

Heritage Protection in Victoria: the role of State and local government

Heritage protection in Victoria is essentially delivered at two levels with a clear separation of responsibilities between State and local government

State-level heritage

The role of the State Government, through the work of Heritage Victoria and the Heritage Council of Victoria, is to protect and conserve places and objects of State-level heritage significance.

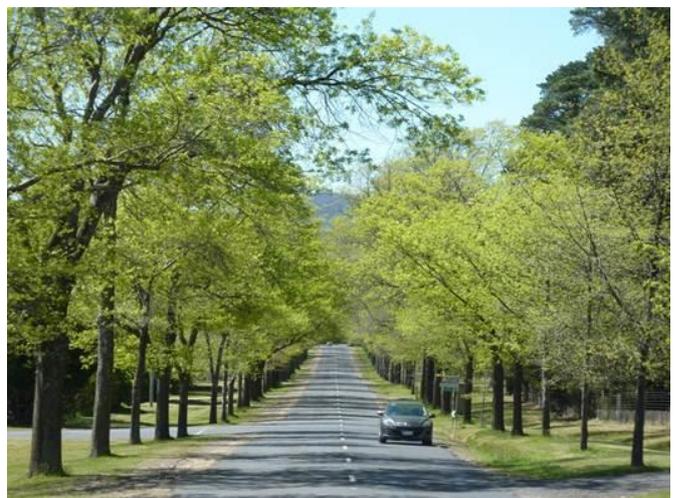
Heritage Victoria is a business unit in the Department of Environment, Land, Water and Planning which is responsible for the administration of the *Heritage Act 2017* which establishes the Victorian Heritage Register.

The Victorian Heritage Register (**the Heritage Register**) includes places and objects of State-level heritage significance. There are around 2,358 places and objects included in the Heritage Register. This includes places like Flinders Street Railway Station, Parliament House, the Brighton Bathing Boxes, the Macedon Avenue of Honour, Her Majesty's Theatre in Ballarat and the Murtoa Stick Shed.

Heritage Victoria makes recommendations to the Heritage Council about whether or not places and objects should be included in the Heritage Register. It also considers permit applications for changes to places and objects that have been included in the Heritage Register.

The Heritage Council is an independent statutory authority which makes a final decision on what places and objects are included in the Heritage Register. The Heritage Council also promotes public understanding of Victoria's heritage and acts as the review body for permits decisions made by Heritage Victoria.

An Interim Protection Order (**IPO**) under the Heritage Act can be issued by Heritage Victoria or the Heritage Council when a place or object which may be of State-level heritage significance is under immediate threat and is not included in the Heritage Register. If an IPO is made, the place or object is treated as though it is included in the Heritage Register and will receive legal protection while it is being assessed. IPOs cannot be issued for places of local-level heritage significance.



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Local-level heritage

The protection of places of local heritage significance is the responsibility of Victoria's 79 local councils (**councils**).

The *Planning and Environment Act 1987* obliges all of Victoria's councils to use their Planning Schemes to conserve and enhance buildings, areas or other places which are of significance within their municipalities. Planning Schemes set out objectives, policies and controls for the use, development and protection of land within a municipality.

Councils are responsible for ensuring their Planning Schemes protect places with local heritage significance through a Heritage Overlay. To introduce a Heritage Overlay for a place or precinct, a Planning Scheme Amendment is prepared by council with the final decision made by the Minister for Planning.

There are about 23,000 heritage places listed in Heritage Overlays in local government planning schemes. These places can include buildings, structures, farmhouses, gardens, mining and industrial sites, residential precincts and historic town centres, as well as many other types of heritage places of importance to local communities. Altogether, upwards of 180,000 properties in Victoria are included in heritage overlays. Tens of thousands of these properties include Victorian, Edwardian and other early twentieth century buildings, many in heritage precincts.

Councils are responsible for conducting heritage studies, investigating the merits of listing places in their Heritage Overlays and consulting with their communities.

If a Heritage Overlay does not apply to a place or precinct, and a council considers that it is worthy of protection, it is able to request the Minister for Planning to apply an Interim Heritage Overlay. This introduces a temporary heritage overlay to a place while it is being assessed by council for local heritage significance.

A request for an Interim Heritage Overlay may be prompted by a demolition request or planning application for redevelopment received by a council.

Councils have a safety-net under the *Building Act 1993* to prevent demolition of important buildings that have, for whatever reason, not yet been provided with protection until an assessment is made of their potential importance. The Building Act requires a report and consent of council for a building permit for the major demolition of a building on land within its municipality. This provides the council with an opportunity to advise of the need for a planning permit or an opportunity to seek an Interim Heritage Overlay if one is considered warranted.

