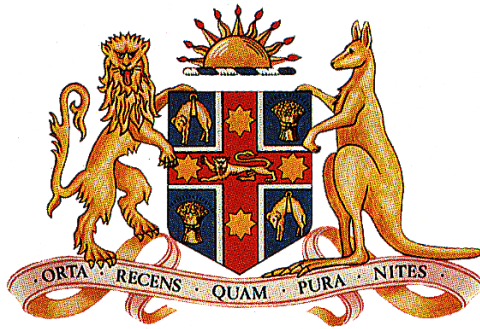




Government Gazette

of the State of

New South Wales

Number 461 - Planning and Heritage

Friday, 07 November 2025

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

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of each page of the notice and can be used as a reference for that notice. For example, [NSWGG-2024-10-1].

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW Government Gazette website (www.gazette.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, visit the website.

ERRATUM

HERITAGE ACT, 1977

The notice published in the NSW Government Gazette No. 92 of 25 August 2017, relating to The Uiver Collection, 553 Kiewa Street, Albury should have read:

HERITAGE ACT 1977

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

The Uiver Collection
553 Kiewa Street, Albury, NSW

SHR No 01995

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 22 August 2017 to direct the listing.

Heritage Council of New South Wales

SCHEDULE “A”

The item known as The Uiver Collection, located at 553 Kiewa Street, Albury.

HERITAGE ACT 1977

ORDER UNDER SECTION 57(2) TO GRANT STANDARD 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*:

1. revoke the order made on 2 June 2022 and published in the Government Gazette Number 262 of 17 June 2022; and
2. grant an exemption from section 57(1) of the Act 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 29th day of October 2025

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 indicates or requires or as otherwise defined in clause 1(c).
- (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	means an Aboriginal Object as defined by section 5 of the <i>National Parks and Wildlife Act 1974</i> .
Adverse Impact	means a negative impact to an item's State heritage significance.
Battery System	means a battery system designed only for the purposes of the storage of photovoltaic

	solar energy generated from a solar energy system. Includes systems up to 20kWh.
Commercial Activities	means any business or professional activity conducted with the aim of generating profit, including the sale of goods or services.
Elements	means parts or characteristics of a heritage item that contribute to the significance of the heritage item/place, including (but not limited to) architectural features, outbuildings, gardens, plantings, fencing, drives, landscaping and natural features.
General Conditions	means the conditions listed under clause 3 of Schedule A of this Order.
Heritage Management Document	means any Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Aboriginal Place Management Plan, Heritage Asset Action Plan, Heritage Assessment, Archaeological Management Plan, Archaeological Zoning Plan, Archaeological Assessment or Historic Landscape Management Plan prepared for SHR items.
IHO	means an 'interim heritage order' as defined under section 4 of the Act.
Minor Repairs	means small, non-structural repairs, maintenance of existing works, buildings or structures that don't require a trade contractor license.
Moveable Object	means a Moveable Object identified on the SHR or gazetted in an IHO that is not a Relic.
National Construction Code	means the primary set of technical design and construction provisions for buildings produced and maintained by the Australian Building Codes Board, on behalf of the Australian Government and each State and Territory government.
Proponent	means the person or organisation who proposes building or development activities at a site or to a heritage item. The proponent is usually the landholder/owner or manager of the site or item.

Relic	means any deposit, artefact, object or material evidence that: a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and b) is of State or local heritage significance.
Ruin	means a building or work that is listed, and identified as a ruin, on the SHR.
SHR	means the State Heritage Register as defined in section 4 of the Act.
Signage	means permanent and temporary internal and external signs that provide operational, wayfinding, site interpretation, instructions, directions, safety, hazard and/or or any other information.
Significant	means an item or parts of an item graded as having exceptional, high, moderate or little significance, according to the <i>Assessing Heritage Significance Guideline 2025</i>.
Significant Fabric	means all the physical material of the 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 IHO, or a Heritage Management Document or written advice prepared by a suitably qualified and experienced heritage professional.
Small Wind Turbine System	means a system comprising one or more small wind turbines each of which feed into the same grid or battery bank. Includes systems up to 10kWh.
Small-scale Solar Energy System	means any of the following systems: a) a photovoltaic electricity generating system up to 10kW used for the primary purpose of generating electricity for a land use carried out on the land on which the system is

- located, or carried out by the owner of the system on adjoining land
- b) a solar hot water system
- c) a solar air heating system.

Sympathetic

means activities/new fabric that is compatible with the setting, character and context of a heritage item.

Standard Exemptions

means the order for standard exemptions from approval made under section 57(2) of the Act and published in the NSW Government Gazette.

Telecommunications Facility

means any part of the infrastructure of a telecommunications network including:

- a) any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole, or other structure in connection with a telecommunications network
- b) any other thing used in or in connection with a telecommunications network.

Temporary Structure

means any structure not intended for long-term use and installed for a limited time to serve a specific purpose. These structures can include tents, marquees, stages, stalls, hoardings, and scaffolding.

Utility and Services Infrastructure

means infrastructure associated with essential utilities and services including fuel pipelines, water, electricity, gas, sewerage and communication.

Vegetation

means all native and non-native trees, shrubs, scrub, understorey plants, groundcover and plants. In some circumstances the definition of vegetation extends to dead plants.

2. Class of activities and relevant standards

ACTIVITY 1: MAINTENANCE AND CLEANING

Description of activity:

- a) The maintenance of an item to retain its condition or operation.
- b) Application of protection coatings such as limewash, polish, oils and waxes to an item.
- c) Cleaning to remove surface deposits, organic growths or graffiti from an item.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- e) The specified activities must not alter, damage, or remove Significant Fabric.
- f) New materials or finishes may only be introduced to non-Significant Fabric where this does not impact the significance of the item, uses a colour Sympathetic to the item, does not detract from the item and does not reduce the ability to appreciate the item.
- g) Protective coatings may only be applied to surfaces which have previously had these coatings. Existing finishes such as oils and waxes for timber must continue to be used rather than modern alternative protective coatings.
- h) Surface patina important to the item's heritage significance must be preserved during maintenance and cleaning.
- i) Cleaning of Significant Fabric with water must only use low-pressure water and neutral detergents appropriate to the surface being cleaned. Water pressure must not exceed 500 kPa (72 psi) or other pressure suitable to the fabric or surface in accordance with written advice prepared by a suitably qualified and experienced heritage professional.

ACTIVITY 2: REPAIR AND REPLACEMENT OF NON-SIGNIFICANT FABRIC

Description of activity:

- a) Repair (such as refixing and patching) of damaged or deteriorated non-Significant Fabric of an item.
- b) Replacement of missing, damaged or deteriorated non-Significant Fabric of an item.

Relevant standards:

- c) The specified activities must be carried out in accordance with the General Conditions.
- d) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- e) Only missing, damaged or deteriorated non-Significant Fabric that is beyond further repair or maintenance may be replaced.
- f) Any new materials or processes 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.

ACTIVITY 3: REPAIR AND REPLACEMENT OF SIGNIFICANT FABRIC

Description of activity:

- a) Minor Repair (such as refixing and patching) of damaged or deteriorated Significant Fabric of an item that is beyond further maintenance.
- b) Replacement of missing, damaged or deteriorated Significant Fabric of an item that is beyond repair.
- c) Works directly associated with minor repair and replacement of Significant Fabric of an item.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- 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 item. Therefore, replacement must only occur as a last resort where a part of an item has decayed beyond further maintenance.
- f) Any new fabric must be Sympathetic to the appearance, composition, detailing, size, position and finish of existing fabric.
- g) Repair must maximise protection and retention of Significant Fabric and conserve existing detailing.
- h) Any new materials used for repair must not exacerbate the decay of surrounding Significant Fabric due to chemical incompatibility, obscure existing Significant Fabric or limit access to existing Significant Fabric for future maintenance.
- i) The specified activities are to be consistent with an assessment and the advice of a qualified and experienced heritage professional.

ACTIVITY 4: ALTERATIONS TO NON-SIGNIFICANT FABRIC

Description of activity:

- a) The introduction of new fabric and/or the removal of non-Significant Fabric to an item including exteriors but not including demolition or construction of whole buildings or structures.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- d) Significant finishes, surfaces (including flooring) and fixtures must not be impacted.
- e) Any new fabric must be Sympathetic to but can be distinguished from the appearance, composition, detailing, size, position and finish of existing fabric.
- f) Non-Significant fabric must be identified as non-Significant Fabric in the listing on the SHR, in an IHO, in a Heritage Management Document or identified as non-Significant Fabric in written advice prepared by a suitably qualified and experienced heritage professional before it can be removed.
- g) Installation of new fabric must be in accordance with the policies of a Heritage Management Document or with written advice prepared by a suitably qualified and experienced heritage professional before installation.
- h) Any new penetrations, fixings and/or fastenings must:
 - i. be limited in number

- ii. use existing penetrations and/or mortar joints where possible
 - iii. not damage surrounding Significant Fabric
 - iv. be made through non-Significant Fabric or mortar joints only.
- 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 5: ALTERATION TO INTERIORS OF NON-SIGNIFICANT BUILDINGS

Description of activity:

- a) Alteration to the interior of a non-Significant building, including the removal of non-Significant Fabric.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- d) The specified activity must not involve construction of extensions or additions where these may Adversely Impact the item's setting or obscure existing Significant Fabric and/or views to or from the item.
- e) Non-Significant buildings must be either:
 - i. buildings identified as non-Significant in the listing on the SHR, in an IHO or in a Heritage Management Document or identified as non-Significant building in written advice prepared by a suitably qualified and experienced heritage professional, and/or
 - ii. buildings constructed since the listing of the item on the SHR or the publication of an IHO in the Gazette, which applies to the land.

ACTIVITY 6: REPAIR OR REPLACEMENT OF EXISTING NON-SIGNIFICANT UTILITY AND SERVICES INFRASTRUCTURE

Description of activity:

- a) Repair, replacement or removal of existing non-Significant utility and services infrastructure on or in an item, such as cabling, ducts, plumbing and wiring (excluding Telecommunications Facilities, water, wastewater and stormwater infrastructure and fire safety, suppression and detection and security systems).
- b) Activities necessary to upgrade or replace existing non-Significant lighting fixtures and fittings within buildings/structures and or/affixed to buildings/ structures.

Relevant standards:

- c) The specified activities must be carried out in accordance with the General Conditions.
- d) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- e) Any excavation must comply with the relevant standards for Activity 9: Excavation.
- f) Any new hardware must not be attached to the primary or Significant façade(s) and must be discreetly located to reduce adverse visual impact.
- g) Replacement fabric must appear the same, be Sympathetic to the item's fabric and unobtrusive.

- h) The specified activities must use existing service routes, cavities or voids or replace existing surface mounted services.
- i) Any new fabric must not obscure Significant Fabric or limit access to Significant Fabric for future maintenance.
- j) 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.
- k) Replacement surface mounted services must be the same or less intrusive than the surface mounted services they replace.
- l) Existing service routes and/or conduits may be deleted and fabric made good if the installation can be streamlined into one existing service route, cavity or void.

ACTIVITY 7: NON-SIGNIFICANT TELECOMMUNICATIONS FACILITIES AND WATER, WASTEWATER AND STORMWATER INFRASTRUCTURE

Description of activity:

- a) Upgrade existing non-Significant Telecommunications Facilities or water, wastewater and stormwater infrastructure.
- b) Removal of non-Significant Telecommunications Facilities or water, wastewater and stormwater infrastructure.
- c) Installation of non-Significant Telecommunications-Facilities (excluding towers and dishes) or water, wastewater and stormwater infrastructure.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- e) The specified activities must not involve alteration to, removal of or damage to Significant Fabric, other than reuse of existing fixing points.
- f) Any excavation must comply with the relevant standards for the Activity 9: Excavation.
- g) Any new hardware must not be attached to the primary or Significant façade(s) and must be discreetly located to reduce adverse visual impact.
- h) Any new fabric must not obscure Significant Fabric or limit access to Significant Fabric for future maintenance.
- i) Existing service routes and/or conduits may be deleted if the installation can be streamlined into one existing service route, cavity or void.
- j) The specified activities must not result in:
 - i. an increase in height of any existing infrastructure
 - ii. more than a 20% increase in the size of any existing infrastructure.
- k) New elements must be able to be later removed without damage to the Significant Fabric of the item.

ACTIVITY 8: FIRE SAFETY, SUPPRESSION AND DETECTION AND SECURITY SYSTEMS

Description of activity:

- a) Upgrade to, or installation of:
 - i. fire safety detection and alarm systems
 - ii. fire suppression systems including sprinklers, booster assemblies, permitter ring mains, fire service connections, hydrants and hose reels
 - iii. security systems (including cameras, locks and alarms).

- b) Removal of non-Significant infrastructure associated with previously installed systems specified in a) i) to iii).
- c) Works in accordance with fire orders issued by a local council, the National Construction Code, the *Environmental Planning and Assessment Act 1979* and subsidiary regulations.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- e) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- f) The specified activities must not:
 - i. unnecessarily obscure Significant Fabric
 - ii. limit access to Significant Fabric for future maintenance
 - iii. exacerbate the decay of Significant Fabric
 - iv. risk the destruction of Significant Fabric due to chemical incompatibility.
- g) Elements must be:
 - i. not attached to primary façade(s)
 - ii. grouped with existing services and/or existing service routes, cavities or voids where possible
 - iii. consolidated with existing conduits where possible
 - iv. discreetly located to reduce adverse visual impact while maintaining the need for easy identification and access.
- h) Elements must be able to be later removed without damage to the Significant Fabric of the item.

ACTIVITY 9: EXCAVATION

Description of activity:

- a) Excavation or disturbance of land that is:
 - i. for the purpose of locating and/or exposing underground utility services infrastructure which occurs within an existing service trench
 - ii. to carry out inspections or emergency maintenance or repair on underground utility services
 - iii. to maintain, repair, or replace underground utility services to buildings
 - iv. to maintain or repair the foundations of an existing building
 - v. to expose survey marks
 - vi. associated with feral animal/insect eradication
 - vii. for other activities exempt by this Order.
- b) Removing contaminated soils.
- c) Excavation for the purposes of geotechnical testing, contamination testing, survey and exploration including:
 - i. bore holes up to 100mm in width
 - ii. hydraulic and soil testing up to 100mm in width.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- e) The specified activities must not involve ground disturbance or excavation which may expose, move, damage or destroy known or Relics, Ruins and/or Aboriginal Objects.
- f) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric.

- g) Excavation must not compromise the structural integrity of any Significant item or Significant part of an item.
- h) The specified activities must be made good e.g. filled in and restored to original ground level.

ACTIVITY 10: PAINTING

Description of activity:

- a) Paint removal, surface preparation and repainting of the already painted fabric of an item.
- b) Painting non-Significant Fabric.
- c) Paint scrapes to inform decisions about repainting or to find evidence of original or earlier colour schemes.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- e) The specified activities must not involve the disturbance or removal of earlier paint layers other than those which have failed by chalking, flaking, peeling or blistering.
- f) When applying new painted finishes to existing painted Significant Fabric, activities must involve application of an isolating layer, to protect Significant earlier layers and provide a stable basis for repainting.
- g) Painting Significant Fabric must use:
 - i. the same colour scheme as an earlier or existing scheme, where that earlier colour scheme is Sympathetic to the heritage significance of the item
 - ii. a colour scheme developed as part of a Heritage Management Document, where that scheme has been developed by a suitably qualified and experienced specialist.
- h) For removal of earlier failed paint layers, the paint removal method/s used must be verified by a suitably qualified and experienced professional to not affect Significant Fabric. Paint removal must be immediately followed by recoating using the same colour scheme to protect the exposed surface unless otherwise advised by a suitably qualified and experienced professional to aid in treatment for salts and/or rising damp issues.
- i) New paint must be appropriate to the substrate.
- j) Painting must not endanger the survival of earlier paint layers.
- k) 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 appreciate the item.
- l) Paint scrapes must be inconspicuous and made by a professional experienced in the technique.

ACTIVITY 11: RESTORATION OF SIGNIFICANT FABRIC

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) Repointing of deteriorated brick or stone wall mortar using traditional lime/sand mortar.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- e) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- f) The specified activities must not introduce new material other than mortar, fixings and fastenings.
- g) Any new fixings and fastenings must use existing penetrations where possible.
- h) Any new penetrations must be:
 - i. limited in number; and
 - ii. made through non-Significant Fabric or mortar joints only.
- i) Any new fabric must not exacerbate the decay of, or risk the destruction of, existing Significant Fabric due to chemical incompatibility, vibration, percussion or explosive flammability.
- j) Activities to reveal a known earlier configuration must be guided by historical evidence for the earlier configuration of that item.
- k) Revealing a known earlier configuration must be in accordance with the policies of a Heritage Management Document or written advice prepared by a suitably qualified and experienced heritage professional.
- l) Non-Significant accretions and/or obstructions must be identified as non-Significant Fabric in the listing on the SHR, in an IHO, in a Heritage Management Document or written advice prepared by a suitably qualified and experienced heritage professional, before it can be removed.
- m) The specified activities must be carried out by a suitably qualified person with heritage experience.

ACTIVITY 12: STRATA SUBDIVISION OF BUILDINGS**Description of activity:**

- a) Subdivision under the *Strata Schemes Development Act 2015* of the interior of a Non-Significant building which has been constructed since the listing of the item on the SHR or the publication of an IHO in the NSW Government Gazette.
- b) Subdivision under the *Strata Schemes Development Act 2015* of the exterior of a building for car spaces.

Note: Subdivision has the same meaning as section 7 of the *Strata Scheme Development Act 2015*.

Relevant standards:

- c) The specified activities must be carried out in accordance with the General Conditions.
- d) Non-Significant buildings must be identified as non-Significant in the listing on the SHR, in an IHO, in a Heritage Management Document or written advice prepared by a suitably qualified and experienced heritage professional.
- e) Subdivision must not subdivide the curtilage or site of the building other than for car spaces in an existing area identified for carparking.
- f) Subdivision must not involve alterations to the external appearance of the building other than that permitted by other exemptions under the Act.

ACTIVITY 13: TEMPORARY EVENTS AND STRUCTURES**Description of activity:**

- a) The construction or installation of a temporary structure or structures (including mobile outlets and vehicles).
- b) Temporary event activities.

Relevant standards:

- c) The specified activities must be carried out in accordance with the General Conditions.
- d) The specified activities must not involve alteration to damage to, or the removal of, Significant Fabric (including penetrations).
- e) Any excavation must comply with the relevant standards for Activity 9: Excavation.
- f) The specified activities may be internal or external to items or buildings.
- g) The specified activities must not be located (other than temporary structures for the purposes of carrying out conservation work e.g. scaffolding) where it could:
 - i. Adversely Impact the Significance of the item including landscape values
 - ii. obstruct Significant views to and from the item or
 - iii. reduce the ability to appreciate or interpret the item.
- h) Existing levels of public access to the item must be maintained and not restricted.
- i) The activity must not be carried out for more than 90 consecutive calendar days (inclusive of set-up, pack-down and removal).
- j) No further temporary structures may be erected or events undertaken again on the site, under this exemption within a period of 28 calendar days.

ACTIVITY 14: VEGETATION, INVASIVE SPECIES MANAGEMENT AND BUSH REGENERATION

Description of activity:

- a) Management of invasive plants and animal species including:
 - i. control and removal of invasive plant species including watering, mowing, manual clearing of paths and drains, top-dressing and fertilizing
 - ii. installation of monitoring devices relevant to test for pest plant and animal activity
 - iii. all activities in internal/interior spaces associated with pest control (such as white ants/termites) including replacement of affected timber.
- b) Chemical spraying and baiting chemical spraying accordance with the *Pesticides Act 1999*.
- c) New planting of species Sympathetic to the item.
- d) Pruning to control size, improve shape, condition, flowering or fruiting.
- e) Removal of non-Significant diseased, dying, dead and/or dangerous vegetation.
- f) Tree surgery.
- g) Bush regeneration activities including:
 - i. temporary silt fencing
 - ii. planting of native species that are part of the ecological community that currently exists (or previously existed) at the site
 - iii. rubbish removal.

Relevant standards:

- h) The specified activities must be carried out in accordance with the General Conditions.
- i) The specified activities must not involve alternation to, damage to or removal of Significant Fabric or Significant Vegetation, except in accordance with Activity 3.
- j) Stumps and tree boles should be left in place in areas that may contain Relics, Ruins and/or Aboriginal Objects.

- k) Pruning of Significant Vegetation must not exceed 30% of the tree canopy within a period of two years.
- l) Tree surgery may only be performed by a qualified arborist, horticulturist or tree surgeon and must be necessary for the health of those plants.
- m) Selective herbicide should be used when poisoning weeds. Herbicide should be applied using:
 - i. spot application around Significant Elements of the heritage item (e.g. ornamental or symbolic plants, remnant native Vegetation, structures, exposed Relics and moveable items) to avoid adverse impacts to these
 - ii. spraying in non-Significant areas of the heritage item.

ACTIVITY 15: BURIAL SITES AND CEMETERIES

Description of activity:

- a) Creation of a new grave or interment of ashes or continued use of existing family vaults.
- b) Erection of monuments or grave markers (excluding above-ground chambers, columbaria or vaults).
- c) Traditional maintenance activities in accordance with Standard Exemptions for maintenance, repairs and cleaning including:
 - i. re-blackening, re-leading or re-gilding of existing inscriptions; or
 - ii. re-application of traditional coatings such as limewash where these were
 - iii. previously applied.
- d) Addition of memorial inscriptions or attachment of memorial plaques to existing monuments or grave furniture (includes grave markers, grave kerbing or grave surrounds).
- e) Excavation or disturbance of land for carrying out conservation or repair of monuments or grave markers.

Relevant standards:

- f) The specified activities must be carried out in accordance with the General Conditions.
- g) Existing Significant Fabric must not be disturbed or removed as part of creation of a new grave or interment or use of existing family vault.
- h) New monuments or grave markers must be in keeping with and not conflict with the existing character of the item, including materials, size, colour and form; however, new monuments and grave markers should be distinguishable on close inspection from the existing monuments and markers.
- i) Additional inscriptions or plaques must be in keeping with the existing size, materials, form, colour and lettering of the original monument.
- j) Additional inscriptions or plaques must not overshadow or obscure the original monument.
- k) Relettering of existing inscriptions must:
 - i. be carried out to maintain appearance and legibility.
 - ii. be carried out using traditional methods and materials which are the same as the existing lettering on the monument or grave marker
 - iii. not involve re-cutting of existing inscriptions.
- l) Conservation, repair or relettering of monuments or grave markers must be directed, supervised and carried out by a suitably qualified and experienced heritage professional.
- m) There must be no disturbance to human remains, Relics in the form of grave goods, associated landscape features or Aboriginal Objects.

ACTIVITY 16: SIGNAGE

Description of activity:

- a) The installation of temporary Signage located behind or on the glass surface of a commercial tenancy window.
- b) The installation of temporary real estate Signage notifying of an auction, sale or letting.
- c) Removal, repairs or replacement of modern non-Significant Signage.
- d) The installation of new Signage for the sole purpose of providing information to assist in the interpretation of the item's heritage significance or to navigate the item.
- e) The installation of new temporary Signage for the sole purpose of providing information about safety or hazards.
- f) The relocation of Signage.

Relevant standards:

- g) The specified activities must be carried out in accordance with the General Conditions.
- h) The specified activities must not affix to, obscure or involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- i) Signage must not be internally illuminated or flashing.
- j) Temporary commercial tenancy window signs must be removed within 60 calendar days of erection and temporary real estate signs must be removed within 14 calendar days after the auction, sale or letting.
- k) Signage must not conceal or involve the removal of or damage to Significant pre-existing signs.
- l) Replacement Signage must not exceed the size of the original sign area and must be in the same location.
- m) Installation of new Signage must:
 - i. not be in the form of a mural or artwork
 - ii. be able to be later removed without causing damage to the Significant Fabric
 - iii. not be of a cantilever structure, or over 2 square metres in size
 - iv. not be commercial in any way unless in the form of a freestanding flag or banner associated with a building used for a purpose which requires such promotion, for example a theatre, gallery or museum.
- n) Any excavation must comply with the relevant standards for Activity 9: Excavation.

ACTIVITY 17: FILMING

Description of activity:

- a) The use of an item as a set or backdrop for filming in a manner that may result in the temporary movement and/or alteration of an item.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified use of the item as a set or backdrop for filming is permitted for up to 90 calendar days in a calendar year.
- d) The specified activities must be temporary and reversible. Elements must be able to be later removed without damage to the Significant Fabric of the item.
- e) No painting or special effects are to be physically applied to Significant Fabric.
- f) Significant fabric must be protected from damage by using bumpers, gaskets and/or matting.

- g) The specified activity must not involve penetrations to, alteration to, damage to, or the removal of, Significant Fabric other than temporary clamping or bracing.
- h) The item must not be moved except as permitted by Activity 18: Temporary Relocation of Moveable Objects.

ACTIVITY 18: TEMPORARY RELOCATION OF MOVEABLE OBJECTS

Description of activity:

- a) The temporary relocation of Moveable Objects, including contents, fixtures and objects.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The item must be identified as a Moveable Object on the SHR or in an IHO.
- d) Relocation of Moveable Objects must only be for the purpose of ensuring security, maintenance or preservation, conservation or exhibition.
- e) Moveable Objects must be returned to their location within 180 calendar days of their relocation (inclusive of packing, moving and transit time).
- f) Maintenance, preservation or conservation activities/ works are not permitted under this exemption. These activities may be covered under other exemptions or may require approval.
- g) Moveable Objects must be safely stored and adequately protected from damage during any temporary relocation.
- h) An inventory (including photos) and information about the Moveable Objects and their permanent location must be retained with the Moveable Objects in their temporary space.

ACTIVITY 19: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

Description of activity:

- a) Specified actions required for the purposes of compliance with minimum standards set out in:
 - i. Part 3 of the Heritage Regulation 2012
 - ii. An Order under section 120 of the Act
 - iii. An Order under Schedule 5 Part 1 or Part 2 of the *Environmental Planning and Assessment Act 1979* which is consistent with a submission by the Heritage Council under Schedule 5 Part 4 Clause 3 (Orders affecting heritage items) of that Act.

Note: Part 3 of the Heritage Regulation 2012 outlines the minimum standards to be achieved for the maintenance and repair of State Heritage Register listed items.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) Activities required by an order under the *Environmental Planning and Assessment Act 1979* must be consistent with a submission by the Heritage Council under Schedule 5 Part 4 Clause 3 of that Act.

ACTIVITY 20: SITE SAFETY AND SECURITY

Description of activity:

- a) The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access, or to secure public safety.
- b) Emergency stabilisation activities (including props or temporary structures) necessary to secure safety where a structure or landscape feature (such as a tree) has been irreparably damaged or destabilised and poses a safety risk to its users or the public.
- c) Installing and operating temporary equipment and/or material to prevent water ingress from a weather event.

Relevant standards:

- d) The specified activities must be carried out in accordance with the General Conditions.
- e) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- f) Any temporary security fencing, scaffolding, hoardings or surveillance systems must not be erected for more than 180 calendar days (inclusive of setup and pack down).
- g) No further temporary fencing, scaffolding, hoardings or surveillance may be erected again on the site, under this exemption within a period of 365 calendar days.
- h) The specified activities must not permanently change or alter the structure such as the configuration of the floor space, or any architectural or landscape features.
- i) Any new penetrations must be:
 - i. limited in number
 - ii. made through non-Significant Fabric or mortar joints only.
- j) The specified activities must not result in an increase in the floor space of any building or structure.
- k) Installation and operation of any temporary equipment or material specified in c) of the specified activities, must be to minimise damage to Significant Fabric.

ACTIVITY 21: EMERGENCY SITUATIONS AND LIFESAVING

Description of activity:

- a) Any activities that would be in contravention of subsection 57(1) of the Act that is solely for the purpose of:
 - i. saving or protecting human life under imminent threat in an emergency
 - ii. securing the safety of a ship endangered by stress of weather or navigational hazards
 - iii. securing the safety of an item endangered by stress of weather or weather-related hazards
 - iv. dealing with an emergency involving serious threat to the environment
 - v. preventing imminent serious damage to property or any heritage item in an emergency (such as extreme weather, wind, bushfire and/or flood).

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified activities must be immediately necessary for the identified purposes.
- d) The specified activities were reasonable and justifiable in the circumstances.

- e) The specified activities were proportionate to the damage the item has suffered and to the risk of further damage. The effects of the activities/ works must be adequately mitigated or remedied.

Note: Incidents likely to cause serious damage and require actions necessary to save or protect life could include: an uncontrolled escape, spillage or leakage of a substance, an uncontrolled implosion, explosion or fire, an uncontrolled escape of gas or steam, an uncontrolled escape of a pressurised substance, exposed live electrical parts, fall or release from a height of any plant, substance or thing, the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be designed or registered (for example a collapsing crane), the collapse or partial collapse of a structure, the collapse or failure of an excavation or of any shoring supporting an excavation, the inrush of water, mud or gas.

ACTIVITY 22: ADDITIONAL OR TEMPORARY CHANGE OF USE

Description of activity:

- a) An additional or temporary use, or change of use, of land on which an item is situated or of a building or work.

Relevant standards:

- b) The specified activity must be carried out in accordance with the General Conditions.
- c) The specified activity must not involve the carrying out of activities other than that permitted by other exemptions under this Order or the Act.
- d) The specified activity must not involve the cessation of the primary use for which the item was erected, a later Significant use, or the loss of Significant associations with the item by current users.
- e) The specified activity must not involve a temporary use for more than 90 consecutive calendar days (inclusive of set-up, pack-down and removal).

ACTIVITY 23: ENERGY SAVING AND SUSTAINABLE TECHNOLOGIES

Description of activity:

- a) Installation of energy saving and sustainable technologies such as insulation, draught proofing, Small-Scale Solar Energy Systems, Battery Systems, Small Wind Turbine Systems except for:
 - i. SHR items that have outstanding universal value (cultural and/or natural heritage) and are listed on the UNESCO World Heritage List
 - ii. SHR items that are listed on the National Heritage List or Commonwealth Heritage List
 - iii. fixings that impact slate or timber shingled roofs.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified activities must be carried out in accordance with advice from a qualified and experienced heritage professional.
- d) For ground-mounted Solar Energy Systems, the total area occupied by the system (together with any other ground-mounted Solar Energy Systems on the lot concerned) must not exceed 150m².
- e) The specified activities must not involve the removal of Significant Fabric but may involve new penetrations, fixings and/or fastenings.
- f) Any new penetrations, fixings and/or fastenings must:
 - i. be limited in number

- ii. use existing penetrations and/or mortar joints where possible
 - iii. not damage surrounding Significant Fabric.
- g) The specified activities must not limit access to Significant Fabric for future maintenance.
- h) Any new elements must:
 - i. minimise impact to Significant Fabric
 - ii. not exacerbate the decay of Significant Fabric
 - iii. avoid impact to surrounding Significant Fabric
 - iv. not be attached to primary/street facing façade(s), including corner sites and front-facing hipped roofs.
 - v. avoid impact to roof elements such as chimneys, ventilators and parapets
 - vi. have minimal visual impact
 - vii. be grouped with existing services and conduits where possible.
- i) Any new elements must be able to be later removed without damage to surrounding Significant Fabric of the item.

Note: When Proponents are undertaking this activity, they should consider any relevant practice notes and guidelines available on the Heritage NSW website.

ACTIVITY 24: ACCESSIBILITY MEASURES

Description of activity:

- a) Installation of access measures in accordance with the *Disability Discrimination Act 1992* (Cth), Disability (Access to Premises – Buildings) Standards 2010 (Cth) and National Construction Code including:
 - i. access ramps
 - ii. upgrades to existing non-Significant bathroom fit outs and layouts with accessible facilities
 - iii. lifts.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified activities must be carried out in accordance with advice from a qualified and experienced heritage professional.
- d) The specified activities must not involve the removal of Significant Fabric but may involve new penetrations, fixings and/or fastenings.
- e) Any new penetrations, fixings and/or fastenings must:
 - i. be limited in number
 - ii. use existing penetrations and/or mortar joints where possible
 - iii. not damage surrounding Significant Fabric.
- f) The specified activity must not limit access to Significant Fabric for future maintenance.
- g) The specified activity must:
 - i. minimise impact to Significant Fabric
 - ii. not exacerbate the decay of Significant Fabric
 - iii. avoid impact to surrounding Significant Fabric
 - viii. not be attached to primary/street facing façade(s)
 - iv. have minimal visual impact.
- h) Any new elements must be able to be later removed without damage to surrounding Significant Fabric of the item.

Note: When Proponents are undertaking this activity, they should consider any relevant practice notes and guidelines available on the Heritage NSW website.

ACTIVITY 25: ABORIGINAL CULTURAL PRACTICES

Description of activity:

- a) Aboriginal cultural practices by Aboriginal people and the sharing of these practices with others including:
 - i. Aboriginal people (including any dependants, whether Aboriginal or not) carrying out cultural activities (except Commercial Activities)
 - ii. Activities carried out in accordance with the *National Parks and Wildlife Act 1974*.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric.
- d) The specified activity must not prevent access to existing Significant Fabric for future maintenance.

ACTIVITY 26: AGRICULTURAL OPERATIONS

Description of activity:

- a) The installation, repair, renewal, replacement or removal of minor non-Significant agricultural infrastructure including:
 - i. fencing
 - ii. gates
 - iii. stock yards
 - iv. stock grids.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.
- c) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric other than the reuse of existing fixing points.
- d) The specified activity must not prevent access to existing Significant Fabric for maintenance.
- e) The specified activity must not prevent the interpretation of Significant fencing alignments.

ACTIVITY 27: BUSHFIRE MANAGEMENT

Description of activity:

- a) Bushfire hazard reduction activities to reduce bushfire vulnerability, maintain defensible space and protect existing components of the item including:
 - i. controlled burning
 - ii. removal of vegetation in accordance with the *Rural Fires Act 1997* (NSW) and Rural Boundary Clearing Code 2021
 - iii. other activities relating to hazard reduction.

Relevant standards:

- b) The specified activities must be carried out in accordance with the General Conditions.

- c) The specified activities must not involve alteration to, damage to, or the removal of, Significant Fabric, including Vegetation.

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 subject to an IHO and to the owner of such item, or any person with the consent in writing of that owner, or if the item is situated on Crown Land, as defined in the *Crown Land Management Act 2016*, the lawful occupier.
2. This Order does not apply to underwater items or parts of an item that are underwater.
3. This Order does not permit moderate or major Adverse Impacts to the listed heritage values or significance of items on the SHR, or subject to an IHO, including but not limited to Significant views to or from an item.
4. This Order does not permit activities that reduce the ability to interpret the Significance of an item.
5. This Order does not permit Relics or any Aboriginal Objects to be damaged, destroyed or removed.
6. This Order does not permit the removal of any Significant Fabric, other than in accordance with Activity 3 of this Order and the advice of a suitably qualified and experienced professional person.
7. The Proponent is responsible for ensuring that any activities undertaken by them meet the activity description and the relevant standards set out in clause 2 of this Order and these General Conditions.
8. 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._
9. Activities or work undertaken pursuant to this Order must not contravene the National Construction Code.

Notes:

1. 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 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.
2. If any Aboriginal Objects are discovered, excavation or disturbance must cease, and the discovery must be reported in accordance with section 89A of the *National Parks and Wildlife Act 1974*.
3. Activities should be carried out in accordance with any relevant practice notes and guidelines available on the Heritage NSW website.

4. This Order is not an authorisation, approval or exemption for the activities or works under any other legislation or 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*).
5. Proponents should keep records of any activities for auditing and compliance purposes by the Heritage Council. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice should be kept. Records should be kept in a current readable electronic file or hard copy for at least 7 years.

Notice of listing Heritage Hotel SHR 02119 on the State Heritage Register 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 4 November 2025 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 the Heritage Hotel, situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land known as Lot 3 DP800990 and part of the road reserve at Cudgery and Hickory Streets where the balcony overhangs the footpath, County of Bligh, County of Fitzroy shown on the plan catalogued HC 3351 in the office of the Heritage Council of New South Wales.

Exemption Order for the Heritage Hotel listing on the State Heritage Register (SHR 02119) under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of NSW dated 2 September 2025, 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 4 day of November 2025.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item known as Heritage Hotel SHR 02119, situated on the land described in Schedule B.

SCHEDULE B

The item known as Heritage Hotel SHR 02119, located as identified on the plan catalogued Heritage Council Plan 3351 in the office of the Heritage Council of NSW.

SCHEDULE C

GENERAL CONDITIONS

These general conditions apply to the use of all the site specific exemptions:

- a) If a conservation management plan (CMP) is prepared for the item, it must meet the following conditions:
 - i. It must be prepared by a suitably qualified and experienced heritage professional.
 - ii. It must be prepared in accordance with the requirements for a detailed and best practice CMP as outlined in the Heritage Council of NSW document *Statement of best practice for conservation management plans* (2021) or any subsequent document prepared to replace or supplement this document.
 - iii. 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) or any subsequent document prepared to replace or supplement this document.
- b) Anything done under the site specific exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some site specific exemptions require suitably qualified and experienced professional advice/ work).
- c) The site specific 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 must be 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*.
- d) Activities/ works that do not fit within the exemptions described in this document or the 'standard exemptions' for items listed on the State Heritage Register made under section 57(2) of the *Heritage Act 1977* and published in the NSW Government Gazette would require approval under the *Heritage Act 1977*. It is an offence to do any of the things listed in section 57(1) of the *Heritage Act 1977* without a valid exemption or approval.
- e) The site specific exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/works fall within the site specific exemptions.
- f) The proponent is responsible for ensuring that any activities/ works undertaken by them, or with their landowners consent, meet all the required conditions and have all necessary approvals.
- g) 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.

- h) The site specific 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*), or construction codes.
- i) The site specific exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the National Construction Code for ancillary works. Activities or work undertaken pursuant to a site specific exemption must not, if it relates to an existing building, cause the building to contravene the National Construction Code.
- j) 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.
- k) Where relevant *The Heritage Manual* (1996, Heritage Office and Department of Urban Affairs and Planning) and *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines, or any subsequent documents prepared to replace or supplement these documents, must be complied with when undertaking any activities/ works on an item.

EXEMPTION 1: ROAD RESERVE (PEDESTRIAN FOOTPATH)

Specified activities/ works:

- a) All works and activities associated with the maintenance of the road reserve and pedestrian footpath located beneath, and in the vicinity of, the balcony at Hickory and Cudgery Streets, including:
 - i. maintenance or replacement of pavers
 - ii. installation, maintenance and repair of pedestrian signage and plaques
 - iii. maintenance and repair of the pedestrian footpath
 - iv. maintenance and repair of the public roadway.
- b) Installation, repair or replacement of waste bins and street furniture (including placement and use of street and outdoor dining and associated A frame signage) on the pedestrian footpath.
- c) Temporary works, not exceeding 12 months, including containment areas, deck support or inspection systems, scaffolding and enclosures necessary for the carrying out of maintenance or upgrade works.
- d) Temporary works, not exceeding 3 months, including marquees/tents, performance stages, staging equipment or 'pop up' special events where there is no impact to significant fabric of the hotel.
- e) Excavation or disturbance of the pedestrian footpath to install, maintain, repair or replace underground utility services. Excavation must not compromise the structural integrity of the item, including the existing balcony posts.

EXEMPTION 2: STORAGE SHED AND MOTEL

Specified activities/ works:

- a) Works and activities to the storage shed and motel including:

- i. all internal and external works which do not increase the building envelope
- ii. demolition, where this does not impact significant fabric of the hotel
- iii. change of use, including temporary and additional uses.

EXEMPTION 3: REAR CARPARK AREA

Specified activities/ works:

- a) Maintenance, repair and upgrade of parking area, including resurfacing and realignment of parking area.
- b) Redesign of landscaping including introduction of new plantings, provided root systems would not impact the hotel building.
- c) Repair, replacement, upgrade and realignment of services.
- d) Maintenance, repair, replacement, or repositioning of signage (excluding digital signage), lighting (excluding flashing and/or neon lighting), bollards, flagpoles, rubbish bins (and associated amenities), or public seating, where there would be no fixtures to significant fabric of the hotel.

EXEMPTION 4: ACCESSIBILITY

Specified activities/works:

- a) Modifications and alterations to provide disability access in accordance with the Disability (Access to Premises – Buildings) Standards 2010 or as required to comply with any other applicable accessibility legislation within all spaces where there will be no adverse impact to heritage significance including significant fabric of the hotel or spatial configurations.
- b) The installation of an elevator within the 1936 extension in the former bathroom adjacent to the secondary staircase on the upper level, and corresponding location on the ground floor level, to permit access to upstairs accessible room. Note that the lift run must not be visible from Cudgery and Hickory Streets, and design and installation of the lift must be undertaken in accordance with the advice of an appropriately qualified heritage specialist.

EXEMPTION 5: INTERNAL WORKS

Specified activities/works:

- a) Maintenance and repair of fabric within the main bar and sitting area, where this will not impact the heritage significance of the place, not allowing for spatial reconfiguration through the removal of walls or for the removal of leadlight windows to the bar gantry.
- b) Maintenance, repair and refurbishment of ancillary spaces including bathrooms, kitchen, cellar, back of house and bistro areas and fit outs, where this does not impact the heritage significance of the place or involve expansion of the existing building envelope or the removal of walls. This includes the reconfiguration of the rear lounge male toilet to include a disabled toilet.
- c) Maintenance, repair and refurbishment of fabric within guest rooms, staircases and corridors, where this is in accordance with the aesthetic and heritage significance of the place.

EXEMPTION 5: EXTERNAL WORKS

Specified activities/works:

- a) Repainting of the painted elements of the façade in appropriate colour scheme, with consideration for reversion to earlier colour scheme where feasible. This excludes painting of currently unpainted surfaces such as brickwork.
- b) Maintenance and repair of balcony supports and wrought iron lacework if required, retaining the filigree detailing.
- c) Maintenance, repair and replacement of balcony floorboards if required.

Notice of listing Seidler Offices and Penthouses (including moveable heritage) (SHR 02118) on the State Heritage Register 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 4 November 2025 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 the Seidler Offices and Penthouses (including moveable heritage), situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land known as Lot 10 DP1113743, Lot 3 DP172924, Lot 1 DP437535 and Lot 101 DP82409, in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3349 in the office of the Heritage Council of New South Wales.

Exemption order for Seidler Offices and Penthouses (including moveable heritage) listing on the State Heritage Register (SHR 02118) under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of NSW dated 2 September 2025, 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 4th day of November 2025.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item known as Seidler Offices and Penthouses (including moveable heritage) SHR 02118, situated on the land described in Schedule B.

SCHEDULE B

The item known as Seidler Offices and Penthouses (including moveable heritage) SHR 02118, located as identified on the plan catalogued Heritage Council Plan 3349 in the office of the Heritage Council of NSW.

SCHEDULE C

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

The follow exemptions apply in addition to the 'standard exemptions' for items listed on the State Heritage Register made under section 57(2) of the *Heritage Act 1977* and published in the NSW Government Gazette.

GENERAL CONDITIONS

These general conditions apply to the use of all the site specific exemptions:

- a) Anything done under the site specific exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some site specific exemptions require suitably qualified and experienced professional advice/ work).
- b) The site specific 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 must be 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*.
- c) Activities/ works that do not fit within the exemptions described in this document or the 'standard exemptions' for items listed on the State Heritage Register made under section 57(2) of the *Heritage Act 1977*, and published in the NSW Government Gazette would require an approval under the *Heritage Act 1977*.
- d) The site specific exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/ works fall within the site specific exemptions.
- e) The proponent is responsible for ensuring that any activities/ works undertaken by them, or with their landowners consent, meet all the required conditions and have all necessary approvals.
- f) 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.
- g) It is an offence to do any of the things listed in section 57(1) of the *Heritage Act 1977* without a valid exemption or approval.
- h) The site specific 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*), or construction codes such as the National Construction Code.

- i) The site specific exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the National Construction Code for ancillary works. Activities or work undertaken pursuant to a site specific exemption must not, if it relates to an existing building, cause the building to contravene the *National Construction Code*. If additional activities or work is required to comply with the NCC, an approval under the *Heritage Act 1977* may be required.
- j) 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.
- k) Where relevant *The Heritage Manual* (1996, Heritage Office and Department of Urban Affairs and Planning) and *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines, or any subsequent documents prepared to replace or supplement these documents, must be complied with then undertaking any activities/ works on an item.

EXEMPTION 1: APPROVED WORKS

Specified activities/ works:

- a) All works which form part of any existing development consents active at the time of listing on the State Heritage Register.

EXEMPTION 2: OPERATIONAL ASPECTS – EXTERNAL WORKS WITHIN CURTILAGE

Specified activities/ works:

- a) All works which do not impact significant fabric of the precinct, within the curtilage of the item, relating to:
 - i. Maintenance, upgrade, repair, or replacement of footpaths and other civil works like-for-like or with sympathetic alternatives.
 - ii. Maintenance, upgrade, repair, or replacement of site security like-for-like or with sympathetic alternatives.
 - iii. Removal of existing plantings and addition of new plantings in garden areas excluding Harry's Park, and replacement of vegetation including within Harry's Park. Within Harry's Park, vegetation replacement should be either like-for-like or sympathetic in character, and adhere to the existing landscaping character and design.

EXEMPTION 3: TENANCY FITOUT WORKS AND COMMERCIAL SPACES

Specified activities/ works:

- a) Works which would have no adverse impact on the heritage significance of the precinct, within the curtilage of the item, relating to:
 - i. Demolition of internal fitouts including lightweight partition, floor finishes, false ceilings (in 2A and 4 Glen Street only), and associated services to office, and retail

- and commercial areas. This excludes works to bathrooms and kitchenettes throughout 2, 2A and 4 Glen Street other than minor works outlined below (part iii).
- ii. Construction of new fitouts and alterations to existing fitouts, including lightweight partitions, new floor finishes, new ceilings (excluding within 2 Glen Street), and or associated services to office, retail and commercial areas. Significant spaces and their volumes, the entry lobby, lift lobbies, and stairs should not be decreased in size or adversely affected through the introduction of partitions.
 - iii. Like-for-like or sympathetic replacement of non-significant kitchen and bathroom fittings and fixtures when required, such as tapware, plumbing, toilets, and sinks.
 - iv. Creation or closure of openings to connect tenancies across buildings (with landowners consent), where indicated by cut lines in existing concrete walls, as designed by Seidler. This excludes closure of the existing opening between the offices of Harry Seidler and Associates and the Seidler Penthouses. At least one example of the cut line must remain intact and unaltered.
 - v. Works associated with maintenance of terraces and balconies, including maintenance and new fixtures, fittings, landscaping, furniture, and finishes as required, where there would be no adverse heritage impact.
 - vi. All lift maintenance and repair works, or sympathetic lift replacement which adheres to existing spatial volumes in 2A and 4 Glen Street.

EXEMPTION 4: MOVEABLE HERITAGE

Specified activities/ works:

- a) Maintenance and conservation of moveable heritage elements, including artworks, furnishings, and architectural collections (maquettes, models, plans).

North Sydney Council

Heritage Act 1977

Interim Heritage Order No. 1/2025

27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay

Under Section 25 of the Heritage Act, 1977, North Sydney Council, do by this notice:

- I. Make an Interim Heritage Order to cover the item of the environmental heritage specified or described in Schedule 'A'; and
- II. Declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- (1) In the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- (2) In the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.



Therese Cole
Chief Executive Officer
North Sydney Council

6/11/25

Dated at North Sydney, 6 November 2025

SCHEDULE 'A'

The property situated at 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay NSW 2089 on the land described in Schedule 'B'.

SCHEDULE 'B'

The parcels of land known as Lots 1-6 in DP 260274 with particular reference to the existing single-storey dwellings including their interiors and surrounding gardens.