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Exemption Order for *Catherine Hill Bay Cultural Precinct* listing on the State Heritage Register (SHR) No. 01828 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, pursuant to section 57(2) of the *Heritage Act 1977* (the Act), on the recommendation of the Heritage Council of New South Wales dated 6 February 2024, do by this Order:

1. revoke the order made on 3 November 2010 and published in the NSW Government Gazette Number 126 (Special Supplement) of 5 November 2010.
2. 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, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

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

Dated this 2nd day of April 2024.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item known as *Catherine Hill Bay Cultural Precinct*, SHR No. 01828, situated on the land described in Schedule B.

SCHEDULE B

The item known as *Catherine Hill Bay Cultural Precinct*, SHR No 01828, located as identified on the plan catalogued HC Plan 2342 in the office of the Heritage Council of New South Wales.

SCHEDULE C

The following specified activities and works to an item do not require approval under section 57(1) of the Act.

EXEMPTIONS

Development complying with the Lake Macquarie Council Development Control Plan 2014, Part 11 Heritage Area Plans - Catherine Hill Bay Heritage Conservation Area.

Development which includes the following will not be exempt:

- a) Demolition of the whole of a building, including outbuildings
- b) New dwellings
- c) Subdivision of land
- d) Non-residential development.

When a new revision of the Lake Macquarie Council Development Control Plan 2014 that amends Part 11 Heritage Area Plans - Catherine Hill Bay Heritage Conservation Area is adopted or a new Development Control Plan is adopted, these site specific exemptions will cease, and new exemptions may be negotiated.

ERRATUM
HERITAGE ACT 1977

The notice published in the Government Gazette No. 425 of 15 September 2023 relating to:

Notice of listing Toorale Homestead and Woolshed Precinct, Toorale National Park via Bourke, on the SHR No. 02072 under the *Heritage Act 1977*

should have read:

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

Toorale Homestead and Woolshed Precinct SHR No. 02072

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales, under 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 Specified Persons on the item described in Schedule A.

In this Order:

1. Specified Persons means:
 - a) the registered owner or owners of the land identified in Schedule B that forms part of the Toorale Precinct, and
 - b) the Bourke Shire Council (Council).
2. CMP means Toorale National Park & State Conservation Area Conservation Management Plan 2013 (prepared by J. Sheppard).
3. HAAP means the following Heritage Asset Action Plans:
 - i. Toorale Station Historic Heritage Inventory Recording 2013 (prepared by Polychrest Pty Ltd),
 - ii. Archival Photographic Recording. Select Moveable Heritage Items 2019 (prepared by D. Tuck),
 - iii. Inspection Report and Recommendations Toorale Woolshed at Toorale National Park 2019 (prepared by Historic Heritage, Historic and World Heritage, NSW NPWS), and
 - iv. Structural Engineering Investigation Report Toorale Historic Homestead, Bourke NSW, 2021 (prepared by Barnston Pty Ltd).
4. A reference to an Act, policy, guideline or document in this Order includes any consolidations, amendments, re-enactments or replacements of any of them.

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

12 September 2023

The Hon. Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item is the Toorale Homestead and Woolshed Precinct listed on the State Heritage Register (SHR) (SHR No. 02072) situated on the land described in Schedule B.

SCHEDULE B

All those pieces or parcels of land known as part Lot 5189 of Deposited Plan 720974 and part Lot 5187 of Deposited Plan 720967, Parish of Toorale, County of Gunderbooka shown on the plans catalogued HC 3301, HC 3301a and HC 3301b in the office of the Heritage Council of New South Wales.

SCHEDULE C

The following activities described below under 'Exemptions' do not require approval under Section 57(1) of the Act:

Exemptions

1. Conservation works and activities identified in the maintenance schedule, schedule of works or conservation policy incorporated in the CMP or the HAAP.
2. Aboriginal cultural practices by Aboriginal people and the sharing of these practices with others.
3. Threatened species and ecological communities' recovery and pest management activities, including termite controls.
4. Track maintenance and improvements to existing vehicle and pedestrian tracks which do not involve any adverse impacts on archaeological items and significant ruins or adverse impacts on buildings, structures and elements identified as being of exceptional, high, or moderate significance in the CMP or the HAAP.
5. Maintenance and improvements to existing non-significant infrastructure only where these works do not involve any impacts on archaeological items or adverse impacts on buildings, structures and elements identified as being of exceptional, high or moderate significance in the CMP or the HAAP.

Existing non-significant infrastructure includes energy saving works and sustainable technologies (solar power, water tanks etc.), electrical supply infrastructure, navigation aids, water and sewerage pipelines, pump stations and pits, existing toilet

facilities and enclosed infrastructure, fences, erosion control and soil conservation works, Park User Fee infrastructure (including parking meters and E-tag technologies), maintenance of existing roads, fire and other trails and tracks, including sub-grade, pavement and drainage works.

6. Maintenance, renovation, removal and remediation of existing visitor facilities including toilets, barbecues, picnic shelters, signage, car parks, walking tracks, fencing, bollards, road barriers and road works, where these works do not involve any impacts on archaeological items and significant ruins or adverse impacts on buildings, structures and elements identified as being of exceptional, high or moderate significance in the CMP or the HAAP.
7. Temporary infrastructure associated with events, functions and filming where the infrastructure is not erected for more than 30 days (including set up and pack down) within a 120 day period that does not obstruct significant views to and from the item and does not involve any adverse impacts on fabric or spaces identified as being of exceptional, high or moderate significance in the CMP.
8. Vegetation control including manual, mechanical and chemical treatment of non-culturally significant vegetation.
9. Environmental rehabilitation work including temporary silt fencing, tree planting, weed removal and rubbish removal, where these works do not involve any impacts on archaeological items and significant ruins or adverse impacts on buildings, structures and elements identified as being of exceptional, high or moderate significance in the CMP or the HAAP.
10. New signage associated with park use and management, including interpretive signage in accordance with an HAAP.
11. Works and activities to buildings, structures and elements of little significance or no significance in accordance with the CMP or HAAP that do not increase the structure or building's envelope or the reflectivity of its external materials consistent with the conservation policy incorporated in the CMP or the HAAP under the advice of a suitably qualified and experienced heritage conservation specialist.
12. Removal of non-significant fabric, removal of non-significant buildings, structures or elements identified by the CMP or the HAAP that does not involve disturbance of relics and where these works do not involve any impacts on archaeological items and significant ruins or adverse impacts on buildings, structures and elements identified as being of exceptional, high or moderate significance in the CMP or the HAAP.
13. Repairs to buildings, structures, and elements of Exceptional, High and Moderate Significance consistent with the conservation policy incorporated in the CMP or the HAAP under the advice of a suitably qualified and experienced heritage conservation specialist.
14. Maintenance and repair of stone buildings, structures and elements consistent with the conservation policy incorporated in the CMP or the HAAP under the advice and direction of a suitably qualified and experienced stone conservation specialist.

15. Excavation in areas of no to low archaeological significance or potential and if consistent with necessary approvals under the *National Parks and Wildlife Act 1974*.
16. Bushfire management activities specified in a Bush Fire Risk Management Plan prepared under the *Rural Fires Act 1997* and do not involve any impacts on archaeological items or significant ruins, and does not involve any adverse impacts on buildings, structures and elements identified as being of exceptional, high or moderate significance in the CMP or the HAAP.
17. Works and activities outlined in the CMP or the HAAP to facilitate cultural heritage disaster recovery preparedness and do not involve any impacts on archaeological items or significant ruins, and does not involve any adverse impacts on buildings, structures and elements identified as being of exceptional, high or moderate significance in the CMP or the HAAP.
18. Removal of asbestos in accordance with applicable NSW legislation and NSW Safe Work asbestos removal policies where there is no more than minor adverse impact to adjoining significant fabric or disturbance of relics.
19. Temporary use of the item for events, functions and filming for not more than 30 days within a 120-day period where the use does not obstruct significant views to and from the item and does not involve any adverse impacts on fabric or spaces identified as being of exceptional, high or moderate significance in the CMP or the HAAP.
20. Works and activities affecting movable heritage where under the advice and direction of a qualified movable heritage conservator, consultant or expert.
21. The installation, repair, renewal replacement or removal of non-significant agricultural or kangaroo control fencing where such works do not adversely impact the significance of the item.

Note: This exemption does not apply if archaeological relics are likely to be present as advised by a suitably qualified and experienced archaeologist.

22. Construction of temporary dam works on the banks of the Warrego River and Ross Billabong for 180 days in a calendar year where there is no known or suspected archaeological relics or Aboriginal objects and where works do not adversely impact the significance of the item.

Note: This exemption does not apply if archaeological relics or Aboriginal objects are likely to be present as advised by a suitably qualified and experienced archaeologist.

23. Excavation for the purposes of drainage or flood control works where there is no known or suspected archaeological relics or Aboriginal objects and where works do not adversely impact the significance of the item.

Note: This exemption does not apply if archaeological relics or Aboriginal objects are likely to be present as advised by a suitably qualified and experienced archaeologist.

24. Emergency works and response activities related to significant incidents, which may require immediate and urgent action, or temporary works in the event of a declared

State emergency where the works will not have an adverse impact on buildings, structures and elements identified as being of exceptional, high or moderate significance in the CMP.

25. All activities and works associated with the maintenance and upkeep of the water bodies and dams including the removal of weeds and other detritus.
26. All works and activities associated with the cleaning and maintenance of any operational irrigation canal including the removal of weeds and other detritus.
27. Upgrade, maintenance and repair of Toorale Road within the road reserve.