



New South Wales

Heritage Amendment (Applications) Regulation 2024

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*.

PENNY SHARPE, MLC
Minister for Heritage

Explanatory note

The object of this regulation is to amend the *Heritage Regulation 2012* to—

- (a) enable the Heritage Council to request additional information about an application for an excavation permit or historic shipwrecks permit, if the Council considers the information necessary to properly consider the application, and
- (b) prescribe the period of time that must not be taken into account in the period of determining an application for a permit.

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1 Name of regulation

This regulation is the *Heritage Amendment (Applications) Regulation 2024*.

2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Heritage Regulation 2012

[1] **Part 2A, heading**

Omit the heading. Insert instead—

Part 2A Process for determination of certain applications— the Act, ss 62(2), 65(4) and 141(3)

[2] **Clause 8A Definitions**

Insert in alphabetical order—

application means—

- (a) an application for approval, or
- (b) an application for a permit.

application for a permit means an application for a permit under the Act, section 140.

relevant body means—

- (a) for an application for approval—an approval body, or
- (b) for an application for a permit—the Heritage Council.

[3] **Clause 8A, definition of “assessment period”**

Omit the definition. Insert instead—

assessment period means—

- (a) for an application for approval—the period of 40 days or 60 days, as the case may require, for the approval body to determine the application as referred to in the Act, section 65(1), or
- (b) for an application for a permit—the period of 21 days for the Heritage Council to determine the application as referred to in the Act, section 141(2).

[4] **Clause 8B, heading**

Omit “Approval body”. Insert instead “Relevant body”.

[5] **Clause 8B(1)**

Omit “for approval”.

[6] **Clauses 8B(1), (2)(b), (4) and (5) and 8C**

Omit “approval body” wherever occurring. Insert instead “relevant body”.

[7] **Clause 8B(3)**

Omit “The information the approval body may request includes, but is not limited to,”.

Insert instead “For an application for approval, an approval body may request information including”.

[8] **Clause 8C**

Omit “For the purposes of section 65(4) of the Act”.

Insert instead “For the Act, sections 65(4) and 141(3)(b)”.