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HERITAGE ACT 1977

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

Upper Canal System (Pheasants Nest Weir to Prospect Reservoir)

Prospect, Wilton, West Hoxton, Denham Court, Leppington, Catherine Field, Currans Hill, Mount Annan, Gilead, Appin, Horsley Park, Cecil Park

SHR No. 01373

I, James Griffin, the Minister of Environment and Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57(2) of the *Heritage Act 1977* ("the Act"), grant an exemption from section 57(1) of the 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.

This Order takes effect on the date it is published in the NSW Government Gazette.

The Hon. James Griffin MP
Minister for Environment and Heritage
Date: 25 October 2022

SCHEDULE A

Those parts of the item known as the Upper Canal System (Pheasants Nest Weir to Prospect Reservoir) SHR No. 01373, situated on the land described in Schedule B.

SCHEDULE B

The following pieces or parcels of land known in the following table and shown on the plan catalogued HC Plan 2333 in the office of the Heritage Council of New South Wales:

Lot	DP	Parish	County
3	603946	Melville	Cumberland
4	980178	St Peter	Cumberland
1	730136	Menangle	Cumberland
2	730136	Menangle	Cumberland
1	625921	Appin	Cumberland
20	1222318	Narellan	Cumberland
3	719962	Appin	Cumberland
2	719962	Appin	Cumberland
1	1185630	Narellan	Cumberland
1	616147	Narellan	Cumberland

Lot	DP	Parish	County
1	1191009	Narellan	Cumberland
3	625921	Menangle	Cumberland
11	1095183	Wilton	Camden
2	603946	Melville	Cumberland
1	596353	Melville	Cumberland
1	610146	Minto	Cumberland
2	732571	Appin	Cumberland
1	1006964	Appin	Cumberland
1	596354	Melville	Cumberland
21	747649	Menangle	Cumberland
3	730136	Menangle	Cumberland
2	623825	Narellan	Cumberland
3	717439	Menangle	Cumberland
1	732571	Appin	Cumberland
1	1185630	Narellan	Cumberland
1	376017	Wilton	Camden
Part Lot 15	1092321	Wilton	Camden
2	596352	Cabramatta	Cumberland
1	986715	Wilton	Camden
2	625921	Appin	Cumberland
1	717439	Menangle	Cumberland
12	1055232	Cabramatta	Cumberland
1	623825	Narellan	Cumberland
2	1086648	Menangle	Cumberland
1	744927	Wilton	Camden
2	717439	Menangle	Cumberland
1	744620	Wilton	Camden
1	596351	Minto	Cumberland
10	1085929	Appin	Cumberland
1	1191741	Appin	Cumberland
1	913122	Appin	Cumberland
1	616271	Narellan	Cumberland
1	1183806	Wilton	Camden
21	1109551	Cabramatta	Cumberland
1	1186333	Wilton	Camden
202	1212270	Narellan	Cumberland
1	1185627	Wilton	Camden
2	616271	Menangle	Cumberland
2	1086624	Minto	Cumberland
1	596355	Cabramatta	Cumberland
20	1199761	Cook	Cumberland
1	744834	Wilton	Camden
22	1109551	Melville	Cumberland

Lot	DP	Parish	County
1	744563	Appin	Cumberland
2	1086645	Cabramatta	Cumberland
152	1238997	Narellan	Cumberland
51	1274231	Minto	Cumberland
1	613552	Cabramatta	Cumberland
2	596353	Melville	Cumberland
2	596351	Minto	Cumberland

SCHEDULE C

The following specified activities/ works to an item do not require approval under subsection 57(1) of the Act if the specified activities/ works are undertaken in accordance with each of the relevant standards prescribed below.

EXEMPTION 1: REPAIR OR REPLACEMENT OF MASONRY

Specified activities/ works:

- (a) Repair or replacement of deteriorated, unsafe or collapsed stone masonry walls and floor.

Relevant standards:

- (b) The specified activities/ works must not impact the heritage significance of the item.
- (c) Significant Fabric of the item must not be negatively impacted.
- (d) Relics must not be impacted.
- (e) Any new fabric must be sympathetic to but can be distinguished from the appearance, composition, detailing, size, position and finish of existing fabric.
- (f) Repairs or replacements must be in accordance with the policies of the most recent conservation management plan.
- (g) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing Significant Fabric due to chemical incompatibility, vibration, percussion or explosive flammability.

EXEMPTION 2: REPAIR OR REPLACEMENT OF CONCRETE

Specified activities/ works:

- (a) Repair or replacement of deteriorated, unsafe or collapsed concrete walls and floor.

Relevant standards:

- (b) The specified activities/ works must not impact the heritage significance of the item.
- (c) Significant Fabric of the item must not be negatively impacted.
- (d) Relics must not be impacted.
- (e) The positioning and size of walls, windows and doors is not altered.
- (f) Any new fabric must be sympathetic to but can be distinguished from the appearance, composition, detailing, size, position and finish of existing fabric.
- (g) Repairs or replacements must be in accordance with the policies of the most recent conservation management plan.

- (h) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing Significant Fabric due to chemical incompatibility, vibration, percussion or explosive flammability.

EXEMPTION 3: REPAIRS TO AQUEDUCTS, HEADWALLS, TUNNELS, BRIDGES, DRAINS/BACK DRAINS, GATES, FENCES AND FLUMES

Specified activities/ works:

- (a) Repairs to aqueducts, headwalls, tunnels, bridges, drains/back drains, gates, fences and flumes.

Relevant standards:

- (a) The specified activities/ works must not impact the heritage significance of the item.
- (b) Significant Fabric of the item must not be impacted.
- (c) Relics must not be impacted.
- (d) The specified activities/ works must not impact significant views and landscape values.
- (e) Any new fabric must be sympathetic to, but can be distinguished from, the appearance, composition, detailing, size, position and finish of existing fabric.
- (f) Repairs or replacements must be in accordance with the policies of the most recent conservation management plan.
- (g) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing Significant Fabric due to chemical incompatibility, vibration, percussion or explosive flammability.

SCHEDULE D

INTERPRETATION:

- (a) This Order is to be read and complied with in conjunction with other orders made under the Act which may apply to:
 - i. the item in Schedule A; or
 - ii. a person undertaking activities which may impact the item in Schedule A.
- (b) This Order prevails in the event of any inconsistency between this Order and any other order made under sections 57(2) or 139(4) of the Act in relation to the item in Schedule A. Where there is an inconsistency between this Order and the Act, the Act will prevail.
- (c) Words and expressions that occur in this Order have the same meanings as they do in the Act, except in so far as the context or subject matter otherwise indicates or requires, or as otherwise defined in clause (e) to this Schedule D.
- (d) A reference to an Act, policy, guideline or document in this Order includes any consolidations, amendments, re-enactments or replacements of any of them.
- (e) The following definitions apply:
 - i. **Significant Fabric** means all the physical material of the place/item including elements, fixtures, landscape features, contents, relics and objects which contributes to the item's heritage significance.

HERITAGE ACT 1977

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

Wingecarribee Swamp

Illawarra Highway, Burrawang and Illawarra Highway, Robertson

SHR No. 00784

I, James Griffin, the Minister of Environment and Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57(2) of the *Heritage Act 1977* ("the Act"), grant an exemption from section 57(1) of the 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.

This Order takes effect on the date it is published in the NSW Government Gazette.

The Hon. James Griffin MP
Minister for Environment and Heritage
Date: 25 October 2022

SCHEDULE A

The item known as Wingecarribee Swamp SHR No.00784 situated on the land described in Schedule B.

SCHEDULE B

All those pieces or parcels of land known as Lot 1 DP 1207569 and Part of Lot 2 DP 562857 in the Parish of Mittagong, County of Camden as shown on the plan catalogued HC Plan 1871 in the office of the Heritage Council of New South Wales.

SCHEDULE C

The following specified activities/ works to an item do not require approval under subsection 57(1) of the Act if the specified activities/ works are undertaken in accordance with each of the relevant standards prescribed below.

EXEMPTION 1: SPECIFIED ACTIVITIES/ WORKS

Specified activities/ works:

- (a) Pest and weed control.
- (b) Boundary stock fencing.
- (c) Ecological and groundwater monitoring.

Relevant standards:

- (d) Activities/ works must not alter the significant layout, contours, native plant species or other significant landscape features or views.
- (e) Activities/ works must not disturb or remove any relics.
- (f) Tree surgery may only be performed by a qualified arborist, horticulturist or tree surgeon and must be necessary for the health of those plants.
- (g) Herbicide selection should aim to minimise impacts while effectively targeting weeds. Herbicide should be applied using:
 - i. spot application around significant elements of the heritage item (e.g. ornamental or symbolic plants, remnant native vegetation, structures, exposed relics and moveable items) to avoid adverse impacts to these; and
 - ii. spraying in non-sensitive areas of the curtilage.
- (h) Activities/ works must be in accordance with the policies of the most recent conservation management plan, operational plan or similar document that has been prepared for the long-term management of the item taking into consideration heritage and ecological values.

SCHEDULE D

INTERPRETATION:

- (a) This Order is to be read and complied with in conjunction with other orders made under the Act which may apply to:
 - i. the item in Schedule A; or
 - ii. a person undertaking activities which may impact the item in Schedule A.
- (b) This Order prevails in the event of any inconsistency between this Order and any other order made under sections 57(2) or 139(4) of the Act in relation to the item in Schedule A. Where there is an inconsistency between this Order and the Act, the Act will prevail.
- (c) Words and expressions that occur in this Order have the same meanings as they do in the Act, except in so far as the context or subject matter otherwise indicates or requires.
- (d) A reference to an Act, policy, guideline or document in this Order includes any consolidations, amendments, re-enactments or replacements of any of them.

HERITAGE ACT 1977

ORDER UNDER SECTION 139(4) OF THE *HERITAGE ACT* 1977 TO GRANT EXCEPTIONS

I, Frank Howarth, Chair of the Heritage Council of New South Wales, in accordance with resolutions of the Heritage Council 5 October 2022, in pursuance of section 139(4)(a)-(d) of the *Heritage Act 1977* ("the Act"), create Exceptions from the date of this Order to subsections (1) and (2) of section 139 of the Act, in respect of the engaging in or carrying out by WaterNSW, any of the activities described in the Exceptions in clause 2 of Schedule A in relation to relics owned, controlled or managed by WaterNSW subject to the Relevant Standards described in clause 2 of Schedule A and the General Conditions described in clause 3 of Schedule A.

This Order takes effect on the date it is published in the NSW Government Gazette.

Frank Howarth
Chairperson, Heritage Council of New South Wales
Date: 8 October 2022

SCHEDULE A

1. Interpretation:

- a) Words and expressions that occur in this order have the same meanings as they do in the Act, except in so far as the context or subject matter otherwise indicates or requires or as otherwise defined in clause 1(d).
- b) A reference to an Act includes any regulations or rules or instruments made under that Act.
- c) A reference to an Act, policy, guideline or document in this Order includes any consolidations, amendments, re-enactments or replacements of any of them.
- d) The following definitions apply:
 - i **Aboriginal Object** has the meaning given by section 5 of the *National Parks and Wildlife Act 1974*;
 - ii **Archaeological Significance** means as described in the *Assessing Significance for Historical Archaeological Sites and 'Relics' 2009*;
 - iii **Dangerous Incident** means a dangerous incident as described in Safe Work Australia's *Incident Notification Information Sheet 2015*, incidents requiring actions to save or protect life, or any other circumstance which may expose individuals, property, heritage items or the environment to serious imminent damage;
 - iv **Exceptions** means the exceptions set out in clause 2 of Schedule A of this Order;
 - v **General Conditions** means the conditions set out in clause 3 of Schedule A of this Order;
 - vi **Relevant Standards** means the relevant standards under each of the Exceptions;
 - vii **Significant** means an item graded as having exceptional, high, moderate, little or intrusive significance, according to the *Assessing Heritage Significance Guideline 2001*;
 - viii **SHR** means the State Heritage Register as defined in section 4 of the Act;
 - ix **Standards Exceptions** means the *'Notice of Order Under Section 139(4) of the Heritage Act 1977'* published in the NSW Government Gazette on 18 February 2022.
 - x **WaterNSW** means Water NSW, ABN 21 147 934 787 being a state-owned corporation established under the *Water NSW Act 2014*.

2. Exceptions:

The following specified activities/works being carried out by or engaged in by WaterNSW in relation to the excavation or disturbance of land which may impact relics owned, controlled or managed by WaterNSW do not require an excavation permit under section 139 of the Act if the specified activities/works are undertaken in accordance with each of the Relevant Standard(s) prescribed below.

EXCEPTION 1: EMERGENCY AND/OR PREVENTING IMMINENT SERIOUS DAMAGE

Specified activities/works:

- (a) Excavation or disturbance of land to carry out specified activities/works that are solely for the purpose of:
 - i. Saving or protecting human life under imminent threat in an emergency.
 - ii. Dealing with an emergency involving serious threat to the environment.
 - iii. Preventing imminent serious damage to property or any heritage item in an emergency.

Relevant Standards:

- (b) The activities/works must have been immediately necessary for the identified purposes of responding to a Dangerous Incident.
- (c) The activities/works were reasonable and justifiable in the circumstances.
- (d) The activities/works are proportionate to the damage the item has suffered and to the risk of further damage.
- (e) The effects of the activities/ works must be adequately mitigated or remedied.

EXCEPTION 2: SIGNAGE INSTALLATION

Specified activities/works:

- (a) Excavation or disturbance of land that is for the purpose of installing or relocation of signage for:
 - i. safety,
 - ii. interpretation,
 - iii. wayfinding and/or
 - iv. other relevant signs/labels.

Relevant Standards:

- (b) Excavation or disturbance must only occur where the activity occurs totally within an area of previous disturbance.
- (c) Installing or relocating signs is for the sole purpose of providing security, safety, interpolation, wayfinding or similar relevant information.
- (d) The signs must not be for commercial or advertising purposes.

EXCEPTION 3: FACILITIES FOR DISABLED ACCESS

Specified activities/works:

- (a) Excavation or disturbance of land that is for the purpose of providing facilities for access for people with disabilities consistent with the obligations of public authorities.

Relevant Standard:

- (b) Excavation or disturbance must only occur where the activity occurs totally within an area of previous disturbance and outside of areas assessed as having Archaeological Significance.

EXCEPTION 4: VEGETATION AND ANIMAL MANAGEMENT

Specified activities/works:

- (a) Excavation or disturbance of land that is for the purpose of:
 - i. revegetation,
 - ii. controlling weeds and/or animals and/or
 - iii. undertaking routine horticultural maintenance.

Relevant Standards:

- (b) Removal of diseased, dead, dying or dangerous trees and/or plant material must not disturb relics i.e. through stump grinding or removal of tree boles. In these situations, stumps and tree boles should be left in place.
- (c) Machinery will be used to undertake the works.

EXCEPTION 5: ROAD/PATHWAY MAINTENANCE

Specified activities/works:

- (a) Excavation or disturbance of land for the purpose of maintaining, repairing, resurfacing existing roads and pathways with similar materials.

Relevant Standards:

- (b) Like for like materials must be used, and no modification to the dimensions of the road or the alignment of the road or pathway is permitted.
- (c) Re-surfacing must not disturb Significant road or pathway surfaces, kerb or guttering which may lie underneath.

EXCEPTION 6: BORE HOLES AND TEST PITS

Specified activities/works:

- (a) Bore-holing, up to a diameter of 300mm.

Relevant Standards:

- (b) Bore-holing is only permitted up to a diameter of 300mm.
- (c) Bore-holing must occur totally within an area of previous disturbance and outside of areas assessed as having Archaeological Significance.

Specified activities/works:

- (d) Test pits that are no greater than 500mm x 500mm.

Relevant Standards:

- (e) Test pits must be no greater than 500mm x 500mm.
- (f) Test pits must occur totally within an area of previous disturbance and outside of areas assessed as having Archaeological Significance.

EXCEPTION 7: REMOVAL OF CONTAMINATED SOILS

Specified activities/works:

- (a) Removing of contaminated soils.

Relevant Standard:

- (b) Where environmental assessment is required under Part 5 of the *Environmental Planning and Assessment Act 1979* (NSW) in relation to the removal of contaminated

soils, the assessment must be undertaken prior to commencing any work to remove the contaminated soils.

EXCEPTION 8: DIRECTIONAL DRILLING

Specified activities/works:

- (a) Directional drilling (micro tunnelling) through strata below the layer of Archaeological Significance.

Relevant Standard:

- (b) Directional drilling may only be done where the launch and exit pits have been positioned in areas assessed as having no Archaeological Significance, in existing trenches or areas of previous disturbance. Only applicable where the previous disturbance extends to the depths required for each pit.

3. General Conditions:

1. These General Conditions apply to **all** of the Exceptions described in clause 2 of Schedule A.
2. These Exceptions are to be applied in relation to activities/works engaged in or being carried out by WaterNSW as described in Schedule A in relation to relics owned, controlled or managed by WaterNSW.
3. WaterNSW is responsible for ensuring that any activities/works undertaken by them meet all the Relevant Standards and have all necessary approvals.
4. The Exceptions do not apply to excavation associated with historic shipwrecks.
5. These Exceptions do not permit relics to be damaged, destroyed or removed except in the case of an emergency, as outlined in Exception 1 of Schedule A.
6. These exceptions do not apply to relics of State heritage significance or to a relic that is subject to an interim heritage order or a listing on the State Heritage Register.
7. These exceptions do not apply to Aboriginal objects under the *National Parks and Wildlife Act 1974*.
8. If any Aboriginal objects are discovered, excavation or disturbance is to cease and notification in accordance with section 89A of the *National Parks and Wildlife Act 1974* is required. Depending on the nature of the discovery, additional assessment and approval under the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s).
9. Activities/works that do not fit strictly within the Exceptions described in clauses 2 and 3 of Schedule A or the Standards Exceptions will require approval by way of an excavation permit application under section 139 of the Act.
10. Anything done under these Exceptions must be supervised and carried out by people with knowledge, skills and experience appropriate to the work (some Exceptions require suitably qualified and experienced professional advice/work).
11. Any excavation or disturbance which WaterNSW knows, or has reasonable cause to suspect, will, or is likely to result in relics not owned, controlled or managed by WaterNSW being discovered, moved, damaged or destroyed is not permitted.

12. Any excavation or disturbance on land where that land has not been the subject of an appropriate environmental and archaeological assessment prepared by a suitably qualified and experienced historic archaeologist is not permitted unless for emergency works as described in Exception 1 of Schedule A.
13. Works must not affect archaeological evidence, for example the archaeology of foundation trench deposits from the time of original construction, unless for emergency works as described in Exception 1 of Schedule A.
14. Excavation or disturbance of land must not compromise the structural integrity of any structure listed on the SHR or subject to an Interim Heritage Order, including Significant landscape elements, as identified in a SHR listing, statement of significance, conservation management plan and/or similar document.
15. With regard to excavation or disturbance of land, areas of previous disturbance must only extend to the depths required for the activity/works.
16. The *Historical Archaeology Code of Practice 2006*, *Archaeological Assessment Guidelines 1996*, *Assessing Significance for Historical Archaeological Sites and 'Relics' 2009* and the *Historical Archaeological Sites - Investigation and Conservation Guidelines 1993*, must be complied with when undertaking any activities/works described in Schedule A.

HERITAGE ACT 1977

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

I, James Griffin, Minister for Environment and Heritage, on the recommendation of the Heritage Council of New South Wales, pursuant to section 57(2) of the *Heritage Act 1977* ("the Act") grant an exemption from section 57(1) of the Act, in respect of the engaging in or carrying out of any of activities by WaterNSW described in the Exemptions in clause 2 of Schedule A subject to the Relevant Standards described in clause 2 of Schedule A and the General Conditions described in clause 3 of Schedule A.

This Order takes effect on the date it is published in the NSW Government Gazette.

The Hon. James Griffin MP
Minister for Environment and Heritage
Date: 25 October 2022

SCHEDULE A

1. Interpretation:

- (a) Words and expressions that occur in this Order have the same meanings as they do in the Act, except in so far as the context or subject matter otherwise indicates or requires or as otherwise defined in clause 1(d).
- (b) A reference to an Act includes any regulations or rules or instruments made under that Act.
- (c) A reference to an Act, policy, guideline or document in this Order includes any consolidations, amendments, re-enactments or replacements of any of them.
- (d) The following definitions apply:
- i **Aboriginal Object** has the meaning given by section 5 of the *National Parks and Wildlife Act 1974*;
 - ii **Archaeological Significance** means as described in the *Assessing Significance for Historical Archaeological Sites and 'Relics' 2009*;
 - iii **CMP** means a 'conservation management plan' as defined under section 38A(3) of the Act;
 - iv **End of Life** means a circumstance where the material or fabric of an item is damaged and eroded beyond repair and maintenance cannot be undertaken as parts are no longer available;
 - v **Exemptions** means the exemptions set out in clause 2 of Schedule A of this Order;
 - vi **General Conditions** means the conditions set out in clause 3 of Schedule A of this Order;
 - vii **IHO** means an interim heritage order in force under Part 3 of the Act;
 - viii **Material Threshold** means as defined by the *Material Threshold Policy 2020*;
 - ix **Relevant Standards** means the relevant standards under each of the Exemptions;
 - x **Significant** means an item graded as having exceptional, high, moderate, little or intrusive significance, according to the *Assessing Heritage Significance Guideline 2001*;
 - xi **Significant Fabric** means all the physical material of the place/item including elements, fixtures, landscape features, contents, relics and objects which contributes to the item's heritage significance;
 - xii **SHR** means the State Heritage Register as defined in section 4 of the Act;
 - xiii **Standards Exemptions** means the order for '*Standard exemptions for engaging in or carrying out activities/ works*' made under section 57(2) of the Act and published in the NSW Government Gazette.

- xiv **Statement of Heritage Impact** means a heritage impact statement prepared in accordance with the *Statements of Heritage Impact 2002*.
- xv **WaterNSW** means Water NSW, ABN 21 147 934 787 being a state-owned corporation established under the *Water NSW Act 2014*.
- xvi **WaterNSW Heritage Specialist** means a person employed by Water NSW to provide advice on heritage matters, who must have appropriate heritage knowledge, qualifications, skills and/or experience.

2. Exemptions:

The following specified activities/works being carried out by or engaged in by WaterNSW in relation to SHR/IHO items are exempt from approval under section 57(1) of the Act if the specified activities/works are undertaken in accordance with each of the Relevant Standard(s) prescribed below.

EXEMPTION 1: URGENT MAINTENANCE AND REPAIR

Specified activities/ works:

- (a) **Valve replacement** – replacing mechanical components to allow the ongoing operation of the supply system.

Relevant Standards:

- (b) Activities/works must be below the Material Threshold.
- (c) Removed valves are to be assessed for moveable heritage values in accordance with the *Moveable Heritage Principles 2000* and *WaterNSW Movable Heritage Policy and Procedure*.

Specified activities/ works:

- (d) **Repairing SHR/IHO items** which are required because of arson or vandalism.

Relevant Standards:

- (e) Repairs to SHR/IHO items must be below the Material Threshold.
- (f) The repair must maximise protection and retention of Significant Fabric and conserve existing detailing.
- (g) The repair must be sympathetic to existing fabric in appearance, material and method of affixing.
- (h) The composition of elements of the fabric (such as renders, mortars, timber species and metal types) are to remain the same.

Specified activities/ works:

- (i) **Removing mercury, heavy metals and contaminants** from machinery, devices or equipment, if required for health and safety reasons which cannot be adequately mitigated.

Relevant Standards:

- (j) Activities/works must be below the Material Threshold.
- (k) Removing mercury, heavy metals and contaminants must not damage Significant Fabric and may only be undertaken if the machinery, devices or equipment can be otherwise preserved and maintained.

Specified activities/ works:

- (l) **Flood, storm, bushfire and other emergency repair works** including repair of eroded embankments upstream and downstream of any water storage, including the regrading of batters, filling with compacted material, repair of scour protection works and rock benching and revegetation as appropriate.
- (m) **Cleaning and repair** of operational and non-operational areas, grounds, roads, parking areas, and picnic and recreational areas after storms or emergency situations.

Relevant Standards:

- (n) The activities/ works are reasonable and justifiable in the circumstances.

- (o) The activities/ works are proportionate to the damage the item has suffered and to the risk of further damage.
- (p) The effects of the activities/ works must be adequately mitigated or remedied.
- (q) Activities/works must be below the Material Threshold.
- (r) Repairs must be sympathetic to existing fabric in appearance, material and method of affixing.
- (s) Activities/works must be temporary in nature with the aim to minimise the damage and allow time for the assessment of any impacts to Significant Fabric before more permanent works/activities to address any impacts are undertaken.

Specified activities/ works:

- (t) **Removing lead-based paints** - if required for health and safety reasons which cannot be adequately mitigated.

Relevant Standards:

- (u) Activities/works must be below the Material Threshold.
- (v) Removal of lead-based paints may only be done if the removal process has minimal impact on the underlying Significant Fabric.
- (w) Paint layers are to be recorded by WaterNSW's Heritage Specialist or a suitably qualified and experienced heritage professional contracted to do the work.
- (x) The original or early colour scheme must be reinstated where possible.

Specified activities/ works:

- (y) **Removing asbestos** - if required for health and safety reasons.

Relevant Standard:

- (z) Activities/works must be below the Material Threshold.
- (aa) Removal of asbestos may only be done if the asbestos is not Significant Fabric, and the removal process has no impact on the surrounding fabric.
- (bb) Removal may only be done where asbestos is unstable, and the asbestos is unable to be reasonably consolidated.
- (cc) Removal of asbestos is only to be done by a suitably qualified contractor.

EXEMPTION 2: GENERAL MAINTENANCE AND REPAIR

Specified activities/ works:

- (a) **Repairing SHR/IHO** items which are required because material or fabric is at End of Life.
- (b) **Installation, upgrading and or relocation** of additional or existing seismic, tectonic, survey and other safety monitoring equipment/stations and power supply stations as part of the ongoing water storages and canal safety monitoring.
- (c) **Re-surfacing existing roads, fire trails, pathways and car parks.**

Relevant Standards:

- (d) Activities/works must be below the Material Threshold.
- (e) The repair must maximise protection and retention of Significant Fabric and conserve existing detailing.
- (f) The repair must be sympathetic to existing fabric in appearance, material and method of affixing.
- (g) The composition of elements of the fabric (such as road surface, renders, mortars, timber species and metal types) are to remain the same.
- (h) Re-surfacing must not disturb Significant road, fire trail or pathway surfaces, kerb or guttering which may lie underneath. No modification to the dimensions of the road or the alignment of the road or pathway is permitted.

EXEMPTION 3: TEMPORARY ACTIVITIES/WORKS

Specified activities/ works:

- (a) **Temporary hoarding, security fences and scaffolding** (“Temporary Items”) can be erected to provide safe access, protect the community and to undertake maintenance or repair works.

Relevant Standards:

- (b) The scaffolding must not be located where it could:
 - i. damage (including through use of the structure) Significant Fabric; or
 - ii. endanger Significant Fabric, including landscape or archaeological features.
- (c) Temporary Items may be installed for no longer than 12 months, after which it must be removed or approved under the Act.

Specified activities/ works:

- (d) **Installation of emergency safety equipment**, walkways, barriers, generators, gates, ladders, steps and stairs for a period of not more than 12 months duration.
- (e) **Relocation of a boat ramp** in drought and flood conditions to facilitate access to the storage for water supply management purposes.
- (f) **Change to permanent supply valves** in a drought or flood required to supply water.

Relevant Standards:

- (g) Activities/works must be below the Material Threshold.
- (h) The equipment, ramps and/or valves must be able to be later removed without causing damage to the Significant Fabric of the SHR/IHO item.
- (i) Activities/works must be temporary in nature with the aim to minimise the damage and allow time for the assessment of any impacts to Significant Fabric before more permanent works/activities to address any impacts are undertaken.
- (j) Temporary Items may be installed for no longer than 12 months, after which it must be removed or approved under the Act.
- (k) Boat ramps and permanent supply valves may be relocated or changed for the period of the drought or flood.

Specified activities/ works:

- (l) **Installing protective equipment/material** to temporarily prevent water ingress as a result of storm, bushfire, flood or hail damage.

Relevant Standards:

- (m) Activities/works must be below the Material Threshold.
- (n) Activities/works must be temporary in nature with the aim to minimise the damage and allow time for the assessment of any impacts to Significant Fabric before more permanent works/activities to address any impacts are undertaken.
- (o) Temporary Items may be installed for no longer than 12 months, after which it must be removed or approved under the Act.

EXEMPTION 4: SECURITY AND/OR SAFETY SIGNAGE

Specified activities/ works:

- (a) **Installation, relocation and replacement/upgrade of signage** associated with:
 - i. water supply operations, including survey pegs and warning, information and safety signs;
 - ii. signage under the *Water NSW Regulation 2020*
 - iii. traffic and safety management;

- iv. picnic and other recreational areas management; and
- v. asbestos and contamination management.

Relevant Standards:

- (b) Activities/works must be below the Material Threshold.
- (c) Installing or relocating signs includes fixing to Significant Fabric but must be kept to a minimum number of attachment points. Reusing existing fixing points is permitted and preferred.
- (d) Installing or relocating signs is for the purpose of providing security or safety information.
- (e) The signs must be able to be later removed without causing excessive damage to the Significant Fabric of the SHR/IHO item.
- (f) The signs must not be a modular or cantilever structure, or over 2 square metres in size.
- (g) Installing or relocating signs may include installation of a pole to approximately 30cm deep installed with a pole borer:
 - i. must not disturb or remove any relics;
 - ii. must not compromise the structural integrity of any heritage structure or Significant landscape elements; and
 - iii. only applicable where work areas have been assessed as having no Archaeological Significance.

EXEMPTION 5: EXCAVATION

Specified activities/ works:

- (a) **Bore-holing**, up to a diameter of 300mm.
- (b) **Test pits** that are no greater than 500mm x 500mm.

Relevant Standards:

- (c) Activities/works must be below the Material Threshold.
- (d) Activities/works must occur totally within an area of previous disturbance and or outside of areas assessed as having Archaeological Significance.
- (e) Activities/works must not compromise the structural integrity of any structure listed on the SHR or subject to an IHO, including Significant landscape elements, as identified in a SHR listing, Conservation Management Plan ("CMP") and/or similar document.

Specified activities/ works:

- (f) **Investigating contaminated soils.**

Relevant Standards:

- (g) Activities/works must be below the Material Threshold.
- (h) Use of solid flight auger drilling equipment and push tube drilling to undertake environmental investigations across potentially contaminated areas is permitted, if the SHR/IHO item is not adversely impacted by the movement of equipment over the land.

Specified activities/ works:

- (i) **Excavation or disturbance of land** for the purpose of:
 - i. creating temporary stockpiles; and/or
 - ii. exposing, inspecting, testing, replacing, installing, maintaining and/or repairing WaterNSW infrastructure and assets.

Relevant Standards:

- (j) Activities/works must be below the Material Threshold.

- (k) Excavation or disturbance of land is only permissible within existing trenches, or within an area of previous disturbance, or an area assessed as having no known Archaeological Significance.
- (l) Excavation or disturbance of land is not permitted in areas assessed as having Archaeological Significance.
- (m) Excavation or disturbance of land must not compromise the structural integrity of any structure listed on the SHR or subject to an IHO, including Significant landscape elements, as identified in a SHR listing, CMP and/or similar document.

Specified activities/ works:

- (n) **Minor excavation** within prior investigated soil profiles for maintenance purposes, including weed control and revegetation.

Relevant Standards:

- (o) Activities/works must be below the Material Threshold.
- (p) Minor excavation works may only be undertaken where soil profiles have been investigated and found to have no Archaeological Significance.
- (q) Minor excavation works must not compromise the structural integrity of any structure listed on the SHR or subject to an IHO, including Significant landscape elements, as identified in a SHR listing, statement of significance, CMP and/or similar document.

Specified activities/ works:

- (r) **Directional drilling** (micro tunnelling) through strata below the layer of Archaeological Significance.

Relevant Standards:

- (s) Activities/works must be below the Material Threshold.
- (t) Directional drilling may only be done where the launch and exit pits have been positioned in areas assessed as having no Archaeological Significance, in existing trenches or areas of previous disturbance. Only applicable where the previous disturbance extends to the depths required for each pit.
- (u) Directional drilling must not compromise the structural integrity of any structure listed on the SHR or subject to an IHO, including Significant landscape elements, as identified in a SHR listing, statement of significance, CMP and/or similar document.

Specified activities/ works:

- (v) **Landscape maintenance, revegetation with tube stock, minor earthworks** (such as the grading of existing tracks or excavation to expose existing assets) **and repairs** (including rock bolting) that does not impact on the significance of the SHR/IHO item.

Relevant Standards:

- (w) Activities/works must be below the Material Threshold.
- (x) Only applicable where work areas have been assessed as having no Archaeological Significance.

EXEMPTION 6: VEGETATION

Specified activities/ works:

- (a) **Removal** of trees, shrubs and vegetation as required for stability/safety of water storages, canals, embankments, tunnels or any other asset that is owned/managed by WaterNSW.
- (b) **Removal** of exotic trees that are spreading into surrounding natural bushland and removal of pest species.

- (c) **Removal and trimming** of trees, shrubs and vegetation to assist with access and visual inspection and surveying of water storage abutments, foundations, toe areas, scour and outlet works and under overhead power and telecommunication lines.
- (d) **Fuel reduction and asset protection works** including hazard reduction burns and pile burns.

Relevant Standards:

- (e) Activities/works must be below the Material Threshold.
- (f) Trees and vegetation cannot be identified in a CMP and/or similar document as a Significant, introduced or formal species unless declared a weed species.
- (g) Hazard reduction burns should be carried out as required by approved fire management plans in accordance with current regulatory requirements.
- (h) Activities/ works must be undertaken by a suitably qualified and experienced horticulturalist or equivalent in accordance with Water NSW approvals.

EXEMPTION 7: PAINTING

Specified activities/ works:

- (a) **Painting** of survey monument and marks.
- (b) **Painting** of identification details on various surfaces of water storages and associated structures (e.g. dam crest and wall, training walls, weir abutments, ceilings and walls of tunnels).

Relevant Standards:

- (c) A standard format per the WaterNSW signage manual should be used for identification details.
- (d) Previously unpainted surfaces must be documented prior to painting, including photographs.
- (e) New paint must be appropriate to the substrate to prevent inadvertent damage (e.g. moisture and rising damp, paint failure).
- (f) Does not allow for painting of previously unpainted Significant Fabric.

EXEMPTION 8: RESTORATION

Specified activities/ works:

- (a) **Reinstatement** of landscaping components such as pathways, rockeries, fountains, kerbs and guttering.
- (b) **Replacement and/or alteration** of existing guardrails, handrails, ladders, steps, ramps and platforms, fences in association with access to components of the water storage walls and associated facilities.

Relevant Standards:

- (c) Includes landscaping components that have been removed from their original locations and are in a suitable condition for re-use.
- (d) Restoration to fixtures should ensure no damage to other Significant Fabric.
- (e) Representative example and/or section of affected fabric should be retained in-situ if safety and space allow.
- (f) Reinstatements and restoration must be sympathetic to existing fabric in appearance, material and method of affixing.
- (g) The composition of elements of the fabric (such as renders, mortars, timber species and metal types) are to remain the same.
- (h) Work must be carried out by a suitably qualified person with heritage experience.

EXEMPTION 9: EMERGENCY SITUATIONS

Specified activities/ works:

- (a) **Emergency works** in response to fire, flood, asset damage or water quality or supply problems.
- (b) **Emergency dewatering** of water storages.
- (c) **Drilling** into water supply infrastructure for investigative purposes relevant to dam safety concerns. Includes emergency installation of measuring and safety monitoring equipment.

Relevant Standards:

- (d) The activities/works were reasonable and justifiable in the circumstances¹.
- (e) The activities/works were proportionate to the damage to the item and the risk of further damage.
- (f) The effects of the activities/works must be adequately mitigated or remedied.

¹ Incidents likely to cause serious damage and require actions necessary to save or protect life.

3. General Conditions:

1. These General Conditions apply to **all** of the Exemptions described in clause 2 of Schedule A.
2. The Exemptions are to be applied in relation to activities/works and SHR and IHO items owned, leased, managed or controlled by WaterNSW.
3. WaterNSW will keep a record of when and where the Exemptions have been used in relation to the activities/works it undertakes.
4. Anything done under the Exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some of the Exemptions may require suitably qualified and experienced professional advice/work).
5. The Exemptions do not permit the removal of any Significant Fabric, with the exception of the activities/works described in Exemption 1: Urgent Maintenance and Repair in clause 2.
6. The Exemptions do not permit relics or Aboriginal Objects to be damaged, destroyed or removed.
7. The Exemptions do not apply to historic shipwrecks.
8. Activities/works that do not fit strictly within the Exemptions or the Standards Exemptions will require approval by way of an application under section 60 of the Act.
9. WaterNSW is responsible for ensuring that any activities/works undertaken by them meet all the Relevant Standards and have all necessary approvals.
10. The *Heritage Manual* 1996 and *The Maintenance Series*, must be complied with when undertaking any activities/works on a SHR/IHO item.