

GOVERNOR OF THE SPECIAL REGION OF YOGYAKARTA
GOVERNOR REGULATION
NUMBER 44 YEAR 2022

ON

HERITAGE IMPACT ASSESSMENT

BY THE BLESSINGS OF GOD ALMIGHTY

THE GOVERNOR OF THE SPECIAL REGION OF YOGYAKARTA,

- Considers : a. that the Special Region of Yogyakarta possess the high value of *Hamemayu Hayuning Bawana, Mangasah Mingising Budi, Memasuh Malaning Bumi, Golong Gilig* that need to be protected and preserved;
- b. that to sustainably protect and maintain the significant value of cultural heritage, development activity in the Special Region of Yogyakarta needs to be complemented with regulating instrument that is the Heritage Impact Assessment;
- c. that there has not been any law that regulates Heritage Impact Assessment;
- d. that according to the consideration as referred to in letter a, letter b, and letter c, a Governor's Decision for Heritage Impact Assessment is needed to be stipulated.
- Observes : 1. Article 18 para (6) of the 1945 Indonesian Republic Constitution;
2. Law Number 3 of 1950 concerning the Formation of the Special Region of Jogjakarta (State News of the Republic of Indonesia Year 1950 Number 3), as has been amended by Law Number 9 Year 1955 concerning Amendment to Law Number 3 jo. Number 19 Year 1950 concerning the Formation of Special Region of Yogyakarta (State Gazette of the Republic of Indonesia Year 1955 Number 43, Supplement to the Gazette of the Republic of Indonesia Number 827);
3. Law Number 11 of 2010 concerning Cultural Heritage (State Gazette of the Republic of Indonesia of 2010 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 5168;
4. Law Number 13 Year 2012 concerning the Privileges of the Special Region of Yogyakarta (State Gazette of the Republic of Indonesia Year 2012 Number 170, Supplement to the State Gazette of the Republic of Indonesia Number 5339);
5. Law Number 23 Year 2014 concerning Regional Government (State Gazette Year 2014 Number 244, supplement to the State Gazette of the Republic of Indonesia Number 5587), as previously changed with the

- Law Number 1 Year 2022 concerning the Financial Relationship Between the Central Government and Regional Government (State Gazette of the Republic of Indonesia Year 2022 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 6757);
6. Law Number 5 Year 2017 concerning the Enhancement of Culture (State Gazette of the Republic of Indonesia Year 2017 Number 104, Supplement of the State Gazette of the Republic of Indonesia Number 6055);
 7. Government Regulation Number 31 of 1950 concerning the enactment of Law Number 2 of 1950 concerning the Establishment of the Province of East Java, Law Number 3 of 1950 concerning the Establishment of the Special Region of Jogjakarta, Law Number 10 of 1950 concerning the Establishment of the Province of Central Java, and Law Number 11 of 1950 concerning the Establishment of the Province of West Java (State Gazette of the Republic of Indonesia of 1950 Number 58);
 8. Regional Regulation of the Province of the Special Region of Yogyakarta Number 6 Year 2012 concerning the Preservation of Cultural Heritage and Registered Cultural Heritage (Regional Gazette of the Province of Special Region of Yogyakarta Year 2021 Number 6, Supplement to the Regional Gazette of the Province of Special Region of Yogyakarta Year 2012 Number 6);
 9. Regional Regulation of the Province of the Special Region of Yogyakarta Number 3 Year 2017 concerning the Conservation and Development of Culture (Regional Gazette of the Special Region of Yogyakarta Year 2017 Number 12, Supplement to the Regional Gazette of the Special Region of Yogyakarta Number 12);
 10. Regional Regulation of the Special Region of Yogyakarta Number 1 Year 2017 concerning the Building Architecture with the Characteristic of the Special Region of Yogyakarta (Regional Gazette of the Special Region of Yogyakarta Year 2017 Number 2, Supplement to the Regional Gazette of the Special Region of Yogyakarta Number 2);

HAS DECIDED

To stipulate : THE GOVERNORS REGULATION CONCERNING HERITAGE IMPACT ASSESSMENT.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Governor Regulation:

1. Heritage Impact Assessment is the mechanism or procedure of study that has been designed to evaluate the

impact of a planned policy or activity towards the significant values and attributes of a cultural heritage.

2. Cultural Heritage is a tangible or intangible attribute that embodies the identity of a society or a group of people that is inherited from the previous generation, and is preserved for the future generation.
3. Cultural Heritage Property is a tangible Cultural Heritage in the form of object, building, structure, site, and area on land and/or water which existence needs to be preserved through a designation because of its significant value for history, science, education, religion, and/or culture.
4. Cultural Heritage Property Object is object both natural and man-made, whether movable or immovable, in the form of a unit or group, or parts thereof, or its remains which closely related to the culture and history of human development.
5. Cultural Heritage Property Building is a built structure which made of natural or man-made objects that fulfil the needs for a walled and/or non-walled roofed spaces.
6. Cultural Heritage Property Structure is a built structure which made of natural or man-made objects that functions as space for activity that is integrated with nature, facilities, and infrastructure to accommodate human needs.
7. Cultural Heritage Property Sites are locations on land and/or water that contain cultural heritage objects, buildings, and/or structure as a result of human activities or evidence of events in the past.
8. Cultural Heritage Property Area is a geographical space which has two or more Cultural Heritage Property Sites that are closely located and/or demonstrate a typical spatial planning.
9. Management is an integrated approach to protect, develop, and utilize a Cultural Heritage Property through policy for regulation the planning, implementation, and monitoring for the highest benefit of the society.
10. Preservation is a dynamic effort to maintain the existence of a Cultural Heritage Property and its value by protection, development, and utilization.
11. Protection is the effort to prevent and overcome from the deterioration, destruction, or extinction by means of rescuing, securing, zoning, conserving, and restoring a Cultural Heritage Property.
12. Rescuing is the effort to prevent and/or overcome from the deterioration, destruction, and extinction of a Cultural Heritage Property.
13. Restoration is the effort to return the physical condition of a damaged Cultural Heritage Property Object, Building, and Structure according to their original material, shape,

location, and/or building technique in order to prolong their lifespan.

14. Development is an effort to improve the value potential, information, and promotion of Cultural Heritage and Registered Cultural Heritage and its use through research, revitalization, and adaptation in a sustainable manner in accordance with the Preservation purpose.
15. Research is a scientific activity carried out according to systematic rules and methods to obtain information, data, and materials for the purpose of Cultural Heritage Property preservation, science, and cultural Development.
16. Revitalization is a Development activity in the purpose of re-establishing the significant values of Cultural Heritage and Cultural Heritage Property by adapting to the new function of the spaces that is not against the principle of Preservation and community's cultural value.
17. Adaptation is an effort to develop Cultural Heritage Property in order to make it more suitable with the current needs by performing limited alteration that will not cause any deterioration to its significant value or damage to its important components.
18. Utilization is the activation of use of a Cultural Heritage or Cultural Heritage Property for the greatest benefit of the people's welfare while maintaining its sustainability.
19. Zoning is the determination of spaces boundaries of a Cultural Heritage Property Site dan Cultural Heritage Property Area as required.
20. Coaching is the effort to empower the human resources in the field of Culture, Cultural Institution, and Cultural (traditional) Institution in order to improve and broaden the active involvement and initiative of the society.
21. Special Region of Yogyakarta, hereinafter abbreviated DIY is a provincial area that has privileges in the administration of government affairs within the framework of the Unitary State of the Republic of Indonesia.
22. DIY Regional Government, hereinafter referred to as Regional Government, is the Governor of DIY and their Regional apparatus that act as elements of regional government administration.
23. Governor referred to the Governor of DIY.
24. Regional Apparatus is DIY Regional Apparatus that acts as the assistant to the Governor and the DIY Regional House of Representatives in the administration of Government Affairs under the authority of the DIY Region.
25. The Advisory Council for the Preservation of Cultural Heritage, hereinafter referred to as the Cultural Heritage Council, is a non-structural institution appointed by the Governor with the task of giving advice to the Governor in terms of policies for the Management of Cultural Heritage and Cultural Heritage Property.

26. Person(s) are individuals, groups of people, communities, legal business entities, and/or non-legal business entities.

CHAPTER II DRAFTING PROCEDURES

Part One General

Article 2

- (1) Every Person who conducts activity that has an impact to Cultural Heritage is obligated to possess a Heritage Impact Assessment.
- (2) Heritage Impact Assessment as referred to in para (1) is applied to:
 - a. The Cosmological Axis of Yogyakarta which has been nominated as a World Heritage;
 - b. Cultural Heritage Property Area or Cultural Heritage Area;
 - c. Cultural Heritage Property Site and Cultural Heritage Site;
 - d. Cultural Heritage Property Building and Structure or Cultural Heritage Building and Structure;
 - e. protection environment of a Cultural Heritage Property.
- (3) Heritage Impact Assessment as referred to in para (1) is a prerequisite to the issuing of:
 - a. permit for preservation of Cultural Heritage Property/Cultural Heritage;
 - b. approval for building; and
 - c. environmental permit.

Article 3

- (1) Activity that is considered as to have an impact on Cultural Heritage as referred to in Article 2 para (1) includes:
 - a. preservation of Cultural Heritage Property or Cultural Heritage;
 - b. development that will affect the significant value of a Cultural Heritage Property; and
 - c. other activity that will affect the significant value of a Cultural Heritage Property.
- (2) Preservation of Cultural Heritage Property or Cultural Heritage as referred to in para (1) letter a includes:
 - a. Protection;
 - b. Development; and
 - c. Utilization.
- (3) Development that will cause an impact to the significant value of a Cultural Heritage Property as referred to in para (1) letter b among others are:

- a. development of high and medium scale infrastructure and network; and
 - b. development of high and medium scale facilities and supporting facilities.
- (4) Other activities that will cause an impact to the significant value of the Cultural Heritage Property as referred to in para (1) letter c are among others:
 - a. medium risk enterprises; and
 - b. high risk enterprises.

Part Two Integration

Article 4

- (1) Heritage Impact Assessment may be conducted during these following phases:
 - a. planning and design;
 - b. permit request;
 - c. implementation of activity; and/or
 - d. operational.
- (2) Heritage Impact Assessment in the planning and design phase as referred to para (1) letter a may be integrated with Strategic Environmental Assessment.
- (3) Heritage Impact Assessment in the permit request phase as referred to para (1) letter b may be included in the requirements for:
 - a. permit for preservation of Cultural Heritage Property;
 - b. agreement for building; and
 - c. environmental permit.
- (4) Environmental permit as referred to para (3) letter c is conducted by:
 - a. integrating with the Environmental Impact Assessment by going more in depth in the socio cultural aspect; or
 - b. drafting a separate Heritage Impact Assessment.
- (5) Heritage Impact Assessment in the implementation phase as referred to article (1) letter c is conducted if impact on Cultural Heritage is found during the implementation phase of an activity.
- (6) Heritage Impact Assessment in the operation phase as referred to article (1) letter d is conducted if impact on Cultural Heritage is found during operational phase.

Part Three Steps

Paragraph 1 General

Article 5

Steps of Heritage Impact Assessment include:

- a. developing proposal for planned activities;
- b. screening;
- c. scoping;
- d. commissioning;
- e. implementation;
- f. drafting initial report;
- g. formulating (analysis of) impact and mitigation;
- h. drafting final report;
- i. implementation of mitigation;
- j. monitoring and evaluation;
- k. finalization.

Paragraph 2

Developing Proposal for Planned Activities

Article 6

- (1) Proponent will submit a proposal for planned activities to the Regional Apparatus that carries out government affairs and Special Region Affairs in the field of culture of DIY.
- (2) The submission of proposal for planned activities as referred to para (1) should be complemented with this following documents:
 - a. letter of intent;
 - b. proposal of the planned Cultural Heritage Property and Cultural Heritage preservation, or development or other activity; and
 - c. planning documents.
- (3) Proposal as referred to in para (2) letter b is composed by:
 - a. studying the laws applied in the respective location or area where the activity will be carried out;
 - b. conducting literature review and/or observation in order to acquire information about the existence of cultural heritage, its form, significance, status, rank, and other information about cultural heritage that would likely be impacted;
 - c. consulting with Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY to acquire information or confirmation about cultural heritage, as well as to gain explanation about the rules related to cultural heritage;
 - d. asking for planning advice from the authority, especially with regards to permit request; and
 - e. asking for a supervising by expert in Heritage Impact Assessment.
- (4) Planning Documents as referred to in para (2) letter c are among others:
 - a. *advis planning*;

- b. suitability of space utilization;
 - c. *master plan*;
 - d. feasibility study/Cultural Heritage Property technical study; and
 - e. image of existing condition, drawing (floor plan, side plan, and detailed plan), and work plan and requirements.
- (5) Based on the submission of proposal as referred to in para (2), Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY will conduct a verification of requirements within maximum 3 (three) working days.
 - (6) In the case where the document as referred to in para (2) considered complete, Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY will forward the request for Heritage Impact Assessment to Cultural Heritage Council.

Paragraph 3 Screening

Article 7

- (1) Cultural Heritage Council will do a screening of the request as referred to in Article 6 para (6) within maximum 7 (seven) working days.
- (2) Screening as referred to in para (1) is conducted by considering:
 - a. provisions of laws and regulations;
 - b. preservation and management document that have been stipulated; and
 - c. management plan.
- (3) Screening as referred to in para (1) is conducted by considering:
 - a. the existence of Cultural Heritage in the targeted location;
 - b. the density of distribution (of cultural heritage);
 - c. the level of significance and attribute quality;
 - d. rank; and
 - e. the vulnerability.
- (4) Based on the screening as referred to in para (1) to para (3), if Heritage Impact Assessment is not considered as compulsory for the proposed plan, then it may be decided that Heritage Impact Assessment is unnecessary.
- (5) If the proposed plan is not in accordance with the existing provisions, the plan may be rejected with additional notes about the discrepancy.
- (6) If the plan is targeted in a location where Heritage Impact Assessment is mandatory for and if the potential impact will affect the significant value of Cultural Heritage, its

attributes, the protecting environment, a Heritage Impact Assessment is necessary.

- (7) Based on the screening as referred to para (6), Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY will send a letter to the Proponent, conveying that Heritage Impact Assessment is necessary.

Paragraph 4 Determining the Scope of Assessment

Article 8

- (1) In the case where it is necessary to conduct Heritage Impact Assessment as referred to Article 7 para (6), Cultural Heritage Council will perform an early assessment that at least consists of:
 - a. the scale of the activity;
 - b. cultural resources in the surrounding area of targeted location of activity/development and their significant value; and
 - c. future potential impact.
- (2) Early assessment as referred to para (1) is made by considering these aspects:
 - a. area and aspects
 1. area with high density of cultural heritage;
 2. area in the strategic territory;
 3. area that is most possibly be impacted;
 4. aspects that become the main attribute of the significant value;
 5. aspects that have significant impact; and
 6. important aspect that has not been assessed of its potential impact.
 - b. particular aspect
 1. landscape;
 2. visual;
 3. aesthetic;
 4. air pollution;
 5. traffic;
 6. noise;
 7. visitation; and
 8. tradition and alike.
- (3) Based on the early assessment as referred to para (1) and para (2), Cultural Heritage Council will decide:
 - a. the activity/development is not mandatory of Heritage Impact Assessment with these conditions:
 1. the activity has no potential impact; and
 2. it corresponds to the provisions on the threshold of Heritage Impact Assessment.
 - b. the activity/development is mandatory of Heritage Impact Assessment with these conditions:

1. the density of cultural heritage in the area is high;
 2. the area is located in a strategic territory;
 3. the area is most likely be impacted;
 4. (it contains) an aspect that is a main attribute of a significant value (of a cultural heritage);
 5. (it contains) an aspect that has significant impact;
 6. (it contains) an important aspect that has not been assessed for its impact.
- (4) If based on the early assessment as referred to para (3) letter b, a Heritage Impact Assessment is mandatory, Cultural Heritage Council will decide on the scope of assessment within maximum 7 (seven) working days,
- (5) Assessment scope as referred to para (4) consists of:
- a. the size of the area in need of assessment
 - b. other aspects such as:
 1. social;
 2. cultural; and/or
 3. environmental.
 - c. guidance on the methods of assessment; and
 - d. prediction of period of time needed to conduct Heritage Impact Assessment.
- (6) In deciding the scope of assessment as referred to in para (5), Cultural Heritage Council may consult with other parties that will be potentially impacted and that hold the authority of the respective area.
- (7) Cultural Heritage Council will present the scope of assessment as referred to para (5) to Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY.

Paragraph 5 Commissioning

Article 9

- (1) Based on the scope of assessment as referred to in Article 8 para (5), Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY will issue a commissioning letter to the Proponent to appoint an Implementer.
- (2) Qualifications of the Implementer as referred to in para (1) include:
 - a. appointed expert or consultant with competencies on Cultural Heritage;
 - b. in the case where the aspects to be assessed are varied and complex, it is necessary to appoint a team of consultant with corresponding expertise, including knowledge on Cultural Heritage;

- c. team as referred to letter b is led by an experienced expert who understands the area and the cultural heritage to be assessed; and
 - d. possess a suitable expertise, professional, ethical, and independent.
- (3) Commissioning as referred to para (1) is guided by a Term of References issued by Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY.
- (4) Term of References as referred to para (3) at least should include:
 - a. introduction;
 - b. condition of targeted location;
 - c. description of proposed plan;
 - d. aim of commissioning;
 - e. guidance (methodology);
 - f. facility and service that need to be provided by the consultant;
 - g. facility and service that need to be provided by the authority and Proponent;
 - h. scheme of implementation; and
 - i. expertise.
- (5) The structure of Term of Reference as referred to para (4) is available in Annex A which is an integral part of the Governor Regulation.

Paragraph 6 Implementation

Article 10

- (1) Based on the commissioning as referred to Article 9, Proponent, assisted by the implementer approved by Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY, conducted the Heritage Impact Assessment.
- (2) Implementer as referred to para (1) estimates impact according to the guidance in the commissioning document.
- (3) The process of estimating impact as referred to para (2) consists of:
 - a. assessment of the already available data and documents;
 - b. collection of additional data;
 - c. field observation or excavation when necessary;
 - d. mapping of the significant value of cultural heritage and its attribute; and
 - e. identifying threats and potential impact.
- (4) Heritage Impact Assessment as referred to in para (1) at least should consists of:
 - a. Estimation of impact on the cultural heritage,
 - 1. assessment of documents;

2. analysis of significant value and threats; and
 3. impact evaluation.
- b. formulation of mitigation.

Paragraph 7
Drafting of Initial Report

Article 11

- (1) Proponent through the implementer will draft an initial report of Heritage Impact Assessment that should at least consist of:
 - a. purpose of assessment;
 - b. issues;
 - c. methodology and process of assessment;
 - d. result of the significance assessment of the cultural heritage;
 - e. result of impact assessment;
 - f. alternative for mitigation; and
 - g. list of information or problems that need to be confirmed to stakeholders.
- (2) Based on the initial report, Proponent conduct a consultation and dissemination of initial report to:
 - a. community;
 - b. community group; and/or
 - c. stakeholders.
- (3) Consultation and dissemination as referred to in para (2) is conducted with the purpose to:
 - a. acquire additional information, advice and suggestions;
 - b. confirm information and issues;
 - c. collect aspirations;
 - d. acquire recommendation for mitigation alternatives; and
 - e. identify possible involvement of stakeholders in the mitigation process, monitoring and evaluation.
- (4) Consultation and dissemination as referred to in para (2) could be conducted gradually, adjusting to the scale of the area of assessment and the proposed plan.

Paragraph 8
Formulating the Impact and Mitigation

Article 12

- (1) Proponent should reassessed and improve the initial report by considering the result of the consultation and dissemination with stakeholders as referred to in Article 11.
- (2) Besides reassessing and improving (the report) as referred to in para (1), the Proponent should verify the suitability of the identified impact with their corresponding mitigation.

- (3) The result of the verification as referred to in para (2) should be done by compiling the overall impact and decide the level of acceptance of the impact as follows:
 - a. acceptable, if the assessment shows that impact on the significant value of a cultural heritage is insignificant or can be ignored;
 - b. acceptable with mitigation, if the assessment finds a possible negative impact that could be avoided, reduced, recovered, or compensated with other benefit through mitigation action; and
 - c. unacceptable, if the assessment show that the impact of the future change will likely destroy or reduce in significant manner the important value of the cultural heritage and its attribute condition.
- (4) If the impact is decided as acceptable with mitigation as referred to para (3) letter b, Implementer should present the guidance on the methods of doing mitigation.
- (5) Mitigation methods as referred to in para (4) is done for this purpose:
 - a. to avoid future impact;
 - b. to be followed up;
 - c. mitigation should be realistic, doable, and be a long term solution.

Paragraph 9 Drafting of Final Report

Article 13

- (1) The implementer will draft final report based on the reassessment, improvement, and verification as referred to in Article 12.
- (2) Final report as referred to in para (1) at least should include:
 - a. introduction;
 - b. provisions of laws and regulation;
 - c. methodology;
 - d. description of cultural heritage;
 - e. impact assessment;
 - f. recommendation for mitigation;
 - g. recommendation of conservation strategy;
 - h. recommendation of monitoring;
 - i. conclusion; and
 - j. (general) recommendation.
- (3) The structure of the final report as referred to in para (2) is available in Annex B which is an integral part of this Governor Regulation.
- (4) The final report as referred to in para (3), should be handed over to the Proponent to be delivered to Regional Apparatus

that carries out government affairs and Special Region Affairs in the field of Culture of DIY.

Article 14

- (1) Proponent should submit the request of approval to the Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY.
- (2) Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY submit the request as referred to in para (1) to Cultural Heritage Council within maximum 3 (three) working days since the request is received.
- (3) Cultural Heritage Council discuss the Heritage Impact Assessment Document within maximum 7 (seven) working days.
- (4) The result of the discussion of the Cultural Heritage Council will be written as recommendation.
- (5) Recommendation as referred to in para (4) is delivered to the Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY as a consideration to approve the Heritage Impact Assessment (result).
- (6) Based on the recommendation of Cultural Heritage Council as referred to in para (5) Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY will issue the approval of Heritage Impact Assessment within maximum 7 (seven) working days.
- (7) The approval of Heritage Impact Assessment will be conveyed to the Proponent to proceed with mitigation.

CHAPTER III Implementation

Part One General

Article 15

Based on the approval of Heritage Impact Assessment as referred to in Article 14 para (7), Proponent should do these following steps:

- a. mitigation action;
- b. monitoring and evaluation; and
- c. Finalization.

Part Two Mitigation Action

Article 16

- (1) Based on the approval as referred to in Article 14 para (7), Proponent perform the mitigation action and report the result thereof to the Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY.
- (2) Mitigation action as referred to in para (1) includes:
 - a. examine the required mitigation;
 - b. if based on the examination as referred to in letter a, a vagueness or unsuitability is found, the Proponent could ask additional information to Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY and/or the Implementation Team of Heritage Impact Assessment.
 - c. forming a task force to perform the mitigation action as approved and stated in the Heritage Impact Assessment; and
 - d. performing mitigation action.
- (3) The obligation of the Proponent during the mitigation action as referred to in para (1) consist of:
 - a. examine the required mitigation;
 - b. if based on the examination as referred to in letter a, a vagueness or unsuitability is found, the Proponent could ask additional information to Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY and/or the Implementation Team of Heritage Impact Assessment.
 - c. forming a task force to perform the mitigation action as approved and stated in the Heritage Impact Assessment; and
 - d. performing mitigation action.
- (4) Proponent should document the process of the mitigation action.

Part Three Monitoring and Evaluation

Article 17

- (1) Implementation of mitigation as referred to in Article 16 should be complemented with monitoring and evaluation.
- (2) Monitoring and evaluation as referred to in para (1) is performed by:
 - a. Proponent;
 - b. Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY; and
 - c. implementer of the Heritage Impact Assessment.
- (3) Monitoring and evaluation as referred to in para (1) is performed to measure the suitability of benchmarks and

methods in the Heritage Impact Assessment document with the reality at the field.

- (4) If the mitigation action is not suitable, a discussion should be carried out between the consultant, Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY, Proponent, and the mitigation implementer.
- (5) In special case, it is possible to appoint a third party as a supervising consultant who perform supervising, monitoring, and evaluation work.
- (6) The commissioning of supervising consultant as referred to in para (5) should be approved by all parties involved.
- (7) All documentation and records as the result of supervising, monitoring, and evaluation should be kept.
- (8) At the end of the implementation, all documents should be handed over to the Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY.
- (9) In the implementation and evaluation phase, Proponent has these following tasks:
 - a. assist and work together with Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY and the Implementing Team;
 - b. provide explanation and information as needed when asked by Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY and the Implementing Team;
 - c. accept the result of monitoring and evaluation;
 - d. provide a clear and reasonable feedback if any unsuitability is found; and
 - e. provide report of mitigation action implementation to Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY and mitigation implementer when the work is done.

Part Four Finalization

Article 18

- (1) Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY declare the completion of Heritage Impact Assessment process based on the request submitted by the Proponent.
- (2) Declaration of completion as referred to in para (1) is done under these following requirements:
 - a. the Heritage Impact Assessment is finished;
 - b. all mitigation action is considered done;

- c. all reports of Heritage Impact Assessment and its documentation is finished and handed over; and
 - d. the result of monitoring and evaluation and all documentation are handed over and approved.
- (3) Based on the declaration of completion as referred to in para (2) Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY issue a letter of acknowledgement of the completion of the Heritage Impact Assessment process.

CHAPTER IV SUPERVISING, MONITORING AND EVALUATION, REPORTING

Article 19

- (1) Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY perform supervising and dissemination of the Heritage Impact Assessment to all parties.
- (2) Supervising and dissemination as referred to in para (1) may in the form of:
 - a. technical consultation for all parties;
 - b. workshop for implementing consultant and related Regional Apparatus; and
 - c. dissemination of guidelines through various media.
- (3) Monitoring and evaluation of the mitigation implementation is performed by the Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY with the implementer of Heritage Impact Assessment.
- (4) Supervising, monitoring, and evaluation are done regularly and in a continuous manner from the implementation phase to the end of the mitigation work.
- (5) At the end of the mitigation work, Proponent will hand over all documentation to Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY.
- (6) Regional Apparatus that carries out government affairs and Special Region Affairs in the field of Culture of DIY will issue a statement that the mitigation implementation is finished based on the request submitted by the Proponent.

CHAPTER V ADMINISTRATIVE SANCTION

Article 20

- (1) Every person who violates the provisions as referred to in Article 2 para (1) will be subjected to administrative sanction.
- (2) Administrative sanction as referred to in para (1) is performed by the Regional Apparatus that carries out

government affairs and Special Region Affairs in the field of Culture of DIY

- (3) Administrative sanction as referred to in para (1) could be in the form of:
- a. written notice;
 - b. termination of the activity or development; and/or
 - c. revocation of permit.

CHAPTER VI CLOSING

Article 21

When this Governor Regulation comes into force, all statutory regulations concerning the permit related to the Cultural Heritage and Cultural Conservation Property must comply with this Governor Regulation no later than 1 (one) year.

Article 22

This Governor Regulation comes into force on the date of its promulgation.

In order that Every Person may know hereof, it is ordered to promulgate this regulation by its placement in Regional Gazette of the Province of Special Region of Yogyakarta.

Stipulated in Yogyakarta,
19 August 2022
GOVERNOR OF
SPECIAL REGION OF YOGYAKARTA

signed
HAMENGKU BUWONO X

Issued in Yogyakarta,
19 August 2022
Regional Secretary of Special Region of Yogyakarta

Signed
R. Kadarmata Baskara Aji
Regional Gazette of SPECIAL REGION OF YOGYAKARTA YEAR 2022 NUMBER 45

EXPLANATION
OF
THE GOVERNOR REGULATION OF THE SPECIAL REGION OF YOGYAKARTA
NUMBER 44 YEAR 2022
ON
HERITAGE IMPACT ASSESSMENT

I. GENERAL

Cultural Heritage has long been recognized as an important part of human life. Therefore, it is not surprising that cultural heritage from centuries ago has been preserved. Cultural heritage could have historical, cultural, nostalgic, and even bear the sense of self of a person, a group of people, or a nation. Cultural heritage has also been recognized as part of the national treasure. Although awareness of the importance of cultural heritage has existed for a long time, it turns out that the fate of cultural heritage is not always favourable. Many natural phenomena and especially human activities that in fact left the cultural heritage unpreserved. The growth of the many, diverse, and constantly increasing human needs has proven to be one of the factors causing more and more cultural heritage to be neglected, destroyed, and even vanished. Development planning and implementation has recently been increasingly perceived as a threat to cultural heritage. Whereas, cultural heritage should be seen as an asset for development itself. At the moment, in the midst of the push to implement sustainable development, cultural heritage is recognized as a cultural capital, which of course is considered important in development. In that context, efforts should be made so that cultural heritage is no longer a victim of development. On the other hand, cultural heritage must be a resource capable of supporting sustainable development efforts. For this reason, cultural heritage must remain sustainable and must be taken into account in development planning. To realize the demand for cultural heritage to remain sustainable and play a role in development, a mechanism is needed to assess the impact of development plans and implementation on cultural heritage. Heritage Impact Assessment is the answer to the needs of assessing the impact of development on the preservation of cultural heritage.

As one of the efforts of the Regional Government of the Special Region of Yogyakarta in maintaining the special features in a cultural heritage area, it is necessary for all parties involved to join in the endeavour for controlling new development and cultural heritage preservation through the permit process, monitoring, and the provision of administrative sanction in order to maintain the character and image of DIY through the preservation of its spatial planning and environment that portray the value of local culture in the city appearance, for this control mechanism, a Heritage Impact Assessment is needed.

Heritage Impact Assessment is one of the efforts of the regional government in maintaining the compatibility between Cultural Heritage Property preservation and sustainable development in the Special Region of Yogyakarta. Through Heritage Impact Assessment, hopefully the development could be controlled so that it reflects the value of Yogyakarta culture more broadly. This is mainly because Yogyakarta is rich of meaning and philosophy as part of its Historic Urban Landscape that should be maintained and preserved for its values, by using standards as suggested by international cultural heritage bodies and adjusted with local condition in Yogyakarta. In this Governor Regulation, Heritage Impact Assessment mechanism will be conveyed, including when and where it should be performed, also the procedure of its implementation. Therefore, the Governor Regulation is needed to stipulate Heritage Impact Assessment.

II. ARTICLES

Article 1

Clear enough

Article 2

Para (1)

Clear enough

Para (2)

Letter a

Cosmological Axis consists of:

- a. nominated area;
- b. buffer zone; and
- c. Historic Urban Landscape.

Letter b

Cultural Heritage Property Area or Cultural Heritage Area include Cultural Heritage Property Area or Cultural Heritage Area in the provincial level, and Cultural Heritage Property Area in the National Level, among others are:

- a. Cultural Heritage Property Area Royal Palace of Yogyakarta City;
 - b. Cultural Heritage Property Area Kotabaru Yogyakarta City;
 - c. Cultural Heritage Property Area Pakualaman Yogyakarta City;
 - d. Cultural Heritage Property Area Imogiri Bantul Regency;
 - e. Cultural Heritage Property Area Kotagede Bantul Regency;
 - f. Cultural Heritage Area Kerto-Plered Bantul Regency;
- and

- g. Cultural Heritage Property Area Prambanan Sleman Regency.

Letter c

Cultural Heritage Property Site and Cultural Heritage Site include Cultural Heritage Property Site or Cultural Heritage Site in the provincial level, cultural heritage site in the national level, among others are:

- a. Tamansari Site, Yogyakarta City;
- b. Kepatihan Site, Yogyakarta City;
- c. Grand Mosque of Yogyakarta Royal Palace; and
- d. Imogiri Royal Tomb, Bantul Regency.

Letter d

Cultural Heritage Property Building and Structure and Cultural Heritage Building and Structure include Cultural Heritage Property Building and Structure and Cultural Heritage Building and Structure in the provincial level and in the national level, among others are:

- a. Presidential Palace in Yogyakarta City;
- b. Tugu Pal Putih in Yogyakarta City;
- c. Beringharjo Market in Yogyakarta City;
- d. Grand Mosque of Royal Palace;
- e. Buildings in the Complex of the Royal Palace;
- f. Kepatihan Complex in the Royal Palace;
- g. Panggung Krapyak, Bantul Regency;
- h. Panggung Krapyak, Bantuk Regency;
- i. Royal Palace Fortress; and
- j. Tugu Train Station, Yogyakarta City.

Letter e

Protection environment are among others:

- a. Historic Urban Landscape;
- b. area around the site and area delineation;
- c. corridor of the entrance to Yogyakarta city.

Para (3)

Letter a

Cultural Heritage Property Preservation Permit is a permit issued by the organization of regional apparatus in the field of capital investment and integrated service in DIY, including:

- a. Transport Permit;
- b. Separation Permit;
- c. Restoration Permit;
- d. Development Permit; and/or

e. Utilization Permit.

Letter b

Clear enough.

Letter c

Clear enough.

Article 3

Para (1)

Clear enough

Para (2)

Clear enough

Para (3)

Letter a

Medium and large scale infrastructure and network development is the construction of toll road infrastructure, dams, railway networks, electricity networks, telephone networks.

Letter b

Construction of medium and high scale facilities and infrastructure is the development of hotels, apartments, malls and terminals, and others.

Para (4)

Letter a

Business activity with medium high risk is business activity with medium high risk level and medium high business scale rating.

Letter b

High-risk business activities are business activities that pose a level of high risk and a large-scale business level.

Article 4

Para (1)

Clear enough

Para (2)

Strategic Environmental Assessment is a series of systematic, comprehensive, and participatory analysis to ensure that the principles of sustainable development are followed as a basis and are integrated in the development of a region and/or policies, plans, and/or programs.

Para (3)

Clear enough

Para (4)

Clear enough
Para (5)
Clear enough
Para (6)
Clear enough

Article 5
Clear enough

Article 6
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Article 7
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Article 8
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Article 9
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Article 21

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Article 22

Clear enough

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE SPECIAL REGION OF
YOGYAKARTA NUMBER 45

ATTACHMENT
GOVERNOR REGULATION
SPECIAL REGION OF YOGYAKARTA
NUMBER
ABOUT
HERITAGE IMPACT ASSESSMENT

A. TERM OF REFERENCES

TITLE PAGE

1. Activity Title (eg: TOR for Implementation of Heritage Impact Assessment)
2. Name of the Proponent (Proposer of the policy, activity, or development plan).
3. Name of the proposed project

CHAPTER I INTRODUCTION

1. Background of the problem: explaining the reasons of why the Heritage Impact Assessment is needed and what problems might arise as a result of the proposed policy, activity, and development plan.
2. Current condition: provides a brief description of the condition of the location or area where the plan will be implemented and the condition or potential of cultural heritage.
3. Conclusion: emphasizes the need for a Heritage Impact Assessment to be carried out.

CHAPTER II CONDITION OF HERITAGE IMPACT ASSESSMENT TARGET LOCATION

1. Boundaries of the location or area where the Heritage Impact Assessment is targeted, both administrative and coordinates if any (can be complemented with a map).
2. Overview of the condition of the target location of the Heritage Impact Assessment.
3. The existence of cultural heritage in the target location of the Heritage Impact Assessment.
4. The significance of the location or target area of the Heritage Impact Assessment.
5. Stakeholders in the region.

CHAPTER III DESCRIPTION OF THE PROPOSED PLAN

1. A brief description of the proposed policy, activity and development plan, including the associated work involved, objectives, beneficiaries.
2. Description of the proposed design (including drawing, process, scope resources, changes that will occur).

CHAPTER IV OBJECTIVE OF ASSIGNMENT

1. Stakeholders in the region.
2. Description of tasks that must be carried out by the implementer of the Heritage Impact Assessment (example description of common assignments), for example:
 - a. identify cultural heritage resources in the study area and their protected environment;
 - b. assess the potential impacts arising from the proposed plan;
 - c. recommend appropriate mitigation;
 - d. develop implementation monitoring framework and
 - e. mitigation scheduling.
3. The scope of the aspects that are the focus of the assignment, the main areas that are the priority of the Heritage Impact Assessment (eg: cultural landscape, traffic, visual architecture, archaeology, fauna-flora, intangible cultural heritage).
4. Legal basis that can be used as the basis for the implementation of the Heritage Impact Assessment and materials/sources for the Heritage Impact Assessment.
5. Goals (minimum) that must be achieved (there may be certain goals that are required, for example the duration of the assignment, stakeholders, or certain outputs that must be produced).

CHAPTER V METHODOLOGY

1. Suggested methodology to be used at each stage of the implementation of the Heritage Impact Assessment (examples of common methodologies: literature/document review, field observations (surveys), interviews, guided discussions; more specifically: landscape approach, ethnography, archaeological excavations, urban planning, history).
2. Preferred reporting model (digital, print, visual, or multimedia)

CHAPTER VI FACILITIES AND SERVICES PROVIDED BY CONSULTANT

1. Facilities to be provided by the consultant implementing the Heritage Impact Assessment.
2. The type and quality of services that must be met by the consultant.
3. Benchmark (measure of fulfilment of job quality).

4. Deliverables.

CHAPTER VII FACILITIES AND SERVICES PROVIDED BY LOCAL APPARATUSES AND PROPONENT

1. A description of the facilities provided by the Regional Apparatus and the proponent to support the smooth running of the Heritage Impact Assessment (among other things, transportation, accommodation, and access to certain locations, closed access to information, permits).
2. Provision of services (in certain quality and quantity) by the Regional Apparatus and the Proponent to support the smooth implementation of the Heritage Impact Assessment (among others, invitations to consultations with authorities, moderation with certain parties, language translators, guides).

CHAPTER VIII IMPLEMENTATION SCHEME

1. Mainly contains directions for the implementation of the Heritage Impact Assessment and the timeframe for the implementation of the Heritage Impact Assessment.
2. Activities that can be carried out at each stage of the implementation of the Heritage Impact Assessment (related to the emergency or urgent implementation of the results of the Heritage Impact Assessment).

CHAPTER IX EXPERTISE

1. Required expertise and human resources (with their respective job descriptions).
2. Minimum number of experts and other human resources allocated (this is also related to implementation budgeting issues).

B. SYSTEM OF HERITAGE IMPACT ASSESSMENT FINAL REPORT

TITLE PAGE

- the official name of Cultural Heritage (or an agreed name).
- Its administrative location and/or geographic coordinates.
- date of designation of cultural heritage
- Time of completion of the Heritage Impact Assessment report.
- The name of the consultant or expert implementing the Heritage Impact Assessment (or the person in charge of reporting the Heritage Impact Assessment).
- Name of the party requesting the Heritage Impact Assessment (regional organization and/or Proponent).
- Report Status (whether the report has been assessed or reviewed by a certain party).

CHAPTER I INTRODUCTION

- 1.1. The background of this report.
- 1.2 Description of the proposed project, including benefits, opportunities, beneficiary parties.
- 1.3. Overview and summary of Cultural Heritage (structures, buildings, sites, cultural heritage areas).

CHAPTER II. LEGISLATION AND LEGAL GUIDELINES

- 2.1. All legal grounds that are referred to underlie the implementation of the Heritage Impact Assessment.
- 2.2. All legal bases referred to in the Heritage Impact Assessment study.

CHAPTER III. METHODOLOGY

- 3.1. Scope of Study
- 3.2. Methods used for document literature review (desk-study).
- 3.3. Methods or procedures for identifying cultural heritage conditions and impact estimation.**
- 3.4. Sources of materials used (survey results, literature, databases, archaeological remains, buildings, structures, sites, areas, etc.)
- 3.5. Limitations and constraints if found.
- 3.6. Study flow chart (if needed).

** This section is adjusted to the directions in the document for the delegation of the implementation of the Heritage Impact Assessment issued by the Regional Apparatus Implementing Government Affairs and Privileges in the Cultural Affairs of DIY.

CHAPTER IV. DESCRIPTION OF CULTURAL HERITAGE

- 4.1. Cultural heritage historical background
- 4.2. Inventory and description of the condition of cultural heritage that will be affected (structures, buildings, elements and features of buildings/ruins, building materials, architectural and interiors, floor plans, natural heritage features, landscapes,

archaeological remains, history or chronology of cultural heritage developments such as additions, restorations, reconstruction, renovation, adaptation, conservation, etc.).

4.3. Statement of the significance of cultural heritage and identification of its attributes.

CHAPTER V. IMPACT ASSESSMENT

5.1. A description of the results of the impact assessment study at each stage of the project.

5.2. Preparation phase

5.3. Implementation or Development Phase.

5.4. Utilization phase (operational).

** Impacts can occur in any type of assessment aspect at any stage, including (but not limited to):

- impact on archaeological aspects
- visual impact
- environmental impact
- traffic impact
- the impact of certain cultural elements (traditions, customs, intangible cultural heritage, including the ranking *(of the respective cultural elements)*)

CHAPTER VI. MITIGATION ACTION RECOMMENDATIONS

6.1. A description of the actions that must be taken to avoid, reduce or compensate for the impact, either in a specific scope or as a whole.

6.2. Methods to identify the protection and restoration of cultural heritage (before the project takes place, among others, the need for archaeological excavations, during construction, including the need to cover a protective roof, and at the stage of use, including traffic control).

6.3. Proposals to disseminate (information, knowledge or understanding of the results of detailed scientific studies.

CHAPTER VII. CONSERVATION STRATEGY RECOMMENDATIONS

7.1. Describe the proposed strategies that are recommended to protect and enhance the important value of cultural heritage and its attributes, including (but not limited to):

1. Mitigation strategy including procedures for its implementation
2. Scope of conservation activities and procedures for their implementation
3. Implementation and monitoring plan (means, schedule, monitoring framework)

7.2. Recommendations for additional studies needed, in terms of (but not limited to):

1. conservation; site specific design guidelines; interpretation of lighting, signage, landscape, stabilization or consolidation, recording (documentation) prior to demolition, long term maintenance.
2. provide examples of conservation principles and precedents that can be referenced

CHAPTER VIII. SUPERVISION OF RECOMMENDED ACTIONS

- 8.1. Terms of reference that can be used as a benchmark for monitoring and evaluation.
- 8.2. Methods of implementing monitoring and evaluation.
- 8.3. Time for monitoring and evaluation.
- 8.4. The need for auditors and/or supervisors for monitoring and evaluation.

CHAPTER IX. CONCLUSION

- 9.1. A clear statement of the impact that will occur on the cultural heritage and its attributes, including its integrity and authenticity.
- 9.2. The risks that will be faced if the proposed plan is implemented.
- 9.3. Description of each beneficial impact (among others better knowledge and understanding, increased awareness).
- 9.4. Provide an explanation of conservation or mitigation actions, development alternatives, and recommended site change approaches.
- 9.5. Clarification of why certain conservation/mitigation actions or development of certain alternatives are not appropriate (if any).

CHAPTER IX. RECOMMENDATION

- 10.1 Give reasons or considerations for the feasibility or ineligibility of the proposed plan.
- 10.2. Provide reasons and descriptions of the recommended actions (eg future preservation, need for relocation, or list of cultural heritage that must be saved before the proposed plan is carried out).

BIBLIOGRAPHY

Glossary

ACKNOWLEDGEMENT (Acknowledgments, awards, etc. Including information about the authors)

ATTACHMENT

1. Photos and illustrations, about, among others:
2. site location and area including zoning (if any), required for each aspect of the assessment to support the report.
3. Development or proposed changes.
4. Images of visual analysis results or inter-element visibility (inter-visibility).
5. Drawings or photos to explain mitigation actions.
6. Site overview and main view.
7. Tables of sites or elements of cultural heritage.
8. Minutes of study results.
9. Supporting attachments from the results of a literature review (desk-study).
10. Attachment to the summary of the field study report.
11. Minutes of referenced thematic scientific studies.
12. Additional information for project scope.

13. Minutes or minutes of stakeholder consultation/FGD results.
14. Summary of interviews or responses from the intended sources.

GOVERNOR OF THE SPECIAL REGION OF YOGYAKARTA

SIGNED

HAMENGKU BUWONO X