



Australian Government  
Australian Customs Service

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Australian Customs Service

# HERITAGE STRATEGY

December 2007

# AUSTRALIAN CUSTOMS SERVICE HERITAGE STRATEGY

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## Overview

A new heritage management system has been introduced to protect Australia's heritage places. The revised *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires all Commonwealth agencies that own or control one or more places to prepare a Heritage Strategy.

This document forms the Australian Customs Service (Customs) Heritage Strategy for the properties it occupies. This Heritage Strategy addresses all the requirements outlined in the EPBC Act and the subsequent *Environment Protection and Biodiversity Conservation Amendment Regulations 2003* (EPBC Regulations) and commits to managing and developing properties consistent with the Commonwealth Heritage management principles. A checklist showing how Customs complies with the legislative requirements is at Appendix E.

The EPBC Act requires Customs to assess all of the properties it controls for heritage significance against Commonwealth Heritage criteria, establish a register of heritage properties and develop and/or review conservation management plans for those properties to be included on the Commonwealth Heritage List. This Heritage Strategy outlines key tasks Customs will complete to address these requirements over the next five years.

The objective in managing Commonwealth Heritage properties is to identify, protect, conserve, present and transmit, to all generations, their Commonwealth Heritage values, which can include places important to Indigenous people, places prized for their natural and biodiversity values, or places which have historical significance.

The Commonwealth Heritage List is comprised of natural, Indigenous and historic places with heritage values that are owned or managed by

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the Commonwealth Government. Anyone can nominate a place for inclusion on the list.

Further detail of the Commonwealth Heritage management principles and the Commonwealth Heritage criteria are at Appendix B.

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## 1.0 ADDRESSING COMMONWEALTH HERITAGE VALUES

### 1.1 Customs objective for managing its heritage properties.

#### Background

Customs is responsible for a diversified leased property portfolio comprising major CBD and regional offices, special purpose facilities (Container Examination Facilities, Detector Dog Units, Armouries), communication and CCTV sites, airports, seaport offices and accommodation at International Mail Centres. There are approximately 385 sites across Australia. Customs also owns or leases 67 residences for staff in remote areas. Properties are spread across all States and Territories.

Customs has an overall policy of leasing property. The lease terms it enters into vary. In general terms, specialised facilities incorporate a longer lease term than those properties that are less specialised. Additionally, larger office accommodation is generally leased for approximately 10 years to ensure economies of scale for rent costs.

Customs leases are predominantly medium term leases (3-5 years) with a small number of short-term leases (2 years or less) and longer term (6-15 year) leases in the lease profile.

The diverse nature of the portfolio presents Customs with a complex range of issues to consider including liaising with government and private sector landlords, managing a variety of sub-tenants, strategic planning of short and long-term leases and the consideration of environmentally sensitive issues. In so doing there is still a need to have an appreciation of Indigenous significance, heritage significance and community interests.

Customs adopts best practice property management to optimise the utility derived from its property portfolio while recognising the need to consider stakeholder issues, be appreciative of public interest issues and to maintain the standard of the portfolio.

Facilities management (repairs and maintenance), payment of routine property operating expenses (including leases) and leasing are outsourced to a private contractor. On 1 July 2005, United Group Services Pty Limited became the Customs outsourced property contractor for the non-residential component of the portfolio. Customs residences are currently managed by the Defence Housing Authority under a Heads of Agreement.

Three properties occupied by Customs are on the Commonwealth Heritage List. The Commonwealth Heritage listed properties are:

- Customs Marine Centre, Neutral Bay, New South Wales;
- Customs House, Portland, Victoria; and,
- Geraldton Customs House Complex, Geraldton, Western Australia.

One property occupied by Customs is listed on the Register of the National Estate:

- Customs House, Launceston, Tasmania.

This Heritage Strategy seeks to integrate the EPBC Act's requirements into Custom's existing property management arrangements so the agency can strategically plan and manage any heritage assets it occupies. Customs acknowledges the importance of heritage values in developing and managing the properties it occupies and recognises its responsibility to care for heritage properties under its control in line with best practice in conservation and property management.

## **Actions**

Action 1.1.1 Customs Annual Report will reflect its commitment to monitor, review and report on the implementation of the heritage strategy for the properties under its control. Customs intends to include in its Corporate Plan a statement that it recognises its responsibility to

identify and care for the heritage properties in its control, consistent with current best practice in conservation and property management.

## 1.2 How the heritage strategy operates within Customs corporate planning framework.

### Background

Heritage is a core activity of all Commonwealth agencies. Customs is committed to managing the properties with Commonwealth Heritage values that it controls in a manner consistent with the Commonwealth Heritage management principles (see Appendix B) outlined in the EPBC Act. This commitment has funding implications that will need to be captured in Customs budget planning process.

### Actions

- Action 1.2.1 Customs Annual Report will include a summary of funding required for:
- heritage studies and conservation management plans;
  - the maintenance and conservation of heritage property.
- Action 1.2.2 Customs will make changes to its planning documentation to help imbed and implement this commitment to heritage properties:
- referring to the Heritage Strategy as an issue and including new related performance measures;
  - including a heritage-related Key Performance Indicator in future contract management arrangements for the outsourced property maintenance contract.

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### 1.3 Positions within Customs which are responsible for heritage matters.

#### Background

The National Property Services Section within the Financial Services Division of Customs is responsible for the development, construction, management and disposal of properties for which it has control.

In providing property and accommodation to support Customs Business objectives at best value, the roles of the Director, National Property Services Section, and the National Property Managers are to:

- Ensure that the accommodation sourced supports Customs business requirements, is of an acceptable quality and cost and at appropriate locations;
- Provide a secure, safe and healthy physical environment for Customs staff and stakeholders;
- Deliver innovative strategies to maximise facility performance and utilisation, both in operational and financial terms;
- Monitor Property Operating Expenses through appropriate budgeting, planning and reporting procedures;
- Minimise the cost of rent and associated outgoings through leasing strategies which take full advantage of prevailing market conditions;
- Deliver property projects within agreed, acceptable time, cost and quality parameters while meeting Commonwealth Government requirements such as the Public Works Act;
- Ensure building faults and associated urgent and minor requests are actioned in a timely and professional manner;
- Meet Government requirements in relation to monitoring energy and water consumption and implementing environmental and heritage programs.
- Ensure that payments for rent, outgoings and other expenses are paid on time for the correct amount, and in accordance with the Financial Management and Accountability Act and other legislation and Commonwealth and Customs guidelines.

The National Property Services Section has outsourced the day-to-day property management of the portfolio to a single provider, currently United Group Services Pty Limited.

### **Actions**

Action 1.3.1 Customs will ensure that those officials occupying positions with responsibility for heritage matters are made aware of those responsibilities.

Action 1.3.2 The Director, National Property Services section and the National Property Managers will be identified within Customs as the initial points of contact for heritage matters, and this will be indicated on the Customs intranet.

## **1.4 Consultation and liaison with government agencies on heritage matters.**

### **Background**

Customs will consult with the Department of the Environment, Heritage and the Arts (DEHA) on property development and property maintenance issues in the day-to-day management of the property portfolio.

While Customs is not obliged to comply with State and Territory heritage legislation, or local government heritage related legislation, in relation to the properties owned by Customs or another Commonwealth agency, Customs has adopted a 'good neighbour' policy approach of compliance, wherever practical, with the standards established under such State and Territory legislation.

The relevant State and Commonwealth legislation concerning the natural and cultural heritage environment, the administering agency and contact details are detailed in Appendix C.

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**Actions**

- Action 1.4.1 Customs will maintain a list of relevant heritage legislation within the National Property Services Section.
- Action 1.4.2 Customs will consult with the Minister for the Environment, Heritage and the Arts or the delegate as required under the EPBC Act, in particular:
- with regard to conservation management plans; and
  - with regard to actions that have, will have, or are likely to have a significant impact on a property occupied by Customs which is included on the Commonwealth Heritage List.
- Action 1.4.3 Customs will consult with the Australian Heritage Council regarding the Heritage Strategy as required under s.341ZA of the EPBC Act.
- Action 1.4.4 Customs will consult informally with the Heritage Division of DEHA regarding its Heritage Strategy, conservation management plans and actions that it considers have, will have or are likely to have a significant impact on a Commonwealth Heritage place, noting that such consultation is not formally required under the EPBC Act.
- Action 1.4.5 Customs will consult with relevant government heritage agencies regarding heritage issues. These bodies will be consulted, where relevant, in the preparation or revision of conservation management plans.

## **1.5 Consultation and liaison with land owners on heritage matters.**

### **Background**

Proposed new use or changes in lease requirements will need to be assessed in line with the EPBC Act to protect Commonwealth Heritage values of leased properties. If Customs executes a contract for the lease of property that includes all or part of a Commonwealth Heritage property, then it would work with the building owners to commission new plans should the current arrangements prove to be inadequate. Further, Customs would endeavour to ensure that the requirement for land owners to prepare up to date conservation management plans be documented in any new occupancy agreement or the renewal of an existing occupancy agreement.

### **Actions**

Action 1.5.1 Customs will consult with its landowners regarding the Heritage Strategy, conservation management plans and actions that it considers have, will have or are likely to have a significant impact on a Commonwealth Heritage place.

## **1.6 Consultation and liaison with the community on heritage matters.**

### **Background**

The Commonwealth Heritage Strategy guidelines require a process for consultation and liaison with the community on heritage matters. Consultation with the community, including Indigenous stakeholders, will primarily arise where a property is identified as having Commonwealth Heritage values. The primary tool in managing these properties will be a conservation management plan prepared in accordance with the EPBC Act.

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**Actions**

- Action 1.6.1 Conservation management plans will be the primary vehicle for undertaking and guiding community consultation, including with Indigenous stakeholders.
- Action 1.6.2 The process for developing conservation management plans will involve consultation with the community including relevant stakeholders consistent with EPBC Act s.341S (3) and (6b). This consultation will be guided by current national standards, namely:  
The Burra Charter.
- Article 43 of the *Australian Natural Heritage Charter for the conservation of places of natural heritage significance (2002) (ANH Charter)* for natural heritage places;
  - the provisions of *Ask First, a guide to respecting Indigenous heritage places and values* (Australian Heritage Commission 2002) (*Ask First Guide*) for Indigenous heritage places;
  - Article 26.3 of the *Burra Charter* (The Australia ICOMOS Charter for places of cultural significance 2000) (*Burra Charter*) for cultural heritage places including both Indigenous and historic places; and
  - Commonwealth Heritage management principles.
- Action 1.6.3 Conservation management plans will be prepared in accordance with the requirements for such plans detailed in EPBC Regulations s10.03B, including the requirement for policies regarding stakeholder and community consultation.
- Action 1.6.4 Conservation management plans will list relevant stakeholders, and provide for the ongoing maintenance of such a list.
- Action 1.6.5 Where issues fall outside of a conservation

management plan, consultation will be undertaken in a manner consistent with Strategy 1.6.2 and the Commonwealth Heritage management principles.

Action 1.6.6 Customs will encourage the land owners of the sites it occupies to consult with adjoining land owners where both landholdings have heritage values. The purpose of this consultation will be to achieve sympathetic conservation management that is, where operationally feasible, consistent with the high standards established by the EPBC Act.

## **1.7 Conflict resolution arising from the management of Commonwealth Heritage properties.**

### **Background**

There are at least four categories of conflict that may arise regarding heritage places:

- in determining whether a heritage value exists or not;
- in determining how different and potentially conflicting heritage values will translate into management priority (eg priority of natural and historic heritage values);
- between managing heritage values and managing for other purposes (eg operational activities); and,
- in determining the various roles and responsibilities for heritage management of Customs as tenant of a property and the landowner.

Where issues of concern are initially identified it is Customs intent, as far as is possible, to facilitate discussions with the affected parties aimed at reaching agreement and preventing conflict. The process will involve preliminary discussions with all parties, which if necessary would be followed by structured liaison between participants - the objective will be developing and implementing an agreement.

If a dispute arises which the parties are unable to settle within a reasonable time Customs will recommend that the parties appoint a

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mediator with competence in heritage matters to facilitate the resolution of the dispute. The intention is that within 14 days after the appointment of the mediator, the mediator would meet with the parties to determine the mediation process to be adopted including the establishment of a date by which the dispute is to be settled. The mediator's role is to facilitate the prompt and fair resolution of the dispute. Customs would recommend that if the parties are unable to resolve the dispute with the assistance of the mediator within 21 days, the mediator will determine the dispute as an expert and that determination will be final and binding on the parties.

### **Actions**

- Action 1.7.1 Customs will ensure that it seeks relevant expert opinion in the assessment of the full range of heritage values for Customs properties where a prima facie case for heritage values exists or is proposed by a reputable third party.
- Action 1.7.2 Where issues of concern are initially identified Customs will participate in discussions with the affected parties aimed at reaching agreement and preventing conflict.
- Action 1.7.3 Any conflict arising from the assessment or management of a heritage property should be resolved through the relevant conservation management plan (where one exists), or by seeking advice of relevant heritage experts including advice from the Heritage Division of DEHA or the Australian Heritage Council where a conservation management plan does not yet exist (see also Action 1.6.3).
- Action 1.7.4 If a conflict arises between the management of different heritage values, this will be resolved with reference to the relevant standard heritage industry guidelines:

- the *ANH Charter*, especially Article 7, for natural heritage places;
- the provisions in the *Ask First Guide* for Indigenous heritage places, noting that the overall management process may be the relevant process;
- the *Burra Charter*, especially Articles 5.1 and 13, for cultural heritage places including both Indigenous and historic places;
- through a negotiation process involving heritage conservation experts from the relevant heritage sectors including advice from the Heritage Division of DEHA; and
- where a property is on the Commonwealth Heritage List its management must be consistent with the EPBC Act's Commonwealth Heritage management principles.

If the conflict cannot be resolved by this process, expert advice from either the Australian Heritage Council (s.5(h) *Australian Heritage Council Act 2003*) or the Heritage Division of DEHA will be sought.

Action 1.7.5 If a conflict arises between managing heritage values and managing for other purposes, the process for resolving this will involve:

- reference to the EPBC Act;
- reference to commitments within leasing arrangements;
- reference to the relevant standard heritage industry guidelines:
  - the *ANH Charter* (2002) for natural heritage places;
  - the provisions in the *Ask First Guide* for Indigenous heritage places;
  - the *Burra Charter* for cultural heritage places including both Indigenous and historic places; and
- seeking the advice of heritage experts, including

advice from the Heritage Division of DEHA;

- through a mediation process involving relevant heritage conservation experts and the manager/decision-maker responsible for the other management purpose giving rise to the conflict. The mediator will be the Chief Financial Officer, Financial Services Division or their nominee.

If the conflict cannot be resolved by this process, the advice of the Australian Heritage Council in accordance with Section 341ZD will be sought and made available during the mediation process for consideration and possible resolution.

Depending on the possible impact of the outcome of the conflict, the issue may also be an action that is subject to approval (by virtue of s.26 or s.28) under the EPBC Act. All efforts should be made to resolve the conflict to avoid the possibility of having to undertake a proposed action that is likely to have a significant impact on the environment, and require the approval of the Minister for the Environment, Heritage and the Arts before the action can proceed.

## **1.8 Monitoring, reviewing and reporting on the implementation of the Customs Heritage Strategy.**

### **Background**

The implementation of the Customs Heritage Strategy will be monitored by the progress of action items identified throughout this Strategy, in particular, the development and maintenance of the Register, program of conservation management plans and expenditure on heritage properties.

The implementation of the Strategy will be reviewed and reported on every 3 years in line with the EPBC Act Amendment requirements s.10.03F, and will address the following:

- an outline of consultation undertaken with relevant stakeholders in the review process;

- 
- a summary of Customs achievements against its objectives for management of its heritage properties;
  - an evaluation of the success of each of the matters included in a Commonwealth agency heritage strategy in achieving the identification, protection, conservation and presentation of Commonwealth Heritage values;
  - an update on the extent to which the identification and assessment of Commonwealth Heritage values of the property occupied by Customs has been achieved, and the values included in Customs heritage register;
  - an update of the progress and timeliness of the preparation of conservation management plans for properties occupied by Customs with heritage values;
  - an outline of any physical and management changes that have occurred to properties occupied by Customs with heritage values since the last strategy was prepared, and of any expected changes;
  - an update on progress with Commonwealth Heritage training programs;
  - a specification of the time-frame for updating the Heritage Strategy following the review; and
  - an update on other heritage issues relevant to Customs management of the heritage properties it occupies in accordance with the Commonwealth Heritage management principles.

## Actions

Action 1.8.1 The implementation of the Customs Heritage Strategy will be monitored by:

- annual evaluation of performance of the following areas:
  - the identification of heritage values;
  - development and maintenance of a Customs Heritage Register;
  - preparation and review of conservation management plans;

- maintenance and minor works expenditure on properties with heritage values; and,
- referrals made to DEHA/Minister under the EPBC Act.
- review of accommodation strategies and budgets, as they relate to the operation and expenditure on conservation of properties occupied by Customs with heritage values.

This information will be included in Customs annual report.

Action 1.8.2 This strategy will be reviewed three years after being sent to the Minister for the Environment, Heritage and the Arts, in accordance with s.341ZA(5) of the EPBC Act. The review will consider the range of matters specified in s.10.03F of the EPBC Amendment. The review will be directed by the Chief Financial Officer, Financial Services Division and may involve independent relevant heritage expertise specifically commissioned by Customs to assist it. A report on the review will be provided to the Minister for the Environment & Heritage.

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## 2.0 COMMONWEALTH HERITAGE REGISTER AND PROGRAM

### 2.1 Identifying and assessing the Commonwealth Heritage values of all Customs properties.

#### Background

The initial stage is for Customs to address the identification and assessment of heritage properties under its control, based on existing information and previous heritage assessments of the properties occupied by Customs. When assessing places for heritage value, the objects, furniture and other movable items associated with that place will also be considered for their heritage significance. When items of heritage value have been removed from their original locations, the heritage register will record the place with which they are associated. The *Significance Guide* is to be used when assessing items.

The next stage will involve engaging heritage expertise to undertake a desktop heritage assessment of all properties. The desktop assessment advice will form the basis of the establishment of a draft Customs Heritage Register and will provide a mechanism for developing a program of work for undertaking new and/or revising existing conservation management plans.

The identification process as outlined in s.10.03G(1) of the EPBC Act Amendment will include but not limited to the following:

- Considering all natural and cultural heritage values, recognizing Indigenous people as the primary source of information on the significance of their heritage and their participation as necessary to identify and assess Indigenous heritage values;
- Identifying values against the Commonwealth Heritage criteria;
- Using expert heritage advice to ensure that levels of documentary and field research are appropriate to best practice assessment and management of heritage values;
- Using a comparative and thematic approach; and

- 
- Consulting widely, as appropriate, with government agencies, stakeholders and the community.

The methodology proposed to assess the heritage values for a property will be as outlined in the *Burra Charter*, the *ANH Charter* and the *Ask first Guide*.

Where necessary further investigative work or surveys will be undertaken following completion of the desktop surveys.

## Actions

Action 2.1.1 Customs will undertake the program of expert research to complete the draft Customs Heritage Register and this research and the register will be completed by December 2008. Responsibility for completing the register rests with the Director, National Property Services Section.

Action 2.1.2 Where Customs occupies new property, it will specify a practicable period within which it will undertake an assessment of the possible heritage values of the property in accordance with s.341ZB (3) and 341Z of the EPBC Act. The assessment may comprise:

- a desktop assessment undertaken by relevant heritage experts; or
- any other suitable assessment method undertaken by relevant heritage experts.

Where the assessment finds Commonwealth or other heritage values, the property will be entered into the Customs Heritage Register and the Minister for the Environment, Heritage and the Arts notified.

Action 2.1.3 Customs will submit a report to the Minister for the Environment & Heritage by December 2008, including details of the identification and assessment program,

and a copy of the Customs Heritage Register. (This identification, registration and reporting function are the responsibility of the Director, National Property Services Section.)

## **2.2 Program for completion of Assessments, Register and Report to the Minister.**

### **Background**

The timetable for completion of key requirements of this Heritage Strategy is as follows:

Heritage Strategy	December 2007
Heritage identification and assessment program	July 2008
Heritage Register	December 2008
Report to the Minister including details of program and a copy of the Register	December 2008

### 3.0 MANAGEMENT OF COMMONWEALTH HERITAGE PROPERTIES

#### 3.1 Maintaining Customs heritage places register.

##### Background

As outlined in section 2.1, the Customs Heritage Register will be developed following a desktop heritage assessment of all properties. In line with EPBC Regulations s.10.03G(2) the register will include fields for the following information:

- Comprehensive description;
- Discrete heritage property identification number for each property;
- Details of ownership, leases, licenses, rental or other tenure arrangements;
- Summarise the responsibilities under the occupancy agreement for the management of heritage issues including the preparation of Conservation Management Plans;
- Summary description of the significant physical characteristics and elements of the property;
- Sequential summary of the use of the property;
- Statement of significance of the property, identifying its heritage values;
- Record of any other heritage listings, providing relevant register numbers;
- Record of the date and nature of any works, maintenance or other activity at the property that is relevant to conservation of its heritage values;
- Specification of any property information access restrictions or requirements;
- Outline of any consultation requirements relating to the property;
- List of relevant conservation documents and references;
- Record of when information has been updated;
- Cross references to Customs property records of any objects that are significant by association with the property, indicating

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their current location and archived records of particular importance to the heritage values of the property.

- A link to the National Heritage Database.

Maintaining an up-to-date register will require the co-ordination of information from across Customs and from the contracted property managers for the portfolio. The register will use information developed annually to plan for maintenance and minor works, lease issues, budgets, and other legislative requirements. A copy of the register will be included on the Customs web site and will therefore be available for viewing by the general public.

Customs will act in accordance with section 516A of the EPBC Act when preparing its annual report.

### **Actions**

Action 3.1.1 The Customs Heritage Register will be maintained as an electronic database and the information will be available to all relevant personnel.

Action 3.1.2 Maintenance of the Customs Heritage Register will be:

- undertaken by the Project Officer, National Property Services Section;
- managed by the Director, National Property Services Section.

Action 3.1.3 The Customs Heritage Register will be updated as required and in a timely manner by the Project Officer, based on information arising from:

- maintenance and minor works identified for each property;
- major capital works on the property;
- conservation management plans prepared and updated in accordance with the EPBC Act;
- periodic and one-off site inspections;

- identification and assessment work undertaken in accordance with Action 2.1.2; and
- leasing activities.

Action 3.1.4 When conservation management plans are reviewed, in accordance with the EPBC Act s.341X, the Customs Heritage Register data for that place will also be reviewed and updated as necessary.

### **3.2 Conservation Management Plans for properties with heritage values occupied by Customs.**

#### **Background**

Current records indicate conservation management plans have been prepared for 2 of the Commonwealth Heritage listed properties occupied by Customs (Appendix D). These conservation management plans will be examined during the desktop heritage assessment process and prioritised to be reviewed and updated to meet the new requirements under the EPBC Act.

Where an update of an existing conservation plan or the establishment of a new plan for those places identified during the identification and assessment phase is necessary, this will be completed as soon as practicable following the establishment of the need and in any event to coincide with the finalisation of the heritage register.

The desktop heritage assessment process will also determine the need for new conservation management plans, will provide guidance in the preparation of a program of work and assist in the finalisation of a budget. The preparation of any new plans would be undertaken in accordance with the following procedures:

- Existing Commonwealth Heritage properties. The lease will be reviewed to determine if the responsibility for preparing a conservation management plan rests with the building owner. If the lease mentions a CMP, then the responsible party (lessee

or lessor) will prepare a CMP which meets the requirements of the EPBC Act. If the lease is silent on the issue and Customs controls the property then Customs will commission the Conservation Management Plan and will seek to involve the building owner in the development process. If Customs does not control the property Customs will encourage the owner to undertake all appropriate measures outlined in the State/Territory legislation and/or the local government regulations.

- State/Territory and/or Local Government heritage values. Should a property occupied by Customs be identified as having State/Territory and/or Local Government heritage significance but not Commonwealth significance, Customs will advise the building owner and encourage them to comply with the relevant statutes.
- Newly identified Commonwealth Heritage properties. If the process of reviewing the Customs portfolio identifies a property as having Commonwealth or other heritage significance and the property is subsequently included on the Commonwealth Heritage List, the procedure outlined for Existing Commonwealth Heritage properties will be observed. Customs will work with the building owner to develop a conservation management plan within two years of listing.

Proposed new use or changes in lease requirements will need to be assessed in line with the *EPBC Act* to protect Commonwealth Heritage values of leased properties. If Customs executes a lease that includes all or part of a Commonwealth Heritage property, then it would encourage the building owners to commission new plans should the current arrangements prove to be inadequate. Further, Customs would endeavour to ensure that the requirement for land owners to prepare up to date conservation management plans be documented in any new occupancy agreement or the renewal of an existing occupancy agreement.

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EPBC Regulations s.10.03B specifies that conservation management plans for a property on the Commonwealth Heritage List must:

- establish objectives for the identification, protection, conservation, presentation and transmission of the Commonwealth Heritage values of the property;
- provide a management framework that includes reference to any statutory requirements and agency mechanisms for the protection of the Commonwealth Heritage values of the property;
- provide a comprehensive description of the property, including information about its location, physical features, condition, historical context and current uses;
- provide a description of the Commonwealth Heritage values and any other heritage values of the property;
- describe the condition of the Commonwealth Heritage values of the property;
- describe the method used to assess the Commonwealth Heritage values of the property;
- describe the current management requirement and goals, including proposals for change and any potential pressures on the Commonwealth Heritage values of the property;
- have policies to manage the Commonwealth Heritage values of a property, and include in those policies, guidance in relation to the following:
  - the management and conservation processes to be used;
  - the access and security requirements, including access to the area for Indigenous people to maintain cultural conditions;
  - the stakeholder and community consultation and liaison arrangements;
  - the policies and protocols to ensure that Indigenous people participate in the management process;
  - the protocols for the management of sensitive information;
  - the planning and management of works, development, adaptive reuse and property divestment proposals (including fitout and make good);
  - how unforeseen discoveries or disturbances of heritage are

- to be managed;
- how, and under what circumstances, heritage advice is to be obtained;
- how the condition of Commonwealth Heritage values is to be monitored and reported;
- how records of intervention and maintenance of a heritage property register are kept;
- the research, training and resources needed to improve management;
- how heritage values are to be interpreted and promoted;
- include an implementation plan;
- show how the implementation policies will be monitored; and
- show how the management plan will be reviewed.

## **Actions**

Action 3.2.1 Customs will co-operate with the building owners of the properties it occupies on the preparation of conservation management plans for their Commonwealth Heritage listed properties. Further, Customs will endeavour to ensure that the requirement for land owners to prepare up to date conservation management plans be documented in any new occupancy agreement or where an existing occupancy agreement is renewed.

Action 3.2.2 Where the ongoing program to assess the properties occupied by Customs indicates the presence of Commonwealth Heritage values, and the property is subsequently entered in the Commonwealth Heritage List, Customs will work with the building owner to prepare conservation management plans within two years of listing.

Action 3.2.3 Where the ongoing program to assess the properties occupied by Customs indicates the presence of State/Territory or local government heritage values

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Customs will encourage the building owner to comply with the relevant statutes if they have not already done so.

Action 3.2.4 The Director, National Property Services Section is responsible for monitoring the completion and approval of conservation management plans referred to in 3.2.1 and 3.2.2.

Action 3.2.5 If major works or changes are proposed for Commonwealth Heritage properties without an up to date conservation management plan, every effort will be made to re-arrange the priority for plans to enable the completion of a plan to guide the works or change.

Action 3.2.6 Conservation management plans for Commonwealth Heritage properties occupied by Customs will be completed by December 2008.

Action 3.2.7 Conservation management plans for Commonwealth Heritage properties occupied by Customs will be reviewed within the statutory 5 year timeframe including:

- whenever major changes to the property are proposed or occur by accident (such as fire or natural disaster); or
- when the management environment changes to the degree that policies are not appropriate to or adequate for changed management circumstances; or
- the plan is found to be out of date with regards to significance assessment (for example when new information is located).

### **3.3 Current use of Customs heritage places.**

#### **Background**

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Customs properties already identified as having Commonwealth Heritage values are at Appendix D. Included is the current use of each property.

Should a heritage property controlled by Customs be occupied by other agencies Customs will establish a Memorandum of Understanding (MoU) with these agencies regarding the terms and conditions of their use of the property. These MoU's will ensure the agency understands its obligations under the EPBC Act.

### **Actions**

Action 3.3.1 Conservation management plans for Customs controlled Commonwealth Heritage properties will consider the existing and proposed use of the property and any conflict with heritage values.

Action 3.3.2 The use of the property will be recorded in Customs Heritage Register.

### **3.4 Current development or works that may affect Commonwealth Heritage properties occupied by Customs.**

#### **Background**

Customs manages the design, development and construction of projects within its property portfolio. Customs current procedures require that conservation management plans be prepared for a Commonwealth Heritage listed property and are referred to the DEHA for approval. For other heritage properties a heritage report is prepared and referred to DEHA. The consideration of heritage issues is considered to be one of the many variables associated with the delivery of a project. For this reason these issues are considered early in the budgetting and planning process to ensure that realistic costings and work plans are included in project business cases.

Relevant information from management plans and heritage reports will

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be recorded in the Customs Heritage Register.

## Actions

Action 3.4.1 Proposed development, works or other proposals that may affect Commonwealth Heritage values of Commonwealth Heritage properties occupied by Customs will be considered in the development of the conservation management plan for the relevant property. Where a new plan is not to be developed (as in the case of emergency works), the proposals will be considered in the context of any earlier plan and the heritage values identified in the Commonwealth Heritage List for the property. Expert advice also may be sought from heritage professionals and/or DEHA.

Note: If proposals arise prior to the availability of a conservation management plan, and time allows, Action 3.2.4 and Acton 3.5.5 regarding the accelerated development of a plan will be invoked.

Action 3.4.2 Where current proposals involve properties in the Customs Heritage Register, but not on the Commonwealth Heritage List, the register information will specify the attributes of the property having Commonwealth Heritage values, and the principles of the *Burra Charter* or the *ANH Charter* will apply to any development of the site.

## 3.5 Planning for future development, works and divestments of Commonwealth Heritage properties occupied by Customs.

### Background

Customs uses the budget process for its property portfolio to plan for future development, works and divestment of properties it

occupies. The conservation management plan developed for each Commonwealth listed property will guide the planning options and the proposed works. As mentioned in Section 3.4 the consideration of heritage issues is considered to be a project variable and are to be considered early in the budgetting and planning process.

The referral process is used when the property has no conservation management plan and this process is outlined in *EPBC Act Policy Statement 1.2 - Significant Impact Guidelines: Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth agencies* (Commonwealth of Australia 2006), in which the action which is likely to have significant impact on the environment is referred to the Minister for Environment & Heritage for consideration and possible approval.

In accordance with s341T of the EPBC Act the referral process will be used irrespective of whether a conservation management plan is in place if an action has, will have or is likely to have a significant impact on the environment.

### **Actions**

- Action 3.5.1 The Director, National Property Services will review the annual Maintenance Programs at a draft stage for proposals which might trigger Strategies 3.5.3 to 3.5.7, to ensure that Commonwealth Heritage values are considered in Customs planning.
- Action 3.5.2 Conservation management plans will consider Commonwealth Heritage values in planning for future development, works, or other proposals.
- Action 3.5.3 If future development, works, or other proposals for a Commonwealth Heritage property occupied by Customs arise prior to the availability of a conservation management plan, Action 3.2.4 and Action 3.5.5 regarding the accelerated development of a plan will

be invoked.

Action 3.5.4 If future development, works, or other proposals for a Commonwealth Heritage property occupied by Customs arise in a case where the available conservation management plan provides insufficient guidance, the existing plan will be reviewed and revised to guide the proposal.

Action 3.5.5 If future development, works, or other proposals for a property in the Customs Heritage Register, but not on the Commonwealth Heritage List arise where a conservation management plan has not yet been prepared or provides insufficient guidance, then the proposal will be formally reviewed in the light of:

- the Commonwealth Heritage values and attributes;
- the relevant general conservation guidance available in the *ANH Charter*, *Ask First Guide* and the *Burra Charter*;
- independent and relevant expert heritage advice including advice from the Heritage Division of DEHA that may be commissioned by Customs in such cases.

Where a property has an existing but out-of-date conservation management plan, Customs will liaise with the landlord to review and revise the plan if proposed works potentially have a substantial impact on heritage values in a timely manner. If Customs controls the place and it is included in its heritage Register then Customs will prepare the management plan to protect identified Commonwealth heritage values.

Action 3.5.6 Where future development, works, or other proposals arise in a broader policy or strategic context and the proposal may or will have an affect on places occupied by Customs that have Commonwealth

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Heritage values, then the proposal will be formally reviewed in the light of:

- the Commonwealth Heritage values;
- the relevant general conservation guidance available in the *ANH Charter*, the *Ask First Guide* and the *Burra Charter*;
- the specific conservation guidance provided in relevant conservation management plans; and
- independent and relevant expert heritage advice including advice from the Heritage Division of DEHA that may be commissioned by Customs.

Action 3.5.7 Where the objects, furniture and other movable items of significance associated with Customs Heritage properties are to be removed or disposed of, such removal and/or disposal will take into account the requirements of the EPBC Act, this heritage Strategy, and, the publication the *Significance Guide*.

### **3.6 Maintenance and long-term conservation of Commonwealth Heritage properties occupied by Customs.**

#### **Background**

The requirements of the individual occupancy agreements (ie whether they are calculated on a net or gross rent basis) dictate the extent to which funding is provided as part of Customs Annual Maintenance Program for the properties included in the portfolio. Where a property has Commonwealth Heritage values, Customs maintenance planning will have to factor in any conservation objectives of the works (as identified in Action 3.5.1) that require funding and planning over and above standard operational needs. Customs recognises that certain maintenance programs as well as a lack of suitable maintenance can have an impact on the heritage fabric and the significance of a heritage place. The desktop assessments will provide insight into the preparation of a program of work and will assist in the preparation of a budget. Clear

Identification of maintenance and conservation-related work will assist in the monitoring and reporting of the implementation of Customs Heritage Strategy.

The annual reporting of funding for maintenance work is dealt with at Action 1.2.

## **Actions**

Action 3.6.1 Conservation management plans for the Customs properties identified as having Commonwealth Heritage values will guide maintenance and minor works.

Action 3.6.2 Maintenance identified through conservation management plans or otherwise, will be consolidated into the Minor Works Maintenance Plans, and tagged to indicate that they relate to properties occupied by Customs with Commonwealth Heritage values. The works will be costed and prioritised with regard to both their operational and any additional conservation requirements, and a decision taken on the extent of the works that can be undertaken. The program will be prepared under the direction of the Director, National Property Services Section.

## **3.7 Monitoring and reviewing Customs success in conserving Commonwealth Heritage values.**

### **Background**

Monitoring and reviewing the Heritage Strategy will assist Customs in developing best practice heritage management of the Commonwealth Heritage properties it occupies. The primary mechanism for monitoring the success in conserving Commonwealth Heritage values will be through reporting in Customs annual report and through conservation management plans, in particular:

- the requirement for monitoring and reporting on the condition of values in conservation management plans (EPBC Regulations, s.10.03B); and
- the review of the conservation management plan every 5 years which includes an assessment of the effectiveness of the plan in protecting and conserving values (EPBC Act s.341X).
- analysis of information held in the Heritage Register.

## Actions

- Action 3.7.1 The results of conservation management plan reviews will be consolidated and reported as part of the report provided to the Minister for the Environment, Heritage and the Arts on the review of the Customs Heritage Strategy. This will include information about the effectiveness of plans in protecting and conserving values.
- Action 3.7.2 General reporting on the success of conserving Commonwealth Heritage values will be included in Customs annual report.

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## 4.0 COMMONWEALTH HERITAGE TRAINING AND PROMOTION

### 4.1 Training Customs staff about Commonwealth Heritage management.

#### Background

Customs is committed to providing appropriate training opportunities for its staff to meet their key responsibilities, including: Heritage management courses (including consideration of the management of moveable items) will be identified for staff of the National Property Services Section to complete as part of their professional development; and, in-house training on Customs obligations and commitments arising from this Heritage Strategy and the EPBC Act.

#### Actions

Action 4.1.1 Customs staff will be made aware that heritage conservation is a core activity by means of intranet services and suitable publications. National Property Services staff occupying the positions responsible for heritage matters will receive an overview of Commonwealth Heritage obligations and best practice heritage management.

Any new personnel moving into the National Property Services section with responsibility for heritage matters will receive induction training within three months of commencement.

Action 4.1.2 Information on Customs role, responsibilities and performance in managing its heritage properties will be publicised throughout the agency by means of intranet services and suitable publications.

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## 4.2 Program for promoting community awareness of Commonwealth Heritage properties.

### Background

Customs does not have any current mechanisms to promote the management of community awareness for its properties. The scope for promoting community awareness of Customs Commonwealth Heritage properties will be assessed on an individual property basis taking into consideration the property use and security issues. Any promotional activity will include Customs Corporate Communications group and the organisation's history officers.

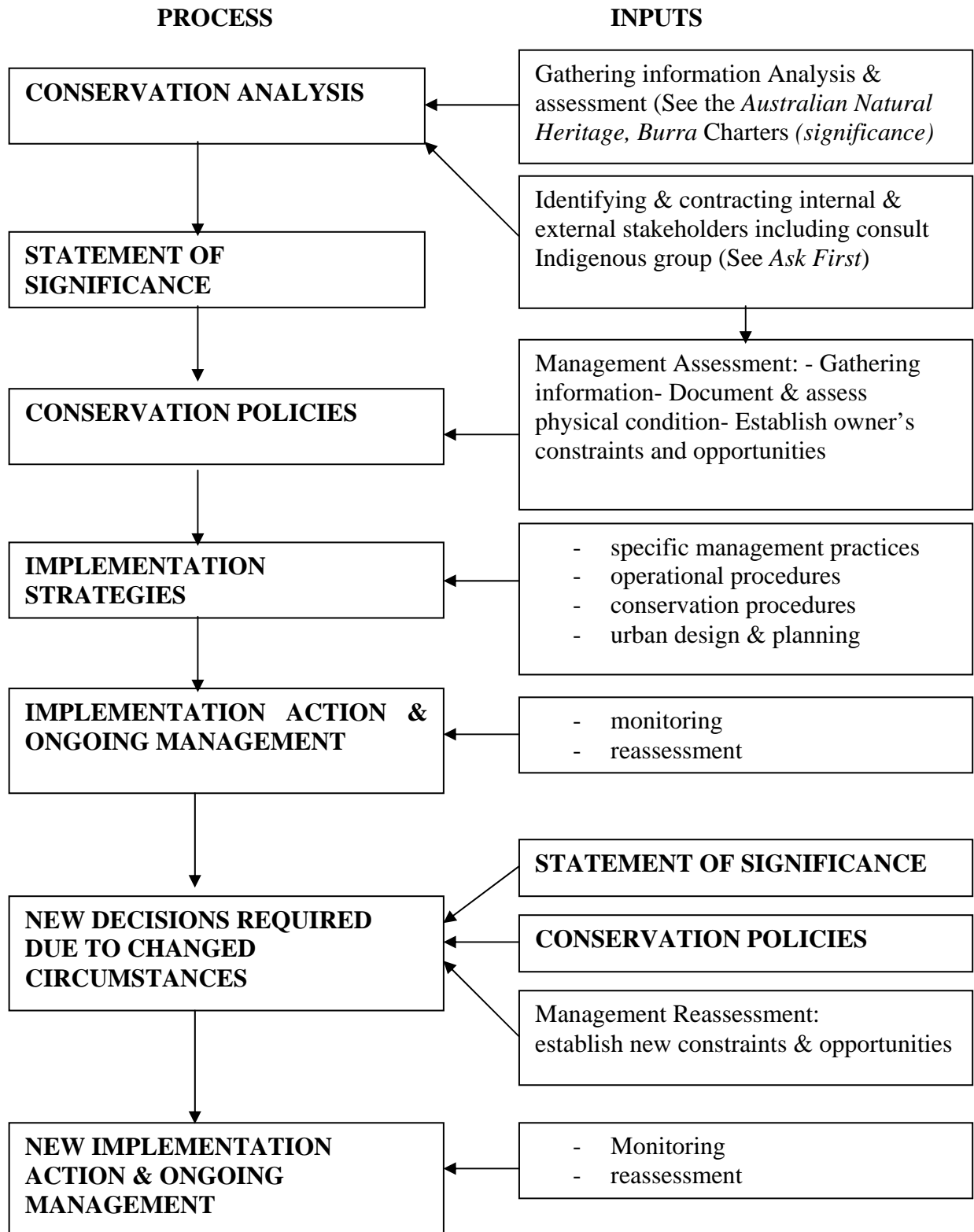
### Actions

Action 4.2.1 Having regard to operational and security considerations, Customs may promote its heritage properties within the community by liaising with the owners of the Commonwealth Heritage properties on possible promotion opportunities.

Action 4.2.2 Suitable measures to be considered by Customs when considering ways to promote Customs Heritage places and their conservation include:

- open days for public access (only where feasible taking into account operational and security considerations);
- interpretation signage;
- interpretation publications;
- a link to heritage information available for public internet access.

Appendix A - Model Management Planning Process



## **Appendix B - Commonwealth Heritage Management Principles and Commonwealth Heritage Criteria**

### **Commonwealth Heritage Management Principles**

1. The objective in managing Commonwealth Heritage places is to identify, protect, conserve, present and transmit, to all generations, their Commonwealth Heritage values.
2. The management of Commonwealth Heritage places should use the best available knowledge, skills and standards for those places, and include ongoing technical and community input to decisions and actions that may have a significant impact on Commonwealth Heritage values.
3. The management of Commonwealth Heritage places should respect all heritage values of the place and seek to integrate, where appropriate, any Commonwealth, state and territory and local government responsibilities for those places.
4. The management of Commonwealth Heritage places should ensure that their use and presentation is consistent with the conservation of their Commonwealth Heritage values.
5. The management of Commonwealth Heritage places should make timely and appropriate provision for community involvement, especially by people who:
  - (a) have a particular interest in, or associations with, the place, and
  - (b) may be affected by the management of the place.
6. Indigenous people are the primary source of information on the value of their heritage and the active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values.
7. The management of Commonwealth Heritage places should provide for regular monitoring, review and reporting on the conservation of Commonwealth Heritage values.

### **Commonwealth Heritage Criteria**

The Commonwealth Heritage criteria for a place are any or all of the following:

- 
- (a) the place has significant heritage value because of the place's importance in the course, or pattern, of Australia's natural or cultural history;
  - (b) the place has significant heritage value because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
  - (c) the place has significant heritage value because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
  - (d) the place has significant heritage value because of the place's importance in demonstrating the principal characteristics of:
    - (i) a class of Australia's natural or cultural places; or
    - (ii) a class of Australia's natural or cultural environments;
  - (e) the place has significant heritage value because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
  - (f) the place has significant heritage value because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
  - (g) the place has significant heritage value because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
  - (h) the place has significant heritage value because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
  - (i) the place has significant heritage value because of the place's importance as part of Indigenous tradition.

NOTE: the cultural aspect of a criterion means the Indigenous cultural aspect, the non-Indigenous cultural aspect, or both.

## Appendix C - Relevant Heritage Legislation

### Commonwealth

Environment Protection & Biodiversity  
Conservation Act 1999

Australian Heritage Council Act 2003

### ACT

National Capital Plan 1988

ACT Heritage Act 2004

### NSW

Heritage Act 1977

NSW National Parks and Wildlife Act 1974

### NT

Northern Territory Heritage Conservation Act

Northern Territory Aboriginal Sacred Sites Act 1989

### QLD

Nature Conservation Act 1992

Queensland Heritage Act 1992

### SA

National Parks & Wildlife Act 1972

Heritage Act 1993

Aboriginal Heritage Act 1988

### TAS

Historic Cultural Heritage Act 1995

National Parks and Reserves Management Act 2002

**VIC**

National Parks Act 1975

Heritage Act 1995

**WA**

Heritage of Western Australia Act 1990

Conservation & Land Management Act 1984

**AUSTRALIAN CUSTOMS SERVICE  
HERITAGE STRATEGY**

December 2007

<b>Administering Agency</b>	<b>Contact No.</b>
Department of Environment & Heritage	02 6274 1111
Australian Heritage Council	02 6274 1111
National Capital Authority	02 6271 2818
ACT Heritage Unit, Environment ACT	13 22 81
NSW Heritage Office	02 9873 8500
NSW National Parks & Wildlife Services	02 9585 6444
Heritage Conservation Branch, Department of Lands, Planning & Environment	08 8924 4411
Aboriginal Areas Protection Authority	08 8981 4700
Queensland Parkes & Wildlife Service	07 3227 7111
Cultural Heritage Unit, Environment Protection Agency	07 3227 6834
National Parks & Wildlife South Australia	08 8204 1910
Department of Environment & Heritage	08 8124 4960
Aboriginal Affairs	08 8226 8900
Heritage Tasmania, Department of Tourism, Parks, Heritage and the Arts	03 6233 2037
Parks & Wildlife Service, Department of Tourism, Parks, Heritage and the Arts	1300 135 513
Parks Victoria	136 186
Heritage Victoria, Department of Sustainability and Environment	136 186
Heritage Council of Western Australia	08 9220 4177
Department of Conservation & Land Management	08 9334 0333

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**Appendix D - Customs Heritage properties**

**Customs properties on the Commonwealth Heritage List**

<b>Property Title</b>	<b>Current Use</b>	<b>CMP</b>
Customs Marine Centre, Neutral Bay, NSW	Office	Yes
Customs House, Portland, Vic	Office	Yes
Geraldton Customs House Complex, Geraldton, WA	Office	No

Note: Customs House, Launceston, Tasmania - data has been provided to or obtained by the Heritage Division and entered into the Commonwealth Heritage List database. However, a formal nomination has not been made and the Council has not received the data for assessment. It is on the Register of the National Estate.

**Appendix E - Heritage Strategy Compliance Checklist For  
Commonwealth Agencies**

<i>Environment Protection and Biodiversity Conservation Amendment Regulations 2003 (No. 1) Schedule 7C Heritage Strategies</i>	
<b>Legislation</b>	<b>Comment</b>
1. A strategy must include general matters, including the following:	
(a) a statement of the agency's objective for management of its heritage places;	This requirement is covered in Section 1.1
(b) a description of how the heritage strategy operates within the agency's corporate planning framework;	This requirement is covered in Section 1.2
(c) a list of key positions within the agency, the holders of which are responsible for heritage matters;	This requirement is covered in Section 1.3
(d) an outline of a process for consultation and liaison with other government agencies on heritage matters;	This requirement is covered in Section 1.4
(e) an outline of a process for consultation and liaison with the community on heritage matters, including, in particular, a process for consultation and liaison with Indigenous stakeholders on Indigenous heritage matters;	This requirement is covered in Section 1.5
(f) an outline of a process for resolution of conflict arising from the assessment and management of Commonwealth Heritage values;	This requirement is covered in Section 1.7
(g) an outline of processes for monitoring, reviewing and reporting on the implementation of an agency's heritage strategy.	This requirement is covered in Section 1.8

<i>Environment Protection and Biodiversity Conservation Amendment Regulations 2003 (No. 1)</i> Schedule 7C Heritage Strategies	
<b>Legislation</b>	<b>Comment</b>
2. A strategy must include matters relating to the identification and assessment of Commonwealth Heritage values, including the following:	
a) an outline of the process for identifying and assessing the Commonwealth Heritage values of all agency property;	This requirement is covered in Section 2.
(b) a statement of the time-frames for the completion of:	
(i) the agency's heritage identification and assessment program; and	This requirement is covered in Section 2.2.
(ii) the agency's register of places and their Commonwealth Heritage values; and	This requirement is covered in Section 2.2.
(iii) the agency's report to the Minister, that includes details of the program and a copy of the register.	This requirement is covered in Section 2.2.

<i>Environment Protection and Biodiversity Conservation Amendment Regulations 2003 (No. 1)</i> Schedule 7C Heritage Strategies	
Legislation	Comment
3. A strategy must include matters relating to the management of Commonwealth Heritage values, including the following:	
(a) a description of how the agency's heritage places register will be maintained, updated and made accessible to the public;	This requirement is covered in Section 3.1
(b) a statement of the time frame for the preparation of management plans for the agency's Commonwealth Heritage places;	This requirement is covered in Section 3.2.
(c) an outline of the existing use, by the agency, of places with Commonwealth Heritage values;	This requirement is covered in Section 3.3 and at Appendix C.
(d) an outline of current or expected development, works, disposal or other proposals that may affect Commonwealth Heritage values;	This requirement is covered in Action 3.4.
(e) an outline of the process to ensure that Commonwealth Heritage values are considered in the agency's planning for future development, works, divestment or other proposals;	This requirement is covered in Sections 3.4 and 3.5.
(f) a plan and budget for the maintenance and long-term conservation of Commonwealth Heritage values;	This requirement is covered in Section 3.6
(g) an outline of the process by which the success of the agency in conserving Commonwealth Heritage values will be monitored and reviewed.	This requirement is covered in Section 3.7

<i>Environment Protection and Biodiversity Conservation Amendment Regulations 2003 (No. 1)</i> Schedule 7C Heritage Strategies	
Legislation	Comment
4. A strategy must include matters relating to Commonwealth Heritage training and promotion, including the following:	
(a) a program for the training of agency staff about Commonwealth Heritage obligations and best practice heritage management;	This requirement is covered in Section 4.1
(b) a program for promoting community awareness of Commonwealth Heritage values, as appropriate.	This requirement is covered in Section 4.2

## Appendix F – Abbreviations/Bibliography

*Ask First Guide* - Ask First, a guide to respecting Indigenous heritage places and values (Australian Heritage Commission 2002)

Australian Heritage Council Act (2003)

*ANH Charter* - Australian Natural Heritage Charter for the conservation of places of natural heritage significance (2002)

DEHA – Department of the Environment, Heritage and the Arts

EPBC Act - Environment Protection and Biodiversity Conservation Act 1999

EPBC Regulations - Environment Protection and Biodiversity Conservation Amendment Regulations 2003

EPBC Act Policy Statement 1.2 - Significant Impact Guidelines: Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth agencies (Commonwealth of Australia 2006)

*Significance Guide* - (significance) A Guide to Assessing the Significance of Cultural Heritage Objects and Collections (Heritage Collections Council, 2001)

*Burra Charter* - The Burra Charter (The Australia ICOMOS Charter for places of cultural significance)