

Authorised Version No. 001
Heritage (General) Regulations 2015

S.R. No. 20/2015

Authorised Version as at
11 April 2015

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1 Objectives

The objectives of these Regulations are to—

- (a) prescribe forms and documentation for the purposes of the **Heritage Act 1995**; and
- (b) prescribe fees payable in relation to certain permits, consents and certificates under the Act; and
- (c) exempt particular classes of people from certain fees relating to permits or consents; and
- (d) authorise the Heritage Council to waive fees in these Regulations; and
- (e) prescribe other matters for the purposes of the Act.

2 Authorising provisions

These Regulations are made under sections 185 and 187 of the **Heritage Act 1995**.

3 Commencement

These Regulations come into operation on 11 April 2015.

4 Revocations

The Heritage (General) Regulations 2005¹ and the Heritage (General) Amendment (Fees) Regulations 2014² are **revoked**.

5 Definition

In these Regulations, *the Act* means the **Heritage Act 1995**.

6 Fee for application for certificate as to protection of a place or object

For the purposes of section 50(2)(c) of the Act the prescribed fee is 4 fee units.

7 Form of notification of intention to sell

For the purposes of section 52 of the Act, the prescribed information is the information specified in the form set out in Schedule 1.

8 Form of notification of change of owner

The form for a notification given under section 52A(1) of the Act is the form set out in Schedule 1.

9 Form of interim protection order

For the purposes of section 56(2) of the Act, the prescribed form of an interim protection order is the form set out in Schedule 2.

10 Form of notice of existence of an interim protection order

For the purposes of section 59(2) of the Act, the prescribed form of a notice of the existence of an interim protection order is the form set out in Schedule 3.

11 Form of notice for alterations for liturgical purposes

For the purposes of section 65(2) of the Act, the prescribed form of a notice to carry out alterations for liturgical purposes without a permit is the form set out in Schedule 4.

12 Fee for application for permit to carry out works or activities in relation to registered place or object

(1) Subject to subregulation (2), for the purposes of section 67(2)(a) of the Act, the prescribed fee is the fee set out in column 4 of the following table that corresponds to the relevant class of application.

<i>Column 1</i> <i>Item No.</i>	<i>Column 2</i> <i>Class of application</i>	<i>Column 3</i> <i>Description</i>	<i>Column 4</i> <i>Fee</i>
1	Class 1	The subdivision, consolidation or realignment of a boundary of a registered place or the subdivision of a building	25 fee units
2	Class 2	The demolition of the whole of a registered place or registered object	127 fee units
3	Class 3	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is less than \$5000	nil

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<i>Column 1</i> <i>Item No.</i>	<i>Column 2</i> <i>Class of application</i>	<i>Column 3</i> <i>Description</i>	<i>Column 4</i> <i>Fee</i>
4	Class 4	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is at least \$5000 but less than \$100 000	9 fee units
5	Class 5	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is at least \$100 000 but less than \$250 000	13 fee units
6	Class 6	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is at least \$250 000 but less than \$500 000	30 fee units

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<i>Column 1</i> <i>Item No.</i>	<i>Column 2</i> <i>Class of application</i>	<i>Column 3</i> <i>Description</i>	<i>Column 4</i> <i>Fee</i>
7	Class 7	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is at least \$500 000 but less than \$1 000 000	35 fee units
8	Class 8	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is at least \$1 000 000 but less than \$10 000 000	130 fee units
9	Class 9	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is at least \$10 000 000 but less than \$30 000 000	339 fee units

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<i>Column 1</i> <i>Item No.</i>	<i>Column 2</i> <i>Class of application</i>	<i>Column 3</i> <i>Description</i>	<i>Column 4</i> <i>Fee</i>
10	Class 10	Works or activities, other than class 1 or 2 works or activities, to a registered place or registered object, if the estimated cost of the works or activities is at least \$30 000 000 or more	551 fee units

- (2) The prescribed fee for an application for a permit to carry out works or activities set out in different classes in the table in subregulation (1) is the sum of—
- (a) the highest of the fees which would have applied if a separate application had been made for each class; and
 - (b) 50 per cent of each of any other fee that would have applied if a separate application had been made for each class.

13 Waiver of fee for permit to carry out works or activities in relation to registered place or object

The Heritage Council may waive the fee for an application for a permit under section 67(1) of the Act if the Heritage Council is satisfied that the works or activities to which the application relates—

- (a) are for the purposes of the conservation of a registered place or registered object; or
- (b) are for the safety of the public; or

- (c) are the same, or primarily the same, as those for which a permit has previously been issued to the applicant in relation to a registered place or registered object; or
- (d) are to assist in relevant conservation or historical research; or
- (e) are to educate the public as to the cultural heritage significance of a registered place or registered object.

14 Form of consent of owner

For the purposes of section 67(2)(b) of the Act, the prescribed form of the consent of the owner is the form set out in Schedule 5.

15 Fee for consent to undertake works or activities with respect to archaeological relics

For the purposes of section 129(2) of the Act, the prescribed fee that must accompany an application for a consent is the fee set out in column 4 of the following table that corresponds to the relevant class of application.

<i>Column 1</i> <i>Item No.</i>	<i>Column 2</i> <i>Class of application</i>	<i>Column 3</i> <i>Description</i>	<i>Column 4</i> <i>Fee</i>
1	Class 1	To uncover or expose an archaeological relic or excavate any land for the purpose of discovering, uncovering or moving an archaeological relic	15 fee units

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<i>Column 1</i> <i>Item No.</i>	<i>Column 2</i> <i>Class of application</i>	<i>Column 3</i> <i>Description</i>	<i>Column 4</i> <i>Fee</i>
2	Class 2	To deface, damage or otherwise interfere with an archaeological relic, or carry out an act likely to endanger an archaeological relic, if the damage will affect less than 50% of the relic	26 fee units
3	Class 3	To deface, damage or otherwise interfere with an archaeological relic, or carry out an act likely to endanger an archaeological relic, if the damage will affect 50% or more of the relic	48 fee units

16 Waiver of fee for consent to undertake works or activities with respect to archaeological relics

The Heritage Council may waive the fee for an application for a consent under section 129(1) of the Act if the Heritage Council is satisfied that the works or activities to which the application relates—

- (a) are for the purposes of conservation or protection of an archaeological relic; or
- (b) are to assist in relevant anthropological, archaeological, ethnographic, historical or scientific research; or
- (c) are to educate the public as to the cultural heritage significance of an archaeological relic in its context; or
- (d) are for the safety of the public; or

- (e) are the same, or primarily the same, as those for which a consent has previously been issued to the applicant in relation to an archaeological relic.

17 Exemption from fees

A person who is an eligible beneficiary within the meaning of the **State Concessions Act 2004** is exempt from paying a fee for the following—

- (a) an application under section 50(1) of the Act that relates to—
 - (i) a registered place of which the person is the owner and that is the person's principal place of residence; or
 - (ii) a registered object of which the person is the owner;
- (b) an application under section 67(1) of the Act that relates to—
 - (i) a registered place of which the person is the owner and which is the person's principal place of residence; or
 - (ii) a registered object of which the person is the owner;
- (c) the grant of a permit under section 118A(2) of the Act for the use of an historic shipwreck relic situated in, on or under land that the person owns;
- (d) the grant of a permit under section 126A(2) of the Act that relates to an archaeological relic which is situated in, on or under land that the person owns;
- (e) an application under section 129(1) of the Act that relates to an archaeological relic situated in, on or under land that the person owns.

18 Prescribed documentation for archaeological investigations and surveys

For the purposes of section 131(2) of the Act, the prescribed documentation relating to the investigation or survey of an archaeological site is the documentation described as site documentation in the "Guidelines for Conducting Historical Archaeological Surveys" published by the Heritage Council.

19 Identity card for inspectors

For the purposes of section 147(2) of the Act, the prescribed form of an identity card issued to an inspector is the form set out in Schedule 6.

**Schedule 1—Notification under section 52
or 52A to sell or change ownership of a
registered place or object**

Regulations 7 and 8

Heritage Act 1995

Heritage (General) Regulations 2015

**NOTIFICATION UNDER SECTION 52 OR 52A TO SELL OR
CHANGE OWNERSHIP OF A REGISTERED PLACE OR
OBJECT**

**This form must be completed and forwarded to the Executive Director of
Heritage Victoria within 28 days of a contract of sale, purchase or
change in owner/contact details (penalties apply) at BOX 2392 GPO
Melbourne VIC 3001**

1. Registered Place/Object Details

Victorian Heritage Register Number:

Heritage Place

Heritage Object (description):

Name (if any):

Address/Location:

2. Your Details

Name:

Address:

Telephone:

Email:

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Schedule 1—Notification under section 52 or 52A to sell or change
ownership of a registered place or object

Tick boxes as applicable

- I am the current owner
- I am notifying a change of address
- I am intending to sell the above place/object on:
- I purchased the place/object on:
- I am notifying change of ownership (copy of current title of place showing full extent of property boundary is attached)
- I will/will not be residing in the building/place

The details of the new owner (if different to above):

Name:

Address*:

Telephone:

Email:

Signed:

Dated:

*If the new owner is a company, please provide details of the company's
address of registered office:

Schedule 2—Interim protection order

Regulation 9

Heritage Act 1995

Heritage (General) Regulations 2015

INTERIM PROTECTION ORDER

TO:

Name:

Address:

You are the *owner/occupier/person apparently in charge of the *place/object located at [*Address*]

which is categorised as a [*Category*]

under section 20 of the **Heritage Act 1995**.

In the opinion of the *Heritage Council/Executive Director it is *necessary/desirable to make an interim protection order under section 56 of the **Heritage Act 1995** for the purposes of that Act.

TAKE NOTICE THAT:

1. The *Heritage Council/Executive Director causes this interim protection order to be served on you.
2. On service of this order on you and while this order remains in force the *place/object at [*Address*] is deemed to be included in the Heritage Register in the category specified.
3. If a place is deemed to be a registered place, section 64(1) of the **Heritage Act 1995** provides that, subject to that Act, a person must not—
 - (a) remove or demolish; or
 - (b) damage or despoil; or
 - (c) develop or alter; or

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(d) excavate—

all or any part of that registered place.

The maximum penalty for a contravention of section 64(1) is—

- (a) in the case of a natural person: 2400 penalty units or imprisonment for 5 years or both;
- (b) in the case of a body corporate: 4800 penalty units.

4. If an object is deemed to be a registered object, section 64(2) of the **Heritage Act 1995** provides that, subject to that Act, a person must not—

- (a) remove or demolish; or
- (b) damage or despoil; or
- (c) alter—

that object.

The maximum penalty for a contravention of section 64(2) is—

- (a) in the case of a natural person: 2400 penalty units or imprisonment for 5 years or both;
- (b) in the case of a body corporate: 4800 penalty units.

5. If an object is deemed to be a registered object and is in a fixed position, section 64(3) of the **Heritage Act 1995** provides that, subject to that Act, a person must not relocate or disturb the position of that object.

The maximum penalty for a contravention of section 64(3) is—

- (a) in the case of a natural person: 2400 penalty units or imprisonment for 5 years or both;
- (b) in the case of a body corporate: 4800 penalty units.

6. Under section 56 of the **Heritage Act 1995**, this order comes into force on service.

7. This order—

- (a) continues in force for a period of 4 months or for any further period specified by the Minister; or
- (b) until—
 - (i) the place or object is included in the Heritage Register; or
 - (ii) the Heritage Council determines that the place or object does not warrant inclusion in the Heritage Register; or

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(iii) the Heritage Council removes the order—
whichever occurs first.

8. Under section 59 of the **Heritage Act 1995**, on service of this order on you, you must display a notice in the prescribed form of the existence of this order in a conspicuous position in the place to which this order relates while the order is in force.

The maximum penalty for a contravention of section 59 is—

- (a) in the case of a natural person: 120 penalty units;
- (b) in the case of a body corporate: 240 penalty units.

Dated:

***EXECUTIVE DIRECTOR/ HERITAGE COUNCIL (seal):**

*Strike out words which are inapplicable.

Schedule 3—Notice of the existence of an interim protection order

Regulation 10

Heritage Act 1995

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NOTICE OF THE EXISTENCE OF AN INTERIM PROTECTION ORDER

An interim protection order made by the *Executive Director/Heritage Council has been served for the following *place/object:

NAME OF *PLACE/OBJECT (if any):

ADDRESS:

SPECIFIED CATEGORY:

TAKE NOTICE THAT:

1. While the interim protection order remains in force the above *place/object is deemed to be included in the Heritage Register in the category specified.
2. If a place is deemed to be a registered place, section 64(1) of the **Heritage Act 1995** provides that, subject to that Act, a person must not—
 - (a) remove or demolish; or
 - (b) damage or despoil; or
 - (c) develop or alter; or
 - (d) excavate—all or any part of that place.

The maximum penalty for a contravention of section 64(1) is—

- (a) in the case of a natural person: 2400 penalty units or imprisonment for 5 years or both;
- (b) in the case of a body corporate: 4800 penalty units.

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Schedule 3—Notice of the existence of an interim protection order

3. While an object is deemed to be a registered object, section 64(2) of the **Heritage Act 1995** provides that, subject to that Act, a person must not—

- (a) remove or demolish; or
- (b) damage or despoil; or
- (c) alter—

that registered object.

The maximum penalty for a contravention of section 64(2) is—

- (a) in the case of a natural person: 2400 penalty units or imprisonment for 5 years or both;
- (b) in the case of a body corporate: 4800 penalty units.

4. If an object is deemed to be a registered object and is in a fixed position, section 64(3) of the **Heritage Act 1995** provides that, subject to that Act, a person must not relocate or disturb the position of that object.

The maximum penalty for a contravention of section 64(3) is—

- (a) in the case of a natural person: 2400 penalty units or imprisonment for 5 years or both;
- (b) in the case of a body corporate: 4800 penalty units.

*Strike out words which are inapplicable.

Schedule 4—Notice of alterations for liturgical purposes

Regulation 11

Heritage Act 1995

Heritage (General) Regulations 2015

NOTICE OF ALTERATIONS FOR LITURGICAL PURPOSES

NAME OF REGISTERED *PLACE/OBJECT:

HERITAGE REGISTER NUMBER:

CHURCH:

ADDRESS:

OWNER DETAILS:

Name:

Address:

Telephone:

PROPERTY MANAGER/AGENT DETAILS (IF ANY):

Name:

Address:

Telephone:

A DETAILED DESCRIPTION OF ALTERATIONS:

[including 3 copies of appropriately-scaled drawings to show the extent and nature of proposed works for the alterations]

**STATE LITURGICAL PURPOSE FOR WHICH THE ALTERATION
IS REQUIRED:**

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Schedule 4—Notice of alterations for liturgical purposes

DECLARATION:

I am an officer of the church authorised by the church to give notice that the alterations outlined above are required for liturgical purposes.

Name:

Address:

Position:

Signature:

Date:

*Strike out words which are inapplicable.

Schedule 5—Consent of owner to an application for a permit

Regulation 14

Heritage Act 1995

Heritage (General) Regulations 2015

CONSENT OF OWNER TO AN APPLICATION FOR A PERMIT TO CARRY OUT WORKS OR ACTIVITIES IN RELATION TO REGISTERED PLACE OR OBJECT

STATEMENT OF CONSENT BY OWNER:

I am the owner of the *registered place/registered object described in the permit application dated / / and I consent to the application to carry out the works or activities specified in the application.

NAME:

ADDRESS:

SIGNATURE:

DATE:

*Strike out words which are inapplicable.

Schedule 6—Identity card for inspectors

Regulation 19

Heritage Act 1995

Heritage (General) Regulations 2015

IDENTITY CARD FOR INSPECTORS

Heritage Act 1995
and Regulations under that Act

I certify that the bearer,
has been appointed an inspector under
section 146 of the
Heritage Act 1995.

Signed: Executive Director/Delegate

Date:

Signed: Inspector No.

=====

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Heritage (General) Regulations 2015, S.R. No. 20/2015 were made on 31 March 2015 by the Administrator of the State of Victoria, as the Governor's Deputy, with the advice of the Executive Council under sections 185 and 187 of the **Heritage Act 1995**, No. 93/1995 and came into operation on 11 April 2015: regulation 3.

The Heritage (General) Regulations 2015 will sunset 10 years after the day of making on 31 March 2025 (see section 5 of the **Subordinate Legislation Act 1994**).

2 Table of Amendments

There are no amendments made to the Heritage (General) Regulations 2015 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 18/2005. Subsequently amended by S.R. No. 174/2014.

² Reg. 4: S.R. No. 174/2014.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2014 is \$13.24. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2014 is \$147.61.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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Endnotes

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 18	Guidelines for Conducting Historical Archaeological Surveys (published by Heritage Council of Victoria in July 2008).	Section 3.2