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HERITAGE ACT 1977 (NSW)

Consent to Delegations

I, James Griffin MP, Minister for Environment and Heritage, pursuant to section 169(3) and section 21 of the *NSW Heritage Act 1977* (the Act), on the recommendation of the Heritage Council of New South Wales (Heritage Council) give consent for the Heritage Council to:

- a) **revoke** the delegations by the Heritage Council made on 3 June 2016; and
- b) **delegate** the Heritage Council's statutory functions set out in Columns 1 and 2 of Schedule A and B below to the persons in the delegate level or levels specified in Column 4 of Schedule A and B, subject to the limits specified in Column 3 of Schedule A and B.

Power under which this Instrument is made

This instrument is made under section 169(3) and section 21 of the *Heritage Act 1977*.

The Hon. James Griffin MP

Minister for Environment and Heritage

Date: 12/04/2022

HERITAGE ACT 1977 (NSW)

Delegation of Functions of Heritage Council of NSW

I, Frank Howarth, Chairperson of the Heritage Council of NSW, in accordance with resolutions of the Heritage Council **7 July 2021** do by this instrument:

- a) **revoke** the delegations made by the Heritage Council on 3 June 2016
- b) **delegate** the Heritage Council's statutory functions set out in Columns 1 and 2 of Schedule A and B below to the persons in the delegate level or levels specified in Column 4 of Schedule A and B, subject to the limits specified in Column 3 of Schedule A and B.

Power under which this delegation is made

This delegation is made under section 169(3) and section 21 of the *Heritage Act 1977*.

Commencement

This instrument commences on the date on which the Minister gives consent pursuant to section 169(3), on the recommendation of the Heritage Council under section 21.

General limitation on the exercise of a delegated function

Where a delegated function relates to a financial matter, the function must be exercised in accordance with the financial delegations as authorised (from time to time by the Minister responsible for the *Heritage Act 1977*) and also in accordance with any directions made under the *Public Sector and Audit Act 1983* (NSW) and the *Government Sector Finance Act 2018* (NSW).

Frank Howarth AM
Chair, Heritage Council of New South Wales

Date: 05/05/2022

Definitions and Abbreviations

In this instrument:

- (a) A reference to an Act includes any regulations or rules or instruments made under that Act;
- (b) **Approval** has the same meaning as the term in Section 4, *Heritage Act 1977*;
- (c) **Approval body** has the same meaning as the term in section 56, *Heritage Act 1977*;
- (d) **Approvals Committee** means the Approvals Committee of the Heritage Council established pursuant to section 21A of the *Heritage Act 1977*;
- (e) **Archaeological significance** means as described in the *Assessing Significance for Historical Archaeological Sites and 'Relics'* 2009 (as amended from time to time);
- (f) **Chair** means the person appointed from time to time (in a permanent, temporary or acting capacity) to the position of Chair of the Heritage Council as referred to in section 8(5) of the *Heritage Act 1977*;
- (g) **CMP** means a 'conservation management plan' as defined under section 38A(3), *Heritage Act 1977*;
- (h) **Deputy Chair** means the person appointed from time to time (in a permanent, temporary or acting capacity) to the position of Deputy Chair of the Heritage Council. In the absence of the Chair, or where a conflict of interest arises, the Deputy Chair shall perform the duties and exercise the authority of Chair in relation to all proceedings of the Heritage Council;
- (i) **Environment Officer Level 9 (or equivalent role)** means the person or persons appointed from time to time (in a permanent, temporary or acting capacity) in the position of Officer/ Environment Officer Class 9 of Heritage NSW, Department of Planning and Environment (or the equivalent);
- (j) **Environment Officer Level 10 (or equivalent role)** means the person or persons appointed from time to time (in a permanent, temporary or acting capacity) in the position of Senior Officer/ Environment Officer Class 10 of Heritage NSW, Department of Planning and Environment (or the equivalent);
- (k) **Environment Officer Level 12 (or equivalent role)** means the person or persons appointed from time to time (in a permanent, temporary or acting capacity) in the position of Senior Team Leader, Environment Officer Level 12 of Heritage NSW, Department of Planning and Environment (or the equivalent);
- (l) **Environment Officer Level 14 (or equivalent role)** means the person or persons appointed from time to time (in a permanent, temporary or acting capacity) in the position of Manager/ Environment Officer Level 14 of Heritage NSW, Department of Planning and Environment (or the equivalent);
- (m) **EP&A Act** means the *Environmental Planning and Assessment Act 1979*;
- (n) **Functions** has the same meaning as the term in section 4, *Heritage Act 1977*;
- (o) **Heritage Council** means the Heritage Council constituted under section 7, *Heritage Act 1977*;

- (p) **Heritage NSW** is a branch within the Department of Planning and Environment – see Schedule 2, 3: Other Public Service Agencies, *Administrative Arrangements (Second Perrottet Ministry—Allocation of Acts and Agencies) Order 2021*;
- (q) **Historic Shipwreck** has the same meaning as the term in section 47, *Heritage Act 1977*;
- (r) **IHO** means an ‘interim heritage order’ as defined under section 4, *Heritage Act 1977*;
- (s) **Item** has the same meaning as the term in section 4, *Heritage Act 1977*;
- (t) **Local heritage significance** has the same meaning as the term in section 4A, *Heritage Act 1977*;
- (u) **Material Threshold** is described in sections 61(1) and 63(3)c of the *Heritage Act 1977*, where there is a material affect that impacts the exercise of a function to give public notice of an application or determine an application for approval;
- (v) **Material Threshold Policy 2020** is a Heritage NSW policy (amended from time to time);
- (w) **Relic** has the same meaning as the term in section 4, *Heritage Act 1977*;
- (x) **Senior Executive Band 1 (or equivalent role)** means the person or persons appointed from time to time (in a permanent, temporary or acting capacity) in the position of Director/ Senior Executive Band 1 at Heritage NSW, Department of Planning and Environment (or the equivalent);
- (y) **Senior Executive Band 2 (or equivalent role)** means the person appointed from time to time (in a permanent, temporary or acting capacity) in the position of Executive Director/ Senior Executive Band 2 of Heritage NSW, Department of Planning and Environment (or the equivalent);
- (z) **Senior Executive Band 3 (or equivalent role)** means the person appointed from time to time (in a permanent, temporary or acting capacity) to the position of Deputy Secretary, Senior Executive Band 3 of Community Engagement, Department of Planning and Environment (or the equivalent);
- (aa) **Senior Executive Band 4 (or equivalent role)** means the person appointed from time to time (in a permanent, temporary or acting capacity) to the position of Secretary/ Band 4 Public Service Senior Executive, Department of Planning and Environment (or the equivalent);
- (bb) **SHR** means the State Heritage Register as defined in section 4 of the *Heritage Act 1977*;
- (cc) **SHR Committee** means the State Heritage Register Committee of the Heritage Council established pursuant to section 21A of the *Heritage Act 1977*;
- (dd) **SHR Committee Chair** means the person appointed from time to time (in a permanent, temporary or acting capacity) to the position of Chair of the SHR Committee;
- (ee) **State Heritage significance** has the same meaning as the term in section 4, *Heritage Act 1977*.

Schedule A

Delegation of Heritage Council Functions

HERITAGE ACT 1977

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.21(1)(a)	Power to make recommendations to the Minister for or with respect to the exercise by the Minister of any functions conferred on the Minister under the Act or the Regulations.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Approvals Committee SHR Committee
s.21(1)(b)	Power to make recommendations to the Minister relating to the taking of measures for or with respect to the conservation, the exhibition or display the provision of access to and the publication of information concerning items of environmental heritage.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Approvals Committee SHR Committee
s.21(1)(c)	Power to carry out investigations, research and inquiries relating to the matters in s.21(1)(b).	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee SHR Committee
s.21(1)(e)	Maintain the State Heritage Inventory.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.21(1)(f)	Power to conduct community education concerning the State's environmental heritage.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12
s.21(2)(a)	Power to make submissions to persons or bodies in respect of the matters in s.21(2)(a).	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee SHR Committee
s.21(2)(a)	Power to make submissions to persons or bodies in respect of the matters in s.21(2)(a).	The power is only delegated with respect to non-SHR items or where there is no material affect on the State heritage significance an SHR item in accordance with the <i>Material Threshold Policy 2020</i> (as amended time to time). Exercise of delegation is to be reported to the Heritage Council.	Environment Officer Level 10
s.21(2)(b)	Power to provide opinions, statements or other information relating to environmental heritage to persons or bodies.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.21(2)(b)	Power to provide opinions, statements or other information relating to environmental heritage to persons or bodies.	The power is only delegated with respect to non-SHR items or where it will not materially affect the State heritage significance of an SHR item in accordance with the <i>Material Threshold Policy 2020</i> (as amended from time to time). Exercise of delegation is to be reported to the Heritage Council.	Environment Officer Level 10
s.24(2)	Power to provide advice to the Minister on the making of IHOs.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 SHR Committee
s.31(1)	Power to keep the SHR and determine the form and manner in which the SHR is to be kept.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 SHR Committee
s.32(2)	Power to make a recommendation to the Minister that items be listed on the SHR.	Exercise of delegation is to be reported to the Heritage Council.	Chair SHR Committee Chair SHR Committee
s.32(2)	Power to make a recommendation to the Minister that items be listed on the SHR.	On the advice of the Heritage Council, the Chair of the Heritage Council or the Chair of the SHR Committee.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.33(1)(a)(i)	Power to give written notice to person(s) considered to be an affected owner or occupier (except for in the case of listed precincts).	Exercise of delegation is to be reported to the Heritage Council.	Chair SHR Committee Chair SHR Committee
s.33(1)(a)(i)	Power to give written notice to person(s) considered to be an affected owner or occupier (except for in the case of listed precincts).	On the advice of the Heritage Council, the Chair of the Heritage Council, SHR Committee or the Chair of the SHR Committee.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12
s.38(1)	Power to recommend to the Minister that an item be removed from the SHR.	Exercise of delegation is to be reported to the Heritage Council.	Chair SHR Committee Chair SHR Committee
s.38(1)	Power to recommend to the Minister that an item be removed from the SHR.	On the advice of the Heritage Council, the Chair of the Heritage Council, SHR Committee or the Chair of the SHR Committee.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1
s.38A(1)	Power to endorse a conservation management plan.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee SHR Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.38A(1)	Power to endorse a conservation management plan.	<p>The power is only delegated where the Heritage Council has:</p> <ul style="list-style-type: none"> endorsed an overarching CMP for an area or precinct and agreed to the exercise of this function by Environment Officers Level 10, or otherwise agreed to the exercises of this delegation by Environment Officers Level 10. <p>Exercise of delegation is to be reported to the Heritage Council.</p>	Environment Officer Level 10
s.39	Power to advise the Minister regarding heritage agreements.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee SHR Committee
s.40(m)	Power to advise the Minister on matters that will assist with the conservation of items.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee SHR Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.41	Power to advise the Minister regarding varying or terminating a heritage agreement.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee SHR Committee
s.49(1)	Power to keep the Register of Shipwrecks and determine the manner and form in which the Register of Shipwrecks is to be kept.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12
s.49(1)	Power to keep the Register of Shipwrecks and determine the manner and form in which the Register of Shipwrecks is to be kept.	The power is only delegated to Environmental Officers at Level 10 and 9 that have a qualification in maritime heritage.	Environment Officer Level 10 Environment Officer Level 9
s.50	Power to advise the Minister on the making of historic shipwrecks protection orders.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee SHR Committee
s.57(2)	Power to make a recommendation to the Minister, the making of an order to grant exemption from s.57(1).	Nil	Approvals Committee SHR Committee
s.57(2)	Power to make a recommendation to the Minister, the making of an order to grant exemption from s.57(1).	On the advice of the Heritage Council, SHR Committee or Approval Committee.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.60	Power to approve a form of application for approval.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12
s.61(1)	Power to form an opinion on whether an application, if approved, would materially affect the significance of an item of environmental heritage.	Delegate must exercise delegation in accordance with the <i>Material Threshold Policy 2020</i> (as amended from time to time).	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Environment Officer Level 10 Approvals Committee
s.63	Power to determine an application made under s.60.	The delegate can determine an application provided that the 'matters of consideration' in s.62 are taken into consideration. Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.63	Determine an application made under s.60.	<p>The delegate can only determine applications that will not materially affect the State heritage significance of the SHR item in accordance with the <i>Material Threshold Policy 2020</i> (as amended from time to time).</p> <p>The delegate can determine an application (as outlined above) provided that the 'matters of consideration' in s.62 are taken into consideration.</p> <p>Exercise of delegation is to be reported to the Heritage Council.</p>	Environment Officer Level 10
s.63A(7)	Power to determine whether the relevant conditions are satisfied and to notify the applicant.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Environment Officer Level 10 Approvals Committee
s.65A	Power to modify an approval (granted under s.63).	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.65A	Power to modify an approval (granted under s.63).	The power is only delegated where the modification of the approval would not materially affect the State heritage significance of the SHR item in accordance with the <i>Material Threshold Policy 2020</i> (as amended from time to time). Exercise of delegation is to be reported to the Heritage Council.	Environment Officer Level 10
s.65A(1)	Power to approve the form of application to modify an approval.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14
s.106(1)	Power to recommend the corporation make a grant or loan for the purpose of promoting and assisting with the conservation of an item of environmental heritage.	The power is only delegated with respect to grants or loans less than \$10,000. Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee SHR Committee
s.116(2)	Power to make recommendations to the corporation regarding the functions in s.116(1).	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2
s.120(1)	Power to give the owner of a building, work or relic an order to do or refrain from doing such things as are specified in the order.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.120A	Power to give notice of a proposed order regarding s.120.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee
s.120B(2)	Power to consider representations about proposed order.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee
s.120C(1)	Power to make a determination after representations concerning the proposed order.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee
s.120I	Power to order the occupier of any land to permit work specified in the order to be carried out.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee
s.120J(1)	Power to modify an order.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee
s.120J(2)	Power to revoke an order.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.120K(1)	Power to do all things necessary or convenient to give effect to the terms of an order, where person fails to comply with terms of order.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee
s.120M(2)	Power to determine form of application for a certificate under section 120M and determine accompanying fee.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14
s.120M(3)	Power to issue a certificate to the applicant.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee
s.136(4)	Power to advise the Minister with respect to the making of an IHO.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee SHR Committee
s.139(4)	Power to create exceptions to s.139.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Approvals Committee SHR Committee
s.140(2)	Power to approve the form of application for a permit.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.141(1)	Power to determine an application under s.140 for an excavation permit (s.139) for determinations associated with excavation permits.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee
s.141(1)	Power to determine an application under s.140 for an excavation permit (s.139) for determinations associated with excavation permits.	The delegate may only determine an application where the application would only impact locally significant archaeology. The delegate must have a qualification in archaeology. Exercise of delegation is to be reported to the Heritage Council.	Environment Officer Level 10
s.144	Power to (by notice) impose new conditions, vary or revoke a permit (issued under s.141).	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Approvals Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.144	Power to (by notice) impose new conditions, vary or revoke a permit (issued under s.141).	<p>The delegate may only determine an application where the application would only impact locally significant archaeology, unless it is to correct a minor error, misdescription or miscalculation.</p> <p>The delegate must have a qualification in archaeology.</p> <p>Exercise of delegation is to be reported to the Heritage Council.</p>	Environment Officer Level 10
s.146(b)	Power to require information concerning a relic and determine the timeframe within which the information must be provided.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Environment Officer Level 10
s.151(1A)	Power to issue a certificate.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Environment Officer Level 10 Environment Officer Level 9
s.154(2)(d)	Power to approve plans and specifications for the rebuilding of a building when required by order of the Court.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee

Column 1	Column 2	Column 3	Column 4
Section	Short Description	Limitation	Delegation
s.166(2)	Power to consider a submission under s.166(1) and recommend to the Minister the taking of action with respect to a submission.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Approvals Committee SHR Committee
s.167(2)	Power to issue a certificate with respect to land or a relic.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Environment Officer Level 12 Environment Officer Level 10 Environment Officer Level 9
s.170(6)	Power to give directions to a government instrumentality.	Nil	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 SHR Committee Approvals Committee
s.170A(2)	Power to provide advice to the Minister on State Owned Heritage Management Principles.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 SHR Committee
s.170A(3)	Power to issue heritage asset management guidelines to government instrumentalities.	The power is only delegated in relation to minor amendments. Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 SHR Committee

Schedule B

Delegation of Heritage Council Functions

HERITAGE REGULATION 2012

Column 1	Column 2	Column 3	Column 4
Clause	Short Description	Limitation	Delegation
cl.8B	Power to request the applicant provide additional information in order for the approval body to properly consider application.	<p>The request for additional information:</p> <p>a) must be in writing, and</p> <p>b) may specify a reasonable period within which the information must be provided to the approval body, and</p> <p>c) must include the number of days of the assessment period that have elapsed and the effect of clause 8C on the assessment period (clause 8B(2)).</p>	<p>Senior Executive Band 4</p> <p>Senior Executive Band 3</p> <p>Senior Executive Band 2</p> <p>Senior Executive Band 1</p> <p>Environment Officer Level 14</p> <p>Environment Officer Level 12</p> <p>Approvals Committee</p>

cl.8B	Power to request the applicant provide additional information in order for the approval body to properly consider application.	<p>The delegate must consult with a delegate above their classification prior to making a request.</p> <p>The request for additional information:</p> <ul style="list-style-type: none"> a) must be in writing, and b) may specify a reasonable period within which the information must be provided to the approval body, and c) must include the number of days of the assessment period that have elapsed and the effect of clause 8C on the assessment period (clause 8B(2)). 	Environment Officer Level 10
cl.19(3)(d)	Power to request an inspection.	Exercise of delegation is to be reported to the Heritage Council.	Senior Executive Band 4 Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1 Environment Officer Level 14 Chair Approvals Committee