

Yarra City Council – Councillors Briefing 12 August 2019

Item: Management by Council of Heritage Victoria Referrals

- (i) Yarra City Councils current process of Managing HV Heritage referrals;
- (ii) HV’s Legislative obligations;
- (iii) HV’s Operational Arrangement – part 1; and
- (iv) HV’s Operational Arrangement s – Part 2.

Item	Process	Summary
(i)	Yarra’s current process	<p>Heritage Referrals upon receipt by Council Planners are:</p> <ul style="list-style-type: none"> (a) Immediately referred to Council’s Heritage Advisors for assessment and report; (b) Assessed if possible to be processed within the HV 14 day period and if yes, the report can be: <ul style="list-style-type: none"> • included on a Council meeting or IDAC meeting agenda; or alternatively; • referred to a Councillor’s Briefing Session for any comments/feedback from Councillors which will be noted in the submission to Heritage Victoria; OR (c) Determined that if the Referral is not able to be processed within the HV 14 day period, via the process noted in 2 above, the Councillors will be emailed details of the Heritage Referral and the Heritage Advisors comments / report thereon for information and feedback/comment, to Officers. Officers will then summarise any comments received from Councillors and respond to HV accordingly to seeking achievement of the 14 day turnaround requirement, or as soon as possible thereafter.

(ii)	HV's legislative required process	<p>Pursuant to provisions of the <i>Heritage Act 2017</i>, Heritage Victoria (HV) is required to process applications as follows:</p> <p># HV is required to process applications within 60 days...</p> <p># HV must refer applications received to the respective Council within 14 days...</p> <p># The Council must respond to HV within 14 days of receiving the Referral.....</p>
(iii)	HV's Operational Arrangement – part 1.	<p># HV advise:</p> <p>(a) that a submission received from a Council within the statutory 14 day period is referenced as a “submission”;</p> <p>(b) that a submission received from a Council outside of the statutory 14 day period is referenced as “other relevant material”; and</p> <p>(c) thus in considering the heritage application, HV reference and treat a Council presentation received:-</p> <p>* within the 14 day period -- as a “submission”; and</p> <p>* outside the 14 day period -- as “other relevant matter”.</p>
(iv)	IMPORTANT NOTE HV's Operational Arrangement – part 2.	<p># HV advise:</p> <p>(a) that for all intents and purposes, the consideration of the Council's information in either of the above circumstances (i.e. “<i>submission</i>” or “<i>other relevant material</i>”) is the same....</p> <p>(b) that provided HV has not considered and formally determined on the subject heritage application, the receipt of a Council response, whether a “<i>submission</i>” or “<i>other relevant material</i>” will be taken into account/consideration....</p> <p>(c) the above advice should be noted in conjunction with the previous note that HV are required to process Heritage Applications within a 60 day period....</p>