

**Submission
No 9**

INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

Organisation: Heritage Council of Victoria

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16 December 2021

The Secretary
Legislative Council Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

cc: planninginquiry@parliament.vic.gov.au

SUBJECT: INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

The Heritage Council of Victoria ('the Heritage Council') would like to make the following submission to the inquiry on the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework in relation to planning and heritage protection, ('the Inquiry'), in particular relating to Section 4 of the Inquiry's Terms of Reference ('the Inquiry TOR'), 'protecting heritage in Victoria'.

The Heritage Council is an independent statutory authority established under the *Heritage Act 2017* (originally the *Heritage Act 1995*) as the primary decision-making body for the identification of places (including cultural landscapes, archaeological sites and shipwrecks) and objects of State-level cultural heritage significance to Victoria, as listed in the Victorian Heritage Register. It is also the statutory appeals body for decisions made by the Executive Director, Heritage Victoria, relating to registration recommendations for the Victorian Heritage Register, and permit and archaeological consent applications. It consists of 10 members and 10 alternate members who represent a broad cross-section of heritage specialists and experts in a variety of relevant fields.

While the Heritage Council's primary statutory responsibilities relate to the recognition and protection of places and objects of State-level cultural heritage significance, its advisory functions, as described under sections 11(1)(a) and (d) of the Heritage Act, are much broader. As a result, in 2018 the Heritage Council resolved to use its advisory functions to commence a review into local cultural heritage recognition, protection and management arrangements across Victoria. The review was completed in 2020 and the Heritage Council would like to submit its final report, *State of Heritage Review: Local Heritage 2020 (Attachment 1)*, to the Inquiry for reference, in particular:

- Chapter 1 (pp. 3–5), which describes the background, scope and conduct of the review, including gathering information from all 79 local councils; and
- Chapter 3 (pp.10–43), which provides data and an analysis of the current local heritage arrangements, and makes comments in section 3.9 especially relevant to the Inquiry TOR 4(a), (e), (f) and (g); and
- Sections 4.1 and 4.2 (pp. 46–49), which outline the Heritage Council's key recommendations.

It is the Heritage Council's understanding that the Inquiry is primarily concerned with the protection of heritage under the *Planning and Environment Act 1987*. It would, however, like to note in reference to the Inquiry TOR 4(a) and (d), that as part of its statutory responsibilities under the Heritage Act the Heritage Council is the independent expert body that appropriately hears appeals relating to the registration of state-level cultural heritage places and objects listed on the Victorian Heritage Register as well as appeals for permits for changes to these places and objects. It also publishes guidelines that clearly explain the criteria and thresholds relating to considering the cultural heritage significance of places and objects and whether these are of state-level significance to Victoria.

Broadly speaking, the Heritage Council believes that the heritage system protecting state-level heritage under the *Heritage Act 2017* is working well, but if there are issues raised about this during the Inquiry we would appreciate the opportunity to comment. The Heritage Council would be pleased to provide further information on any matters relating to its submission.

Kind regards,


Professor Philip Goad
Chair, Heritage Council of Victoria

HERITAGE COUNCIL OF VICTORIA

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