
Moira Planning Scheme Heritage Overlay

Planning Permit Exemptions and Application Requirements

Incorporated Plan

MARCH 2015

1 APPLICATION

This Incorporated Plan sets out the exemptions from the need to obtain a planning permit for the following development when undertaken in association with the use of the land for a single dwelling, or graveside works:

- Demolition of a building, outbuilding or fence or routine maintenance at a 'non-contributory' place;
- An alteration, addition and new building at a 'non-contributory' place
- Construction of a new outbuilding (carport/garage/shed) at a 'contributory' place; and
- Construction or extension of swimming pools and spas
- Construction or demolition of fences and installation of domestic services

This Incorporated Plan applies to the following:

Heritage Precincts

- HO250 'Cobram Church Precinct'
- HO251 'Cobram Town Centre Precinct'
- HO252 'Nathalia Broken Creek Precinct'
- HO253 'Nathalia Church Precinct'
- HO254 'Nathalia Kodstadt Precinct'
- HO255 'Nathalia Kurrajong Precinct'
- HO256 'Nathalia Town Centre Precinct'
- HO258 'Numurkah Residential Precinct'
- HO257 'Numurkah Recreation Precinct'
- HO259 'Numurkah Town Centre Precinct'
- HO260 'St James Town Centre Precinct'
- HO261 'Tungamah Church Precinct'
- HO262 'Tungamah Town Centre Precinct'
- HO263 'Yarrowonga Tom Sharp Precinct'
- HO264 'Yarrowonga Town Centre Precinct'.

Cemeteries Group

- HO 270 'Barmah Cemetery'
- HO 302 'Barmah Forest Private Cemetery'
- HO 272 'Bundalong Cemetery'
- HO 273 'Burramine Cemetery'
- HO 274 'Cobram Cemetery'
- HO 275 'Katamatite Cemetery'
- HO 276 'Lake Rowan Cemetery'
- HO 277 'Nathalia Cemetery'
- HO 300 'Peechelba Cemetery'
- HO 278 'Numurkah Cemetery'
- HO 280 'Tungamah Cemetery'
- HO 282 'Wilby Cemetery'
- HO 283 'Wunghnu Cemetery'
- HO 301 'Yalca North Cemetery'
- HO 286 'Yarrowonga Cemetery'

It does not apply to any other heritage place listed in the Heritage Overlay.

A permit is required if it cannot be demonstrated that a proposal complies with the exemptions set out in this document, or other exemptions specified in the Moira Planning Scheme.

This Incorporated Plan applies to all land covered by the Heritage Precincts and should be read in conjunction with the Heritage Policy for any relevant Heritage Precinct (Clauses 22.06-22.21) or Grouped Places Heritage Policy (Clause 22.22).

2 DEFINITIONS

The following definitions apply in this Incorporated Plan.

Term	Meaning
Significant	A single heritage place that has cultural heritage significance independent of its wider context. Significant places have a separate citation and a unique statement of significance.
Non-contributory Place	A place that does not make a contribution to the significance of a heritage precinct.
Contributory Place	A place that makes a contribution, either individually or as part of a collection, to the significance of a heritage precinct.

3 STATEMENT OF SIGNIFICANCE

The statement of significance for each of the Heritage Precincts is contained within each relevant Clause (22.06-22.21).

4 CONTRIBUTORY PLACES WITHIN THE PRECINCTS

The contributory places within each Heritage Precinct are shown on the maps within and listed in each of the relevant Clauses (22.06-22.21).

Individually listed heritage items are not listed as contributory within these precincts. These items or places have their own HO number.

If a property is not listed, then it is a non-contributory place.

5 PERMIT EXEMPTIONS

Under sub-clause 43.01-2 of the Moira Planning Scheme, no permit is required for:

5.1 Demolition and routine maintenance

- Demolition of a building, part of a building or an outbuilding or fence on a property shown as non-contributory on the relevant precinct map in Clauses 22.06-22.21.
- Routine maintenance or alterations to a building that would change the appearance of a building on a property shown as non-contributory on the relevant precinct map in Clauses 22.06-22.21.

5.2 Alterations, Additions and New Buildings on 'Non Contributory' Places

- Alteration of the rear facade of a building at the rear of the building as shown in Figures 1 and 2.
- Construction of an addition to a building which projects beyond the major wall line of the rear facade of the building and which has a wall height no greater than the wall height of the existing building as shown in Figure 1 and Figure 2.
- Construction of a new building setback beyond the major wall line of the rear facade of the building and which has a wall height no greater than the wall height of the existing building as shown in Figure 1 and Figure 2.

5.3 Construction or demolition of fences, installation of domestic services and awnings and sunblinds

- Construction of a front fence not more than 1.2 metres in height above natural ground level provided that this does not require the demolition of an existing front fence of a property listed as significant under the Heritage Overlay.
- Demolition or construction of a side or rear fence on any property.
- Installation of lattice or trellis on side or rear fences on any property, provided it is not situated forward of the front wall of the building.
- Installation of domestic services normal to a dwelling on any property that may be visible from the street provided that the installation:
 - is not attached to the front wall of the building;
 - is not situated between the front wall of the building and the front property boundary;
 - if attached to the side wall of a building on a property listed as significant or contributory, is setback not less than 4 metres from the front wall;
 - does not project above the highest point of the roof; and
 - is not situated on the part of the roof that faces directly toward a street (including a side street).
 The erection of awnings or sunblind as weather protection for windows of a dwelling.

5.4 Construction or extension of swimming pools and spas

- Construction or extension of a domestic swimming pool or spa and associated mechanical equipment and safety fencing to a non-contributory building located beyond the major wall line of the rear facade of the building.

5.5 Construction of New Outbuildings (carports/garages/sheds) on 'Contributory' Places

- Construction of an outbuilding that meets all of the following criteria:
 - The outbuilding is located within the dotted area shown in Figure 3 or Figure 4 below;
 - The setback from the major wall line of the front facade is equal to or greater than 3 metres;
 - The outbuilding is detached from the existing building;
 - The wall height at natural ground level does not exceed the wall height of the existing building on the site; and
 - The maximum building footprint does not exceed 40 square metres.

5.6 Graveside works

- Interments, burials and erection of monuments, re-use of graves, burial of cremated remains, and exhumation of remains in accordance with the *Cemeteries Act 1958* (as amended);
- Stabilisation, restoration and repair of monuments;
- Emergency and safety works to secure the site and prevent damage and injury to property and the public;
- Monument works undertaken in accordance with *Australian Standard AS4204 Headstones and Cemetery monuments*;
- Painting of previously painted structures provided that preparation or painting does not remove evidence of the original paint or other decorative scheme;
- Repairs, conservation and maintenance to hard landscape elements, buildings and structures, ornaments, roads and paths, fences and gates, drainage and irrigation systems;
- Maintenance of roads and paths and gutters to retain their existing plan layout;
- The process of gardening and maintenance to care for the cemetery landscape, planting themes, bulbs and shrubs and removal of dead plants;
- Management of plants in accordance with *Australian Standard AS4373 Pruning of Amenity Trees*;
- Removal of plants listed as State Prohibited or Regionally Controlled Weeds in the *Catchment and Land Protection Act 1994*;
- Removal of vegetation to protect monuments, paths, buildings and structures; and
- Replanting to retain the existing landscape theme and character.

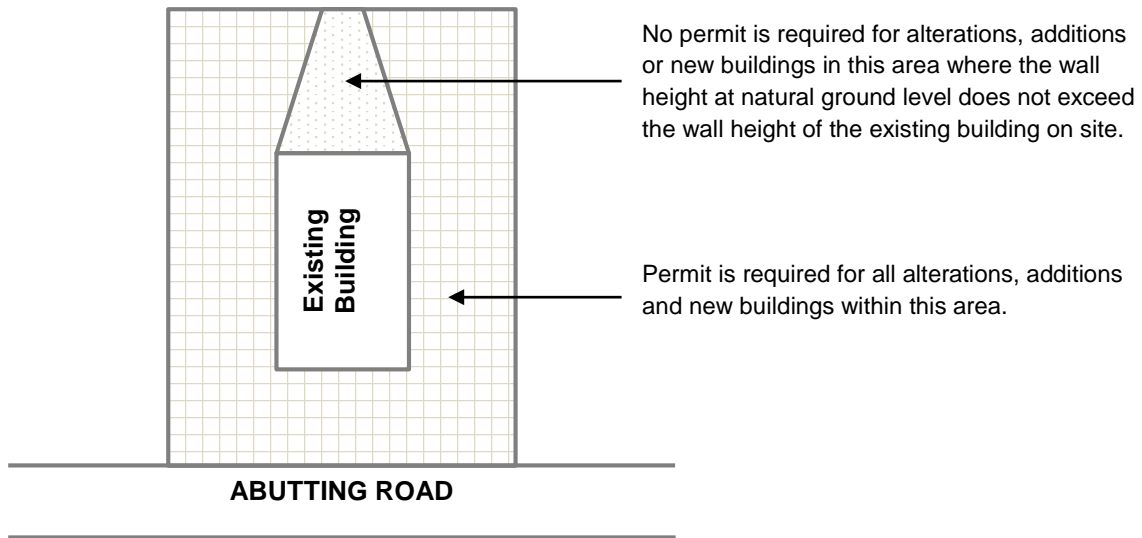


Figure 1: Exemptions for alterations, additions and new buildings for non-contributory places not on a corner site within the Heritage Overlay

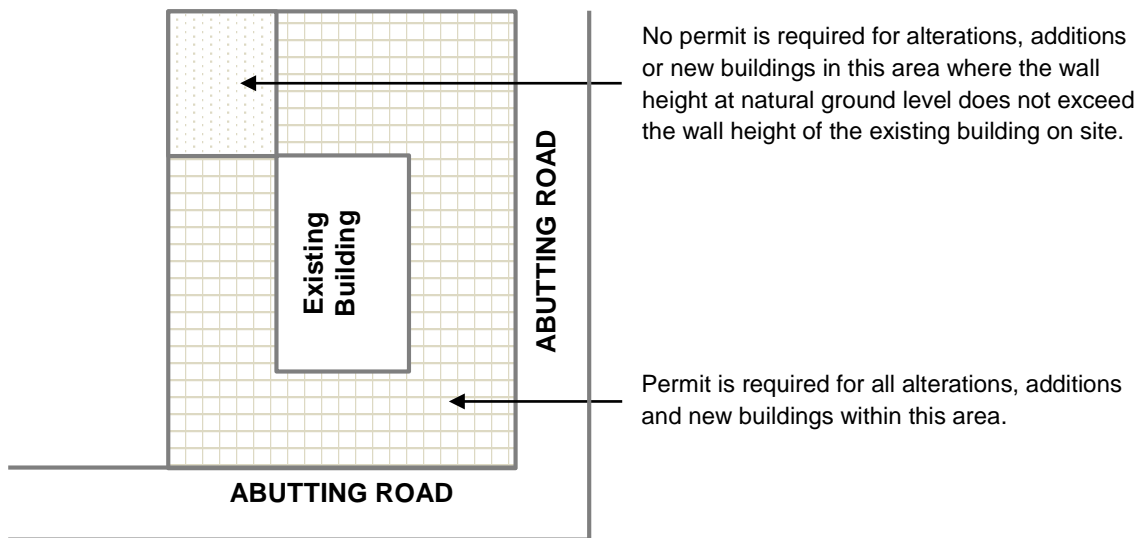


Figure 2: Exemptions for alterations, additions and new buildings for non-contributory places on a corner site within the Heritage Overlay

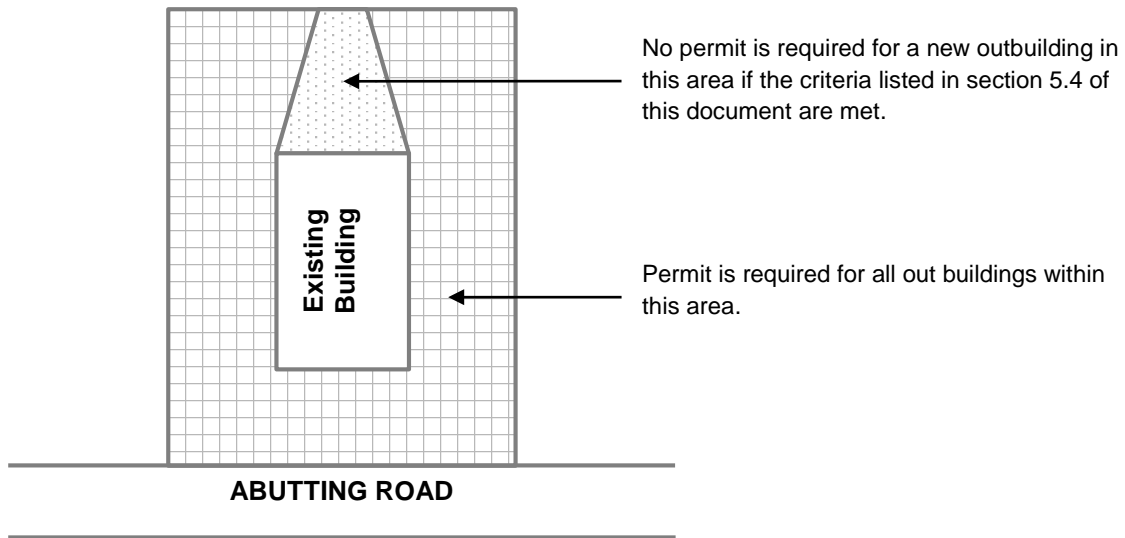


Figure 3: Exemptions for new outbuildings (carports/garages/sheds) for 'contributory' places not on a corner site within the Heritage Overlay

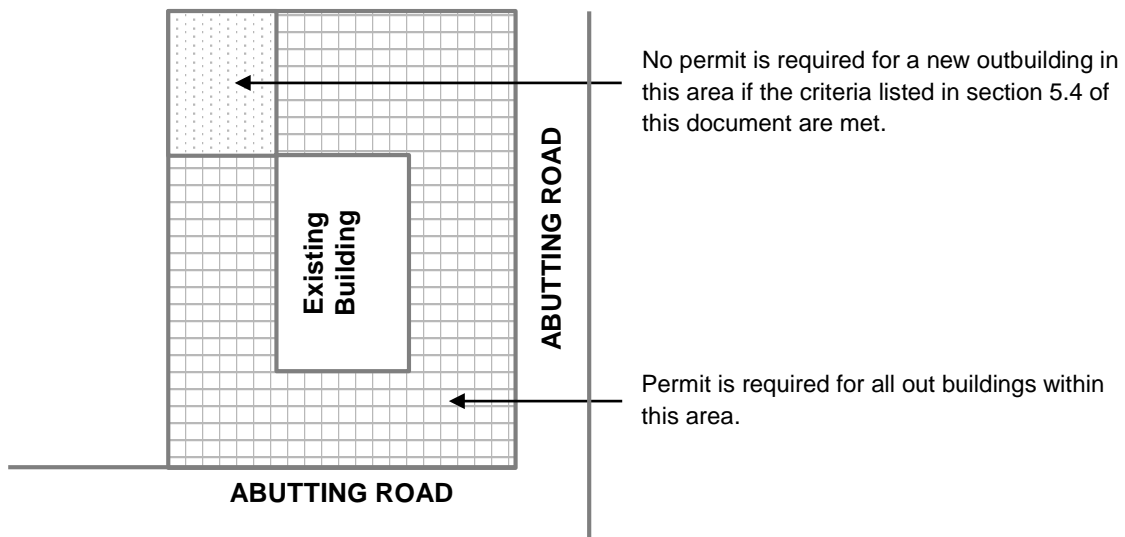


Figure 4: Exemptions for new outbuildings (carports/garages/sheds) for 'contributory' places on a corner site within the Heritage Overlay