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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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Notice of listing Captain Moonlite and James Nesbitt's Graves on the SHR No. 02093 under the *Heritage Act 1977*

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 Heritage made on 26 June 2024 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule B.

The listing takes effect on the date this notice is published in the NSW Government Gazette.

Heritage Council of New South Wales

SCHEDULE A

The item known as Captain Moonlite and James Nesbitt's Graves, situated on the land described in Schedule "B".

SCHEDULE B

All those pieces or parcels of land known as part of Lot 1 DP 1041398 in Parish of North Gundagai, County of Clarendon shown on the plan catalogued HC 3324 in the office of the Heritage Council of New South Wales.

Notice of listing Gooriwal (Frenchmans Bay and Yarra Bay) Cultural Landscape on the SHR No. 02090 under the *Heritage Act 1977*

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 Heritage made on 27 June 2024 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule B.

The listing takes effect on the date this notice is published in the NSW Government Gazette.

Heritage Council of New South Wales

SCHEDULE A

The item known as Gooriwal (Frenchmans Bay and Yarra Bay) Cultural Landscape, situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land listed in the table below in Parish of Botany, County of Cumberland shown on the plan catalogued HC 3298 in the office of the Heritage Council of New South Wales.

Lot	DP
Part Lot 52	1182618
Lots 7301, 7302, 7303, 7304, and 7305	1139143
Part Lot 7306	1139143
Lot 5246	820345
Lot 1	912264
Lots 1081, 4684, 3945, 4685, 4846, 4858, and 5113	752015
Part Lots 184, 1140, and 2622	752015
Lots 1 and 2	934156
Lot 1	862586
Lots 7043, 7044, 7045, and 7046	1026891
Lots 5253, 5254, 5255, 5256, and 5257	824002
Part Lot 3	1165618
Part of Untitled Road Reserve – Kooringai Avenue	
Part of Untitled Road Reserve – Endeavor Avenue	

**Exemption Order for Gooriwal (Frenchmans Bay and Yarra Bay)
Cultural Landscape listing on the SHR No. 02090 under the *Heritage Act 1977***

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales dated 2 April 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting 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 27 day of June 2024.

The Hon Penny Sharpe MLC
Minister for Heritage

SCHEDULE A

The item known as Gooriwal (Frenchmans Bay and Yarra Bay) Cultural Landscape SHR No. 02090, situated on the land described in Schedule B.

SCHEDULE B

The item known as Gooriwal (Frenchmans Bay and Yarra Bay) Cultural Landscape SHR No 02090, located as identified on the plan catalogued HC Plan 3298 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 section 57(1) of the Act.

GENERAL CONDITIONS

- a) These exemptions do not permit excavation or ground disturbance beyond existing trenches or disturbed ground.
- b) These exemptions do not permit the removal of relics or Aboriginal objects.
- c) If relics are discovered, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area.
- d) If any Aboriginal objects are discovered, excavation or disturbance is to cease, and Heritage NSW notified in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Aboriginal object has the same meaning as in the *National Parks and Wildlife Act 1974*.
- e) These exemptions do not permit impacts to any shipwrecks as defined under the *Heritage Act 1977* or the *Historic Shipwrecks Act 1976 (Cth)*.

EXEMPTION 1: EXISTING APPROVED DEVELOPMENT

Specified activities and works:

- (a) All works and activities in accordance with a current and valid development consent in force at the date of gazettal for listing Gooriwal (Frenchmans Bay and Yarra Bay) Cultural Landscape on the State Heritage Register.

EXEMPTION 2: WORKS BY OR ON BEHALF OF SYDNEY WATER CORPORATION ON SYDNEY WATER CORPORATION ASSETS

Specified activities and works:

- (a) Activities enabling the operation, maintenance and repair of Sydney Water infrastructure – inclusive of property interests under the *Sydney Water Act 1994*, provided that the activity does not adversely impact the heritage significance of the area in which it is located.
- (b) The erection and dismantling of temporary works and structures (including containment areas, enclosures, signs, barriers and other temporary equipment) that are necessary for maintenance and enhancement works for a period of no longer than 12 months.

- (c) 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, provided that the activity does not adversely impact the heritage significance of the area in which it is located.

EXEMPTION 3: KAMAY FERRY WHARVES PROJECT

Specified activities and works:

- a) All works relating to site establishment, construction, and operation of State Significant Infrastructure (SSI) project, *SSI 10049 – Kamay Ferry Wharves*, as approved by the Minister for Planning on 21 July 2022.

EXEMPTION 4: WORKS TO NON-SIGNIFICANT BUILDINGS

Specified activities and works:

- a) All internal works (including alterations and upgrades) and minor exterior works (including alterations and upgrades) of the following buildings:
- The Boatshed La Perouse, 1609 Anzac Parade, La Perouse
 - Frenchmans Bay Amenities
 - Yarra Bay Amenities.

Relevant standards

- i. Minor exterior works includes: painting; changing the location of features (windows, doors, etc.); the addition of features (windows, doors, etc.); small additions such as security cameras, antennas, signs, etc.; and changing the exterior material or fabric of sections of the exterior (including the roof).
- ii. Minor exterior works do not include major work, such as the redesign of the exterior of the building or the construction of extensions or additions beyond the current footprint of the structure.

EXEMPTION 5: WORKS TO NON-SIGNIFICANT BUILDINGS – YARRA BAY 16FT SKIFF SAILING CLUB AND BOATHOUSE

Specified activities and works:

- a) All internal works (including alterations and upgrades) and minor exterior works (including alterations and upgrades) of the following buildings:
- Yarra Bay 16ft Skiff Sailing Club, 67-69 Yarra Road, Phillip Bay
 - Yarra Bay 16ft Skiff Sailing Club Boathouse.

Relevant standards:

- i. Minor exterior works includes: painting; changing the location of features (windows, doors, etc.); the addition of features (windows, doors, etc.); small additions such as security cameras, antennas, signs, etc.; and changing the exterior material or fabric of sections of the exterior (including the roof).
- ii. Minor exterior works do not include major work, such as the redesign of the exterior of the building or the construction of extensions or additions beyond the current footprint of the structure.

EXEMPTION 6: GENERAL MAINTENANCE AND REPAIR

The following exemption is for specified activities and works within Bumborah Point Reserve, Yarra Bay Bicentennial Park, and Frenchmans Bay Reserve.

Specified activities and works:

- a) Suppression of fire.

- b) Implementation of erosion or compaction control measures and repair of damage caused by compaction or erosion.
- c) Minor maintenance and minor repair of any building, structure, furniture, fixture, artwork, monument, fountain, roadways, pathways, retaining walls and fences or work where Randwick City Council is satisfied that the works will not adversely impact heritage fabric, the heritage significance of the park/reserve as a whole, and that such works do not entail excavation of undisturbed ground.

EXEMPTION 7: RELOCATION OF PARK FURNITURE AND FIXTURES

The following exemption is for specified activities and works within Bumborah Point Reserve, Yarra Bay Bicentennial Park, and Frenchmans Bay Reserve.

Specified activities and works:

- a) Installation, relocation, and removal of furniture and fixtures (including new seats/benches, plaques, light poles, signposts, playground equipment, outdoor gym equipment, and picnic shelters) where Randwick City Council is satisfied that the proposal is appropriate and will not adversely impact heritage fabric, the heritage significance of the park/reserve and area as a whole, and that such works do not entail excavation of undisturbed ground.

EXEMPTION 8: TREE PRUNING AND REMOVAL

The following exemption is for specified activities and works within Bumborah Point Reserve, Yarra Bay Bicentennial Park and Frenchmans Bay Reserve.

Specified activities and works:

- a) Removal of dead or dying trees which are to be replaced by trees of native species in the same location within a period of 12 months.

Relevant standards:

- i. This exemption does not apply to trees identified to be of high or moderate heritage value by a heritage study.

EXEMPTION 9: MANAGEMENT OF LAWNS, GARDEN BEDS, AND HARD LANDSCAPING

The following exemption is for specified activities and works within Bumborah Point Reserve, Yarra Bay Bicentennial Park, and Frenchmans Bay Reserve.

Specified activities and works:

- a) Removal and replacement of existing small plantings, and removal, construction or alteration of garden beds, hard landscaping and plantings where Randwick City Council is satisfied that the activity will not adversely impact heritage fabric, the heritage significance of the park/reserve as a whole, and that such works do not entail excavation of undisturbed ground.
- b) Routine horticultural curation, including development, planting and management of displays of annuals and perennials.
- c) Extension of irrigation systems as necessary to areas in disturbed ground currently without this infrastructure.

EXEMPTION 10: MANAGEMENT OF INTERPRETIVE AND WAYMARKING SIGNAGE

The following exemption is for specified activities and works within Bumborah Point Reserve, Yarra Bay Bicentennial Park, and Frenchmans Bay Reserve.

Specified activities and works:

- a) Installation, removal and alteration of interpretive and directional signage and labels where Randwick City Council is satisfied that the proposal is

appropriate, and that such works do not entail excavation of undisturbed ground.

- b) Maintenance and repair of existing interpretive and wayfinding signage.

EXEMPTION 11: MANAGEMENT OF TEMPORARY EVENTS

The following exemption is for specified activities and works within Bumborah Point Reserve, Yarra Bay Bicentennial Park, and Frenchmans Bay Reserve.

Specified activities and works:

- a) Temporary installation of artworks, statues, monuments, fencing, facilities, crowd control barriers, lighting, signage, and sound/public address equipment for temporary exhibitions and/or events. These are to be erected, used, and removed (along with necessary remediation) within a maximum period of 40 days per installation, where Randwick City Council is satisfied with the proposal and that such works do not entail excavation of undisturbed ground.

Relevant standards

- i. Works and activities are not to be located where they could damage or endanger significant fabric including landscape features.
- ii. Tree protection measures as nominated in Australian Standard AS 4970 -2009 should be installed for events, to prevent soil compaction and damage to trees.
- iii. Height and weight of access vehicles and installations will not create soil compaction, damage to trees or damage to heritage fabric.

EXEMPTION 12: ROAD AND CARPARK MAINTENANCE

Specified activities and works:

- a) Ongoing servicing, maintenance, and operation of existing road and carpark surfaces, kerbs and gutters, associated drainage systems, road/traffic signage, and lighting where such works do not entail excavation of undisturbed ground.

EXEMPTION 13: MAINTENANCE OF SERVICES AND UTILITIES

Specified activities and works:

- a) Maintenance and repair of services and public utilities including communications, gas, electricity, water supply, waste disposal, sewerage, irrigation, fuel, gross pollutant traps, stormwater, and drainage where such works do not entail excavation of undisturbed ground.
- b) Upgrade of services and public utilities where the activity will not entail excavation of undisturbed ground.

EXEMPTION 14: AQUATIC ENVIRONMENT MANAGEMENT

Specified activities and works:

- a) Activities associated with the environmental management of the harbour.

EXEMPTION 15: MOORING APPARATUS AND BERTHS

Specified activities and works:

- a) Works associated with the use, operation and maintenance of existing moorings apparatus and berths, including equipment and fixture upgrades or relocation and additional moorings, which will not impact any relics or shipwrecks as defined under the *Heritage Act 1977* or the *Historic Shipwrecks Act 1976 (Cth)*.

EXEMPTION 16: SEAWALLS, WHARVES AND JETTIES

Specified activities and works:

- a) Works associated with the use, operation and maintenance of existing seawalls, wharves and jetties, boat ramps, and piers or dolphins (pilings), including emergency works.

EXEMPTION 17: NAVIGATION ACTIVITIES

Specified activities and works:

- a) Works and activities, including emergency works, undertaken by the navigational authority including installation of new navigational aids, signage and equipment; replacement, upgrade, maintenance or removal of existing navigational aids, signage and equipment.