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Notice of listing Newcastle Ocean Baths Complex on the SHR No. 02106 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 12 March 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 Newcastle Ocean Baths Complex, Newcastle East, situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land known as Part Lot 7061, DP 1118737 in Parish of Newcastle, County of Northumberland, shown on the plan catalogued HC 3329 in the office of the Heritage Council of New South Wales.

Exemption Order for The Newcastle Ocean Baths Complex listing on the SHR No. 02106 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 4 February 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 12 day of March 2025.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item known as The Newcastle Ocean Baths Complex SHR No. 02106, situated on the land described in Schedule B.

SCHEDULE B

The item known as The Newcastle Ocean Baths Complex SHR No. 02106, located as identified on the plan catalogued HC Plan 3329 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:

- a) A Conservation Management Plan (CMP) for the site should be adopted by Newcastle City Council and 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
 - iv. It must be prepared in consultation with Heritage NSW.
- 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.
 - a. If suspected 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.
 - b. 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) 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(1) of the *Heritage Act 1977*, and published in the *NSW Government Gazette* would require an application under section 60 and approval under Section 63 of the *Heritage Act 1977*.

- 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) 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.
- i) Authorised persons under the *Heritage Act 1977* may carry out inspections for compliance.
- j) 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.
- k) 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*.
- l) 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.
- m) 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 must be complied with when undertaking any activities/works on an item.

EXEMPTION 1: EXISTING APPROVED DEVELOPMENT

Specified activities/works:

- a) All works or activities undertaken in accordance with a valid Development Application consent, in force at the time of gazettal.

EXEMPTION 2: CONSERVATION

Specified activities/works:

- a) all conservation works and conservation activities identified in the policies recommended in a conservation management plan (CMP) or a plan of management prepared in consultation with Heritage NSW and adopted by Newcastle City Council as owner and as the crown land Reserve Manager.

EXEMPTION 3: EXCAVATION

Specified activities/works:

- a) Excavation for the purpose of tree planting, installation of bollards, signage footings and fence posts, where the Reserve Manager is satisfied that the activity will not impact elements of heritage significance.

EXEMPTION 4: MAINTENANCE

Specified activities/works:

- a) Maintenance activities including repair or replacement (with like-for-like or appropriate alternative) of non-significant visitors' facilities including toilets, picnic shelters, seating, car parking, lighting and signage.
- b) Maintenance activities for existing hard landscaping including repair or replacement (with like-for-like or appropriate alternative) including but not limited to roads, kerbing, guttering, fencing, pool deck, pool walls, boardwalk, stormwater drains, planter edging, steps, stairs and ramps.
- c) Maintenance activities for soft landscaping, including routine horticultural curation, where this is sympathetic to the significance of the site and any associated excavation is undertaken in accordance with exemption 3.
- d) Maintenance activities including repair of the pools including hot pressure washing on pool walls, removal and replacement of sand including the use of associated plant and repainting of pools wall with like-for-like.
- e) Maintenance activities including repair or replacement (with like-for-like or appropriate alternative) of water quality infrastructure including pump well, pumps, grates, pool inlets, outlets, pits and pipe infrastructure.
- f) Maintenance activities including repair or replacement (with like-for-like or appropriate alternative) of cathodic protection system including impressed anodes replacement and patching, cabling, routing, TRU's and junction boxes which are installed in appropriate locations.
- g) Maintenance activities including digging out sand, seaweed, flotsam and jetsam, with temporary installations to support this activity. Special maintenance period requiring temporary installations including but not limited to: site fencing, plant and excavator storage and temporary stock piling for up to 21 days continuously, twice a year.

EXEMPTION 5: MINOR ALTERATIONS

Specified activities/works:

- a) Minor alteration of non-significant visitors' facilities including toilets, picnic shelters, seating, car parking, lighting and signage, where this does not increase the envelope of the facilities or impact the heritage significance of the place.
- b) Minor alterations to hard landscaping including but not limited to: roads, kerbing, guttering, fencing, pool deck, pool walls, boardwalk, stormwater drains, planter edging, steps, stairs and ramps.

- c) Erection of regulated safety signage to ensure the ongoing safe use of the facility, including flags related to swimming safety, PA services, lane ropes, buoys, pool closure signage and entry restrictions.
- d) Installation to mount safety equipment where this does not impact on the heritage significance of the place, including but not limited to defibrillators, spinal boards, lifeguard viewing platform, shade, and the tinting of workspaces.

EXEMPTION 6: TEMPORARY EVENTS AND STRUCTURES

Specified activities/works:

- a) Activities and works to permit temporary events which do not permanently alter the fabric of the place, temporary being defined as a maximum of 60 calendar days in a 12 month period.
- b) This includes the erection of temporary structures such as demountables, stages, portaloos and other such non-permanent structures which do not permanently alter the fabric of the place nor impact on its heritage significance.
- c) Erection of temporary structures associated with and to facilitate restoration, repair and maintenance works and activities such as waste skips, security fencing, portaloos, demountables for site office, food and drink premises or changing facilities, and other such non-permanent structures which do not permanently alter the fabric of the place nor impact on its heritage significance.

EXEMPTION 7: CHANGE OF USE

Specified activities/works:

- a) Change of use of ancillary buildings and spaces, such as food and drink premises, community space, storage, amenities, lifeguard facilities or the first floor residence where this does not affect heritage significance of the place.

Notice of listing Imperial Hotel, Erskineville SHR No. 02102 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 12 March 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 Imperial Hotel, Erskineville, situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land known as Lot 1 DP 866872 in Parish of Petersham, County of Cumberland shown on the plan catalogued HC 3336 in the office of the Heritage Council of New South Wales.

Exemption Order for the Imperial Hotel, Erskineville listing on the SHR 02102 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of NSW 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 12 day of March 2025.

The Hon Penny Sharpe MLC
Minister for Heritage

SCHEDULE A

The item known as the Imperial Hotel, Erskineville SHR No. 02102, situated on the land described in Schedule B.

SCHEDULE B

The item known as the Imperial Hotel, Erskineville SHR No. 02102, located as identified on the plan catalogued HC Plan 3336 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 following exemptions apply in addition to the 'standard exemptions' for items listed on the State Heritage Register (SHR) made under section 57(1) of the *Heritage Act 1977* and published in the *NSW Government Gazette*.

GENERAL CONDITIONS

These general conditions apply to all the site specific exemptions:

- a) 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.
- b) A conservation management plan (CMP) 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)* or any subsequent document prepared to replace or supplement this document.
- c) 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).
- d) 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*.
- e) 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(1) of the *Heritage Act 1977*, and published in

the *NSW Government Gazette* would require an application under section 60 and approval under section 63 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, or with their permission, 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) Authorised persons under the *Heritage Act 1977* may carry out inspections for compliance.
- j) 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*).
- k) 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.
- l) 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) Where relevant, activities/works on an item must comply with guidelines in *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) or any subsequent documents prepared to replace or supplement these documents.

EXEMPTION 1: EXISTING CONSENTS

Specified activities/ works:

- (a) All works and activities which are in accordance with a current and valid development consent in force at the date of gazettal for listing of the Imperial Hotel, Erskineville on the State Heritage Register under the *Heritage Act 1977* and any modifications to these consents.
- (b) All works and activities which are in accordance with any consent that may be granted to development application D/2024/683, prior to or following the gazettal for listing of the Imperial Hotel, Erskineville, on the State Heritage Register under the *Heritage Act 1977* and any modifications to any consent that may be granted to development application D/2024/683.

EXEMPTION 2: INTERNAL WORKS

Specified activities/ works:

- (a) All internal physical works, comprising alterations, additions, upgrades, maintenance/ repair works and temporary structures, within the portions of the building that were modified under a development approval issued in 1997

or later provided that the works facilitate ongoing use of the item as a hotel/ food and beverage venue.

- (b) All internal physical works, comprising alterations, additions, upgrades, maintenance/ repair works and temporary structures, within the remaining portions of the building provided that the works:
 - (i) Maintain the primary layout and internal character of the building; and
 - (ii) Maintain the identified heritage values of the building and facilitate ongoing use as a hotel/ food and beverage venue.

EXEMPTION 3: EXTERNAL WORKS

Specified activities/ works:

- (a) All external physical works relating to the upgrade of existing glazing with noise attenuating glazing provided that the works:
 - (i) Maintain the location, framing layout, dimensions, and overall appearance of the existing glazing components; and
 - (ii) Where possible retain the existing timber framing when replacing the glazing components, however if the new glazing components cannot be supported by the existing framing replace with a sympathetic framing material that maintains the same layout and character as the existing.