



# Heritage Amendment Regulation 2003

under the

Heritage Act 1977

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Heritage Act 1977*.

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## Explanatory note

The *Heritage Regulation 1999* provides that an application for approval to carry out certain activities must include a heritage impact statement, and (in the case of major impacts on items listed on the State Heritage Register) must also include a conservation management plan. A conservation management plan that is endorsed by the Heritage Council at the request of the affected owner may also vary the minimum standards for maintenance and repair of a particular building, work or relic.

The object of this Regulation is to amend the *Heritage Regulation 1999* so as:

- (a) to specify requirements for conservation management plans, including a requirement that conservation management plans be prepared in accordance with guidelines issued by the Director of the Heritage Office (*the Director*),
- (b) to specify requirements for heritage impact statements, including a requirement that heritage impact statements be prepared in accordance with guidelines issued by the Director,
- (c) to provide for fees chargeable for the review of conservation management plans for the purpose of their endorsement by the Heritage Council (at the request of the affected owner).

This Regulation is made under the *Heritage Act 1977*, including section 165 (the general regulation-making power) and section 166A (Heritage Council fees for services).

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### **Heritage Amendment Regulation 2003**

under the

Heritage Act 1977

#### **1 Name of Regulation**

This Regulation is the *Heritage Amendment Regulation 2003*.

#### **2 Amendment of Heritage Regulation 1999**

The *Heritage Regulation 1999* is amended as set out in Schedule 1.

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

*conservation management plan* means a document that:

- (a) identifies the State or local heritage significance of a place, building, work, relic, moveable object or precinct, and
- (b) sets out policies and strategies for the retention of that significance, and
- (c) is prepared by the affected owner in accordance with guidelines for the preparation of conservation management plans issued from time to time by the Director.

*heritage impact statement* means a document that:

- (a) identifies the impact that an activity referred to in section 57 (1) (a)–(h) of the Act that is proposed to be carried out would have on the State or local heritage significance of a place, building, work, relic, moveable object, precinct or land affected by the proposed activity, and
- (b) sets out measures to minimise the impact of the proposed activity on that heritage significance, and
- (c) is prepared by the affected owner in accordance with guidelines for the preparation of heritage impact statements issued from time to time by the Director.

**[2] Clause 9A**

Insert after clause 9:

**9A Fee for certain reviews of conservation management plans**

- (1) The Director may, from time to time, determine the fees payable for the review of conservation management plans for the purposes of their endorsement by the Heritage Council.
- (2) The Director may determine different fees for the review of different conservation management plans, having regard to the costs incurred in conducting the review (whether the

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review is conducted by members of staff of the Heritage Office or by persons engaged for that purpose by the Director).

- (3) The Heritage Council may charge an affected owner the fee determined under this clause for the review of a conservation management plan if:
  - (a) the endorsement of the plan is a service requested by the affected owner, and
  - (b) the Director has given the affected owner notice of the fee payable (or a reasonable estimate of the fee payable) before the plan is reviewed.
- (4) A fee is not payable if the conservation management plan is required to be submitted and endorsed by or under the Act or by direction of the Heritage Council.

**Note.** Schedule 1 provides that the approved form of application under section 60 of the Act for approval to carry out an activity must be accompanied by a conservation management plan if the proposal will have a major impact on an item listed on the State Heritage Register.

### [3] Clause 18 Conservation management plans

Omit clause 18 (1).

BY AUTHORITY

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