

QUESTIONS TAKEN ON NOTICE AND FURTHER INFORMATION AGREED TO BE SUPPLIED AT THE HEARINGS

Hon Richard Wynne MP

PLANNING

1. Please provide an update on the review of the Heritage Act currently being undertaken to the Committee. Please also provide information on Heritage Victoria's assessment of the Palace-Metro building.

(Page 14 of the Planning portfolio transcript)

[Review of the Heritage Act 1995](#)

The *Heritage Act 1995* — administered by Heritage Victoria in the Department of Environment, Land Water and Planning — is Victoria's principal legislation for the identification and management of places and objects of State heritage significance, historical archaeological sites and maritime heritage.

Keeping it Liveable, Labor's Plan for your Community committed to reviewing the Heritage Act to improve protection of our built heritage.

Public consultation on the review of the Heritage Act occurred between June and August 2015.

This has included a mail-out of information to more than 5,000 stakeholders; public forums held in Melbourne and regional Victoria; and targeted meetings with more than 50 key stakeholders including government departments and agencies, industry and community organisations.

There has been a strong response to the consultation process with more than 120 submissions received.

There has been significant progress in delivering on this election commitment. However, as the development of legislation is Cabinet in Confidence, further information cannot be provided at this stage.

[Palace Theatre](#)

The Heritage Act creates the Victorian Heritage Register which lists and provides protection for places and objects of State heritage significance. There are currently more than 2,400 places and objects and 650 shipwrecks included on the Victorian Heritage Register.

The Executive Director of Heritage Victoria recommends whether a place or object should be included on the Victorian Heritage Register with the final decision made by the Heritage Council of Victoria.

The Heritage Act does not manage heritage places of local heritage significance which are protected by Heritage Overlays included as part of local council planning schemes.

The Palace Theatre had been assessed for the Victorian Heritage Register in 1977, 2010 and 2014. On all occasions the Heritage Council of Victoria determined that the theatre was not of State heritage significance. Most recently, it recommended that the City of Melbourne consider its local heritage significance and protection through the planning scheme.

It is incorrect to infer (Ms Pennicuik, Hansard) that Heritage Victoria failed to save the Palace Theatre because of “gaps in assessments by Heritage Victoria” ... or because Heritage Victoria found it “not to have any heritage value”.

Heritage Victoria properly fulfilled its statutory State significance assessment processes within the timeframes of the Heritage Act 1995. The Executive Director found that the place did not have significance at a State level – Heritage Victoria’s area of responsibility. The Heritage Council similarly delivered its statutory processes in its determination of the Executive Director’s recommendation, and agreed that there was no case for State level protection. These assessments were made fully in the public domain.

The Heritage Council found that management of the place was more properly a local Planning matter. The Palace Theatre was not protected at the time by Melbourne City Council through an individual Heritage Overlay, but was covered by the Bourke Hill Heritage Precinct Heritage Overlay (HO500).

Whilst Melbourne City Council had commenced preparation of a Planning Scheme Amendment to introduce an individual Heritage Overlay, this had not been prosecuted at the time of the VCAT Hearing.

A planning application for the development of a hotel at the site was subject to a VCAT hearing on 23-26 February 2016. VCAT determined to issue a planning permit for the part demolition of existing buildings, retention of the façade, development of a multi-level residential hotel including basement, and dispensation from hotel visitor bicycle parking.

2. Please provide further details on the savings the Department anticipates as part of the departmental expenditure reductions listed under Savings and Efficiencies in Budget Paper 3 (p.118). Will this include staff cuts in the Department?

(Page 32 of the Planning portfolio transcript)

As part of the 2016-17 Budget, the Department of Environment, Land, Water and Planning was allocated \$4 million in savings and efficiency measures.

In line with page 118 of Budget Paper 3, these measures relate to the 2018-19 and 2019-20 financial years only.

The Department expects there will be no impact on service delivery as a result of these savings and efficiency measures.

Savings will focus on achieving efficiencies in administrative support areas, or through streamlining policy functions across the portfolio.