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GOVERNMENT NOTICES

Planning and Environment Notices

HERITAGE ACT 1977

DIRECTION PURSUANT TO SECTION 32(1) TO LIST AN ITEM ON THE STATE HERITAGE REGISTER

Brett Whiteley House and Visual Curtilage

1 Walker Street, Lavender Bay

SHR No 01949

In pursuance of section 32(1) of the *Heritage Act 1977*, I, the Minister for Heritage, having considered the recommendation of the Heritage Council of New South Wales and the other matters set out at s32(1), direct the Heritage Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

The Hon Gabrielle Upton MP
Minister for Heritage

Sydney, 23rd Day of March 2018

SCHEDULE "A"

The item known as Brett Whiteley House and Visual Curtilage, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1 DP 931832, Crown Lot 1 DP 931990, Crown Lot 2 DP 931990, Crown Lot 3 DP 931990, Crown Lot 7325 DP 1165248, Crown Lot 7326 DP 1165248, Part Lot 1 DP 917865, Part Lot 62 DP 3756, Part Lot 123 DP 870371, Lot 1 DP 1220077, Part Lot 2 DP 1220077, Part Lot 100 DP 1103512, Part Lot 1187 DP 48335, Lot 1136 DP 752067, Lot 1 DP 175422, Part Lot 1 DP 868707, Lot 31 DP 12668, Crown Lot 11 DP 1165235 and Lot 1 DP 599474 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 2621 in the office of the Heritage Council of New South Wales.

[n2018-1055]

HERITAGE ACT 1977

ORDER UNDER SECTION 57(2) TO GRANT SITE SPECIFIC EXEMPTIONS FROM APPROVAL

Brett Whiteley House and Visual Curtilage

SHR No. 01949

I, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57(2) of the *Heritage Act 1977*, do, by this my order, grant an exemption from section 57(1) of that Act in respect of the engaging in or carrying out of any activities described in Schedule "C" by the owners, or lessee of the land described in Schedule "B" on the item described in Schedule "A".

The Hon Gabrielle Upton MP
Minister for Heritage

Sydney, 23rd Day of March 2018

SCHEDULE "A"

The item known as Brett Whiteley House and Visual Curtilage, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1 DP 931832, Crown Lot 1 DP 931990, Crown Lot 2 DP 931990, Crown Lot 3 DP 931990, Crown Lot 7325 DP 1165248, Crown Lot 7326 DP 1165248, Part Lot 1 DP 917865, Part Lot 62 DP 3756, Part Lot 123 DP 870371, Lot 1 DP 1220077, Part Lot 2 DP 1220077, Part Lot 100 DP 1103512, Part Lot 1187 DP 48335, Lot 1136 DP 752067, Lot 1 DP 175422, Part Lot 1 DP 868707, Lot 31 DP 12668, Crown Lot 11 DP 1165235 and Lot 1 DP 599474 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 2621 in the office of the Heritage Council of New South Wales.

SCHEDULE “C”

Part A Exemptions 1–2

1. All Standard Exemptions

2. Rail Activities Standard Exemptions

Works and activities in accordance with an order under Section 57(2) to Grant Agency-Specific Exemptions from approval for NSW Transport – RailCorp

Part B Exemptions 3 – Sydney Trains/RailCorp

Exemption 3 to be administered by Sydney Trains heritage team.

3. Infrastructure

On operational RailCorp land, development, works and activities undertaken by Sydney Trains in accordance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *State Environmental Planning Policy (Infrastructure) 2007*.

- Exemption is granted regarding compliance with Clause 1.16 and Clause 1.17 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- Exemption is granted regarding compliance with Clause 20 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Part C Exemptions 4 to 17 – North Sydney Council

These site-specific exemptions only apply where the General Manager North Sydney City Council is satisfied that the proposal is consistent with the following Plans:

- Neighbourhood Parks Plan of Management (includes Clark Park and the Walker Street Road Reserve)
- Foreshore Parks & Reserves Plan of Management (includes Quibaree Park and the Lavender Bay Foreshore)
- Licence 05-11-667 between Rail Corporation New South Wales to North Sydney City Council

The term ‘Plans’ refers to the above documents.

References to General Manager North Sydney City Council should be read as including any appropriately appointed delegate.

4. General maintenance and repair.

- (i) Suppression of fire in vegetation.
- (ii) Tree surgery or tree removal where considered necessary for the health of a tree, or the safety of the public or staff, provided a concurrent proposal for a replacement species is submitted.
- (iii) Pruning of less than 30 % of the canopy of trees within a 2-year period as recommended by a qualified arborist and approved by Council’s Tree Management Officer for the tree’s health or public safety reasons.
- (iv) Routine horticultural maintenance, including lawn mowing, cultivation and pruning.
- (v) Repair and renewal of damage caused by erosion and implementation of erosion control measures.
- (vi) Maintenance, repair, renewal and resurfacing of existing roads, paths, fences and gates.
- (vii) Maintenance, renewal and repair of any building, structure, monument or work, including temporary relocation for conservation or protection.
- (viii) Maintenance and renewal to boat slips, jetties and boardwalks.
- (ix) Maintenance and renewal works to seawalls.

5. Maintenance of services and utilities.

- (i) Maintenance and repair of services and public utilities including communications, gas, electricity, water supply, waste disposal, sewerage, irrigation and drainage.
- (ii) Upgrade of services and public utilities where the Council is satisfied that the activity will not materially affect the heritage significance of the item as a whole or the area in which they are to be undertaken.
- (iii) Maintenance and upgrade works to buildings undertaken to improve life safety and/or the suppression of fire which in the opinion of the General Manager North Sydney City Council do not impact on the heritage significance of the building or work.

- (iv) Installation, maintenance and removal of waste bins to implement Council's waste management policies.
- (v) Extension of irrigation systems as necessary to areas currently without this infrastructure.

6. Alteration of roads, pathways, boating facilities, jetties and fences.

- (i) Closure, removal or alteration of roads, jetties, boardwalks, boat slips and pathways.
- (ii) Repair, removal and installation of fences to implement the Council's policies.
- (iii) Parking management measures to implement the Council's parking policies.
- (iv) Minor works to improve public access to the parklands or waterway, provide disabled access and to eliminate or reduce risks to public safety.
- (v) Maintenance and minor works to existing seawalls.

7. Management of lawns, garden beds, hard landscaping and living collections.

- (i) Removal, construction or alteration of garden beds, hard landscaping and plantings in accordance with the Plans and where the General Manager North Sydney City Council is satisfied that the activity will not materially affect the heritage significance of the item as a whole or the area in which they are to be undertaken.
- (iii) Alteration of recreational facilities within the areas currently used for such activities to meet changing needs and demands.
- (iv) Routine horticultural curation, including development and management of horticultural displays.

8. Management of interpretive, information and directional signage.

Installation, removal, upgrade and/or alteration of interpretative, information and directional signage and labels in accordance with the Plans and the signage policies adopted by North Sydney City Council and/or the North Sydney City Council Traffic Committee.

9. Management of artworks, statues and monuments.

- (i) Installation of artworks, statues and monuments for short-term or long-term exhibitions or events.
- (ii) Installation, relocation and removal of artworks, statues and monuments.
- (iii) Minor maintenance and minor repair of any artwork, monument, pool, fountain or work where the General Manager North Sydney City Council is satisfied that the works will not materially affect the heritage significance of the item or area in which they are to be undertaken.

10. Management of furniture and fixtures.

Installation, upgrade, relocation, removal and/or maintenance of park furniture, light poles, bollards and fixtures where the General Manager North Sydney City Council is satisfied that the proposal is consistent with the Plans and will not materially affect the heritage significance of the item as a whole or any buildings or area in which they are to be undertaken

11. Management of temporary events.

Temporary use of an area, temporary road closures and the installation of temporary buildings, structures, fencing, facilities, exhibitions, artworks, crowd control barriers, stages, lighting, sound and public-address equipment and signage for a period not exceeding six months where the General Manager North Sydney City Council is satisfied that the activity will not materially affect the heritage significance of the item as a whole or the area in which they are to be undertaken.

12. Alterations to buildings and/or works.

- (i) Repairs, upgrades or alterations to buildings and/or works (including alterations to provide disabled access) which do not increase the area of a building by more than 10% and where the General Manager North Sydney City Council is satisfied that the activity will not materially affect the heritage significance of the item as a whole or the area in which they are to be undertaken.

13. Capital Works Programme.

Activities related to Council's Capital Works Program where in accordance with the Plans and where the General Manager North Sydney City Council is satisfied that the activity will not materially affect the heritage significance of the item as a whole or the area in which they are to be undertaken.

14. Existing approved development.

All works and activities in accordance with a current and valid development consent in force at the date of gazettal for listing on the NSW State Heritage Register.

15. Alterations to 1 Walker Street (private residence).

All works and activities for alterations and additions that do not impact on the identified heritage values of the house and the significant views to and from the residence.

16. Change of Use to 1 Walker Street (private residence).

The change of use of a building or an item located at 1 Walker St, Lavender Bay where the General Manager North Sydney City Council is satisfied that the use will not materially affect the heritage significance of the item or the SHR listed area.

17. Conservation Management Plan.

Any activities, works, events and uses identified as exempt in a Conservation Management Plan endorsed by the Heritage Council of NSW.

Part D Exemptions 18 to 25 – Roads and Maritime Services (RMS)

18. Swing Moorings

Works and activities associated with the day to day operation and maintenance of the swing moorings affected by the SHR curtilage including equipment and fixture upgrades, maintenance as well as removal, relocation, installation and/or maintenance of the swing moorings which will not impact any relics or shipwrecks as defined under the NSW *Heritage Act 1977* or the *Historic Shipwrecks Act 1976*.

19. Maintenance of Seawall & Jetties

Works associated with the day to day operation and maintenance of the seawall and jetties including equipment, fixture and infrastructure upgrades, maintenance as well as the removal, installation and/or maintenance which will not impact any relics or shipwrecks as defined under the NSW *Heritage Act 1977* or the *Historic Shipwrecks Act 1976*.

20 Navigation Activities

Works and activities undertaken by Roads and Maritime Services in fulfilling their navigational authority role within the area affected by the SHR curtilage, including: the installation of new navigational aids, signage and equipment; upgrading, maintaining or removing existing navigational aids, signage & equipment which will not impact any relics or shipwrecks as defined under the NSW *Heritage Act 1977* or the *Historic Shipwrecks Act 1976*.

21. Emergency Works

Emergency works and activities undertaken by Roads and Maritime Services in fulfilling their navigational authority role within the SHR curtilage.

22 Infrastructure

Development, works and activities undertaken by Roads and Maritime Services in accordance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which will not impact any relics or shipwrecks as defined under the NSW *Heritage Act 1977* or the *Historic Shipwrecks Act 1976*.

23. Maritime Safety

Carrying out activities approved under the *Marine Safety Act 1998* within the SHR curtilage which will not impact any relics or shipwrecks as defined under the NSW *Heritage Act 1977* or the *Historic Shipwrecks Act 1976*.

24. Subdivision

Subdivision of land owned by Roads and Maritime Services within the State Heritage Register curtilage.

25. Management of temporary events

Temporary use, temporary road closures and the installation of temporary buildings, structures, fencing, facilities, exhibitions, artworks, crowd control barriers, stages, lighting, sound and public-address equipment, pontoons and signage for a period not exceeding 6 months where that activity will not materially affect the heritage significance of the item as a whole or the area in which they are to be undertaken.

[n2018-1056]