

**Conservation Management Planning
Review & Endorsement Strategy**

Dated 6th April 2005

1. Aim of the Strategy

The aim of this strategy is to assist the Heritage Council in supporting and working towards the conservation of the environmental heritage of New South Wales through providing guidance to owners, managers and regulators of heritage items of state significance on the ways in which they can seek the approval of the Heritage Council for their management approaches, and obtain exemptions from approval requirements under the *Heritage Act 1977* where this is appropriate, within timeframes that are timely and make best use of Heritage Office resources.

2. Objectives of Heritage Council review and endorsement of Conservation Management Plans (CMPs)

The objectives of the Heritage Council in reviewing and endorsing CMPs are:

1. to support best-practise conservation management of heritage items.
2. to provide for strategic approaches to the long term management of heritage items that are agreed upon by the Heritage Council and owners and managers of heritage items.
3. to promote the management of an item's heritage values as an integral part of asset management.
4. to identify the range of documentation useful for seeking site-specific exemptions and for supporting strategic management approaches.

3. Scope of the strategy

This strategy is applicable to items listed on the State Heritage Register, to items subject to an Interim Heritage Order, to items subject to an Order under s136 of the Heritage Act, and to items of state significance listed in a Section 170 Register.

The strategy may be applicable to Items assessed as being of state significance and nominated for listing on the State Heritage Register, and to other items assessed as being of state significance, at the discretion of the Director of the Heritage Office.

4. What is Standard Exemption Number 6?

Standard Exemption No. 6 states

Development specifically identified as exempt development by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or within an interim conservation management strategy endorsed by the Director does not require approval under s.57(1) of the Act.

Any development that is to be identified as 'exempt development' in the context of Standard Exemption No. 6 must be discussed with the Heritage Office before being finalised, and clearly identified in a discrete section of the conservation management plan.

Policies or development identified as 'exempt', and which would allow for the carrying out of works that have the potential to materially affect the significance of an item, will not be endorsed as part of a CMP. Such proposals are to be dealt with through the approvals processes under the Heritage Act. Endorsement does not mean or imply approval for works that would otherwise require approval under the *Heritage Act 1977*.

The author of the CMP and the Heritage Office must agree upon the wording of any such exempt development before the Heritage Office can make a recommendation to the Heritage Council regarding endorsement.

[Click here to view all of the current standard exemptions/](#)

5. Methods to implement the strategy

The following methods can be used in implementing the strategy, either singly or in combination.

5.1. The roles of a CMP

CMPs can be prepared for several different purposes and fulfil several different roles. Generally, CMPs will be prepared to assist with ongoing best-practise asset management, or to provide information to assist in assessing applications for changes, or some combination of both factors. The CMP should include a clear statement of purpose in its introductory section, and as well as a clear statement of its limitations.

5.1.1 CMPs accompanying applications for approvals under the *Heritage Act 1977*.

CMPs accompany applications for approval under the Heritage Act will be received for the purpose of providing information to assist in the assessment of an application.

They will **not be considered for endorsement** unless this has been agreed to in discussions with the Heritage Office before the lodgement of an application.

5.1.2 Development of site-specific exemptions.

CMPs may be prepared as a basis for the development of site specific exemptions. The Heritage Office may suggest that the preparation of a CMP will assist in the development of site specific exemptions, or it may suggest some other form of investigation or research to provide any necessary supporting information before a recommendation can be made to the Heritage Council concerning the making of any site specific exemptions.

Any intention to develop site specific exemptions must initially be discussed with the Heritage Office to determine the appropriate levels of documentation that should be prepared, and to provide a clear understanding of the processes involved.

5.1.3 CMPs as strategic approaches

CMPs may be submitted for the Heritage Council's consideration as a basis for an agreed upon strategic approach to managing an item's conservation, development and other asset management requirements and needs.

CMPs are encouraged for such purposes where the item is geographically extensive, or complex in the levels of significance of its component elements, or is composed of a series or set of significant elements that form part of a larger system or landscape that may not itself be highly significant, or is the subject of widespread community interest, or is managed (or will be managed in the foreseeable future) by several different managers or management bodies, or some combination of these factors.

CMPs prepared for such purposes should identify the types of complementary planning documents that will provide for greater detail in the conservation management of significant elements of the item(s) if this is applicable. Such CMPs should also address the co-ordination of management responsibilities for heritage values within complex items if this is applicable.

CMPs will not be considered for endorsement unless this has been agreed to in discussions with the Heritage Office before the lodgement of the CMP.

5.2. Reviewing a CMP

5.2.1 Role of public exhibition and consultation.

If a CMP is submitted for endorsement, the CMP may then be submitted to public exhibition as part of the review process, in accordance with the *Heritage Office Public Notification Policy*.

The procedural requirements for public exhibition are described in the *Heritage Office Public Notification Policy*.

5.2.2 Paid Peer Reviews (refer also to section 7 of this Strategy)

Any CMP submitted for endorsement by the Heritage Council will be reviewed. The Heritage Office will make information available to owners and their consultants or agents about reviews of CMPs, including the possibility of a review being undertaken as a paid peer review. If a paid peer review is requested by the owner of the item subject to the CMP, the peer reviewer may be a member of the Heritage Office staff or a person engaged for that purpose by the Director in accordance with the *Heritage Regulation 2003*.

A CMP will not be considered for endorsement unless this has been agreed to in discussions with the Heritage Office before lodgement.

5.2.3 CMPs submitted by community organisations for items under their care, control or management.

CMPs prepared for or by community organisations and private persons may be submitted as a basis for an agreed-upon management strategy for the item or items under their control.

They will not be considered for endorsement unless this has been agreed to in discussions with the Heritage Office before the submission of a CMP.

5.2.4 Delegations of HC endorsement functions to State agencies.

The Heritage Council will consider a request from a State agency for the delegation to the agency of the Heritage Council's review and endorsement functions, provided that (with regard to the delegation of CMP review and endorsement functions):

- the agency has appropriately qualified personnel with heritage expertise and skills available to it at all times,
- the agency has a proven track record of managing its heritage assets in accordance with the requirements of s170 of the Heritage Act and the principals and guidelines created under s170.
- Where these functions are delegated to a State agency, that agency may develop, in consultation with the Heritage Office, a checklist for reviewing draft CMPs prepared by or for the agency that includes checks that are

specific to the functions and roles of the agency and the heritage items under its care, control or management.

- Agencies with these delegated functions may develop, in consultation with the Heritage Office, an agency-specific definition of the phrase “materially affect the significance of that item” as that phrase is used in section 61 of the *Heritage Act 1977*, and as it may apply to the management by that agency of heritage items under its care, control or management.
- Agencies with these delegated functions may develop, in consultation with the Heritage Office, agency-specific guidelines for placing draft CMPs prepared for or by the agency on public exhibition provided they are consistent with the *Heritage Office Public Notification Policy*.
- Agencies with these delegated functions and which have had a Heritage & Conservation Register prepared under section 170 of the *Heritage Act 1977* that has been endorsed by the Heritage Council may rely upon their Register for the identification and assessment of an item’s comparative values.
- Agencies with these delegated functions may, in consultation with the Heritage Office, develop agency-specific criteria for engaging external and/or internal reviewers for the review of draft CMPs prepared for or by the agency.
- Agencies with these delegated functions will, upon endorsing a CMP, arrange for one copy of the CMP to be deposited in the Heritage Office Library.
- such other matters as may be specified from time to time by the Heritage Council.

Any proposal for such a delegation or delegations should be discussed with the Heritage Office before an agency considers preparing a formal request for such delegation.

5.3 Dealing with CMPs already received by the Heritage Office

5.3.1 Upon the adoption of a final version of the strategy

Private persons or organisations that have submitted CMPs to the Heritage Office for review and/or endorsement, where such CMPs are waiting review by the date of the Heritage Council’s adoption of this Strategy, will be advised of the adoption of the strategy and asked whether they still wish to proceed with having their CMP reviewed for endorsement, or whether a different process may be used to achieve their intentions in submitting the CMP.

CMPs waiting review for the purpose of acquittal of a financial assistance received through the Heritage Incentives Program which will be reviewed with a simplified checklist that will provide for the Heritage Office to review such CMPs received in the future solely for the purposes of acquittal.

In the case of CMPs that have been submitted by a State agency or a local council for review and endorsement the Heritage Office will discuss with each agency or council whether to continue with a review and endorsement process, or whether a different process may be used to achieve their intentions in submitting the CMP, with the CMP providing the necessary supporting information.

5.4 Complementary approaches

5.4.1 Alternatives to CMPs

The purpose for which a conservation planning document may need to be developed, or the particular type of document needed for a particular heritage item or items

should always be clear. Whether the context is strategic asset management or major new development, and whether site-specific exemptions are to be sought, will be important considerations. Discussions should be held with the Heritage Office before a final decision on the type of document is made and resources are expended on its preparation. It is not appropriate to use a CMP as a 'one size fits all' approach to conservation planning.

It is critical when using any complementary approaches that the significance of an item is clearly understood and expressed as this will assist the Heritage Office in assessing whether proposed complementary management approaches are suitable or appropriate for the item.

One of the complementary approaches may be developed in accordance with the accepted guidelines and standards, with a further specialised document attached. An example might be a CMS plus Interpretation Plan, or a SOHI plus a Maintenance Plan. Such approaches may help in the more effective use of limited resources, but they should always be discussed with the Heritage Office before making any final decision about the use of a complementary approach.

5.4.2 Use or Reference to Heritage Management Plans developed under the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth).

Where a Heritage Management Plan has been prepared in accordance with the requirements of the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth), and has been accredited or endorsed in accordance with that Act, the Heritage Office may, at the discretion of the Director of the Heritage Office, accept that plan as supporting information in the submission of an application for approval under the Heritage Act, the agreement upon a management strategy, the design of any site specific exemptions, or for any other purpose for which information may be needed for the assessment of any works or activities under section 57 of the *Heritage Act 1977*.

A Heritage Management Plan will not be considered for such uses unless this has been agreed to in discussions with the Heritage Office before being submitted.

The Heritage Office will use its best endeavours to reduce duplication and the potential for contradictory requirements between the content of a CMP prepared to meet any of the provisions of the NSW *Heritage Act 1977* and a Heritage Management Plan prepared to meet any of the provisions of the Commonwealth's *Environment Protection & Biodiversity Conservation Act 1999* for sites that are listed on the State Heritage Register **and** on the National List or the Commonwealth List. Any person considering the preparation of a conservation planning document for a site that is listed under both Acts should discuss options for such documents with the Heritage Office before beginning to prepare such documents

6 CMPs for reference purposes

All final version CMPs received by the Heritage Office, for whatever purpose or reason, will be lodged in the Heritage Office Library where they will be publicly accessible for reference and research purposes and other matters of public interest, subject to the Library's collections policy.

Where the Heritage Office receives a CMP for a heritage item the Office will provide a formal letter to the owner acknowledging receipt of the CMP. The letter will also address the following matters:

- Provide thanks for the copy of the CMP,

- Acknowledge the CMP as providing best practise guidance for the management of the item,
- Advise the CMP will be accessioned into the Heritage Office Library collection as a reference work, and be available to the Heritage Office should any matters arise which affect the item including proposed work and new development, and
- Such other matters as may be appropriate and at the discretion of the Director of the Heritage Office and the Librarian.

7. Fees & Charges

CMPs submitted for review and/or endorsement will only be received on a fee for service basis. Fee and charges will be as determined and described in the *Heritage Regulation 2003* as amended from time to time.

The Director of the Heritage Office will have regard to individual circumstances when fees and charges are being considered, and may exercise discretion in waiving a fee or charge where the *Heritage Regulation 2003* as amended from time to time so provides.

8. Standard Recommendation

The standard recommendation by the Heritage Office to the Heritage Council for the endorsement of a CMP will read:

That the Heritage Council Approvals Committee:

- **endorses the conservation management plan titled [full name] prepared by [name of author/firm] for [name of owner/agent] dated [as dated on title page of document] for a period of [No.] years; and**
- **agrees that this conservation management plan will provide a guiding document for the Heritage Council in its consideration of any proposals for change to or involving the item subject to the conservation management plan for the period of the endorsement.**

The Director of the Heritage Office may accept variations and additions to the wording of this standard recommendation at his/her discretion.

9. CMP Checklists

- The Heritage Council's CMP Checklist dated September 2003 will continue to be the checklist used to review CMPs submitted for Heritage Council endorsement.
- A basic CMP Checklist reflecting the core components of a CMP as identified in Kerr's *Conservation Plan* will be developed for reviewing CMPs submitted to the Heritage office for all purposes other than endorsement.
- State agencies with delegated functions may develop, in consultation with the Heritage Office, agency-specific CMP checklists for CMPs prepared for or by the agency for heritage items under its care, control or management.

10. Compliance auditing and monitoring

The Heritage Office may conduct periodic monitoring and random auditing of the management of heritage items where such items are being managed under an exemption gained through an endorsement of a CMP under Standard Exemption No. 6 or a site-specific exemption granted on basis of research, assessments and policies in a CMP or complementary planning document.

The procedural requirements for such monitoring and auditing are described in sections 148 to 150 of the *Heritage Act 1977*.