



# *Government Gazette*

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## **Notice of listing Walter McGrath House SHR 02109 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 22 May 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 Walter McGrath House, situated on the land described in Schedule “B”.

### **SCHEDULE B**

All those pieces or parcels of land known as Lot 4 DP27451 in Parish of Alexandria, County of Cumberland shown on the plan catalogued HC 3343 in the office of the Heritage Council of New South Wales.

## **Exemption Order for Walter McGrath House listing on the SHR 02109 under the *Heritage Act 1977***

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales dated 4 March 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 22nd day of May 2025.

The Hon Penny Sharpe MLC

**Minister for Heritage**

## **SCHEDULE A**

The item known as Walter McGrath House, situated on the land described in Schedule B.

## **SCHEDULE B**

All those pieces or parcels of land known as Lot 4 DP 27451 shown on the plan catalogued HC Plan 3343 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.

### **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) 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. 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 application under section 60 and approval under section 63 of 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) 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.
- h) 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*.

- i) 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.
- j) 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 then undertaking any activities/works on an item.

## **EXEMPTION 1: ROAD ACCESS AND DRIVEWAY**

### Specified activities/ works:

- a) Maintenance of the existing road access, driveway, and carparking spaces, including repair and/ or like-for-like replacement of road surfaces, pavement, hardstand, and road formation. Any new driveway surface should be consistent with the assessed heritage significance of the item and is not to alter the entry points from the street or into garages.

## **EXEMPTION 2: LANDSCAPING AND VEGETATION MANAGEMENT**

### Specified activities/ works:

- a) Maintenance, removal, construction, or alteration of garden beds and plantings.
- b) Routine horticultural maintenance including cultivation and pruning as well as removal of branches to maintain visual connection to Rose Bay.
- c) Introduction of new plantings (excluding large-growth trees).
- d) Invasive weed management.
- e) Maintenance, repair and/ or like-for-like replacement of gates and fences.
- f) Maintenance and repair of stone boundary, garden and retaining walls, where consistent with the assessed heritage significance of the item and where there would be no adverse impact to significant fabric.
- g) Maintenance, and like-for-like repair or resurfacing of significant pathways and hard landscaping.
- h) Installation, relocation, removal, and maintenance of outdoor lighting which is not mounted onto the building. This includes replacement with energy efficient lighting, upgrades of services and/ or upgrades of fixtures where there would be no adverse impact to significant fabric.
- i) Maintenance and repair of any pools and fountains, structures, monuments, statues and works of art including temporary relocation for conservation or protection, with restoration to original location within 18 months.

## **EXEMPTION 3: DRAINAGE AND WATER MANAGEMENT**

### Specified activities/ works:

- a) Maintenance and repair of drainage structures using materials consistent with the assessed heritage significance of the item.
- b) Maintenance and upgrades of existing toilet and kitchen amenities/ utilities, including plumbing.

## **EXEMPTION 4: BUILDING EXTERIOR**

### Specified activities/ works:

- a) Maintenance, repair, or replacement of contemporary, non-significant bathroom and kitchen windows to match existing, or to match original.
- b) Replacement of non-original and non-significant glazing with double glazing or energy efficient glazing, where this would have no adverse impact to significant fabric.
- c) Maintenance, repair, and replacement of existing garage door like-for-like, or consistent with the assessed heritage significance of the item.
- d) Maintenance, repair or replacement of existing balcony balustrade like-for-like or consistent with the assessed heritage significance of the item and where there would be no adverse impact to significant fabric. This may include alteration to adhere with National Construction Code and Building Code of Australia where the works are consistent with the assessed heritage significance of the item.
- e) Maintenance, repair and replacement of existing original and non-original tiled roof tiles like-for-like, or consistent with the assessed heritage significance of the item.
- f) Maintenance and treatment of significant timber elements.

Note: Repairs must be sympathetic/ like-for-like to existing fabric in appearance, material and method of affixing. The composition of elements of identified heritage fabric are to be to the original specification (i.e. renders, mortars, metal types, timber species etc.).

## **EXEMPTION 5: BUILDING INTERIOR**

### Specified activities/ works:

- a) Maintenance, repair and capping of fireplaces where the work is consistent with the assessed heritage significance of the item.
- b) Maintenance, repair, removal, or installation of joinery (i.e. for built in furniture, shelving etc.) where there would be no adverse impact to significant fabric.
- c) Maintenance, repair or replacement of non-original and non-significant flooring, where new flooring is like-for-like or consistent with the assessed heritage significance of the item, and where there would be no adverse impact to significant fabric.
- d) Upgrades to existing features and fixtures including existing air conditioning, lighting, downlights, where it is consistent with the assessed heritage significance of the item.
- e) Installation and removal of safety and/ or security equipment and systems where it is consistent with the assessed heritage significance of the item. Removal, repair, or replacement of existing security doors/ windows.
- f) Repair, replacement, removal, and installation of fittings, fixtures, joinery, appliances and cabinetry within existing kitchens and bathrooms.
- g) Installation of features for increased accessibility, such as additional handrails or tactiles. Levelling of flooring for accessibility is permissible to non-significant surfaces and where reversible.
- h) Painting of plasterboard walls and skirting boards in any colour. This excludes painting of fireplaces, wood panelling, and/ or significant unpainted joinery.
- i) Installation of blinds and sun shades on windows where consistent with the assessed heritage significance of the item.
- j) Maintenance and treatment of significant timber columns and wood panelling.

## **EXEMPTION 6: SERVICES AND UTILITIES**

### Specified activities/ works:

- a) Upgrade of services and utilities, including communications, gas, electricity, water supply, waste removal, irrigation and drainage, where the activity is consistent with the assessed heritage significance of the item.
- b) Maintenance of lighting or upgrade to energy efficient lighting which would have no adverse impact to significant fabric.
- c) Maintenance, repair and like-for-like replacement of rainwater goods in situ, in materials, profiles, dimensions and styles to match original or existing.

## **EXEMPTION 7: EXCAVATION**

### Specified activities/ works:

- a) Minor excavation and ground disturbance works, such as works for services and drainage, in areas of existing trenching, demonstrably disturbed ground, or areas of low or lesser potential as determined by a suitably qualified archaeologist.