

Yarra City Council – Councillors briefing 12 August 2019

Item: Management by Council of Heritage Referrals from Heritage Victoria

Suggested Policy -- which would require ALL HV Referrals to be presented formally on a Council Agenda...

Note:

- This is the Suggested Policy which presented as a Notice of Motion on the Council Agenda 2 July 2019 and subsequently withdrawn.
- It is referenced because it was subject of explanation at the community meeting as to optional processes.

“That in relation to Heritage Victoria referrals of permit applications and Heritage Council permit determination reviews, it is the policy of the City of Yarra that:

- (a) Copies of Heritage Victoria permit applications referred to Council as the responsible authority in accordance with Section 100(1) of the *Heritage Act 2017* are sent to the Chief Executive Officer to ensure that all applications for places of state significance in Yarra are part of a public process;
- (b) All Heritage Victoria permit application referrals will be placed on a Council meeting agenda so that Council in accordance with section 100(2) of the *Heritage Act 2017* may make a written submission having considered the officer report and recommendation, together with any additional information provided by the community;
- (c) The level of detail in the referral reports listed on Council agendas will generally depend on whether the application is for a major permit application which requires a detailed heritage assessment as specified in sections 101(2) and 101(3) of the Act or minor works not visible from the public domain;
- (d) Minor permit applications where the proposed works are not visible outside the heritage place will generally be listed as a brief report on Council agendas, so that Council has sufficient information included in the in-house heritage advice to determine whether it requires a formal response to the referral;

- (e) If the proposal is visible from the public domain then a full report shall be provided on the Council agenda including a detailed heritage assessment of the application and its effect on the cultural heritage significance of the place, as well as the considerations in section 101(3) of the *Heritage Act*;
- (f) Major heritage applications on Council agendas will have a full report that includes a heritage assessment from an independent expert with extensive experience with similar high-level heritage applications, together with PDFs of the application plans and documentation and the Heritage Victoria referral letter provided as attachments to the report;
- (g) Council's resolutions in response to major permit applications will be sent to Heritage Victoria as the responsible authority's submission, as will any response to minor application assessments in those instances when Council determines a written reply to the referral is required;
- (h) When additional time is required for a major application, Heritage Victoria will be advised that Council is preparing a submission that will be sent no later than four to five weeks after the referral is received, and similarly if Council determines a reply will be sent in relation to a minor application then Heritage Victoria will be advised it will be sent for the Executive Director to consider as "any other relevant matter" in accordance with Section 101(3) (b); and
- (i) When the Heritage Council notifies the responsible authority about permit determination reviews in accordance with Section 106(5) (b) of the *Heritage Act 2017*, this will be placed on the next Council agenda together with the reasons for the appeal so that Council can consider what procedure it wishes to adopt in relation to the specified timetable for each submission deadline."