

Guidelines for Interim Protection Orders (IPOs) under the *Heritage Act 2017*

Interim Protection Orders may be requested to immediately protect places or objects while they are being assessed for the Victorian Heritage Register (VHR).

Purpose

1. This Guideline is intended to provide guidance as to the matters that should be considered by the Executive Director of Heritage Victoria (the Executive Director) or the Heritage Council of Victoria (Heritage Council) in exercising their discretion in making an Interim Protection Order (IPO) under s.143 of the *Heritage Act 2017* (the Act).
2. The Guideline is intended to assist:
 - 2.1 Heritage Victoria staff advising the Executive Director (or delegate) on a request for an IPO to be made;
 - 2.2 the Executive Director (or delegate) in considering whether to make an IPO; and
 - 2.3 the Heritage Council in considering whether to make an IPO.

Relevant legislation

3. This Guideline relates to s.143 of the Act, which states:

143 The Heritage Council or Executive Director may make interim protection order

(1) The Heritage Council or the Executive Director may make an interim protection order in relation to a place or object if, in the opinion of the Heritage Council or the Executive Director, it is necessary or desirable to do so for the purposes of this Act.

4. The purposes of the Act are defined at s.1 of the Act. The purposes of the Act relevant to IPOs are:

1(a) to provide for the protection and conservation of the cultural heritage of the State; and

1(b) to establish a Victorian Heritage Register for the registration of places and objects;

Policy Statement

5. The following policy and guidelines apply to the consideration of whether to make an IPO under s.143 of the Act.

Matters to be considered in relation to IPOs

6. The Executive Director or the Heritage Council may make an IPO if they form the opinion that:
 - a) the place or object may have a prima facie case for inclusion on the Victorian Heritage Register (the Register); and
 - b) is under immediate or imminent threat of damage or destruction that may detrimentally affect the cultural heritage significance of that place or object, they may make an IPO.
7. The Executive Director or the Heritage Council will not consider that a place or object is under immediate or imminent threat purely because the owner intends to sell, lease or dispose of the property or that title has transferred or changed hands.

Prima facie case for inclusion in the Register

8. In considering whether or not a place or object may have a prima facie case for inclusion on the Register, the Executive Director or the Heritage Council may take into account whether:
 - 8.1 a completed nomination to the Register for the place or object that meets the requirements of s.27, s.28 and s.29 of the Act has been accepted; and
 - 8.2 the place or object has been identified as meeting the threshold for inclusion in the Register in an area, thematic, typological or other heritage study prepared by a suitably qualified heritage consultant or other relevant professional; and/or
 - 8.3 the Heritage Council has previously determined not to include the place or object in the Register and significant new information has been received since the determination.

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Immediate or imminent threat

9. In considering whether a place or object may be under immediate or imminent threat the Executive Director or the Heritage Council may take into account whether:

- 9.1 a demolition permit has been issued under the *Building Act 1993*; and/or
- 9.2 a planning permit has been issued by the responsible authority for the redevelopment of that land; and/or
- 9.3 there is evidence of plant and equipment being mobilised for the purposes of demolishing the place; and/or
- 9.4 there is evidence of an imminent proposal to destroy, remove or disassemble the object (or group of objects) or elements of the place; and/or
- 9.5 there are known proposals to relocate the object to another location.

Matters to be considered in relation to Interim Protection Orders (IPOs)

If the Executive Director or the Heritage Council forms the opinion that the place or object:

1. May have a prima facie case for inclusion on the Victorian Heritage Register (the Register) **AND**
2. Is under immediate or imminent threat of damage or destruction that may detrimentally affect the cultural heritage significance of that place or object

they may make an IPO.

Enquires about Interim Protection Orders

Please direct enquiries about IPOs:

Heritage Victoria

Phone: (03) 9938 6891

Email: heritage.registrations@delwp.vic.gov.au

Visit: heritage.vic.gov.au

Heritage Council of Victoria

Phone: (03) 9651 5060

Email: heritage.council@delwp.vic.gov.au

Visit: heritagecouncil.vic.gov.au

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