Heritage Act Amendment Factsheet 2024

Changes affecting permit applicants



*Heritage Amendment Act 2023* and *Heritage Regulations Amendments 2024* make several changes affecting heritage permit applicants.

Changes take effect 1 February 2024

# New applications

The *Heritage Amendment Act 2023* (the Act) creates two new applications to be made through the HeritageDesk portal.

## Minor permit amendment

This application, created by the new s105B of the *Heritage Act 2017*, can be used when an applicant wants to make minor changes to an existing permit. The Act explains this as ‘minor in the context of the works or activities authorised by the permit’.

This application has no fee and a 20-business day statutory clock. Minor permit amendment applications must be made during the validity period of the permit.

Examples of changes that may be eligible for a minor amendment:

Extending the period of validity of a permit.

* Administrative changes such as change of name on permit.
* Minor changes to works or activities (if not captured by an existing condition on the permit) where the result is the same or substantially the same as that originally approved.

The executive director may refuse a request to make a minor amendment if they consider that the requested amendment would result in harm.

## Exemption for the purposes of religious services or rites

Amendments to s90 of the *Heritage Act 2017* change provisions to exempt works at a religious place in the Victorian Heritage Register for the purposes of religious services or rites. The applicant must now give notice in the prescribed form to the executive director at least 20 business days before the works are to commence.

If the executive director is not satisfied that the works are for the purposes of religious services or rites, they may give notice that a permit is required within 15 business days of receiving the notification.

# Changes to statutory timeframes

Heritage Victoria’s statutory timeframes for application assessments have been converted from calendar days to business days. This ensures that weekends and public holidays have no effect on the quality or timeliness of assessments and notices. Some notable examples include:

* Permit assessment timeframe becomes 45 business days. s97(3)
* Permit amendment assessment timeframe becomes 20 business days. s105(5)
* Timeframe to issue a permit following the executive director’s decision becomes 5 business days. s102
* Timeframe within which a responsible authority or local council may make a referral response becomes 20 business days. s100(3)(a)

Statutory clock changes will only affect applications lodged after 1 February 2024. Any application lodged prior to this time will still be subject to previous timeframes of Heritage Victoria

# The Executive Director of Heritage Victoria may initiate a permit application amendment

The executive director may now amend a permit application (during assessment) under s96A of the *Heritage Act 2017* if they consider that ‘the amendment would assist with the protection or conservation of the cultural heritage significance of the registered place or registered object’.

Written consent of the owner and permit applicant is required, no fee is incurred.

Submitters are notified and the executive director may require the permit application to be re-advertised.

# Further information requests for permit amendment applications

New s105A of the *Heritage Act 2017* gives Heritage Victoria the ability to issue a further information request in relation to permit amendment applications. Further information requests stop the statutory clock and the application lapses if the information is not provided before the requested date. Additional time can be requested by the applicant.

# Relevant owners’ consent for permit application

Amendments to s93(3) of the *Heritage Act 2017* clarify that when a permit is sought for only part of a registered place, the applicant is only required to obtain consent of the owner or government asset manager of that part.

For example, if works are to a single apartment of a Victorian Heritage Register places which contains many apartments, owners’ consent is only required for the apartment where the works take place.

# Heritage Council can utilise security funds

New section s101A of the *Heritage Act 2017* clarifies the terms under which the Heritage Council may receive, utilise, and return security funds received as part of a permit condition.

These funds now may be paid out to the Heritage fund and utilised to complete the subject works as per below:

101A Approval of permit applications subject to security
(3) The Heritage Council, for the following purposes, may pay out of the Heritage Fund a security received under subsection (1)—
(a) in accordance with the terms and conditions of the permit, for the satisfactory completion of the works or activities in respect of which the security was given;
(b) making the security available to the executive director under section 159(2);
(c) in accordance with the terms and conditions of the permit, for compliance with the other condition imposed on the permit in respect of which the security was given.

# Executive director may revoke or amend a permit exemption

Amendments to s92 of the *Heritage Act 2017* allow the executive director to revoke or amend a permit exemption issued under s92(3) when they consider that the works or activities harm the cultural heritage significance of the place or object.

Heritage Victoria must notify the owner of the place or object within 5 business days.

# Questions or queries

If you have any questions about these changes, please contact the Heritage Victoria Policy team at heritage.policy@delwp.vic.gov.au.

If you would like to have a pre-application discussion about a future application, please lodge a ‘permit pre-application discussion request’ through the HeritageDesk portal.