



# *Government Gazette*

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**HERITAGE ACT 1977**

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

**Sydney Mardi Gras Parade Route**

**SHR No. 02068**

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 Minister for Environment and Heritage made on 24 January 2023 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 Sydney Mardi Gras Parade Route, situated on the land described in Schedule “B”.

**SCHEDULE “B”**

All those pieces or parcels of land in the Parish of Alexandria, County of Cumberland shown on the plan catalogued HC 3300 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

#### Sydney Mardi Gras Parade Route

#### SHR No. 02068

I, the Minister for 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*, 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 James Griffin MP  
Minister for Environment and Heritage

Dated at Sydney, 24<sup>th</sup> Day of January 2023

#### SCHEDULE “A”

The item known as the Sydney Mardi Gras Parade Route, situated on the land described in Schedule “B”.

#### SCHEDULE “B”

All those pieces or parcels of land known as Oxford Street, Darlinghurst; Taylor Square, Darlinghurst; 301 Forbes Street (Lot 11 DP 1164870), Darlinghurst; Flinders Street, Surry Hills; and Anzac Parade, Moore Park in Parish of Alexandria, County of Cumberland shown on the plan catalogued HC 3300 in the office of the Heritage Council of New South Wales.

#### SCHEDULE “C”

The following activities described below under ‘Exemptions’ are exempted from Heritage Council approval under Section 57(1) of the Act:

- (i) Where such activities are in accordance with the ‘*Standard exemptions for engaging in or carrying out activities / works*’ published in the NSW Government Gazette.
- (ii) Where works do not involve disturbance of a relic; and/or
- (iii) Where a relic is disturbed, all works shall cease, and the Heritage Council be contacted within a reasonable time and furnish the Heritage Council with such information concerning the relic as the Heritage Council may reasonably require.

<b>Exemptions</b>
<b>1. All Standard Exemptions</b>
The following site-specific exemptions.
<b>2. New development.</b> All works and activities which are proposed in accordance with: <ul style="list-style-type: none"> <li>a) A valid development consent in force at the date of gazettal for listing the Sydney Mardi Gras Parade Route on the State Heritage Register under the <i>Heritage Act 1977</i> (NSW).</li> </ul>
<b>3. Works by or on behalf of Transport for NSW/ Roads and Maritime Services.</b> The following activities: <ul style="list-style-type: none"> <li>a) The carrying out of road work or traffic control work, within the meaning of the <i>Roads Act 1993</i> relevant to: part of MR172 (Oxford Street between Crown Street ending at Boundary Street) and MR171 (ANZAC Parade from Lang Road into Flinders Street to the intersection with Oxford Street at Taylor Square) and part of Road 7310 (Oxford Street between Wentworth Avenue and Crown Street) shown in the curtilage plan for the item, are exempt from subsection 57(1) of the <i>Heritage Act 1977</i>, subject to all excavation or disturbance of land being carried out in accordance with any approval for those works issued under the <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>b) Minor works necessary to preserve and maintain the functioning of utility supply and communications, including modifications and improvements to power supply systems, communications cabling and water supply systems, including fire hydrants;</li> <li>c) Minor works necessary to preserve and enhance the security of the roads such as security fencing, video surveillance and detection systems;</li> <li>d) Temporary works including containment areas, scaffolding and enclosures necessary for carrying out of maintenance, enhancement and upgrading works;</li> <li>e) Installation of safety and information signs, not being for commercial or advertising purposes;</li> <li>f) Temporary and reversible works for the operation of special events;</li> <li>g) Maintenance of roadways, footpaths, parklands and vegetation;</li> <li>h) Minor subdivision in terms of State Environmental Planning Policy no. 4;</li> <li>i) Change of use from approved use to a similar permissible use.</li> </ul>
<b>4. Works by or on behalf of Sydney Water Corporation on Sydney Water Corporation assets</b> <ul style="list-style-type: none"> <li>a) Exemptions to allow operation, maintenance, repair and upgrade of infrastructure</li> <li>b) Section 57(2) <i>Heritage Act 1977</i> exemptions</li> </ul>

## Exemptions

- c) Activities enabling operation, maintenance and repair of Sydney Water infrastructure – inclusive of property interests under the *Sydney Water Act 1994*, provided that the activity does not materially affect the heritage significance of the area in which it is located.
- d) Temporary uses: Erection and dismantling by, or on behalf of Sydney Water of temporary structures, containment areas, other works and enclosures necessary for the carrying out of maintenance or enhancement works, signs, barriers and other temporary equipment, not exceeding twelve (12) months.
- e) Any Sydney Water activities, works, events and uses identified as exempt in a Conservation Management Plan or Strategy endorsed by the Heritage Council of NSW.
- f) Minimum repairs and maintenance to heritage items within the curtilage, where those items are also on Sydney Water's Heritage and Conservation Register under section 170.
- g) Repair or replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing or installation and does not involve damage to or the removal of significant fabric.
- h) Activities approved in permits under the *National Parks and Wildlife Act 1977* or any future Acts that replace NPW Act.

### 5. Maintenance and upkeep:

- a) Maintenance, repair and resurfacing of existing roads and footpaths including kerbs, gutters and landscaping;
- b) Maintenance and repair of street furniture;
- c) Maintenance and repair of services and public utilities including communications, gas, electricity, water supply, waste disposal, sewerage, survey infrastructure and drainage;
- d) Upgrade of services, public utilities, street furniture and water features;
- e) Installation, maintenance and removal of waste bins to implement the Council of the City of Sydney's waste management policies.

### 6. Tree Management

Works and activities to allow general maintenance and repair:

- a) Maintenance of existing street trees, including pruning, watering, pest and disease treatment and tree base maintenance;
- b) Street tree removal;

New street tree planting:

- c) Planting of new trees to implement the Council of the City of Sydney's Street Tree Master Plan;
- d) Tree establishment maintenance activities, including watering, fertilising, and the installation or removal of tree guards.

### 7. Outdoor dining:

Works and activities for outdoor dining.

### 8. Public Domain works

Works and activities for cycleways: widening, narrowing, duplication or reconstruction of lanes and changing carriageway alignments.

## Exemptions

### 9. Temporary Events

Works and activities allowing for the temporary management of events:

- a) Temporary use of the Sydney Mardi Gras Parade Route and the installation of temporary buildings, structures, fencing, facilities, crowd control barriers, stages, lighting, sound and public address equipment and signage for a period not exceeding three (3) months in total per annum where the delegate of the Heritage Council of NSW is satisfied that the activity will not materially affect the heritage significance of the Sydney Mardi Gras Parade Route as a whole or the area in which they are to be undertaken; and
- b) Temporary installation of exhibitions, artworks, statues and monuments for temporary exhibitions or events for a period of less than one (1) month.