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HERITAGE ACT 1977

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

**Powerhouse Museum Complex – Amendment including curtilage extension (formerly
Ultimo Power House)
494 – 500 Harris Street, Ultimo**

SHR No. 02045

In pursuance of section 37(1)(b) of the *Heritage Act 1977 (NSW)*, the Heritage Council of New South Wales gives notice that the item of environmental heritage specified in Schedule A and formerly listed as Ultimo Power House on the State Heritage Register, has been amended in accordance with the decision the Minister for Heritage made on 9 July 2024 to direct the amendment. 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 Powerhouse Museum Complex, situated on the land described in Schedule B.

SCHEDULE B

All those pieces or parcels of land known as Lot 1 Deposited Plan 631345; Lot 1 Deposited Plan 781732; Lot 1 Deposited Plan 216854; Lot 3 Deposited Plan 631345; Lot 37 Deposited Plan 822345; Lot 1 Deposited Plan 770031, located at 494 – 500 Harris Street, Macarthur Street, Omnibus Lane, Ultimo, and as identified as the “State Heritage Register - Recommended Curtilage” on the Plan 3326 in Schedule A.

Exemption Order for Powerhouse Museum Complex listing on the SHR No. 02045 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales dated 8 May 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 9 day of July 2024.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

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SCHEDULE C

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

GENERAL CONDITIONS

- i. These general conditions apply to the use of all the site-specific exemptions and must be complied with.
- ii. Anything done under these exemptions including assessment of significant fabric and of heritage impacts must be conducted by people with knowledge, skills and experience appropriate to the work (some site-specific exemptions require suitably qualified and experienced professional advice/work).

- iii. These exemptions do not permit the removal of relics or Aboriginal objects. If relics are discovered, work must cease in the affected area and the Heritage Council of NSW 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. 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*.
- iv. Activities/ works that do not fit strictly within these exemptions require approval by way of an application under section 60 of the *Heritage Act 1977*.
- v. These exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/works fall within the exemptions.
- vi. The proponent is responsible for ensuring that any activities/ works undertaken by them meet all the required conditions and have all necessary approvals.
- vii. Proponents must keep records of any activities/ works for auditing and compliance purposes by the Heritage Council of NSW. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must be kept. Records must be kept in a current readable electronic file or hard copy for a reasonable time.
- viii. It is an offence to do any of the things listed in section 57(1) of the *Heritage Act 1977* without a valid prior exemption or approval.
- ix. A person guilty of an offence against the *Heritage Act 1977* shall be liable to a penalty or imprisonment, or both under section 157 of the *Heritage Act 1977*.
- x. Authorised persons under the *Heritage Act 1977* conduct inspections for compliance.
- xi. These exemptions under the *Heritage Act 1977* are not authorisations, approvals, or exemptions for the activities/ works under any other legislation, Local Government and State Government requirements (including, but not limited to, the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*).
- xii. These exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the National Construction Code for ancillary works.
- xiii. Activities or work undertaken pursuant to an exemption must not, if it relates to an existing building, cause the building to contravene the National Construction Code.
- xiv. In these exemptions, words have the same meaning as in the *Heritage Act 1977* or the relevant guidelines, unless otherwise indicated. Where there is an inconsistency between relevant guidelines and these exemptions, these exemptions prevail to the extent of the inconsistency. Where there is an inconsistency between either relevant guidelines or these exemptions and the *Heritage Act 1977*, the Act will prevail.
- xv. The Heritage Manual (1996, NSW Heritage Office and Department of Urban Affairs & Planning) and The Maintenance Series (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities/works on an item.

Note: Exemptions 2 – 6 apply to all buildings and spaces on site, where they do not conflict with any building-specific, or space-specific exemptions under 7 – 13.

EXEMPTION 1: EXISTING CONSENTS

Specified activities/works:

- a) All works and activities which are in accordance with a current and valid development consent in force at the date of gazettal for listing of the Powerhouse Museum Complex on the State Heritage Register under the *Heritage Act 1977*.

EXEMPTION 2: HERITAGE INTERPRETATION AND SIGNAGE

Specified activities/works:

- a) Maintenance and repair to existing interpretation infrastructure, elements and signage.
- b) Maintenance and repair of existing wayfaring signs and decoration remaining from significant periods of the site's history.
- c) Installation of new interpretation signage or relocation of existing interpretive signs or elements where these are in accordance with an interpretation plan prepared by a suitably qualified and experienced heritage professional.

Note: applies to all buildings and spaces on site, where they do not conflict with any building or space-specific exemptions under 7 – 13.

EXEMPTION 3: EXHIBITIONS

Specified activities/works:

- a) Installation, alteration and removal of exhibitions, provided penetrations made into original floors, walls and ceilings are minimal.

Note: applies to all buildings and spaces on site, where they do not conflict with any building or space-specific exemptions under 7 – 13.

EXEMPTION 4: DISABILITY ACCESS

Specified activities/works:

- a) All interior and exterior works and activities to provide disability access in accordance with the *Disability (Access to Premises – Buildings) Standards 2010*, that does not adversely impact significant fabric and spaces and are reversible.

EXEMPTION 5: MINOR AND TEMPORARY WORKS AND MAINTENANCE

Specified activities/works:

- a) Essential repair or like-for-like replacement of all deteriorated significant heritage fabric.
- b) All works to non-significant interior fabric, fittings, finishes, lighting, layouts and furnishings within buildings inserted since 1980.
- c) Installation and upgrade of information technology systems and audio-visual equipment, where this work does not adversely impact significant fabric or spaces.
- d) Maintenance and renewal of floor finishes inside buildings constructed before 1980.
- e) All works to the exterior of buildings erected on the site since 1980, not including works which would significantly alter the significant visual connections between individual buildings within the complex, or the distinct roof form of the Wran building.
- f) Erection of temporary hoardings (for periods of up to 18 months, with minimum 6 months between) and scaffolding for the purpose of maintenance or conservation of significant heritage fabric.

- g) Installation of essential safety services, including upgrades to internal security devices, such as electronic door locks and keys, security cameras and motion sensors inside buildings (minimising the number of fixings to external original heritage fabric where possible) and internal fire sprinklers if there is no adverse impact to significant heritage fabric, fixture, or form.
- h) Electrical, mechanical and hydraulic services maintenance and essential upgrades located within the building envelope and on the roof top within the envelope of the existing plant, including roof exhaust fans and associated support duct work for buildings, where there is little or no adverse visual impact on heritage significance, but excluding mobile telecommunications equipment and antennae. This excludes non-maintenance works to the Water-Cooling System and Manifold, under the Turbine Hall floor and connected to the site's air-conditioning system.
- i) Changes to operating hours.

Note: the above exemptions apply to all buildings and spaces on site, where they do not conflict with any building or space-specific exemptions under 7 – 13.

EXEMPTION 6: OPEN SPACE WORKS (HARRIS STREET FORECOURT, SOUTHERN FORECOURT, INCLUDING SECTION OF THE GOODS LINE)

Specified activities/works:

- a) Maintenance, minor alterations and replacement of external hard paving, planter boxes, roads, fences, gates, retaining walls and public seating elements that:
 - i. Does not require excavation deeper than the foundations of the existing elements into non-disturbed land; and
 - ii. Will have no adverse or irreversible impact on significant fabric, including any potential archaeological features.

EXEMPTION 7: PUMP HOUSE

Specified activities/works

- a) Maintenance and repairs to surviving exterior fabric.
- b) Removal or alteration of the modern asphalt paving across the former Pump House's footprint, including concrete access stairs adjacent to the Boiler House's northern façade and access to William Henry Street.

EXEMPTION 8: ENGINE HOUSE

Specified activities/works

- a) Removal or alteration of modern stairs added in 1980s to reinstate more of the Engine House's original internal space.
- b) Maintenance and repair of original and/or replica floor tiles installed in the 1980s.

EXEMPTION 9: SWITCH HOUSE

Specified activities/works

- a) Maintenance, repair and alterations to the interior fabric and finishes, including partition walls, internal glazing, lighting (non-original, or reproduction original) and signage for buildings and infill constructed post 1988. Excludes original windows.
- b) Alteration or removal of roof top terrace and pitched roof, to reinstate original flat roof.

EXEMPTION 10: ULTIMO POST OFFICE (FORMER)

Specified activities/works

- a) Alteration or removal of the 1980s rear addition building provided any alterations are similar in scale, sympathetic in form and materials.
- b) Removal and replacement of the metal lattice security fence east and west of the building, provided a more sympathetic replacement fence is installed.
- c) Removal and replacement of steel security bars installed in the original windows, provided a more sympathetic form of security is installed, requiring minimal additional penetrations into original wall and window fabric.
- d) Alterations to or removal of the rear covered walkway.
- e) Alterations to and development of internal layouts, fittings and furnishings added post 1980.

EXEMPTION 11: HARWOOD BUILDING

Specified activities/works

- f) Changes to internal layouts, fittings and furnishings constructed post 1980 to support function of the Powerhouse Museum Complex.

EXEMPTION 12: WRAN BUILDING

Specified activities/works

- a) Changes to internal layouts, fittings and furnishings constructed post 1980 to support function of the Powerhouse Museum Complex.

EXEMPTION 13: WORKS BY OR ON BEHALF OF SYDNEY WATER

Specified activities/works

The following activities where undertaken on or behalf of Sydney Water for the purpose of the functioning of its existing assets:

- a) The carrying out of works, within the meaning of the *Sydney Water Act 1994*, is exempt from subsection 57(1) of the *Heritage Act 1977*, subject to all excavation or disturbance of land being carried out in accordance with any *Environmental Planning and Assessment Act 1979* approval for those works.
- b) Minor works necessary to preserve and maintain the functioning of Sydney Water's existing assets, including modifications, upgrades and improvements, provided that the minor works do not adversely impact significant fabric or elements.
- c) Minor works necessary to preserve and enhance the security of Sydney Water's existing assets such as security fencing, video surveillance and detection systems, provided that the minor works do not adversely affect significant fabric or elements.

- d) Temporary works including containment areas, scaffolding and enclosures necessary for carrying out of maintenance, enhancement and upgrading works.
- e) Installation of safety and information signs, not being for commercial or advertising purposes.
- f) Temporary and reversible works.