

HERITAGE IN THE ACT

THE ACT CELEBRATES AND CONSERVES ITS SIGNIFICANT HERITAGE PLACES AND OBJECTS FOR THEIR HISTORICAL RELEVANCE AND THE BENEFIT OF FUTURE GENERATIONS.



The processes to nominate, register and protect heritage places and objects for posterity are legislated in the *Heritage Act 2004* (the Act), which also established the ACT Heritage Council (the Council) and the Heritage Register.

The Act was introduced after extensive community and stakeholder engagement. It brought the ACT into closer alignment with other states and territories. The Act was reviewed in 2010 by an independent consultant who made 111 recommendations. These recommendations were considered by the ACT Government and an Amendment Bill was prepared to address a number of these recommendations. The Amendment Bill, which was passed in September 2014, has brought the ACT's heritage significance criteria in line with other jurisdictions, creates simpler and more streamlined administrative processes and better integrates the heritage legislation with other ACT legislation.





THE HERITAGE ACT

The Act aims to represent and protect the rich natural and cultural heritage of the ACT, encompassing both Aboriginal and European cultural values. Among other things, the Act:

- establishes a system for the recognition, registration and conservation of natural and cultural heritage places and objects, including Aboriginal places and objects
- establishes the Heritage Council
- establishes the Heritage Register and ensures it is accessible
- provides for heritage agreements to encourage conservation of heritage places and objects
- provides for heritage guidelines to protect heritage significance
- defines how public authorities must protect heritage
- establishes enforcement and offence provisions including heritage directions, heritage orders and information discovery orders
- integrates heritage with land planning and development.

THE HERITAGE COUNCIL

The the Council includes representatives of business and the community, including the Aboriginal community. It decides which places and objects should be included on the Heritage Register and provides advice on the protection of heritage places and objects. For more information, see the Council information sheet.

The Council maintains the Heritage Register, which lists all registered, provisionally registered and nominated heritage places and objects in the ACT. The register also includes statements of heritage significance, up-to-date information on changes to the register and heritage guidelines, directions and orders. For more information, see the Heritage Register.. information sheet.

Heritage matters are integrated into the planning authority's development assessment process and planning decisions. Heritage is always considered when new suburbs or developments are planned. The planning authority notifies the Council when development applications relate to nominated, provisionally registered or registered places or objects, so it can advise how the proposed development will affect the heritage significance and set any conditions to avoid or minimise any impacts. For more information, see the Planning and Development information sheet.



THE HERITAGE PROCESS

The Act sets out how heritage places and objects are entered in the Heritage Register. This includes provisional registration, which is an initial assessment of the heritage significance of a place or object and allows for public consultation. (For more information, see the Heritage Process information sheet.

Consultation is an integral part of the heritage process. The Council invites the planning authority and those immediately affected by the nominated registration, such as land owners, to comment. It also advertises all provisional registrations, encouraging the public to comment. Following consultation, the Council advises the Minister whether final registration will happen. Final registration is subject to appeal to the ACT Civil and Administrative Tribunal.

The Council may also prepare heritage guidelines for a registered heritage site or object. These guidelines determine how development may take place and advise about the impact of development. The Council refers to the guidelines if planning advice, heritage orders, agreements or directions are required. For more information, see the Heritage Guidelines information sheet.

To conserve the heritage significance of a place or object, the Minister may, on the Council's advice, enter into a heritage agreement with the owner of the land. The agreement also binds future owners of the land. As incentives for conserving heritage significance, the Council may provide financial or technical assistance to the owner of a place or object where a heritage agreement applies. For more information, see the Heritage Agreements information sheet.

Where the government owns heritage places or objects, the responsible public authorities are required to identify and report regularly on them. The Council can require a public authority to prepare and follow a conservation management plan.

FURTHER INFORMATION

For more information, please contact ACT Heritage on 13 22 81.

Please note the material in this information sheet is provided for general information only, and should not be relied upon for the purpose of a particular matter covered by the [Heritage Act 2004](#).

ENFORCING THE HERITAGE ACT

There are several ways the Act can be enforced:

- Where there is a serious and imminent threat to the heritage significance of a place or object, the Minister may, on the advice of the Council, give the owner or occupier a heritage direction.
- To prevent harm to the heritage significance of a place or object, the Council may apply to the Supreme Court for a heritage order. Under some circumstances, others can also apply for an order.
- The Council may issue an information discovery order, which requires a person with relevant information to provide it to the council.

To protect heritage places and objects, the Act includes a number of offences. For example, it is an offence to damage the heritage significance of places and objects, deliberately contravene a heritage direction or information discovery order or publish restricted information about the location or nature of particular places or objects. For more information, see the enforcing Heritage Protection information sheet.

