

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Sugarloaf Point Lighthouse Heritage Management Plan 2023

Authority

Section 341S of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) requires that the Commonwealth Agency that owns or controls a Commonwealth Heritage place must make a written management plan to provide for the protection and management of the values of the Commonwealth Heritage place.

The Sugarloaf Point Lighthouse and adjacent land is currently owned by the State of South Australia. However, the Australian Maritime Safety Authority (**AMSA**) controls the site within the meaning of “control” at section 528 of the EPBC Act on the basis that AMSA holds a lease for the site from New South Wales National Parks and Wildlife Service, and operates the lighthouse in exercise of statutory powers conferred on the Authority at Chapter 6, Part 5 of the *Navigation Act 2012 (Cth)*.

This management plan, the Sugarloaf Point Lighthouse Heritage Management Plan (the **Plan**), provides for the protection and management of the values of the Sugarloaf Point Lighthouse.

Purpose and overview

Built in 1875, Sugarloaf Point Lighthouse was first lit that same year to assist vessels traversing waters near Seal Rocks, which was considered a ‘danger point’ along the coast. The lighthouse contributed to the ‘highway of lights’ designed by the colony authorities to illuminate the coast of New South Wales throughout the mid to late 19th century.

The Plan provides for the future management of the Sugarloaf Point Lighthouse by AMSA, with the objective of identifying, protecting, conserving, presenting and transmitting its Commonwealth heritage values. The Plan contains a detailed description of the history and cultural significance of the Lighthouse, as well as its physical elements and condition. Importantly, the Plan sets out the operational requirements for the management of the Lighthouse, heritage management policies that guide the management and protection of the Commonwealth heritage values of the Lighthouse and plans for AMSA to implement such operational requirements and policies.

The Plan addresses all matters prescribed by Schedule 7A of the *Environment Protection and Biodiversity Conservation Regulations 2000* and is consistent with the Commonwealth Heritage Management Principles set out in Schedule 7B of those regulations.

Consultation

On 7 October 2022 notices of the draft Plan were published in The Australian newspaper and on AMSA’s public website. A copy of the draft Plan was published on AMSA’s website. The public consultation period closed on 4 November 2022. Submissions received were reviewed by MASA’s Heritage Team and feedback was implemented into the draft plan.

In preparation of the Plan, AMSA consulted with the New South Wales National Parks and Wildlife Service, and the Seal Rocks Protection Society.

AMSA sought engagement with Traditional Stakeholder parties with interests in the Sugarloaf Point region under direction from Heritage NSW (Department of Premier and Cabinet, NSW). The feedback received consisted of information on the history of the site and its past and present associations. This information was adopted into the plan.

In accordance with paragraph 341S(6)(a) of the EPBC Act, the Minister for the Environment was asked for advice on the Plan as proposed. On 20 November 2023, the Minister's delegate confirmed that the Plan complied with the requirements of the EPBC Act and the Commonwealth Heritage Management Principles.

The Office of Impact Analysis (**OIA**) considers that the changes made by the Plan have regulatory impacts of a minor or machinery nature and no regulation impact statement is required. The OIA reference number is 42955.

Documents incorporated by reference

There are two publications mentioned in the Plan, being *Burra Charter* and also *Working Together: Managing Commonwealth Heritage Places*. These documents are guidance in nature and suggest methodologies, process and strategies for conservation management of sites, including fixtures and items of historical significance. As important reference tools, these documents provide context for AMSA's decision making process for the management of Sugarloaf Point Lighthouse as a Commonwealth heritage place.

The mention of each document is to the latest edition.

The *Burra Charter* is a publication that defines the basic principles and procedures that may be followed in the conservation of a cultural heritage place.

Working Together: Managing Commonwealth Heritage Places is another guide that is published for Commonwealth agencies like AMSA to better understand the management requirements for Commonwealth Heritage places subject to the Environment Protection and Biodiversity Conservation Act regime.

Both the *Burra Charter* and *Working Together: Managing Commonwealth Heritage Places* are accessible and free of charge.

The *Burra Charter* is available at <https://australia.icomos.org>.

Working Together: Managing Commonwealth Heritage Places is available at <https://www.awe.gov.au/parks-heritage/heritage/publications>.

Review

The Plan was made by AMSA on 18 December 2023.

In accordance with section 341X of the *Environment Protection and Biodiversity Conservation Act 1999* a review must be carried out within five years of the management plan being made.

Statement of Compatibility with Human Rights

This statement is prepared in accordance with section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the instrument

Section 341S of the EPBC Act requires that the Commonwealth Agency that owns or controls a Commonwealth Heritage place must make a written management plan to provide for the

protection and management of the values of the Commonwealth Heritage place. The plan provides such a framework for the Sugarloaf Point Lighthouse.

The Plan provides for the future management of the Sugarloaf Point Lighthouse by AMSA with the objective of identifying, protecting, conserving, presenting and transmitting its Commonwealth heritage values.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Making the instrument

The Plan has been made by the Chief Executive Officer of the AMSA in accordance with subsection 49(4) of the *Australian Maritime Safety Authority Act 1990*.