



New South Wales

Heritage Amendment (Heritage and Conservation Register) Regulation 2010

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*.

TONY KELLY, MLC
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Heritage Regulation 2005* as follows:

- (a) to prescribe the following as classes of items of the environmental heritage owned, occupied or under the control of a government instrumentality that are required to be included in its Heritage and Conservation Register:
 - (i) heritage items under environmental planning instruments,
 - (ii) items subject to interim heritage orders,
 - (iii) items listed on the State Heritage Register,
 - (iv) items identified by the government instrumentality as having State heritage significance,
- (b) to set out requirements for entries in a Heritage and Conservation Register relating to those items.

This Regulation is made under the *Heritage Act 1977*, including sections 170 (4) and 165 (the general regulation-making power).

2010 No 25

Clause 1

Heritage Amendment (Heritage and Conservation Register) Regulation
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1 Name of Regulation

This Regulation is the *Heritage Amendment (Heritage and Conservation Register) Regulation 2010*.

2 Commencement

This Regulation commences on 29 January 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Heritage Regulation 2005

Clause 20

Insert after clause 19:

20 Items to be included in Heritage and Conservation Registers

- (1) The following classes of items of the environmental heritage are prescribed for the purposes of section 170 (4) (a) of the Act:
 - (a) items that are listed as heritage items under an environmental planning instrument made under the *Environmental Planning and Assessment Act 1979*,
 - (b) items that are subject to an interim heritage order,
 - (c) items that are listed on the State Heritage Register,
 - (d) items identified by the government instrumentality concerned as having State heritage significance.
- (2) A government instrumentality must, for the purposes of identifying an item under subclause (1) (d), have regard to the criteria approved by the Minister under section 4A of the Act for the making of decisions as to whether or not an item is of State heritage significance.
- (3) An entry in a Heritage and Conservation Register of a government instrumentality relating to an item of a class referred to in subclause (1) (a) or (b) must include the item's name, location and the name of the local government area in which it is situated.
- (4) An entry in a Heritage and Conservation Register of a government instrumentality relating to an item of a class referred to in subclause (1) (c) or (d) must be in the form approved by the Director-General.