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HERITAGE ACT 1977

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

**Maryland
773 The Northern Road, Bringelly**

SHR No. 1690

In pursuance of s.32(1) of the *Heritage Act 1977*, I, the Minister administering the *Heritage Act 1977*, having considered the recommendation of the Heritage Council of New South Wales and the other matters set out at s.32(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. Don Harwin MLC
**Special Minister of State,
Minister for the Public Service and Employee Relations,
Aboriginal Affairs, and the Arts
Vice-President of the Executive Council**

Sydney, sixteenth day of February, 2021

SCHEDULE "A"

The item known as Maryland situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1 DP 218779, part Lot 13 DP 1218155, part Lot 23 DP 836540 in Parish of Cook, County of Cumberland shown on the plan catalogued HC 1923 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977

**NOTICE OF LISTING ON THE STATE HERITAGE REGISTER
UNDER SECTION 37(1)(b)**

Newcastle Recreation Reserve

3 & 5A Ordnance Street, The Hill, 41 The Terrace, Newcastle,
and Shortland Esplanade (part), Newcastle

SHR No. 02000

In pursuance of section 37(1)(b) of the *Heritage Act 1977 (NSW)*, the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Special Minister of State made on 7 May 2021 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

Heritage Council of New South Wales

SCHEDULE "A"

The item known as the Newcastle Recreation Reserve, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 7004 DP 1077043, Lot 7003 DP 1077043, Lot 1238 DP 1096744, Lot 3116 DP 755247, and Part of cliffside above South Newcastle Beach, Aboriginal name Yi-ran-na-li in Parish of Newcastle, County of Northumberland shown on the plan catalogued HC 3263 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977
ORDER UNDER SECTION 57(2)
TO GRANT SITE SPECIFIC EXEMPTIONS FROM APPROVAL

Newcastle Recreation Reserve
3 & 5A Ordnance Street, The Hill, 41 The Terrace, Newcastle,
and Shortland Esplanade (part), Newcastle

SHR No. 02000

I, the Minister administering the *Heritage Act 1977*, 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 owner, mortgagee, manager or lessee of the land described in Schedule “B” on the item described in Schedule “A”.

The Hon Don Harwin MLC
Special Minister of State
Minister for the Public Service and Employee Relations,
Aboriginal Affairs, and the Arts
Vice-President of the Executive Council

Sydney, 7th Day of May 2021

SCHEDULE “A”

The item known as Newcastle Recreation Reserve, situated on the land described in Schedule “B”.

SCHEDULE “B”

All those pieces or parcels of land known as Lot 7004 DP 1077043, Lot 7003 DP 1077043, Lot 1238 DP 1096744, Lot 3116 DP 755247, and Part of cliffside above South Newcastle Beach, Aboriginal name Yi-ran-na-li in Parish of Newcastle, County of Northumberland shown on the plan catalogued HC 3263 in the office of the Heritage Council of New South Wales.

SCHEDULE “C”

These site-specific exemptions are to be read in conjunction with the Schedule of Standard Exemptions to subsection 57(1) of the *Heritage Act 1977* made under subsection 57(2). Work/Activities undertaken in accordance with these site-specific exemptions must not impact fabric or spaces identified as being of exceptional, high or moderate significance in a conservation management plan endorsed by the Heritage Council of NSW under the *Heritage Act 1977* (NSW), or adopted by the City of Newcastle Council as owner and as the crown land Reserve Manager.

1. Existing approved development

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

2. Conservation works and activities

All conservation works and activities identified in the policies recommended in a conservation management plan (CMP) or a plan of management endorsed by the Heritage Council of NSW under the *Heritage Act 1977* (NSW), or adopted by the City of Newcastle Council as owner and as the crown land Reserve Manager.

3. Excavation

The following exemptions do not apply to the following locations identified in the map dated 01 February 2008 of the Newcastle Archaeological Management Plan 1997; Sites 0125, 1126, 1157, 0123, 1195, 1232 and the portions of 1117, 1123 and 1216 that lie within land described in Schedule "B".

- i. In addition to point 6 (below), minor maintenance and minor repairs of non-significant visitor facilities, sport facilities, hard landscaping and landscaping where historical archaeological relics would not be disturbed by the works, where structural integrity of any heritage structure or significant landscape elements are not compromised, where activities/ works do not affect archaeological evidence, where the Reserve Manager is satisfied that the activity will not materially affect the heritage significance of the Park as a whole or the area affected.
- ii. Tree plantings where the Reserve Manager is satisfied that the activity will not affect archaeological evidence and will not materially affect significant heritage fabric or the heritage significance of the Park as a whole or the area affected.
- iii. Fence posts and bollards which does not involve ground disturbance below a depth of 600 millimetres and where the Reserve Manager is satisfied that the activity will not materially affect significant heritage fabric, the heritage significance of the Park as a whole or the area affected.

4. Maintenance of existing non-significant visitor facilities

All maintenance of existing non-significant facilities, including toilets, picnic shelters, play & exercise equipment, barbecues, seating, waste bins, street & park signage, street & park lighting, car parks, traffic calming and parking devices, bollards, barriers, balustrades and handrails, where the Reserve Manager is satisfied that the proposal and works will not materially affect the heritage significance of the Park as a whole or the area in which they are to be undertaken.

5. Minor alteration of existing non-significant visitor facilities

Minor alteration to, or replacement of existing non-significant visitor facilities (as listed above) which do not affect fabric or spaces identified as being of exceptional, high or moderate significance in a conservation management plan endorsed by the Heritage Council of NSW under the *Heritage Act 1977* (NSW), or adopted by the City of Newcastle Council as owner and as the crown land Reserve Manager.

6. Maintenance of hard landscaping

All maintenance of existing hard landscaping, roads and associated infrastructure, including roads, kerbing, guttering, paths, walkways, ramps, steps, fencing, gates, swimming platform, pool ladder, stanchions and associated safety chain, storm water drains, retaining walls, verges and planter bed edging, and the re-installation of the original Park entrance posts and gates, which does not impact significant heritage fabric, does not involve an increase in the paved area and ground disturbance below a depth of 600 millimetres or the lowest level of existing road pavement. (See exemption 3 for further details on permissible excavations.)

7. Minor alteration of hard landscaping

Minor alteration to hard landscaping (as listed above) where the Reserve Manager is satisfied that the proposal and works will not impact significant heritage fabric or materially affect the heritage significance of the Park as a whole or the area in which they are to be undertaken.

8. Changes to hard landscaping

Closure, removal, alteration or construction of roadways and pathways in accordance with policies of a conservation management plan endorsed by the Heritage Council of NSW under the *Heritage Act 1977* (NSW), or adopted by the City of Newcastle Council as owner and as the crown land Reserve Manager.

9. Activities associated with vegetation regeneration, threatened species and threatened communities

All vegetation regeneration activities, where activities are in accordance with the current Newcastle coastal management program and does not impact on significant heritage fabric.

10. Environmental rehabilitation work

- i. Environmental rehabilitation work, where activities are in accordance with the current Themeda Grassland report(s), including temporary silt fencing, tree planting, bush care activities, weed control and removal, rubbish removal, repair of damage caused by compaction or erosion, including coastal hazards identified in the current Newcastle coastal management program, and implementation of erosion or compaction control measures.
- ii. Undertake additional coastal hazard investigations and implement work to address identified hazards in accordance with the current Newcastle coastal management program.
- iii. Work/activities undertaken using this site-specific exemption must not impact on significant heritage fabric or the heritage significance of the Park as a whole or the area which they are to be undertaken.

11. Management of noxious animals

Control of noxious animals by methods not affecting native fauna provided these activities do not impact on significant heritage fabric.

12. Landscape maintenance

- i. Routine horticultural curation, including development and management of displays of annuals and perennials.
- ii. Removal, construction or alteration of Garside Garden beds and plantings where the Reserve Manager is satisfied that the activity will not impact on significant heritage fabric or materially affect the significant fabric or heritage significance of Garside Gardens, the Park as a whole or the area in which they are to be undertaken.
- iii. Extension of irrigation system as necessary to areas in disturbed ground currently without this infrastructure.
- iv. Maintenance of safety clearances around power lines in accordance with current guidelines published by the Energy Authority of N.S.W.
- v. Erection of temporary fencing to close or regulate site usage if required for repairs or public safety.
- vi. Drainage works or removal of sediment or fallen rock from drainage lines or the Bogey Hole.
- vii. Any repair or maintenance to landscaping, buildings or structures at Yi-ran-na-li, Khanterin or Obelisk Reserve, where the Reserve Manager is satisfied that the activity will not materially affect the Aboriginal cultural heritage significance of the Park as a whole or the area in which they are to be undertaken, and any such work is done in the presence of and in conjunction with a local community Aboriginal cultural heritage advisor.

13. Cultural practices

Continuation of Cultural practices undertaken by Aboriginal people including the sharing of those practices with others. This excludes permanent structures.

14. Management of lawns and sporting facilities

Alteration of sports fields and other facilities for organised sports within the areas currently used for such activities to meet changing needs and demands where the Reserve Manager satisfied that the activity will not impact significant heritage fabric or materially affect the heritage significance of the Park as a whole or the area in which they are to be undertaken.

15. Management of temporary events

- i. Temporary use of a section of the Park, including temporary road closures, for a period not exceeding 30 days where the Reserve Manager is satisfied that the proposal and activity will not impact significant heritage fabric or materially affect the heritage significance of the Park as a whole or for the area affected. This includes (but is not expressly limited to) the installation of temporary fencing to enclose areas of the park, installation of event structures and staging, event facilities, exhibitions, artworks, operational and event vehicles, crowd/traffic control barriers, lighting, sound and public address equipment, and associated event signage. Usage for event purposes is to be consistent with any current plan of management related to the nominated park area as approved by City of Newcastle Council as owner and as the crown land Reserve Manager. Event usage is to be authorised through the issuing of an appropriate licence or approval as per Section 68 of the *Local Government Act 1993* and all associated legislative requirements.
- ii. No further temporary structure may be erected again on the same location within the site, within a period of 90 calendar days.
- iii. (NB Any event period that exceeds three consecutive days, or any event that is classified as a high impact event, will require a minimum of 28-day community public exhibition period. A high impact event is defined with the City of Newcastle Community Land Licencing Procedure as an event that has 6,000+ people, takes place over 5 or more days, or will require over 3,000 square metres of total area.)

16. Management of landscape during temporary events

Temporary use of a section of the Park is to be provided under condition that there is no permanent damage or excavation to any area of the park, in particular areas identified in the Archaeological Management Plan 1997. This includes appropriate management of all landscaped areas, including tree protection measures (as nominated in Australian Standard AS 49702009) installed for events to prevent soil compaction and damage to trees, and height and weight of access vehicles and installations will not create soil compaction, damage to trees, landscapes, heritage fabric or archaeological remains.

17. Changes to use of buildings

The change of use of a building or a structure located within the Park, where the Reserve Manager is satisfied that the use will not materially affect the heritage significance of the Park as a whole or the area affected and where otherwise permitted by relevant legislation.