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Exemption Order for Gosford Courthouse and Police Station (former) listing on the SHR No. 02103 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the State Heritage Register Committee as delegate of Heritage Council of New South Wales dated 3 December 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting an exemption from section 57(1) of the Act in respect of the engaging in or carrying out of any activities described in Schedule C by the owner, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

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

Dated this 18 day of FEBRUARY 2025.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item known as Gosford Courthouse and Police Station (former) SHR No. 02103, situated on the land described in Schedule B.

SCHEDULE B

The item known as Gosford Courthouse and Police Station (former) SHR No. 02103, located as identified on the plan catalogued HC Plan 3337 in the office of the Heritage Council of New South Wales.

SCHEDULE C

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

GENERAL CONDITIONS

These general conditions apply to the use of all the site specific exemptions and must be complied with:

- a) If a conservation management plan (CMP) is prepared for the place, 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)*.
 - 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)*.
- 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 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) Any works/activities undertaken under these exemptions should have consideration for the archaeological value of the place. Excavation and ground disturbance including but not limited to services, drainage or signage, should only occur in areas of existing trenching, or demonstrably disturbed ground or areas of low or lesser potential as determined by an archaeological assessment or zoning plan, prepared by a suitably qualified archaeologist.
- e) Activities/works that do not fit strictly within the exemptions described below require approval by way of an application under section 60 of the *Heritage Act 1977*.

- f) 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.
- g) The proponent is responsible for ensuring that any activities/ works undertaken by them meet all the required conditions and have all necessary approvals.
- h) 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.
- i) 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.
- j) Authorised persons under the *Heritage Act 1977* may carry out inspections for compliance.
- k) 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*).
- l) 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*.
- m) 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.
- n) *The Heritage Manual* (1996, Heritage Office and Department of Urban Affairs & Planning) and *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities/works on an item.

EXEMPTION 1: OPERATION OF CONSERVATORIUM OF MUSIC

Specified activities/ works:

- (a) All activities/ works associated with the ongoing use of the site for its music education and performance-related purposes which do not impact on the heritage values and significant fabric of the site.
- (b) Installation of and alterations to lightweight partitions required to accommodate business functions, as long as this work will have no adverse impact on heritage significance and/ or obscure or alter significant views towards significant fabric.

Relevant standards:

- i. Partitions must be reversible.
- ii. No fixings are to be made into masonry walls or window joinery.

EXEMPTION 2: DISPLAY OF EDUCATIONAL OR PROMOTIONAL MATERIAL

Specified activities/ works:

- (a) Minor works such as installation of hanging systems for display of educational or promotional material, student works or shelving.

Relevant standards:

- i. Works and fixings must avoid impacts on significant fabric and not obscure significant features.
- ii. Installation must be on recently constructed walls and partitions, utilise hanging systems that fix into mortar or existing holes and plugs in non-external walls or, otherwise, make use of portable display units.

EXEMPTION 3: TEACHING AND AUDIO-VISUAL EQUIPMENT

Specified activities/ works:

- (a) Interior works and activities associated with the installation or upgrading of computing equipment, TV screens, teaching fittings and fixtures (such as smart boards, shelving, benches and storage units) and audio-visual equipment.

Relevant standards:

- i. The installation of new services shall be carried out in such a manner as to minimise damage to or removal of significant fabric and shall not obscure historic features. Any new penetrations through significant fabric shall be minimised. Where possible, existing service points shall be used.
- ii. Such works will not involve penetration of the exterior shell without prior heritage architectural and heritage engineering advice that demonstrates that the works will not result in impacts to significant fabric.

EXEMPTION 4: TEMPORARY STRUCTURES

Specified activities/ works:

- (a) Installation of temporary and reversible structures for the operation of special events and activities (i.e. outdoor performances, markets, art shows, gallery exhibitions, filming) lasting no more than 90 calendar days.

Relevant standards:

- i. Activities/ works must not have an adverse impact on heritage significance and/or obscure or alter significant fabric.
- ii. No further temporary structure or structures may be erected again on the site, under this exemption, within a period of 60 calendar days.

Direction to the Heritage Council to list Gosford Courthouse and Police Station (former) on the State Heritage Register under the *Heritage Act 1977*

Following the recommendation of the Heritage Council to me to list Gosford Courthouse and Police Station (former), I, Penny Sharpe, the Minister for Heritage, under section 34(1) and in accordance with section 32(1) of the *Heritage Act 1977* (the **Act**), consider the item to be of State heritage significance, and having considered the matters set out in section 32(1) of the Act, have decided to direct the Heritage Council to list the item on the State Heritage Register. The reasons for my decision are set out below.

Dated this 18 day of FEBRUARY 2025.

The Hon Penny Sharpe MLC

Minister for Heritage

NSW Government



1. Interpretation

- a) Words and expressions in this direction have the same meanings as they do in the Act, except in so far as the context requires or as otherwise defined in this clause.
- b) Gosford Courthouse and Police Station (former) means the item subject to this direction being a precinct comprising of Lot 453 and DP 727721, located at 45 Mann Street, Gosford, and as identified as the "State Heritage Register - Recommended Curtilage" on the Plan 3337 in Schedule A, and containing buildings constructed between 1848 and 2021 and surrounding land.

2. Mandatory considerations and reasons

I have considered the mandatory matters in accordance with section 32(1) of the Act and make this direction for the following reasons:

- a) regarding the recommendation made to me by the Heritage Council (section 32(1)(a) of the Act), I acknowledge and accept the Heritage Council's assessment of the State heritage significance of Gosford Courthouse and Police Station (former). I consider Gosford Courthouse and Police Station (former) meets the following State heritage significance criteria established under section 4A(3) of the Act as it:
 - i. is important in the course, or pattern, of NSW's cultural or natural history for its strong associations with the transition of the Brisbane Water area from a colonial frontier into an established European settlement. The exercise of colonial law and order on Aboriginal, convict and settler populations in Gosford and the Brisbane Water area was instrumental in creating the conditions for the region's later growth
 - ii. has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history for its association with notable figures in colonial state architecture and contemporary classical music, reflective of the site's transition from one of law and order to musical education in the late 20th century

- iii. has potential to yield information that will contribute to an understanding of NSW's cultural or natural history as an example of the interplay between the architectural practices of Colonial Architects Mortimer Lewis and James Barnet. The long tenure of Lewis and Barnet make their bodies of work particularly instructive in understanding architectural practice and the representation of power in the colony.
- b) regarding whether long-term conservation of the item is necessary (section 32(1)(b) of the Act), I have determined long-term conservation necessary because:
- i. I consider the item is of State heritage significance assessed against 3 of the criteria adopted under section 4A of the Act;
 - ii. Gosford Courthouse and Police Station (former) contributes to an understanding and promotion of the State's heritage;
 - iii. Long-term conservation is required to encourage the preservation and understanding of Gosford Courthouse and Police Station (former) for current and future generations.
- c) regarding whether the listing would render the item incapable of reasonable or economic use (section 32(1)(c) of the Act), I have considered the material provided to me and do not consider the listing would render the item incapable of reasonable or economic use because the development of site specific exemptions in tandem with the standard exemptions allow for adaptive reuse of the item and support its ongoing use as a conservatorium of music.
- d) regarding whether the listing would cause undue financial hardship to the owner, mortgagee or lessee of the item or the land on which the item is situated (section 32(1)(d) of the Act), I have considered the material provided to me and do not consider the listing would cause undue financial hardship to the owner and Crown reserve manager because the listing recognises the contribution of the on-site music education to the heritage values of the item and, therefore, supports a key income source for the Crown reserve manager.
- e) I consider, based on the material provided to me and the Heritage Council's recommendation, the listing would further the objectives of the Act, in particular (section 3 of the Act):
- i. to promote an understanding of the State's heritage
 - ii. to encourage the conservation of the State's heritage
 - iii. to provide for the identification and registration of items of State heritage significance.

This is because I consider the preservation of Gosford Courthouse and Police Station (former) is required to promote and encourage the conservation and understanding of this State significant heritage representative of the consolidation of colonial legal systems and the evolution of State-commissioned architecture.

Notice of listing Gosford Courthouse and Police Station (former) SHR No. 02103 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 18 February 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 Gosford Courthouse and Police Station (former), situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land known as Lot 453 DP 727721 in Parish of Gosford, County of Northumberland shown on the plan catalogued HC 3337 in the office of the Heritage Council of New South Wales.

Exemption Order for Gosford Courthouse and Police Station (former) listing on the SHR No. 02103 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the State Heritage Register Committee as delegate of Heritage Council of New South Wales dated 3 December 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting an exemption from section 57(1) of the Act in respect of the engaging in or carrying out of any activities described in Schedule C by the owner, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

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

Dated this 18th day of February 2025.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item known as Gosford Courthouse and Police Station (former) SHR No. 02103, situated on the land described in Schedule B.

SCHEDULE B

The item known as Gosford Courthouse and Police Station (former) SHR No. 02103, located as identified on the plan catalogued HC Plan 3337 in the office of the Heritage Council of New South Wales.

SCHEDULE C

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

GENERAL CONDITIONS

These general conditions apply to the use of all the site specific exemptions and must be complied with:

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Specified activities/ works:

- (a) Installation of temporary and reversible structures for the operation of special events and activities (i.e. outdoor performances, markets, art shows, gallery exhibitions, filming) lasting no more than 90 calendar days.

Relevant standards:

- i. Activities/ works must not have an adverse impact on heritage significance and/or obscure or alter significant fabric.
- ii. No further temporary structure or structures may be erected again on the site, under this exemption, within a period of 60 calendar days.