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HERITAGE ACT 1977

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

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales and under section 57(2) of the *Heritage Act 1977*, grant persons employed in the Department of Communities and Justice (**DCJ**) (in a temporary or ongoing capacity) and DCJ contractors (class of persons) an exemption from subsection 57(1) in respect of the engaging in or carrying out the class of activities described in clause 2 Schedule A in such circumstances specified by the relevant standards in clause 2 Schedule A and general conditions in clause 3 Schedule A.

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

Dated this 23rd day of December 2024.

The Hon Penny Sharpe MLC
Minister for Heritage

SCHEDULE A

1. Interpretation

- (a) Words and expressions in this Order have the same meaning as they do in the Act, except in so far as the context or subject matter otherwise requires.
- (b) A reference to an Act includes any regulations or rules or instruments made under that Act.
- (c) The following definitions apply:

Act	<i>Heritage Act 1977.</i>
Aboriginal Object	has the meaning given by section 5 of the <i>National Parks and Wildlife Act 1974.</i>
Adversely affect heritage significance	to damage or despoil fabric or views which contribute to the item's significance.
Conservation Management Document	means a document not inconsistent with the SHR or IHO and prepared (i) by DCJ Environment and Heritage Planning Team or on the advice of a suitably qualified heritage professional and (ii) in accordance with Heritage Council of NSW 'Statement of best practice for conservation management plans' (2021), 'Guidance on developing a conservation management plan' (2021) and 'Conservation Management Plan checklist' (2021).

DCJ Environment and Heritage Planning Team	the Environment and Heritage Planning Team in DCJ or any equivalent team as it may be known in the future with substantially the same portfolio of responsibilities.
IHO	an ‘interim heritage order’ in force under Part 3 of the Act.
Material Threshold	has the same definition as the <i>Material Threshold Policy</i> dated 14 February 2020.
Moveable Object	a Moveable Object that is not a relic identified on the SHR or gazetted in an IHO.
Signage	permanent and temporary internal and external signs that provides operational wayfinding, site interpretation, instructions, directions, or any other information.
Significant	an item graded as having exceptional, high, moderate or little significance, according to the <i>Assessing Heritage Significance Guideline 2001</i> .
Significant Fabric	all the physical material of the place/item including elements, components, fabric, fixtures, landscape features, contents, archaeology, relics and objects which contribute to the item’s heritage significance as identified in the listing on the SHR or the gazetted IHO, or a Conservation Management Document or written advice prepared by a suitably qualified and experienced heritage professional.
Standard Exemptions	the order for ‘ <i>Standard exemptions for engaging in or carrying out activities/works</i> ’ made under section 57(2) of the Act and published in the NSW Government Gazette.
SHR	The ‘State Heritage Register’ within the meaning of Part 3A of the Act.
DCJ	the Department of Communities and Justice (ABN 36 433 875 185) being a Department of the Public Service listed in Part 1 Schedule 1 of the <i>Government Sector Employment Act 2013</i> .

2. Class of activities and relevant standards

ACTIVITY 1: CLEANING

Description of activity:

- a) Cleaning an item to retain its condition or operation, remove surface deposits, organic growths or graffiti from an item.
- b) Cleaning Significant Fabric.
- c) Temporary off-site conservation cleaning of heritage elements where on-site cleaning and conservation is not possible.

Relevant standards:

- d) Activity must be carried out using methods suitable to conserving the material being cleaned.
- e) Activity **must not** remove or damage Significant Fabric.
- f) Any cleaning product and/or method **must not** exacerbate the decay of Significant Fabric due to chemical incompatibility, obscure existing Significant Fabric or limit access to Significant Fabric for future maintenance.
- g) Surface patina important to the item's heritage significance must be preserved during cleaning.
- h) Cleaning Significant Fabric may only use low-pressure water less than 100 psi and neutral detergents.
- i) Where off-site cleaning and conservation is required, the location where the item will be moved to, and approximate timeframe, should be recorded and advice provided to the Heritage Council of NSW or Heritage NSW.

ACTIVITY 2: ALTERATIONS FOR MAINTENANCE

Description of activity:

- a) The maintenance of an item to retain its condition and/or operation.
- b) Application of protective coatings such as limewash, polish, oils and waxes to an item.

Relevant standards:

- c) Activities **must not** involve removal of or damage to Significant Fabric.
- d) Any new material or finishes **must not** exacerbate the decay of Significant Fabric due to chemical incompatibility, obscure existing Significant Fabric or limit access to Significant Fabric for future maintenance.
- e) New materials or finishes **must not** impact Significant Fabric.
- f) New materials or finishes must match the existing fabric as closely as possible in terms of appearance, colour, material and method of fixings.
- g) New materials or finishes must not detract from the item or reduce the ability to interpret the item's significance.
- h) Protective coatings must only be applied to surfaces which have previously had these coatings. Existing finishes (such as oils and waxes for timber) must be used rather than modern alternative protective coatings (which may seal the surface and can cause damage).
- i) Surface patina important to the item's heritage significance must be preserved during maintenance.

ACTIVITY 3: ALTERATIONS FOR REPAIR

Description of activity:

- a) Repair that does not adversely affect the heritage significance of the item.
- b) Replace Significant Fabric (such as missing, damaged or deteriorated fabric that is beyond further maintenance), which matches the existing fabric in appearance, material and method of affixing and does not adversely affect the heritage significance of the item.
- c) Replace non-Significant Fabric or elements in whole with heritage appropriate materials and/or components where it is not appropriate to make good (such as modern flooring, corrugated roofing, plastic gutters and downpipes, modern glazing etc).
- d) Reconstruction of missing heritage elements to match existing original heritage elements (such as doors, windows, lighting etc) based on existing heritage fabric and historical analysis.

Relevant standards:

- e) Repairs must be based on the principle of doing as little as possible and only as much as is necessary to retain and protect the element. Therefore, replacement must only occur as a last resort where a part of an element has decayed beyond further maintenance.
- f) Any new materials used for repair **must not** exacerbate the decay of existing fabric due to chemical incompatibility, obscure existing fabric or limit access to existing fabric for future maintenance.
- g) Repair must maximise protection and retention of fabric and conserve existing detailing (such as vents, capping, chimneys, carvings, decorations or glazing).
- h) Repairs to Significant Fabric must be carried out using conservation materials and methods detailed by a qualified and experienced conservation professional's technical specification.
- i) Where modern materials have been used and need to be replaced, precedence should be given to reinstating with original materials.
- j) Activity must be guided by the assessment and advice of a qualified and experienced heritage professional to ensure that any adverse impact on heritage significance is avoided.
- k) Works must be undertaken in accordance with the Burra Charter.

ACTIVITY 4: PAINTING

Description of activity:

- a) All painting activities.

Relevant standards:

- b) Painting unpainted Significant Fabric such as face brick and sandstone **is not permitted**.
- c) Overpainting **must not** damage earlier historic paint layers.
- d) Overpainting Significant Fabric must use an appropriate colour scheme and paint type, as determined by the heritage significance and character of the item.
- e) Painting of non-Significant Fabric must:
 - i. use a colour sympathetic to the item
 - ii. not detract from the item
 - iii. not reduce the ability to interpret the significance of the item.

- f) Paint removal methodology, surface preparation, paint specifications and colour selection for heritage Significant Fabric, spaces and exteriors must be guided by a qualified and experienced heritage professional.
- g) Where painting activities are likely to remove earlier significant paint layers, an analysis of earlier paint schemes is to be completed. Analysis should be undertaken by a qualified and experienced heritage professional to ensure that any adverse impact on heritage significance is mitigated.
- h) New paint type must be appropriate to the substrate.
- i) Removal of intrusive paint layers from historic fabric must be considered prior to re-painting.
- j) Change of colour scheme is not permitted unless re-establishing historically significant paint schemes researched and selected by a qualified and experienced heritage professional.
- k) Painting which re-establishes a historically significant paint scheme, including the proposed colour scheme, paint type, details of surface preparation and paint removal must not adversely affect the heritage significance of the item.
- l) Where decorative features or elements are uncovered during paint works, these are to be recorded by a qualified and experienced heritage professional and retained and /or interpreted where possible.

ACTIVITY 5: RESTORATION AND RECONSTRUCTION

Description of activity:

- a) Returning Significant Fabric, which has been removed or dislodged, to a known earlier location.
- b) Revealing a known earlier significant configuration, including reassembling existing elements or removing non-significant accretions and/or obstructions.
- c) Replacing decayed fabric with new fabric.

Relevant standards:

- d) The specified activities **must not** introduce new material other than by way of methods for fixings and fastenings (such as mortar, plaster, screws, bolts and the like)
- e) Any new fixings and fastenings must use existing penetrations where possible.
- f) Any new penetrations must be:
 - i. limited in number
 - ii. made through non-Significant Fabric or mortar joints where possible.
- g) Where mortars or plasters are being replaced or restored the composition must match the original mortar /plaster mix as closely as possible, to be compatible with the substrate.
- h) Work to reveal a known earlier configuration must be guided by historical evidence.
- i) Revealing a known earlier configuration must be guided by a Conservation Management Document or written advice prepared by a suitably qualified and experienced heritage professional.
- j) Non-significant accretions and/or obstructions must be identified as non-Significant Fabric in the listing on the SHR or the gazetted IHO, or a Conservation Management Document or in written advice prepared by a suitably qualified and experienced heritage professional, before it can be removed.
- k) New fabric used in reconstruction must match the existing fabric as closely as possible in appearance, material and method of affixing and not adversely affect the heritage significance of the item.

- l) Reconstruction must be based on the principle of doing as little as possible and only as much as is necessary to retain and protect the element. Therefore, reconstruction must only occur as a last resort where a part of an element has decayed beyond further maintenance.
- m) Any new materials used for reconstruction **must not** exacerbate the decay of existing fabric due to chemical incompatibility, obscure existing fabric or limit access to existing fabric for future maintenance.
- n) Work must be carried out by a suitably qualified person with heritage experience.

ACTIVITY 6: ALTERATIONS TO NON-SIGNIFICANT FABRIC AND BUILDINGS

Description of activity:

- a) Alterations and additions to non-Significant Fabric and buildings.
- b) Removal of intrusive and non-Significant Fabric (excluding buildings).

Relevant standards:

- c) Significant Fabric of the item **must not** be impacted, this includes finishes, fixtures and fittings.
- d) Subject to (e) below, any new fabric, constructions or additions **must not** impact the item's setting, views to or from the item and/or impact significant landscape layout, landscape elements, vegetation or access to existing fabric for future maintenance.
- e) Existing Significant Fabric may be temporarily obscured where this has a direct conservation outcome.
- f) Any new fabric must be sympathetic to, but can be distinguished from the appearance, composition, detailing, size, position and finish of existing Significant Fabric.
- g) Intrusive and non-significant elements, fabric and features must be either:
 - i. identified in the listing on the SHR or the gazetted IHO, or a Conservation Management Document as non-significant before it can be altered and/or removed; or
 - ii. constructed since the listing of the item on the SHR or the publication of an IHO in the Gazette, which applies to the land.
- h) Installation of new fabric must be carried out with regard to a Conservation Management Document or written advice prepared by a suitably qualified and experienced heritage professional before installation.
- i) 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.

ACTIVITY 7: MINOR DEVELOPMENT OR ALTERATIONS WITH NO ADVERSE AFFECT

Description of activity:

- a) Development or alterations activities that are of a minor nature and will not adversely affect the heritage significance of an item.

Relevant standards:

- b) When the significance of a heritage item may be adversely affected, work is to be consistent with an assessment and advice of a qualified and experienced heritage professional to ensure the activity will not adversely affect the heritage significance of an item.

ACTIVITY 8: DEVELOPMENT OR ALTERATIONS FOR ESSENTIAL SERVICES INFRASTRUCTURE

Description of activity:

- a) Install, repair, maintain, remove, relocate or replace (with like-for-like) essential services infrastructure for operations such as, but not limited to, mechanical, electrical, hydraulic, plumbing and ventilation. This includes associated works such as cabling, conduits, condensers, units, fans, wiring, generators, fixture and fitting.

Relevant standards:

- b) Any new fabric, constructions, activities or additions **must not** impact the item's setting, views to or from the item and/or impact significant landscape layout, landscape elements, archaeological values, vegetation or access to existing fabric for future maintenance.
- a) Where new fixing points are required in Significant Fabric, penetrations and fixings must be minimised in terms of number and size. New fixing points **must not** impact the heritage significance of the item and must be based on specialist written advice prepared by a suitably qualified and experienced heritage professional.
- c) Essential services infrastructure **must not** unnecessarily obscure Significant Fabric or exacerbate the decay of Significant Fabric or risk the destruction of Significant Fabric due to chemical incompatibility, vibration, percussion or explosive flammability.
- b) Reuse of existing fixing points in Significant Fabric is permitted.
- c) Existing service routes and/or conduits may be removed and made good if no longer required.
- d) Where mortars or plasters are being replaced or restored the composition must match the original mortar /plaster mix as closely as possible, to be compatible with the substrate.
- e) Essential services infrastructure related to Significant Fabric must be discreetly located to reduce negative visual impact while maintaining the need for easy identification and access.

ACTIVITY 9: DEVELOPMENT OR ALTERATIONS FOR TELECOMMUNICATIONS

Description of activity:

- a) Install, repair, maintain, remove, relocate or replace (with like-for-like) telecommunication and other communication infrastructure including but not limited to, Wi-Fi systems, aerials, antennas, associated cabling, conduits and communications cabinets and units.
- b) Upgrade or repair of existing telecommunication towers.

Relevant standards:

- c) Any new fabric, constructions, activities or additions **must not** impact the item's setting, views to or from the item and/or impact significant landscape layout, landscape elements, archaeological values, vegetation or access to existing fabric for future maintenance.
- d) Where new fixing points are required in Significant Fabric, penetrations and fixings must be minimised in terms of number and size. New fixing points **must not** impact the heritage significance of the item and must be based on specialist written advice prepared by a suitably qualified and experienced heritage professional.
- e) Telecommunications infrastructure **must not** unnecessarily obscure Significant Fabric or exacerbate the decay of Significant Fabric or risk the destruction of Significant Fabric due to chemical incompatibility.

- f) Reuse of existing fixing points in Significant Fabric is permitted.
- g) Existing service routes and/or conduits may be removed and made good if no longer required.
- h) Where mortars or plasters are being replaced or restored the composition must match the original mortar /plaster mix as closely as possible, to be compatible with the substrate.
- i) Telecommunications infrastructure related to Significant Fabric must be discreetly located to reduce negative visual impact while maintaining the need for easy identification and access.

ACTIVITY 10: DEVELOPMENT OR ALTERATIONS FOR FIRE AND LIFE SAFETY INFRASTRUCTURE, SECURITY AND ALARM SYSTEMS

Description of activity:

- a) Install, repair, maintain, remove, relocate or replace fire and life safety systems and security detection and alarm systems. This includes but is not limited to smoke detectors, cameras, scanners, sensors, Signage, emergency lighting, illuminate exit lights, duress buttons, surveillance systems, equipment related to public safety such as fire hydrants, hose reels, portable wheelchair ramps and cabinets, fire panels, smoke detectors, sprinkler systems.

Relevant standards:

- b) Any new fabric, constructions, activities or additions **must not** impact the item's setting, views to or from the item and/or impact significant landscape layout, landscape elements, archaeological values, vegetation or access to existing fabric for future maintenance.
- c) Where new fixing points are required in Significant Fabric, penetrations and fixings must be minimised in terms of number and size. New fixing points **must not** impact the heritage significance of the item and must be based on specialist written advice prepared by a suitably qualified and experienced heritage professional.
- d) Works **must not** unnecessarily obscure Significant Fabric or exacerbate the decay of Significant Fabric or risk the destruction of Significant Fabric due to chemical incompatibility.
- e) Reuse of existing fixing points in Significant Fabric is permitted.
- f) Existing service routes and/or conduits may be removed and made good if no longer required.
- g) Where mortars or plasters are being replaced or restored the composition must match the original mortar /plaster mix as closely as possible, to be compatible with the substrate.
- h) Work related to Significant Fabric must be discreetly located to reduce negative visual impact while maintaining the need for easy identification and access.

ACTIVITY 11: ERECTION OF TEMPORARY STRUCTURES

Description of activity:

- a) The construction or installation of temporary structures including but not limited to hoarding, scaffolding, construction amenities, marquees/tents, portable toilets, shipping containers, staff facilities, portacabins.

Relevant standards:

- b) Activities **must not** involve alteration to (including penetrations), damage to, or the removal of, Significant Fabric. This also includes damage that may occur as a result of the use or location of the temporary structure.
- c) The temporary structure(s) **must not** be located where it could impact the item's setting, views to or from the item or impact significant landscape layout, landscape elements, archaeological values, vegetation or access to existing fabric for maintenance.
- d) Temporary structure/ structures may be internal or external to items or buildings.
- e) The temporary structure or structures must not be erected for more than 90 days.
- f) Existing public access to the item must be maintained.

ACTIVITY 12: DAMAGE, DESTROY OR REMOVE ANY TREE OR VEGETATION

Description of activity:

- a) Weeding (including poisoning of weeds), watering, mowing, manual clearing of paths and drains, top-dressing, pest control and fertilizing.
- b) Relocation, alteration, renewal or removal of existing garden beds and pots.
- c) Pruning to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material.
- d) Pruning to improve security or views.
- e) Removal of diseased, dying, dead and/or dangerous trees and/or plant material.
- f) Tree surgery.
- g) Removal of non-significant trees on safety and security grounds.

Relevant standards:

- h) Activities must be carried out with regard to any Conservation Management Document for the item.
- i) Tree pruning and or removal work must be informed by an arboreal assessment and specification.
- j) Activities **must not** alter or impact the significant layout, contours, plant species or other significant landscape elements.
- k) Activities **must not** impact the item's setting, archaeological values or access to Significant Fabric or for maintenance of infrastructure.
- l) Dead, diseased or dying tree or trees which are removed must be replaced in the same location by trees of the same species, or a different species which is sympathetic to the item.
- m) Dead, diseased or dying tree (or trees) which are removed must be replaced in a suitable different location to ensure protection of Significant Fabric. The tree(s) must be replaced by trees of the same species, or a different species which is aesthetically comparable and environmentally appropriate.
- n) Tree(s) which are removed because they are impacting Significant Fabric must be replaced in a nearby location with the same species, or a different species which is aesthetically comparable and environmentally appropriate.
- o) Removal of significant plants that are diseased, dying, dead and/or dangerous trees and/or plant material must be carried out by an arborist and/or suitably qualified and experienced heritage professional.
- p) Removal of diseased, dead, dying or dangerous trees and/or plant material **must not** disturb relics or archaeology (for example through stump grinding or removal of tree boles: in such situations stumps and tree boles should be left in place).

- q) Pruning of significant vegetation can only be carried out for regular ongoing health and maintenance purposes, in a manner and frequency which is suitable to the species.
- r) Tree surgery may only be carried out by a qualified arborist, horticulturist or tree surgeon and must prioritise the health of those plants.
- s) Herbicide **must not** be applied if likely to result in adverse impacts to significant elements and areas of the heritage item (such as ornamental or symbolic plants, remnant native vegetation, structures, exposed relics and moveable items).

ACTIVITY 13: DISPLAY ANY NOTICE OR ADVERTISEMENT

Description of activity:

- a) All Signage works including the installation, repair, maintenance, removal, relocation or replacement of signs.

Relevant standards:

- b) New signs **must not**:
 - i. conceal or involve the removal of Signage which has an integral relationship with the heritage significance of the item.
 - ii. be located and be of a suitable size so as not to obscure or damage Significant Fabric of the item.
 - iii. be able to be later removed without causing damage to the Significant Fabric of the item.
 - iv. conceal or involve the removal of or damage to existing significant signs.
- c) Significant Signage may only be removed temporarily for repairs/restoration.
- d) Replacement non-significant Signage must be designed to match existing Signage stylistically.
- e) Covering up significant Signage is permissible if temporary such as to reflect changed conditions or temporary instructional information. Installation of temporary Signage is limited to the duration of the event/activity.
- f) When installing Signage, careful consideration must be given to fixings, location, size, style, materials and methods of lighting.

ACTIVITY 14: DAMAGE OR ALTERATIONS RESULTING FROM EMERGENCY MANAGEMENT

Description of activity:

- a) Any emergency management and response activities which may require immediate and urgent action.

Relevant standards:

- b) The activities are reasonable and justifiable in the circumstances.
- c) The activities are proportionate to the damage the item has suffered and to the risk of further damage.
- d) The activities must not permanently change or alter the structure such as the configuration of the floor space, or any architectural or landscape features.
- e) The activities if affecting Significant Fabric must be carried out by suitably qualified and experienced heritage professional.
- f) The effects of the activities must be adequately mitigated or remedied.
- g) Repairs involving restoration and or reconstruction must:
 - i. use materials and construction details, equivalent to those used for the Significant Fabric being repaired
 - ii. appear visually equivalent to Significant Fabric being repaired

- iii. repair only what is necessary to maintain the item's or element's Significant Fabric.

ACTIVITY 15: ALTERATION AND DEVELOPMENT OF ITEM REGARDING FENCING AND GATES

Description of activity:

- a) Install, repair, maintain, remove, relocate upgrade or replace:
 - i. security fencing
 - ii. boundary fencing
 - iii. gates.

Relevant standards:

- b) Design, height and material of fencing and gates **must not** adversely impact the significance of the item.
- c) Must not remove existing fencing identified as being of heritage significance in the SHR or in the IHO.
- d) Where significant fences and/or gates have been damaged or are in a state of disrepair, they must be repaired or replaced like-for-like when damaged beyond repair.

ACTIVITY 16: EXCAVATION

Description of activity:

- a) Excavation for the purposes of, but not limited to, drainage works, cable laying and/or erection of posts for signals, lighting, Signage, or excavation for service relocation, geotechnical bore holes, hydraulic and soil testing.

Relevant standards:

- b) Excavation permitted only where there are no known or suspected relics or archaeology and where activities do not adversely impact the significance of any known heritage item.

ACTIVITY 17: CHANGE OF USE

Description of activity:

- a) Change of use of a building or spaces within a building, including temporary and additional uses.

Relevant standards:

- b) Activities must be in accordance with specialist written advice prepared by a suitably qualified and experienced heritage professional.
- c) The new use must not involve impacts to Significant Fabric.
- d) The new use must be consistent with the primary use for which the building was erected or a later significant use. The new use **must not** result in the loss of significant associations with the item by current users.

ACTIVITY 18: MOVE A RELIC OR MOVEABLE OBJECT

Description of activity:

- a) Relocation of Moveable Objects or relics identified in the SHR or IHO.

Relevant standards:

- b) If moveable heritage items are moved permanently this activity must be in accordance with specialist written advice prepared by a suitably qualified and experienced heritage professional.
- c) The priority must always be for moveable heritage items to remain with the item. However, where necessary (such as where an item is being divested) then moveable heritage items must be rehoused in a suitable location, in accordance with written advice prepared by a suitably qualified and experienced heritage professional.
- d) Temporary relocation must only be for the purpose of ensuring the moveable heritage item's security, maintenance or preservation, conservation or exhibition.
- e) The moveable heritage items must be safely stored, transported and adequately protected from damage during any relocation.
- f) If, based on the advice of a suitably qualified and experienced heritage professional, an inventory form (including photos) is required, information about the items and their permanent location must be retained with the moveable heritage items in their relocated space.

3. General Conditions:

Note: These General Conditions apply to **all activities** described in Clause 2 of this Schedule A.

1. This Order applies only to items listed on the SHR or identified in a IHO that are owned, leased, managed or controlled by DCJ.
2. An activity described in clause 2 Schedule A of this Order must be carried out in consultation with the Environment and Department of Communities and Justice, Environment and Heritage Planning Team.
3. This Order does not apply to any activity that, if carried out, will result in damage above the Material Threshold. Activities must be carried out in a way that does not adversely affect the heritage significance of an item.
4. When the significance of a heritage item may be impacted, work is to be guided by the assessment and advice of a qualified and experienced heritage professional to ensure that any adverse impact on heritage significance is avoided.
5. *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities under this Order. These guidelines are available on the Heritage NSW website.
6. The class of persons engaging in or carrying out work in accordance with this order must have knowledge, skills and experience appropriate to the work.
7. This Order does not permit relics or archaeological evidence of State or local significance or any Aboriginal Objects to be damaged, destroyed or removed.
8. If archaeological relics or evidence 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 Act. 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.

9. 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*.
10. DCJ must ensure its contractors are required to comply with this Order and have all necessary approvals as otherwise required.
11. A conservation management plan or document must meet the following conditions:
 - a. It must be prepared by a suitably qualified and experienced heritage professional.
 - b. It must be prepared in accordance with the requirements for a detailed and best practice conservation management plan as outlined in the Heritage Council of NSW document *Statement of best practice for conservation management plans* (2021) and in consultation with the Department of Communities and Justice Environment and Heritage Planning Team.
 - c. It must be consistent with the Heritage Council of NSW documents: *Guidance on developing a conservation management plan* (2021) and *Conservation Management Plan checklist* (2021).
 - d. The Department of Communities and Justice Environment and Heritage Planning Team must confirm that the CMP is consistent with provisions a to c above.
 - e. It must be current and fit for purpose to the satisfaction of the Department of Communities and Justice Environment and Heritage Planning Team.
12. 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*).
13. These exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the National Construction Code for ancillary works.
14. 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.
15. The Department of Communities and Justice Environment and Heritage Planning Team must keep records of any activities carried out under these exemptions.
 - a. This should be undertaken in accordance with the *State Records Act 1998* (and subsidiary Regulation and record management policies) for auditing and compliance purposes by the Heritage Council or Heritage NSW as its delegate.
 - b. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must also be kept.
 - c. Photographs must be made prior to activities associated with an element's Significant Fabric.
 - d. Records must be kept in a current readable electronic file or hard copy for a reasonable time. The Heritage Council or Heritage NSW as its delegate may conduct an audit at any time.
16. Activities that are not subject to this Order, the Standard Exemptions or any Site Specific Exemptions require approval by way of an application under section 60 of the *Heritage Act 1977*.