

FACT SHEET

Historic Cultural Heritage Amendment Bill 2019

The principal aim of this Bill is to further integrate the historic heritage and planning legislation, building on amendments made to the *Historic Cultural Heritage Act 1995* in 2014 which integrated the heritage and planning legislation; reduced duplication of effort; and created a single application and decision for works on places in the Heritage Register.

This Bill will ensure the *Historic Cultural Heritage Act 1995* (the Heritage Act) is able to: deal with combined permit applications; recognise the interplay between the *Land Use Planning and Approvals Act 1993* and *Environmental Management and Pollution Control Act 1994*; and enhance the governance arrangements of the Heritage Council.

In summary, the Bill:

- provides that if any Act, including the *Environmental Management and Pollution Control Act 1994*, affects the assessment period under the *Land Use Planning and Approvals Act 1993*, the 'prescribed period', contained in Part 6 of the Heritage Act, is similarly affected;
- ensures any additional information, revised plans or amended permits relating to a development application are to be forwarded to the Heritage Council for consideration;
- provides that, in the event that additional information or revised plans are forwarded to the Heritage Council following its notification of interest or notice of decision and that information reflects a substantial change in the proposed development, the Heritage Council may revise its notice of interest or notice of decision;
- provides that in the event that a planning authority fails to forward a development application to the Heritage Council, the Heritage Council is provided the opportunity and time to consider and, should it deem necessary, provide comment on, the development application prior to a final decision of the planning authority;
- allows the Heritage Council to be party to the assessment of a combined planning and development application under LUPAA;
- introduces and defines the role of authorised officers to investigate compliance with, or enforcement of, works under the Heritage Act, akin to provisions within LUPAA or the *Local Government Act 1993*; and
- addresses minor matters requested by the Heritage Council including: a) the ability to appoint a deputy chairperson; b) introducing flexibility in meeting formats; and c) broadening disclosure of interest provisions to ensure both pecuniary and non-pecuniary, as well as real and perceived interests, are disclosed.