated Plan.

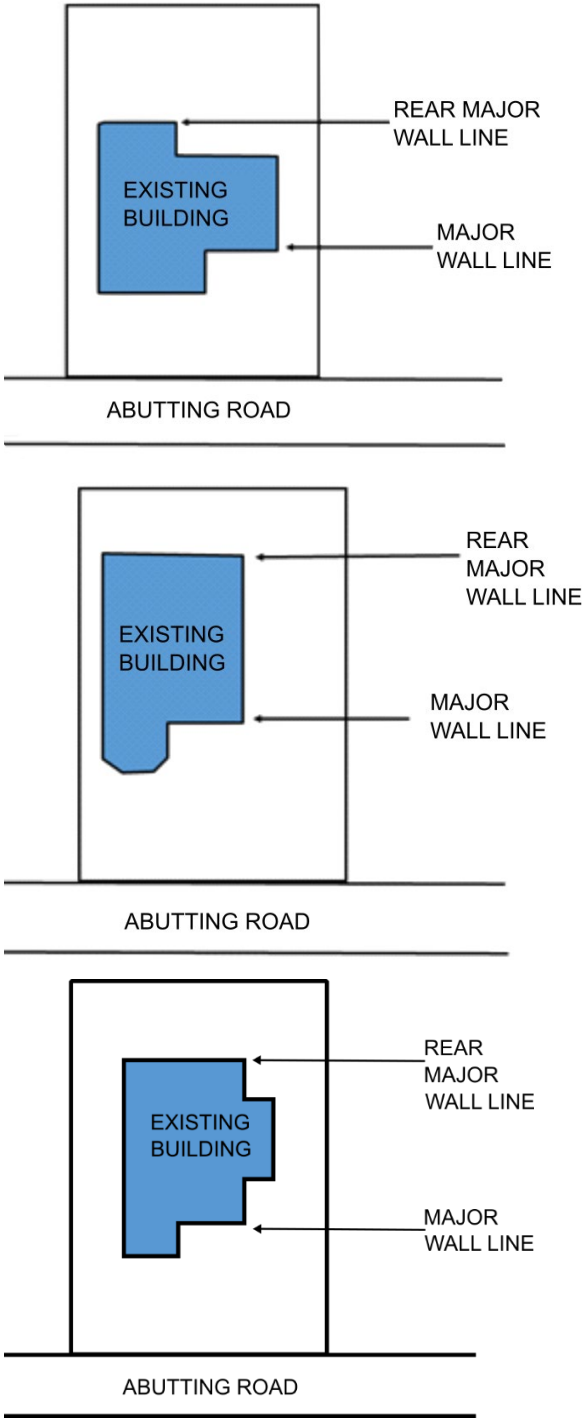
Level	Significance
Significant	A <i>Significant</i> place is a single <i>heritage place</i> that has cultural heritage significance independent of its context. These places might also contribute to the significance of a <i>heritage precinct</i> .
Contributory	A <i>Contributory</i> place contributes to the significance of a <i>heritage precinct</i> , but would not be <i>significant</i> on its own.
Non-contributory	A <i>Non-contributory</i> place does not contribute to the significance of a <i>heritage precinct</i> . In some instances, a <i>Significant</i> place may be considered <i>Non-contributory</i> . For example, an important Modernist house within a Victorian era precinct.)
Significant feature	A <i>Significant feature</i> is any feature (building, tree, fence, structure etc.) that is identified in the <i>Statement of Significance</i> as contributing to the significance of a <i>heritage place</i> .

*Significant*, *Contributory* and *Non-contributory* places within *heritage precinct* are shown on the precinct maps that form part of this Incorporated Plan (Appendix A).


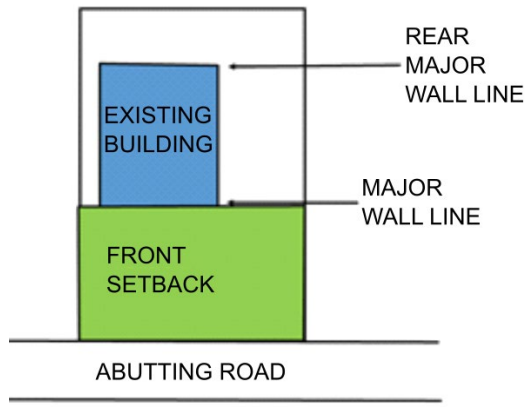
The following definitions apply to terms used in this Incorporated Plan.

Term	Definition
Addition	<i>Additions</i> are new works that are attached to a building.
Alteration	An <i>alteration</i> is to modify the <i>fabric</i> of a <i>heritage place</i> , without undertaking building works such as an <i>addition</i> . It may include a new opening for a window or door.
Curtilage	All of the land surrounding the <i>heritage place</i> is known as a ' <i>curtilage</i> ' and will be shown as a polygon on the <i>Heritage Overlay</i> map. In many cases, particularly in urban areas and townships, the extent of the <i>curtilage</i> will be the whole of the property (for example, a suburban dwelling and its allotment). In rural areas, or on large lots, a portion of the land around the significant place/s may be identified as the <i>curtilage</i> .
Domestic services normal to a dwelling	A domestic appliance or apparatus that is normal to and services a dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like.
Eaves	<i>Eaves</i> are at the bottom edge of a roof, and usually project or extend over the side of the building, protecting the wall beneath.
Elevation	<i>Elevation</i> is a particular side, including an external wall, of a building.
Fabric	<i>Fabric</i> means all the physical material of the <i>heritage place</i> including external fixtures.
Façade/principal facade	<i>Façade</i> generally refers to the front or principal <i>elevation</i> and external face of a building, as is typically viewed from the street.
Heritage Overlay	A <i>Heritage Overlay</i> is a town planning control contained within the Moorabool Planning Scheme (Clause 43.01). The control is applied to either <i>individual heritage places</i> or <i>heritage precincts</i> . The purpose of the <i>Heritage Overlay</i> is to conserve and enhance <i>heritage places</i> and to ensure that any development

	does not adversely affect the significance of a <i>heritage place</i> .
Heritage place	A <i>heritage place</i> has identified heritage value and can include a site, area or space, building or other works, structure, group of buildings, precinct, moveable object, archaeological site, landscape, garden or tree. A <i>heritage precinct</i> , under the <i>Heritage Overlay</i> , is also known as a <i>heritage place</i> .
Heritage precinct	A <i>heritage precinct</i> is a precinct or geographical area of cultural heritage significance, which contains a collection or high proportion of properties and elements of heritage significance.
Individual heritage place	An <i>individual heritage place</i> is a single or stand-alone <i>heritage place</i> with identified heritage value that is significant in its own right, to which an individual <i>Heritage Overlay curtilage</i> and number is applied.
Maintenance	<i>Maintenance</i> means the continuous protective care of a <i>place</i> , and its setting, and is distinguished from <i>repairs</i> which involves restoration or reconstruction. <i>Maintenance</i> involves regular inspection and cleaning of a place.
Major wall line and Rear major wall line	<p>The <i>major wall line</i> is the main <i>façade</i> wall most distant from the street frontage.</p> <p>The <i>rear major wall line</i>, when there are multiple and parallel rear walls, is defined as the rear facing wall most distant from the street frontage</p> 

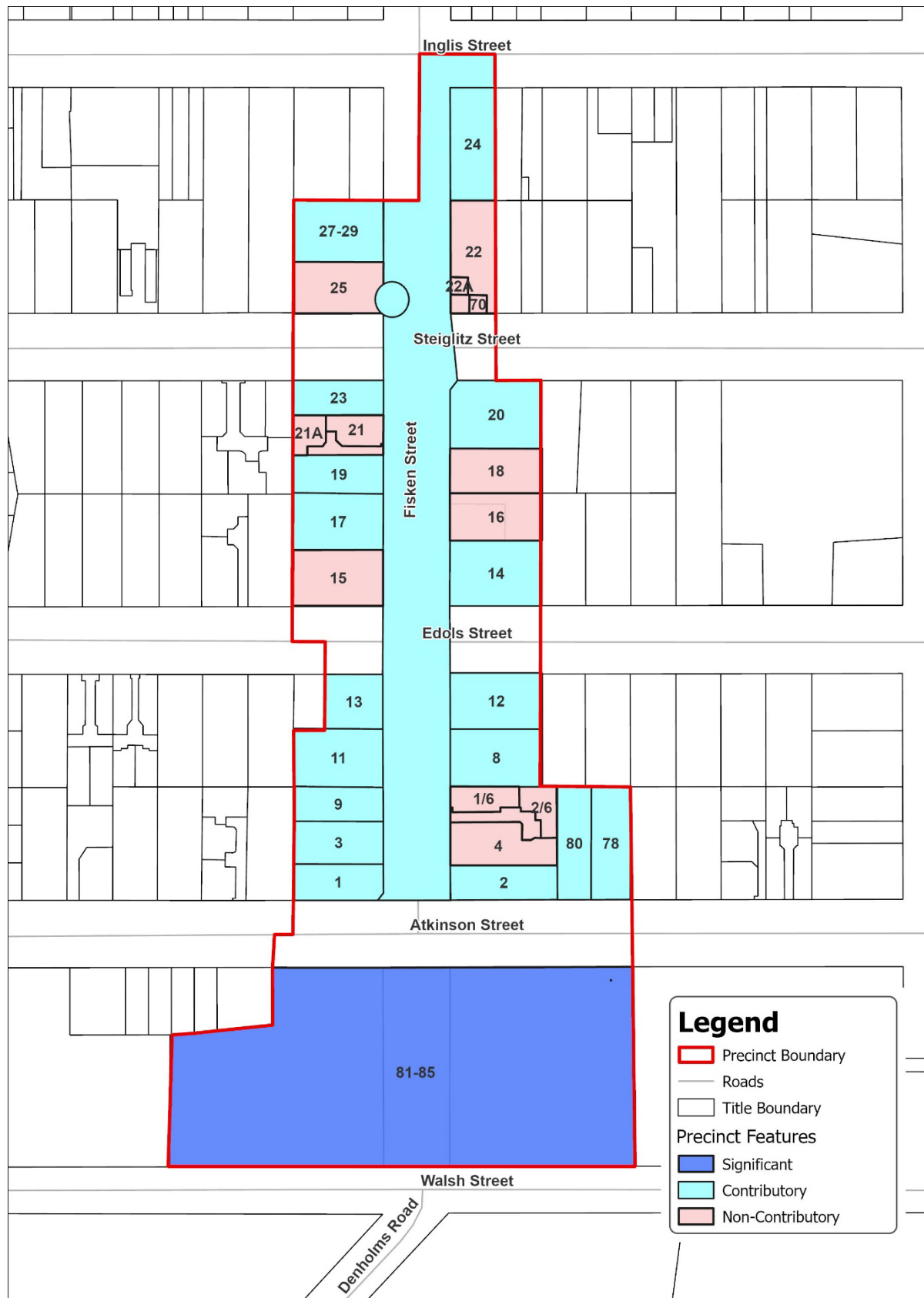
	 <p>The diagrams illustrate three different setback scenarios for a building relative to an abutting road. In each case, a blue-shaded area represents the 'EXISTING BUILDING'. Two horizontal lines define the setback boundaries: the 'REAR MAJOR WALL LINE' (the rear boundary) and the 'MAJOR WALL LINE' (the side boundary). The road is labeled 'ABUTTING ROAD' below the setback lines.</p>
Minor works	<p>Where the wall height at natural ground level does not exceed the wall height of the existing main building on the site; or any of the following:</p> <ul style="list-style-type: none"> <li>- A pergola;</li> <li>- A verandah;</li> <li>- A deck;</li> <li>- A water tank and associated structures;</li> <li>- <i>Domestic services normal to a dwelling</i>; and</li> <li>- A swimming pool or spa and associated mechanical equipment and safety fencing with a wall height at natural ground level that does not</li> </ul>



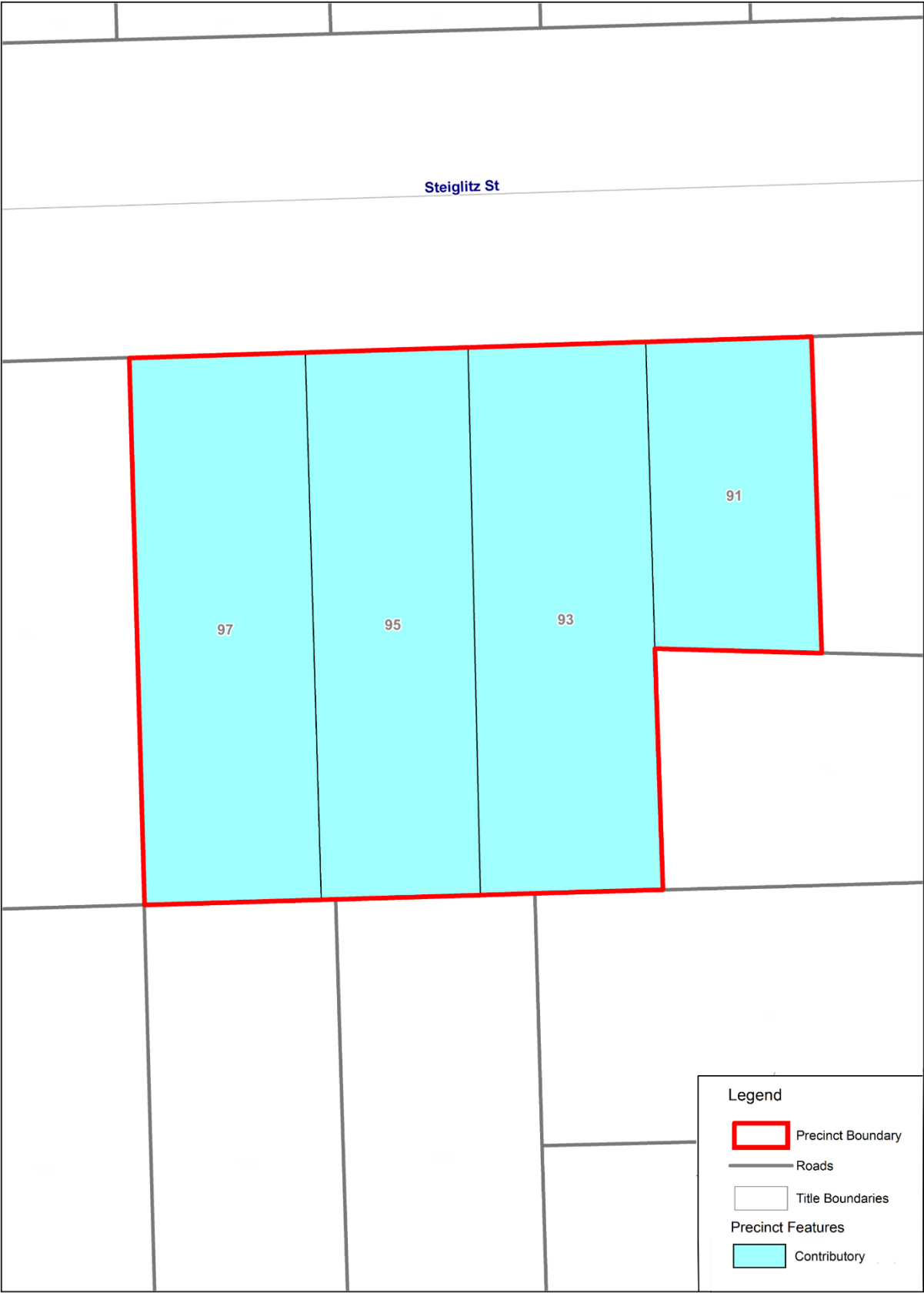
	exceed the wall height of the existing main building on the site
New building	Any newly constructed freestanding structure.
Outbuilding	An <i>outbuilding</i> is a structure which is not part of a main building (i.e. is detached from the main building) but which supports the function of the main building. It can be a carport, garage, shed, stand-alone conservatory, stables, cabana, studio or children's cubby house or similar structure.
Raked fence	<p>A fence which is sloped to transition between two different fence heights (i.e. boundary fence and front fence). <i>Raked</i> section shown in green below.</p> 
Repairs	<i>Repairs</i> are 'protective care' actions which do not change the appearance of a <i>heritage place</i> , and are undertaken to the same details, specifications and materials.
Setback	<p>The <i>setback</i> is the minimum distance from any allotment boundary to a building. The <i>setback</i> can include the front, side or rear property boundaries.</p>  <p>The 'front <i>setback</i>' includes all of the land between the street boundary and the <i>major wall line</i>. The 'rear <i>setback</i>' includes all of the land between the <i>rear major wall line</i> and the rear boundary.</p>
Statement of Significance	A <i>statement of significance</i> is a written record of why a place or precinct is important and identifies the values which contribute to that importance. The <i>Statement of Significance</i> generally identifies 'what' is important, 'why' it is important, and 'how' it is significant.
Streetscape	A <i>streetscape</i> is a collection of buildings along a street frontage. When referred to in relation to a precinct, a <i>streetscape</i> typically contains a majority of buildings which are of heritage value.
Visible	<i>Visible</i> means anything that can be seen from a street (other than a lane) or public park.

## APPENDIX A – Precinct Maps

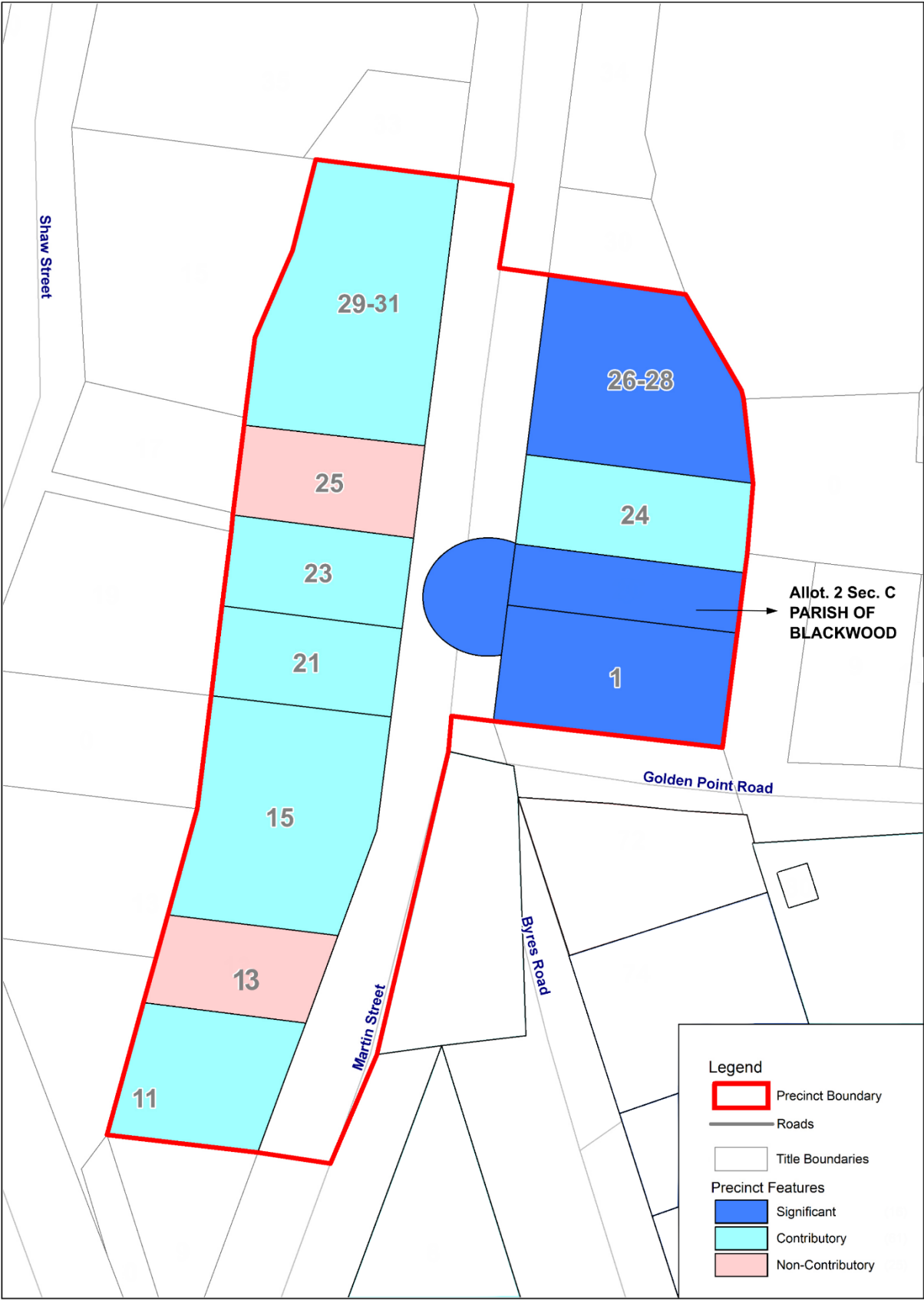
### *Fisken Street Heritage Precinct*



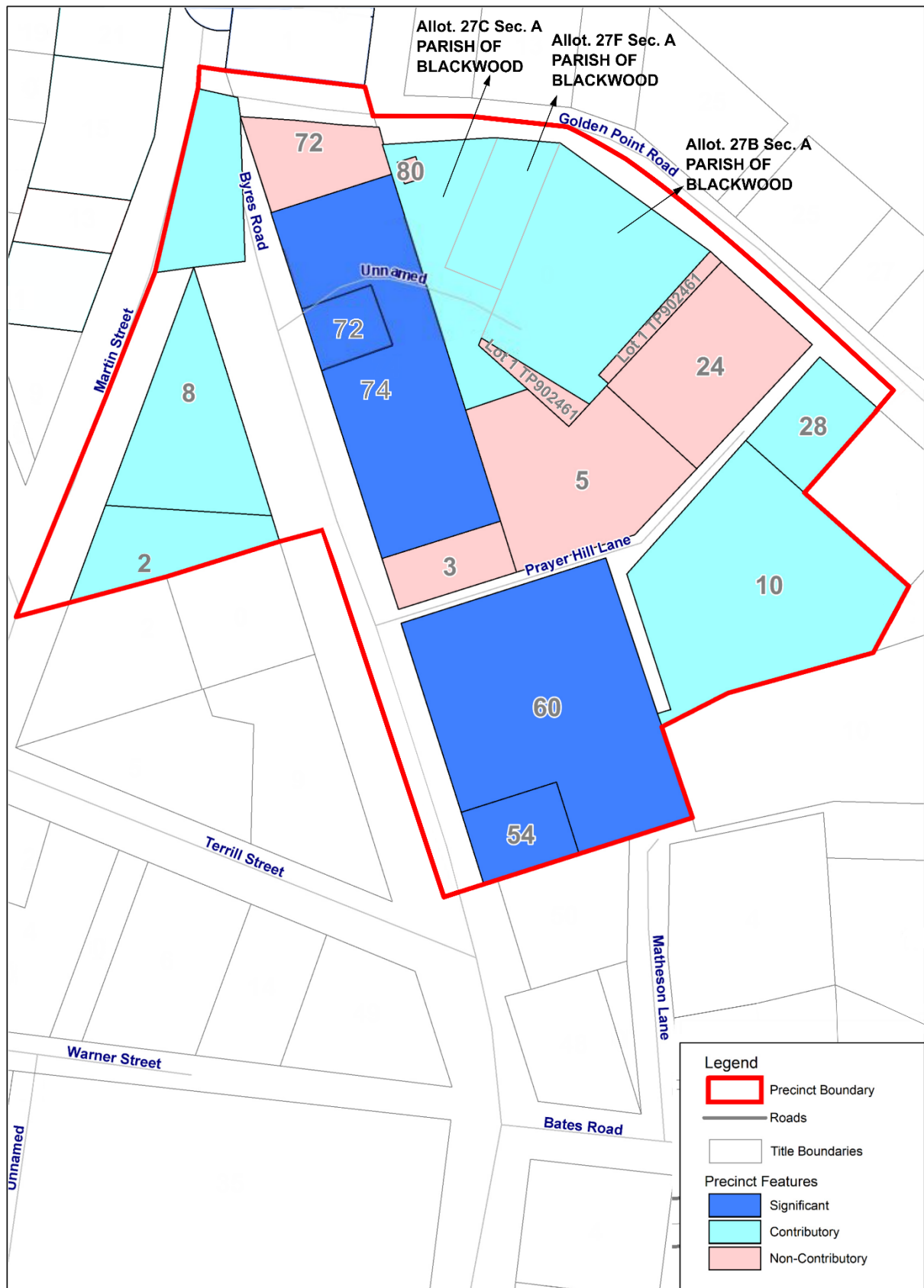
**Steiglitz Street Heritage Precinct**



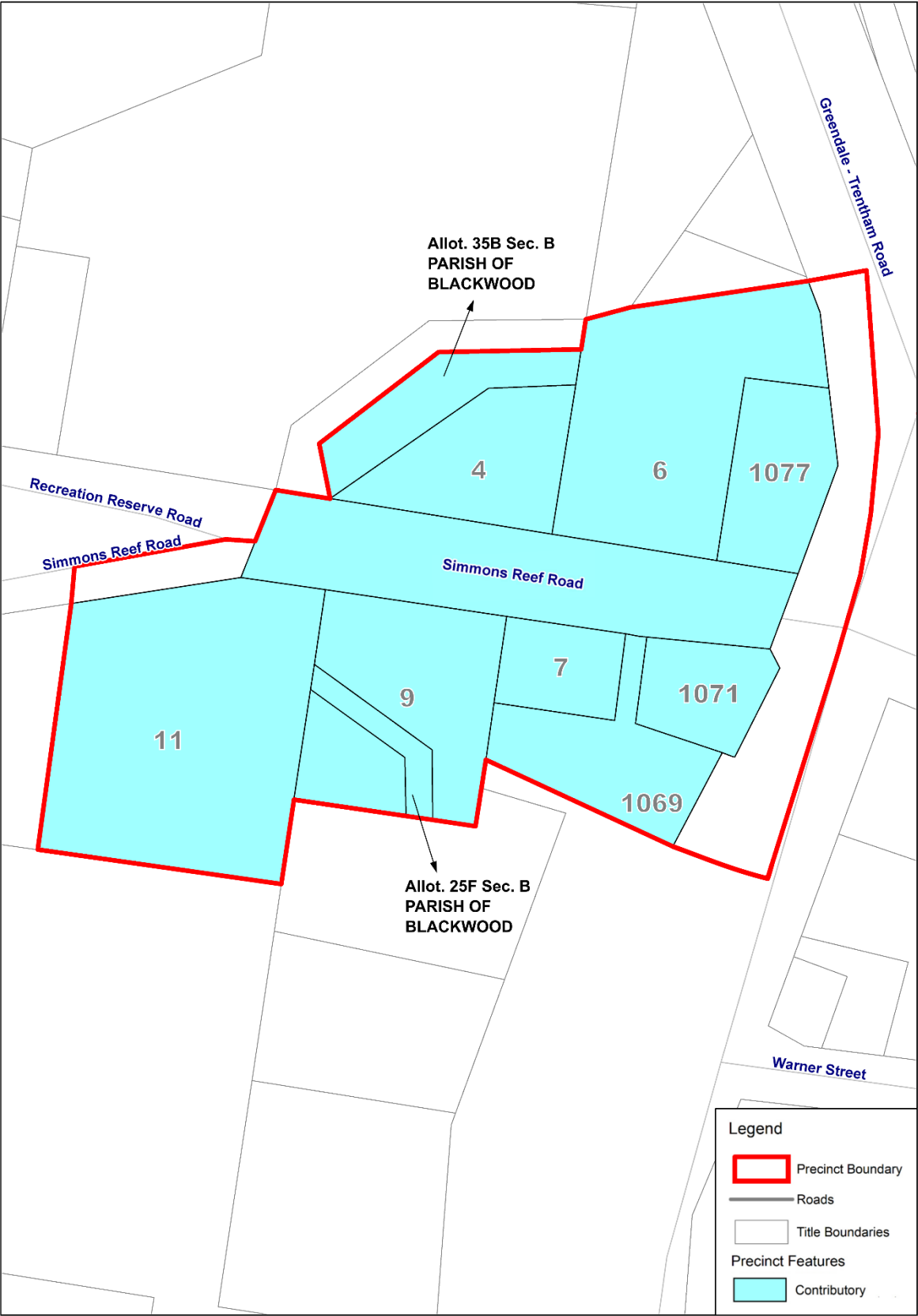
**Martin Street Heritage Precinct**



## Prayer Hill Heritage Precinct



**Simmons Reef Road Heritage Precinct**



**Lal Lal Heritage Precinct**

