BERRIMA GAOL
BERRIMA, NSW
MINOR WORKS 2016

STATEMENT OF HERITAGE IMPACT

Prepared for Department of Justice
April 2016
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MINOR WORKS 2016
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# CONTENTS

1. BACKGROUND
   1.1 INTRODUCTION
   1.2 SITE OVERVIEW
   1.3 STATUTORY HERITAGE LISTINGS
   1.4 TERMS AND ABBREVIATIONS
   1.5 AUTHORSHIP AND ACKNOWLEDGEMENTS
   1.6 REFERENCES

2. HISTORY, DESCRIPTION & HERITAGE SIGNIFICANCE
   2.1 HISTORICAL BACKGROUND
   2.2 DESCRIPTION OF GAOL
   2.3 HISTORICAL ARCHAEOLOGICAL POTENTIAL
   2.4 HERITAGE SIGNIFICANCE
   2.5 RELATIVE LEVELS HERITAGE SIGNIFICANCE

3. ASSESSMENT OF HERITAGE IMPACT
   3.1 INTRODUCTION TO THE WORK PROPOSED
   3.2 NSW HERITAGE ACT REQUIREMENTS
   3.3 WINGECARIBEE LEP 2010.

4. CONCLUSION & RECOMMENDATIONS
   4.1 HERITAGE IMPACT OF PROPOSED WORKS
   4.2 RECOMMENDATIONS
   4.3 HERITAGE APPROVALS

APPENDICES

APPENDIX A SHR LISTING SHEET

APPENDIX B: STANDARD EXEMPTIONS FOR WORKS REQUIRING HERITAGE COUNCIL APPROVAL.
1. BACKGROUND

1.1 INTRODUCTION

This Statement of Heritage Impact (SOHI) has been prepared for the purpose of a Section 57 Exemption to the NSW Heritage Council for the proposed minor works (mainly service upgrades) to the Berrima Gaol.

The aim of the project is to update the security and amenity of the Gaol so that it can be reopened as a prison after being disused for approximately 5 years.

The reinstatement of the original use into the Berrima Gaol is a positive heritage outcome. It will ensure that the heritage place is maintained into the future.

This document includes a brief history and description of the Gaol complex together with the heritage significance of the site. The heritage impact of the works is considered; and recommendations are given to ensure any potential negative impacts are minimised.

Berrima Gaol is on the Stage Heritage Register under the NSW Heritage Act 1977. It is also included in the Draft s170 Heritage and Conservation Register of the Department of Corrective Services (DCC); is a listed heritage item in the Wingecarribee LEP 2010; and is within a Heritage Conservation Area under the LEP.

There is currently no Conservation Management Plan (CMP) for the Gaol. The Descriptions and Statements of Significance in the State Heritage Inventory for the various heritage listings (as obtained from the NSW OEH website) have been used in the preparation of this HIS.

1.2 SITE OVERVIEW

Berrima Gaol is an imposing public building located on Argyle Street in the centre of the Berrima Heritage Conservation Area.

The NSW Department of Justice is responsible for the care, management and maintenance of the Gaol complex.
Figure 1.1: Location map – Approximate position of the Berrima Gaol SHT listing is indicated in red. Source: Six Maps (accessed 23/03/16). See also Figure 1.3.

Figure 1.2: Cadastral plan of Berrima Gaol and surrounding streetscape. Source: Six Maps (accessed 23/03/16). The SHR listing curtilage is indicated in red. See also Figure 1.3.
Figure 1.3
Berrima Gaol facing Argyle Street.
(Southern Highland News)

Figure 1.4
A view of Berrima c1900 showing the Gaol from the south.
(Berrima District Historical Society).

Figure 1.5
View looking over the Gaol to the north and Berrima Courthouse c.2000. (Southern Highlands News).
1.3 STATUTORY HERITAGE LISTINGS

Heritage listing provides a mechanism for preserving places valued by the community for present and future generations. Listing is a key constraint to future development insofar as it supports community recognition of heritage values, and in some cases provides statutory protection for those values. Listing does not prevent changes being made to a heritage place; rather, it allows for sympathetic development through a regulated approvals process or through a formal exemption process.

The following schedule gives the Statutory Heritage Listings for the Berrima Gaol:

Table 1: Statutory Listings

<table>
<thead>
<tr>
<th>Listing</th>
<th>Instrument</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Heritage Register</td>
<td>NSW Heritage Act</td>
<td>Listing No. 00807</td>
</tr>
<tr>
<td>Berrima Correctional Centre</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note that the Corrective Services Heritage Conservation Register under Section 170 includes the Berrima Gaol but the Register is still in draft form and has not been formally presented to the NSW Heritage Council for adoption.

Figure 1.6
SHR Register Listing map for Berrima Correctional Centre
1.4 TERMS AND ABBREVIATIONS

The *Burra Charter* provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. Conservation related terminology used in this Plan is consistent with the meanings ascribed in the *Burra Charter*.

Abbreviations used in this document include the following:

- **BCA**: Building Code of Australia
- **CMP**: Conservation Management Plan
- **DJ**: NSW Department of Justice
- **DCC**: Department of Corrective Services
- **DCP**: Development Control Plan
- **DFSI**: NSW Department of Finance, Services & Innovation
- **GAO**: NSW Government Architect’s Office
- **HCA**: Heritage Conservation Area
1.5 AUTHORSHIP AND ACKNOWLEDGEMENTS

This HIS has been prepared by Mary Knaggs of the Government Architect’s Office Heritage Group and reviewed by Matthew Devine, Heritage Architect. Unless otherwise identified, photographs are by GAO.

1.6 REFERENCES

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia ICOMOS</td>
<td>Burra Charter</td>
<td>1999</td>
</tr>
<tr>
<td>NSW Government Architects Office Heritage Group</td>
<td>Draft Section 170 Register NSW of Corrective Services</td>
<td>2015</td>
</tr>
<tr>
<td>NSW Heritage Council / Heritage Branch</td>
<td>Heritage Impact Assessment Guidelines</td>
<td>1995</td>
</tr>
<tr>
<td>NSW Heritage Council / Heritage Branch</td>
<td>Standard Exemptions for Works Requiring Heritage Council Approval</td>
<td>2009</td>
</tr>
</tbody>
</table>
2. HISTORY, DESCRIPTION & HERITAGE SIGNIFICANCE

2.1 HISTORICAL BACKGROUND

The following historical overview of Berrima Gaol is from the Draft Section 170 listing for Berrima Gaol (GAO 2014).

With construction beginning in 1835, Berrima Gaol was completed in October 1839, employing a partial panopticon layout, with construction supervised by the colonial architect Mortimer Lewis. The design was adopted by Governor, Richard Bourke, from the SIPD (Society for the Improvement of Prison Discipline) pamphlet. The building cost 5,400 pounds and comprised 34 cells accommodating 66 prisoners. It was originally designed to hold prisoners from the surrounding areas, but Goulburn Gaol took over this role and it became a subsidiary prison housing sick and aged convicts from other gaols.

Bushranger Paddy Curran was the first man hung there in 1842 and in 1843, Lucretia Dunkley became the first and only woman hung at Berrima for the axe murder of her husband.

The gaol was enlarged between 1863 and 1868 to provide separate cells for 110 prisoners. In 1865, it became a model prison where men served out the first 12 months of separate treatment. The "silent" system was introduced in 1866; speaking to anyone was forbidden during the first nine months of a prisoner's sentence. Installation of electric light was completed in early 1895.

Additions were completed to the complex in 1900, consisting of 24 new cells, a new residence for the Deputy Governor outside the gaol and tower and platform at the southwest corner.

Berrima gaol was closed in 1909 as part of a general reduction of gaols. The army used it during World War 1 as an internment camp with primarily German internees and during WW2 as a depot and store for munitions. Between the wars the gaol was opened for public inspection as a place of historic interest.

There was congestion in NSW gaols by the Second World War that was partially relieved by the refurbishment of Berrima Gaol. From 1944 to 1949, the whole gaol was rebuilt by prison labour at a cost of £18,000. Within the compound, only the entrance and outer walls of old Berrima Gaol were left standing. The Centre was opened in November 1949.

The main wall was restored in 1978.

Until recently, Berrima Correctional Centre is used as a medium security institution for women, but was closed on 4 November 2011.
Figure 2.1
Photo of the interpretive mural at Berrima Gaol showing the Gaol as it appeared 1834-1945.

Figure 2.2
Photo of the interpretive mural at Berrima Gaol showing the Gaol 1949-2011.

Figure 2.3
Photo of Berrima Gaol in the late 19th century.

Berrima District Historical & Family History Society
Figure 2.4
Inside second yard of gaol between service building and Superintendent’s house. Entrance gate at centre.
Late 19th century.
Berrima District Historical & Family History Society

Figure 2.5
The Cat Walk, Berrima Gaol taken after the internees had returned home and the services building had been gutted by fire. Circa 1897.
Berrima District Historical & Family History Society

Figure 2.6
Aerial view of Berrima Gaol & surrounding area c1930s.
Government Printing Office 1 – 07273 / d1_07273
(Detail)
Figure 2.7
State Library of Victoria

Figure 2.8
Berrima Gaol in the 1970s.
Government Printing Office
SLNSW d4_14442r.jpg

Figure 2.9
Berrima Gaol in the 1970s.
Government Printing Office
SLNSW_1977_d4_18154r
2.2 DESCRIPTION OF GAOL

The following description of Berrima Gaol is from the Draft Section 170 Listing for Berrima Gaol (GAO 2014).

Berrima Correctional Centre comprises a compound constructed of sandstone, probably quarried locally, dating from 1835. By 1866, the complex comprised a partial panopticon layout surrounded by a high wall with an elaborate neo-classical gatehouse modelled on a medieval city gate. Further additions were completed in 1900, consisting of 24 new cells, a new residence for the Deputy Governor outside the gaol and tower and platform at the southwest corner.

The buildings within the compound were dismantled at the end of WW II and rebuilt to the current design by prison labour at a cost of £18,000. The current configuration of the complex comprises a single storey stone building with two internal courtyards, contained within the original stone wall. The adjoining stone buildings including the former two-storey Governor’s residence and neighbouring farm areas continue to be used as part of the centre.

Section 3 gives further information about the physical fabric of the Gaol and describes the proposed works.

2.3 HISTORICAL ARCHAEOLOGICAL POTENTIAL

No reports outlining the archaeological potential of Berrima Gaol have been located to inform this SOHI.

The figures 2.1 and 2.2 above give a general understanding of how the layout of the Gaol has changed over time. It is likely that remains of footings of previous structures and other artefacts exist on the site.

There is likely to be considerable archaeological potential inside and outside the Gaol from its various periods of use, including use as an internment camp with primarily German internees during WWI and as a depot during WWII.

However, the works to be carried out inside the Gaol considered under this SOHI follow existing service routes both above and below ground.

Some of the works proposed (new section of road) have potential archaeological impact, but are outside the Gaol to the west between the Gaol and the river. This area is still within area listed on the State Heritage Register under the NSW Heritage Act 1977. These works will need an archaeological watching brief.
2.4 HERITAGE SIGNIFICANCE

No Conservation Management Plans or other reports providing more insight into the significance of Berrima Gaol were located for this SOHI.

The following assessment of the heritage significance of the site is drawn from the SHR record for Berrima Gaol:

_Berrima Gaol is one of the few remaining compounds dating from pre 1840. It is an early example of the application of model prison layouts. Associated with the development of Berrima, and the adjacent courthouse, the Gaol is significant for its phases of use._

The LEP SHI record for the Berrima Correctional Group states:

_The Berrima Correctional Centre Group is significant through its continuing association with all phases of the development of the village of Berrima from the earliest times when convict labour was used in its original construction. The complex has had various functions during phases when it was not used as a gaol and these activities have continued to provide employment for townspeople. It has historical associations because it has at various times been seen as a "model" gaol for contemporary prison reform concepts in the State. Its exterior architectural components have aesthetic significance because they form a group of excellently crafted sandstone and architectural elements which are fine examples of the public works of the Victorian period and which contribute to the building stock which represents early Berrima._

Note that this LEP listing includes only:

- the site of the original gaol,
- the Gatehouse and Walls of the Former Gaol (WI0110),
- the Bulls Head Fountain (WI0111), and
- the 1945 Training Centre Building.

2.5 RELATIVE LEVELS HERITAGE SIGNIFICANCE

There is no Conservation Management Plan for Berrima Gaol and it is beyond the scope of this SOHI to provide detailed analysis of the relative levels of significance across the site of Berrima Gaol as listed on the SHR.

The following Site Plan assists in understanding the layout and staging of the Gaol.
Figure 2.10: Site Plan locating the main parts of Berrima Gaol.

LEGEND

(Note that further research is needed to verify the sequence of construction and relative significance of structures and areas at Berrima Gaol. See also Figure 1.6 for site plan showing extent of SHR listing.)

- Gaol Walls 1839
- Gaol Gatehouse (2 storey) 1866
- Governor’s Residence 1890s
- Deputy Governor’s Residence 1899
- Gaol/Training Centre buildings 1949-1970s
- Stone archway building (date unknown)
- Workshop (1970s?/)
- Dangerous Goods Store (former isolation cells) 1830s
- Farm buildings 1830s
3. ASSESSMENT OF HERITAGE IMPACT

3.1 INTRODUCTION TO THE WORK PROPOSED

The proposed works are to bring Berrima Gaol up to current statutory standards to enable it to be re-opened as a Gaol.

All new works shall be undertaken in accordance with the relevant codes and standards as applicable by the statutory or governing bodies, including:

- NCC / Building Code of Australia 2015
- AS 1668.1:1998 The use of mechanical ventilation and air conditioning in buildings, Part 1: Fire and Smoke Control
- AS 1668.2:2012 The use of mechanical ventilation and air conditioning in buildings, Part 2: Mechanical ventilation in building
- AS 3666.1:2002 Air-handling and water systems of buildings – Microbial control; design, installation and commissioning

It is also understood that there will be additional reports:

- Structural Condition Report; and
- BCA site audit and report.

These reports should be made available to the Heritage Architect to assess any potential impacts of the recommendations.

The remainder of this Section lists both the works proposed and the assessment of heritage impact.

The works are located on the following diagram AT Figure 3.1.
Figure 3.1: Diagram showing the approximate location of some of the proposed works.

<table>
<thead>
<tr>
<th>AREA</th>
<th>CURRENT SCOPE</th>
<th>HERITAGE IMPACT ASSESSMENT</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
</table>
| 1. General Building/ Fitout Works: Admin – Kitchen Area: | - Replace kitchen cupboard doors (qty 8) units & (1) corner cupboard door  
- Replace 5 cutlery draws  
- Replace 1 pantry door | Current surfaces and finishes have no or little heritage significance. No heritage impact. | - Not applicable |
| See Figure 3.15 | | | |
| 2. General Building/ Fitout Works: Kitchen Area top floor admin: | - Remove existing water damaged kitchen  
- Capp off water services temporarily  
- Supply and install new kitchen white Mali mine (3.6) meters long  
- Supply and install new kitchen sink & kitchen sink taps to suit  
- Supply and install (3.6x900mm) stainless steel splash back | Current surfaces and finishes have no or little heritage significance. No heritage impact if recommendations followed. | - All new services to follow existing service routes.  
- If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316. |
| 3. General Building/ Fitout Works: General Managers Office: | - Remove existing damaged kitchen and cap water services  
- Supply and install new (L) shape kitchen (1800x800) mm white Mali mine  
- Supply and install new kitchen sink and kitchen sink taps to suit | Current surfaces and finishes have no or little heritage significance. No heritage impact if recommendations followed. | - All new services to follow existing service routes  
- If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316. |
<table>
<thead>
<tr>
<th>AREA</th>
<th>CURRENT SCOPE</th>
<th>HERITAGE IMPACT ASSESSMENT</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. General Building/Fitout Works: Main Kitchen Area</td>
<td>- Supply and install tile splash back to suit kitchen (4.6sq) meters</td>
<td>Floor and floor/skirting finishes have no or little heritage significance. No heritage impact.</td>
<td>- Not applicable</td>
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<td></td>
<td>- Remove all existing appliances and store on site</td>
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<td></td>
<td>- Strip off existing floor coverings (92sq) meters</td>
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<td></td>
<td>- Grind floor and prepare surface for epoxy finishes (92sq) meters</td>
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<td></td>
<td>- Supply and install self-leveling ARDEX</td>
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<td></td>
<td>- Supply and install Epirez base coat (or comparative product)</td>
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<td></td>
<td>- Paint floor area with Epirez epoxy 2 pack high gloss non-slip</td>
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<td></td>
<td>- Paint 150mm skirt around kitchen area with 'Epirez' epoxy</td>
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<td></td>
<td>- Remove 6 GPO power points and eliminate.</td>
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<tr>
<td>5. General Building/Fitout Works: Rear entry Depot: New Road</td>
<td>- Excavate (588 SQ) meters off grassed area to create a road access</td>
<td>Vehicles currently drive across a grassed area to get to the loading dock and stores. Heritage impact is minimal if recommendations are followed. Note this area is still within the curtilage of the listing on the State Heritage Register.</td>
<td>- Engage an archaeologist on a watching brief for the excavations associated with the road and bollards.</td>
</tr>
<tr>
<td></td>
<td>- Supply and install road bollard barrier to the edge off the cliff face</td>
<td></td>
<td>- Excavation for road to be minimised - instead build up road surface and adjacent ground with new fill as required.</td>
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<td></td>
<td>- Supply and install (50mm) Recycled rock with geo fab underlay</td>
<td></td>
<td>- Bollards to be simple galvanised steel cylinders. Excavation for bollards to be minimal (e.g. use screw piles).</td>
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<td></td>
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<td></td>
<td>- If artefacts are encountered stop work and inform the Heritage Division of OEH.</td>
</tr>
<tr>
<td>6. General Building/Hydraulic Works: External Rear of Complex – Fuel Storage</td>
<td>- Construction of concrete pad and bunded area for fuel storage tank. Catching requires +20% of capacity as required in AS. (1200 litres). Construct storage pit with galvanised grated lid to reduce bunded surface area. Installation of 3 x 150mm galvanised concrete filled bollards for impact protection of tank.</td>
<td>No heritage impact if recommendations followed.</td>
<td>- Engage an archaeologist on a watching brief for the excavations associated with the new fuel storage areas.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Excavation to be minimised.</td>
</tr>
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<td></td>
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<td></td>
<td>- If artefacts are encountered stop work and inform the Heritage Division of OEH.</td>
</tr>
<tr>
<td></td>
<td>- Construction of concrete pad and bunded area for fuel (500 Diesel/500 unleaded) to rear of premises. Includes Signage, 3 metre tank vent for unleaded fuel, static Supply and install 2 x Mcnaught 5:1 GT rapid flow pumps (Manual pumps). All equipment supplied by Australian fuelling systems.</td>
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</tr>
<tr>
<td>7. General Building/Fitout Optional Works: Adaptation to form up to 3 disabled cells</td>
<td>- Saw cut existing concrete and remove (34 sq. metres)</td>
<td>The work proposed is to cells which are 1949 base building fabric with late 20th century interior fitouts. The works involve alteration to floor levels to enable level access into the</td>
<td>- All new services to follow existing service routes</td>
</tr>
<tr>
<td></td>
<td>- Supply and install new sewer drainage to suit 3 Cells</td>
<td></td>
<td>- If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.</td>
</tr>
<tr>
<td></td>
<td>- Supply and install new water services to suit toilet, Hand Basin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AREA</td>
<td>CURRENT SCOPE</td>
<td>HERITAGE IMPACT ASSESSMENT</td>
<td>RECOMMENDATIONS</td>
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<td></td>
<td>– Supply and install (190x400) blocks&lt;br&gt;– Supply and install (N16) steel bars in walls every second row&lt;br&gt;– Supply and install (32mpa) block fill to cell walls&lt;br&gt;– Supply and install BRITEX toilet accessories&lt;br&gt;– Supply and install Corrective Services approved cell door x 3 units&lt;br&gt;– Supply and install electrics to suit a maximum correctional cell standard&lt;br&gt;– Supply disabled hand rails to the toilet area and vanity area&lt;br&gt;– Supply and install Epoxy paint the floors with 150mm band boarder&lt;br&gt;– Supply and install render to cell walls and make smooth&lt;br&gt;– Supply and install Dulux paint to cell walls and make good cells. There is also some adaptation of internal fitout.</td>
<td></td>
<td>– None</td>
</tr>
</tbody>
</table>

8. Electrical: Upgrade/Commission of Main Electrical Switchboard
– Minor works to existing

– UPS on site identified as not functioning<br>– Supply and installation of 1 x 200amp Active Tracking Filter<br>– Supply and installation of SIEL UPS as per CSNSW Standards<br>– Supply and installation 160amp sub mains to new essential DB<br>– Supply and installation 160 amp sub mains to UPS<br>– Re-labelling of existing DB Board<br>– Supply and installation sub mains from bypass switch to UPS

10. Electrical: Installation of Power Factor Correction (PFC)
– Supply and installation of power factor correction to Main Switch board<br>– Carry out all required cabling and tray works<br>– Reconfiguration to Main Switchboard for new circuit breaker<br>– Testing and commissioning.

11. Electrical: Upgrade and commissioning of Distribution Boards
– Update of schedules<br>– Carry out shut down and testing of Main Switches and Circuit Breakers<br>– Thermal and heat testing of chassis<br>– Clean and tidy of all sections<br>– Testing of current and voltage meters<br>– Repairs to minor defects and report major defects<br>– Upgrade to RCDs where required<br>– Repairs to DB Board hinges and doors

12. Electrical: Upgrade and commissioning of Distribution Boards
– All new services to follow existing service routes<br>– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor.
<table>
<thead>
<tr>
<th>AREA</th>
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</tr>
</thead>
</table>
| 12. Electrical: Exit and Emergency Lighting | – Carry out zoning of site for identification of required exit and emergency lighting as per Australian Standards  
– Supply and installation of LED exit and emergency lighting where required  
– Supply of detailed report and log book  
– Supply and install test switches where required  
– Carry out all required cabling  
– Testing and commissioning | No heritage impact if recommendations followed. | – All new services to follow existing service routes  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
| 13. Electrical: General Lighting and Security Lighting | – Carry out testing and commissioning of existing lighting throughout centre  
– Replace tubes and starter in all lights including cells  
– Replace all lamps in security lighting at heights  
– Give detailed report of works required to replace or repair other faults  
– Hire all plant required for tasks  
– Clean and tidy of all fittings  
– Note: Does not include ballast, control gear or wiring that is in need of replacing | No heritage impact if recommendations followed. | – All new services to follow existing service routes  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
– Make good all holes in Accessory Panel  
– General testing and commissioning of complete panel  
– Clean and tidy of units | No heritage impact if recommendations followed. | – All new services to follow existing service routes  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
| 15. Fire Services: Reactive Portable Fire Equipment | – At the recent service of the fire extinguishers at your site the following defects were identified that are required to be rectified in order for the assets to remain compliant to AS1851 and AS2444.  
– 6 x 9.0Lt A/W 11 x 9.0kg ABE 5 x 3.5kg CO2 5 x 5.0kg CO2  
– *Supply and install replacement signage required 7 x Location signs 6 x ID signs | No heritage impact if recommendations followed. | – All new services to follow existing service routes  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
| 16. Fire Services: Reactive Fire Detection & Alarm System | – Replace all smoke and thermal detectors throughout site due to age and condition. Supply and install: 185 x addressable smoke detector 22 x addressable rate of rise thermal detector 40 x addressable detector bases to be replaced as required * Amount quoted from existing detector list onsite. Any additional detectors/bases supplied to be held onsite at FIP for ongoing faults and | No heritage impact if recommendations followed. | – All new services to follow existing service routes  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
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<tbody>
<tr>
<td>17. Fire Services: Reactive Hose Reels See Figure 3.4</td>
<td>Supply and install: 2 x replacement LOCKABLE fire hose extinguisher cabinets. Existing cabinets damaged/rusted</td>
<td>No heritage impact if recommendations followed.</td>
<td>All new services to follow existing service routes. All new services to follow existing service routes. All new services to follow existing service routes. If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316. Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor.</td>
</tr>
<tr>
<td>18. Fire Services: Reactive Hydrant Systems</td>
<td>Supply and install: 1 x replacement pressure gauge due to existing damaged. Perform hydrant system flow test. * If system is under preforming a quotation to upgrade may follow test.</td>
<td>No heritage impact if recommendations followed.</td>
<td>All new services to follow existing service routes. If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316. Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor.</td>
</tr>
<tr>
<td>19. Hydraulics: Gas Service</td>
<td>Recommission commercial gas service including regulator sets, filters and second stage regulators. Check and adjust pressures where required. Pressure test, bleed and commission lines. Provide certificate of compliance. Recommission commercial gas service including regulator sets, filters and second stage regulators. Check and adjust pressures where required. Pressure test, bleed and commission lines. Provide certificate of compliance. Disconnect and remove high level gas heating from communal rooms, offices, workshops and visits. Cap-off and remove redundant pipework where required and remove off site. Recommission commercial gas service including regulator sets, filters and second stage regulators. Check and adjust pressures where required. Pressure test, bleed and commission lines. Provide certificate of compliance.</td>
<td>No heritage impact if recommendations followed.</td>
<td>All new services to follow existing service routes. If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316. Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor.</td>
</tr>
<tr>
<td>20. Hydraulics: Laundry Services</td>
<td>Remove all redundant services from existing commercial laundry. Remove pipework and patch where required. Disconnect and remove US 270 litre HWS servicing laundry and cap off services to same. Remove waste from site.</td>
<td>No heritage impact if recommendations followed.</td>
<td>All new services to follow existing service routes. If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.</td>
</tr>
<tr>
<td>21. Hydraulics: External Roof Gutters</td>
<td>Replace all rusted quad guttering from buildings to match existing Colorbond gutters already replace. Total of approx. 380 metres of gutter required. Existing US gutter is totally rusted out with large</td>
<td>No heritage impact if recommendations followed.</td>
<td>All new services to follow existing service routes. If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.</td>
</tr>
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<td>RECOMMENDATIONS</td>
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<tr>
<td>holes. EWP’s required to access areas above razor wire that is in need of replacement.</td>
<td>– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor.</td>
<td>– All new services to follow existing service routes.</td>
<td></td>
</tr>
<tr>
<td>22. Hydraulics: External Downpipes</td>
<td>Renew all rusted out downpipes to new gutters. All downpipes in sterile zones. Installation of collar and grates at ground level to prevent future blockages and to maintain system. Approximately 25 required. Remove waste from site.</td>
<td>No heritage impact if recommendations followed.</td>
<td>– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.</td>
</tr>
<tr>
<td>23. Hydraulics: External Roof</td>
<td>Supply a roof anchor system to all roof surfaces. Entry point locations x 4 in sterile zones. Certify all systems. Repair surface rust on ridge capping and valley above kitchen in centre. Remove surface rust and coat with protective membrane</td>
<td>No heritage impact if recommendations followed.</td>
<td>– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor.</td>
</tr>
<tr>
<td>24. Hydraulics: Guards Office Gate – Boiling Water</td>
<td>Zip miniboil has been removed. Install new 3 litre of water, and power.</td>
<td>No heritage impact if recommendations followed.</td>
<td>– All new services to follow existing service routes.</td>
</tr>
<tr>
<td>25. Hydraulics: Guards Gate – Hot Water System</td>
<td>Replace rusted 25 litre HWS to guards’ office. Remove and Dispose of old unit.</td>
<td>No heritage impact if recommendations followed.</td>
<td>– All new services to follow existing service routes.</td>
</tr>
<tr>
<td>26. Hydraulics: Ductwork and Sterile Zones – Toilets &amp; Bathrooms</td>
<td>Remove all Flusherette Pipework and existing pipework in ducts. Installation of new water service to basins and toilets in ducts and sterile Zone. Insulated pipework to protect from freezing. Removal of all waste from site. 2 x Large ducts and all sterile zone locations with external flusherette pipework. Clean up and remove foliage from ducts to allow works to be carried out. Quote includes all materials, new fixture and control valves. Remove waste from site. Clean up all ducts prior to work remove thick green waste Ductwork – Cisterns: Supply heavy duty stainless steel cistern covers to new ductwork installation over cisterns as per some existing covers already installed. 45 approx. in total.</td>
<td>No heritage impact if recommendations followed.</td>
<td>– All new services to follow existing service routes.</td>
</tr>
<tr>
<td>27. Hydraulics: External Roof</td>
<td>Repair loose roof sheets above main entrance Re-screw, fix and seal.</td>
<td>No heritage impact if recommendations followed.</td>
<td>– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.</td>
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GAO Berrima Gaol – Minor Works 2016 SOHI April 2016 20
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<th>HERITAGE IMPACT ASSESSMENT</th>
<th>RECOMMENDATIONS</th>
</tr>
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| 28. Hydraulics: External Waste & Water | – Seal up open pipes in laneway sterile area behind laundry  
– Repair broken pipework outside heater room | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
| 29. Hydraulics: Plant Room – Hot Water | – RE-commission Hot Water Plant Room. Purge test and commission Rheem Equa flow heater bank. Check all valves and service pumps. | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
| 30. Hydraulics: Gate Office – Water | – Tidy up and replace old rusted water pipes with copper service | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
| 31. Hydraulics: Roof Managers Offices – Skylight | – Repair leaking skylights. Access roof via harness inspect and repair with membrane only. No allowance for new flashings or skylights if required. Inspect and patch only. | No heritage impact. | – Not applicable |
– Supply and install two (2x) Aqua Blend 2000 TMV for shower and basins in bathroom (Installed in stainless steel boxes). | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
– Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor. |
| 34. Mechanical: Coolrooms and Freezer Rooms | – Due to the age and deterioration of existing units, recommendation is to replace existing with new. (3x Cool rooms and 1 x Freezer)  
– Supply and installation of external condenser units to replace existing  
– Supply and installation of indoor evaporator units to replace existing  
– Supply and installation of new extension to pad outside  
– Supply and installation new enclosure/housing condenser units to allow better ventilation | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
– If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316. |
<table>
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<th>AREA</th>
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</table>
|      | – Carry out all required piping and cabling works  
|      | – Renew any damaged seals, bells and heaters.  
|      | – Testing and commissioning | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
|      |               |                             | – All new services to follow existing service routes.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             |                 |
| 35. Mechanical: Kitchen Exhaust System | – General inspection of existing exhaust system  
|      | – Replacement of filters  
|      | – General clean and tidy  
|      | – Inspection and testing of motors and control | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
|      |               |                             | – All new services to follow existing service routes.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             |                 |
| 36. Mechanical: Installation of A/C Units in Meals Room | – Supply and install 2 x 8.1kw Mitsubishi Heavy Industries Split Units to service Meals/Activity Room  
|      | – Carry out all required piping and ducting  
|      | – Carry out all required cabling and electrical works | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
|      |               |                             | – All new services to follow existing service routes.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             |                 |
| – Security: New CCTV and Viewing Station  
See Figures 3.5 & 3.10 | – Supply and install camera layout includes 11 cameras total throughout the centre. Of these 11 cameras 8 will have VMX alarms reporting back to the main gate viewing station. (VMX alarms are basically the next generation of VMD).  
|      | – These VMX alarms are distributed around the centre as follows:  
|      | – Internal Perimeter – 8 x Cameras are VMX Alarmed; multiple setups may be required for time of day.  
|      | – 2 x Fixed Cameras installed in the Main Quadrangle.  
|      | – 1 x Fixed Camera installed in the Industries Building.  
|      | – The new viewing station will have 1 x big 26” monitors on the wall. The VMX alarms will be processed via the viewing station.  
|      | – The system design nominated is utilising a Geutebruck GeViStore with storage for approximately 30 days. The Control Room Viewing Station will be GSCView Operator Station as utilised in most correctional centres throughout NSW.  
|      | – Reinstate ‘knock-up system  
|      | – Reinstate Fixed Duress System | No heritage impact if recommendations followed. | – All new services to follow existing service routes.  
|      |               |                             | – All new services to follow existing service routes.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             | – If new fixings are required into stonework they shall be into mortar joints and shall be stainless steel 316.  
|      |               |                             |                 |
Figure 3.2
The Eastern (Main) elevation of Berrima Gaol.
No works are proposed to this area.

Figure 3.3
Main Entrance
No works are listed for this area however some recommendations are made to control possible new signage.

Figure 3.4
Typical FHR cabinets to be replaced.
Figure 3.5
View of the inside of the external Gaol walls showing the existing surface mounted conduits. The existing mounting brackets of previous security cameras (highlighted by the red dashed circle) are to be re-used to fix new security camera.

Figure 3.6
View of the eastern courtyard. Typical minor works are upgrading of existing services and repair/replacement of roofing and rainwater plumbing.

Figure 3.7
General view showing typical minor works including:
- existing quad gutters & downpipes to be repaired or replaced.
- Fire extinguishers to be replaced.
Figure 3.8
General view showing typical minor works including existing surface mounted plumbing services to be upgraded.

Figure 3.9
General view showing typical minor works including existing surface mounted services to be upgraded.

Figure 3.10
View inside New Security Room 004. Most of the walls and roof structure is late 20th century fabric.
Figure 3.11

Typical cells. Three cells may need to be upgraded to meet DDA requirements. Note that the existing access is via modern concrete and adjustments for a complying ramp and raised landing with no threshold will be acceptable in heritage terms. Care will need to be taken to prevent damage to sandstone both during the work and from future potential damp issues.

Figure 3.12

The fitout on the top floor of the eastern wings. These skylights are leaking and need repair. There are no heritage impacts.

Figure 3.13

The main commercial kitchen. Flooring and other finishes are to be upgraded. There are no heritage impacts.
Figure 3.14
Typical internal lighting, fire safety and A/C services to be upgraded.

Figure 3.15
Admin kitchen – cupboards to be replaced.

Figure 3.16
The east elevation of the western wing facing the courtyard. This wing houses the main kitchen and dining room. Note the existing disability access ramps.
Figure 3.17

View of the 1970s workshop building on the western side of the Gaol. This building has moderate to little heritage value. Minor works repairing existing finishes and upgrading services will have no heritage impact.

Figure 3.18: The western area outside the Gaol where the road is to be extended to the existing garages. Note the proximity to the steep riverbank to the left of this photo. The approximate position of the road is shown by the red dashed line. Although the embankment is fenced – bollards are required to ensure vehicular safety.

Figure 3.19: The western area outside the Gaol where the road is to be extended to the existing garages. The approximate position of the road is shown by the red dashed line.
3.2 NSW HERITAGE ACT REQUIREMENTS

STATE HERITAGE REGISTER

The State Heritage Register seeks to prevent inappropriate works to items of State Heritage Significance by requiring approvals under Section 60 of the NSW Heritage Act 1977. Where the work is considered minor it may be exempted under Section 57 (2) of the Heritage Act provided it is in accordance with Standard or Site Specific Exemptions.

The NSW Heritage Council has adopted the Australia ICOMOS Burra Charter as a best practice guide to heritage conservation. The Burra Charter advocates a cautious approach - do as much as necessary to care for the place and make it useable, but do as little as possible so that cultural significance is retained (Article 3). In practice, this means repairing rather than replacing original fabric. Where replacement is the only option, it should be on a like for like basis.

While most of the minor works covered by this SOHI are considered to have no or minor heritage impact (and thus suitable for an exemption under Section 57 (2) of the Heritage Act), there may be unforeseen conservation issues arising in connection with the most significant fabric at the site – being:

- the 1830s Gaol sandstone walls;
- the 1866 sandstone main entrance building; and
- potential significant archaeology

For this reason it is recommended that new work which would impact on fabric of either the walls or the gatehouse should be overseen by a heritage advisor and that any excavation be subject to a “watching brief” by a qualified archaeologist.

SECTION 170 OF THE HERITAGE ACT 1977

Management by State owned assets must be guided by the Stage Agency Heritage Guide (2005). The State Owned Heritage Management Principles within the Guide include:

4. Conservation Outcomes

Heritage assets should be conserved to retain their heritage significance to the greatest extent feasible. State agencies should aim to conserve assets for operational purposes or to adaptively reuse assets in preference to alteration or demolition.

7. Appropriate Uses

Heritage assets should, where feasible, continue to be maintained in their operational role. Where they are surplus to operational
requirements, State agencies should aim to ensure that items are adaptively re-used for a purpose sympathetic to their heritage significance.

8. Maintenance of Heritage Assets

Heritage assets are to be maintained in a manner which retains heritage significance, with the objective of preventing deterioration and avoiding the need for expensive "catch-up" maintenance and major repairs.

9. Alterations

Alterations should be planned and executed to minimise negative impacts on heritage significance (including curtilage and setting), and appropriate mitigating measures should be identified.

11. Management of Redundant Heritage Assets

Management of redundant heritage assets (orphan assets) surplus to the State agency’s needs (but still in the ownership of the agency or under its control) should be planned and executed so as to conserve the item’s heritage significance.

3.3 WINGECARRIBE LEP 2010.

The subject property is listed as a heritage item in Schedule 5 of the Wingecarribee Local Environmental Plan (LEP) 2010 which contains the standard heritage management LEP clauses. Particularly relevant to this SOHI is the following Clause 5.10 (3): When consent not required:

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

As the proposed works are of a minor nature, and will not adversely affect the significance of the heritage item, the works do not require consent from Wingecarribee Council (Clause 5.10.3 (d) of the LEP).
4. CONCLUSION & RECOMMENDATIONS

4.1 HERITAGE IMPACT OF PROPOSED WORKS

The proposed works are very minor. The majority of the works involve the replacement of the existing services of no heritage significance such as late 20\textsuperscript{th} century roof plumbing, fire services and air conditioning systems with more efficient services. The new services will utilise existing service routes and fixing points.

There are some works where there is potential for heritage impact if the recommendations below for care and best practice conservation are not followed including:

- Excavations for the new road and fuel storage areas; and
- Any maintenance or new services to the 1830s Gaol walls or the 1866 main entrance building (See Figure 2.10).

4.2 RECOMMENDATIONS

While the proposed works will result in only minor heritage impact, good conservation practice encourages care when dealing with State significant buildings. We recommend the following with regard to the proposed works:

1. All new services to follow existing service routes
2. If new fixings are required into stonework, they shall be installed into existing mortar joints and shall be stainless steel 316
3. Any new works to the 1830s Gaol Walls or 1866 Gaol Gatehouse to be overseen by a heritage advisor
4. Care should be taken in removing the existing services to not damage adjacent significant fabric, including sandstone, joinery, ceilings, timber cornices / battens, timber floor structure and boards, and plastered wall surfaces
5. Where services are removed, the area should be made good to match the existing adjacent surface, including material, profile and finish. Experienced specialist tradespeople should be used for work on significant fabric
6. Generally, excavation is to be minimised
7. Engage an archaeologist on a watching brief for excavations associated with the road, fuel storage areas and installation of bollards along the access road to the garages
8. Install bollards along the cliff face beside the access road to the garages. These bollards to be simple galvanised steel cylinders. Excavation for bollards to be minimal (e.g. use screw piles).

9. If artefacts are encountered stop work and inform the Heritage Division of OEH.

4.3 HERITAGE APPROVALS

4.3.1 NSW STATE HERITAGE ACT

The proposed works are considered to be a minor activity with no adverse impact on the heritage significance of the Berrima Gaol. The works are considered to be exempt under the following Standard Exemptions under Section 57 of the *NSW Heritage Act 1977* (See Appendix 2):

- Standard Exemption No. 1: Maintenance
- Standard Exemption No. 2: Repairs
- Standard Exemption No. 4: Excavation
- Standard Exemption No. 7: Minor Activities with Little or No Adverse Impact on Heritage Significance.
- Standard Exemption No. 8: Non-significant fabric
- Standard Exemption 15: Compliance with Minimum Standards and Orders.

Standard Exemptions 4, 7 and 8 require notification to the Director of the Heritage Division in the NSW Office of Environment and Heritage using the Exemption Notification Form.

4.3.2 WINGECARRIBE LEP 2010

The Berrima Gaol is identified as a Heritage Item in the Wingecarribee LEP 2010 and is also within a Heritage Conservation Area.

As the proposed works are of a minor nature, and will not adversely affect the significance of the heritage item, the works are considered Exempt development under the State Environmental Planning Policy (Infrastructure) 2007 (see 4.3.3 below). Therefore the works do not require consent from Wingecarribee Council (see Clause 5.10.3 (d) of the LEP).
4.3.3 SEPP INFRASTRUCTURE 2007

This Statement of Heritage Impact has concluded that the works do not result in more than a minimal heritage impact. As such, the works are considered to be exempt development under State Environmental Planning Policy (Infrastructure) 2007 (Clauses 20 and 20A).
APPENDICES

APPENDIX A SHR LISTING SHEET BERRIMA GAOL

(State Heritage Register Listing)
Berrima Correctional Centre

Item details

Name of Item: Berrima Correctional Centre
Other name/s: Berrima Training Centre, Berrima Gaol, Berrima Jail
Type of Item: Complex / Group
Group/Collection: Law Enforcement
Category: Gaol/Lock-up
Location: Lat: -34.4677151525 Long: 150.3355230010
Primary address: Argyle Street, Berrima, NSW 2577
Local govt. area: Wingecarribee
Hectares (approx): 3.155

Property description

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Owner/s

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<th>Owner Category</th>
<th>Date Ownership Updated</th>
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</thead>
<tbody>
<tr>
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Statement of significance:

Berrima Gaol is one of the few remaining compounds dating from pre 1840. It is an early example of the application of model prison layouts. Associated with the development of Berrima, and the adjacent courthouse, the Gaol is significant for its phases of use.

Date significance updated: 06 Nov 00

Note: There are incomplete details for a number of items listed in NSW. The Heritage Division intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Designer/Maker: James Barnett
Builder/Maker: Convict Work Gangs
Construction years: 1835-1945
Physical description: Berrima Gaol compound is constructed of sandstone, probably quarried locally. Sandstone was used for the construction of the gatehouse when the facilities were extended in the mid 1860s.
Physical condition and/or Archaeological potential: The existence of convict mason marks on the perimeter walls have not been investigated.
Date condition updated: 07 Nov 00
Modifications and dates: The buildings within the compound were dismantled at the end of World War 2 and the stolen bricks were reused to construct the present building.
Current use: Correctional Centre
Former use: Gaol; internment camp; depot; store

History

Historical notes: Berrima is the second oldest (European) settlement in Wingecarribee Shire and the oldest continuing settlement in the shire. The first town settlement in the district was in 1821 at Bong Bong, 8km south-east of Berrima on the Wingecarribee River (Webb, 2008, 9).

The site of Berrima was selected by Surveyor General Sir Thomas Mitchell in 1829 on a visit planning the route for a new road alignment from Sydney to replace the old Argyle Road, which had proven unsatisfactory due to a steep hill climb over the Mittagong Range and river crossing at Bong Bong. In 1830 Mitchell instructed Robert Hoddle to mark out the town based on a plan Mitchell's office prepared, along the lines of a traditional English village (with a central market place and as many blocks as possible facing onto the Wingecarribee River), and using the local Aboriginal name. The new line of road came through the town (Allman Johnston, 2007). Berrima was to be established as the commercial and administrative centre for the County of Camden.

Following the approval of Governor Bourke in 1831, the period 1824 to 1841 saw significant flourishing development as mail coaches changed their route to this new line of road. Early town lots were sold in 1833, predominantly to inn keepers and around Market Square, including the first town lot sales to Bryan McMahon (Webb, 2008, 9).

Governor Bourke designated Berrima as a place for a courthouse and gaol to serve the southern part of the state (Webb, 2008, 9). With construction of the Gaol from 1835-9 and its Court House in 1838 to serve the southern part of the state the town flourished into the 1840s as mail coaches called, public buildings including churches in 1849 and 1851, establishment of many hotels and coaching houses to service local resident needs and passing trades, persons and commercial travellers. Its 1841 population was 249 with 37 houses completed and 7 new in construction. Research has indicated there were some 13 hotels or gorg houses in Berrima at the one time in the early days before the coming of the Southern Railway to the Moss Vale area, which bypassed Berrima (Allman Johnston, 2005).

The old Berrima Gaol was built in 1835-9 at a cost of 5,400 pounds and comprised 34 cells accommodating 66 prisoners. The design was adopted by the Governor, Richard Bourke, from the SIPD (Society for the Improvement of Prison Discipline) pamphlet. It was originally designed to hold prisoners from the surrounding areas, but Cootamundra Gaol took over this role and it became a subsidiary prison housing sick and aged convicts from other gaols. In 1866, the gaol was enlarged to provide separate cells for 110 prisoners (Webb, 2008, 10).

Convicted London joiner and carpenter James Gough (1790-1876) who arrived on the Earl Spencer in 1813 and gained his conditional pardon in 1821, was awarded the construction of Berrima Gaol in partnership with John Richards in 1834 (Dalkin, 2014, 31).

The 1851 census showed the number of buildings remained the same but the population had dropped to 92. During the 1850s Berrima experienced another boom period after the discovery of gold. When the Great Southern Railway bypassed Berrima in 1867 the town again began to decline as Mittagong, Moss Vale and Bowral developed. Berrima remained virtually unchanged for the next 100 years, preserving the town as an almost intact colonial village (Webb, 2008, 10).

The gaol was closed in 1909, and was used by the army during World War 1 as an internment camp and during World War 2 as a depot and store. Between the wars the gaol was opened for public inspection as a place of historic interest. From 1944 to 1949, the whole gaol was rebuilt by prison labour at a cost of 18,000 pounds. Only the entrance and outer walls of old Berrima Gaol were left standing. The Centre was opened in November 1949.

In 1948 the Berrima Training Centre, a minimum security correctional centre opened at the Berrima Gaol. In the 1960s the National Trust of Australia (NSW) started to classify and seek to protect heritage properties (Webb, 2008, 22).
Since the classification of a number of buildings in Berrima by the National Trust of Australia (NSW) in the 1960s, the popularity of Berrima has increased, particularly as a tourist destination. Recent developments in the town have seen the emergence of bed and breakfast accommodation facilities, reflecting the early years of the town’s development that provided accommodation for travellers through the construction and operation of various inns (Webb, 2008, 10).


### Historic themes

<table>
<thead>
<tr>
<th>Australian theme (abbrev)</th>
<th>New South Wales theme</th>
<th>Local theme</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Peopling the continent</td>
<td>Convict-activities relating to incarceration, transport, reform, accommodation and working during the convict period in NSW (1788-1850) - does not include activities associated with the convict orion persons in NSW that are unrelated to the imperial convict system; use the theme of Law &amp; Order for such activities</td>
<td>Working for the Crown</td>
</tr>
<tr>
<td>4. Settlement-Building, towns and cities</td>
<td>Towns, suburbs and villages - Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages</td>
<td>Row of transport in settlement</td>
</tr>
<tr>
<td>7. Governing the community</td>
<td>Defence-activities associated with defending places from hostile takeover and occupation</td>
<td>Training military personnel</td>
</tr>
<tr>
<td>7. Governing the community</td>
<td>Defence-activities associated with defending places from hostile takeover and occupation</td>
<td>Involvement with the Second World War</td>
</tr>
<tr>
<td>7. Governing the community</td>
<td>Government and administration - Activities associated with the governance of local areas, regions, the State and the nation, and the administration of public programs - includes both principled and corrupt activities</td>
<td>Incarcerating prisoners</td>
</tr>
<tr>
<td>7. Governing the community</td>
<td>Law and order - Activities associated with maintaining, promoting and implementing criminal and civil law and legal processes</td>
<td>Providing geriatric and old age care</td>
</tr>
<tr>
<td>7. Governing the community</td>
<td>Welfare activities and processes associated with the provision of social services by the state or philanthropic organisations</td>
<td>Providing geriatric and old age care</td>
</tr>
<tr>
<td>9. Phases of Life-Marking the phases of life</td>
<td>Persons - Activities of, and associations with, identifiable individuals, families and communal groups</td>
<td>Associations with James Gough, emancipist joiner and carpenter</td>
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### Procedures / Exemptions

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<thead>
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<th>Title</th>
<th>Comments</th>
<th>Action date</th>
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<td>57(2)</td>
<td>Exemption to allow work</td>
<td>Standard Exemptions</td>
<td>SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977</td>
<td>Sep 5 2008</td>
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Notice of Order Under Section 57 (2) of the Heritage Act 1977

1. the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:

1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2005, and

2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.

FRANK SARTOR
Minister for Planning
Sydney, 11 July 2008

To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.

⚠️ Standard exemptions for works requiring Heritage Council approval

### Listings
<table>
<thead>
<tr>
<th>Heritage Listing</th>
<th>Listing Title</th>
<th>Listing Number</th>
<th>Gazette Date</th>
<th>Gazette Number</th>
<th>Gazette Page</th>
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<tr>
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<td>00007</td>
<td>02 Apr 99</td>
<td>27</td>
<td>1546</td>
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<td></td>
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<td>007</td>
<td>00291</td>
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<td>21 Mar 78</td>
<td></td>
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<td></td>
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</table>

**Study details**

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<thead>
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<th>Title</th>
<th>Year</th>
<th>Number</th>
<th>Author</th>
<th>Inspected by</th>
<th>Guidelines used</th>
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</thead>
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<td>Department of Corrective Services: Interim Heritage and Conservation Register</td>
<td>1995</td>
<td>018</td>
<td>State Projects Conservation Register</td>
<td></td>
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</tbody>
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**References, internet links & images**

- Written State Projects Heritage Group 1995 NSW Department of Corrective Services Heritage and Conservation Register
- Written Webb, Chris & Charlotte 2008 Conservation Management Plan, Coach & Horses Inn, 24 Jellore Street, Berrima

Note: internet links may be to web pages, documents or images.

(Click on thumbnail for full size image and image details)

**Data source**

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Return to previous page

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APPENDIX B: STANDARD EXEMPTIONS FOR WORKS REQUIRING HERITAGE COUNCIL APPROVAL.
HERITAGE INFORMATION SERIES

STANDARD EXEMPTIONS FOR WORKS REQUIRING HERITAGE COUNCIL APPROVAL

Heritage Council of New South Wales
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## CONTENTS

**INTRODUCTION** 4  
WHY HAVE STANDARD EXEMPTIONS? 5  
HOW WILL EXEMPTIONS ALREADY IN PLACE BE AFFECTED BY THE NEW STANDARD EXEMPTIONS? 5  
WHAT OTHER APPROVALS ARE NECESSARY TO DO WORK ON A HERITAGE ITEM? 5  
HOW TO RELATE THE STANDARD EXEMPTION CLAUSES TO YOUR HERITAGE ITEM 6  

**SCHEDULE OF STANDARD EXEMPTIONS** 7  
**GENERAL CONDITIONS** 8  
STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING 10  
STANDARD EXEMPTION 2: REPAIRS 11  
STANDARD EXEMPTION 3: PAINTING 13  
STANDARD EXEMPTION 4: EXCAVATION 15  
STANDARD EXEMPTION 5: RESTORATION 17  
STANDARD EXEMPTION 6: DEVELOPMENT ENDORSED BY THE HERITAGE COUNCIL OR DIRECTOR-GENERAL 18  
STANDARD EXEMPTION 7: MINOR ACTIVITIES WITH LITTLE OR NO ADVERSE IMPACT ON HERITAGE SIGNIFICANCE 19  
STANDARD EXEMPTION 8: NON-SIGNIFICANT FABRIC 20  
STANDARD EXEMPTION 9: CHANGE OF USE 21  
STANDARD EXEMPTION 10: NEW BUILDINGS 22  
STANDARD EXEMPTION 11: TEMPORARY STRUCTURES 23  
STANDARD EXEMPTION 12: LANDSCAPE MAINTENANCE 24  
STANDARD EXEMPTION 13: SIGNAGE 26  
STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES 28  
STANDARD EXEMPTION 15: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS 29  
STANDARD EXEMPTION 16: SAFETY AND SECURITY 30  
STANDARD EXEMPTION 17: MOVABLE HERITAGE ITEMS 31
INTRODUCTION

In NSW important items of our environmental heritage are listed on the State Heritage Register. Any changes to those items should respect and retain those qualities and characteristics that make the heritage place special.

Any major works proposed for State Heritage Register items therefore need to be assessed and approved by the Heritage Council to ensure that the heritage significance of the item will not be adversely affected.

However, the assessment process can waste the time and resources of both the owner and the Heritage Council if the works are only minor in nature and will have minimal impact on the heritage significance of the place. The Heritage Act allows the Minister for Planning, on the recommendation of the Heritage Council, to grant exemptions for certain activities which would otherwise require approval under the NSW Heritage Act.

There are two types of exemptions which can apply to a heritage item listed on the State Heritage Register:

1. standard exemptions for all items on the State Heritage Register. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.

2. site specific exemptions for a particular heritage item can be approved by the Minister on the recommendation of the Heritage Council.

These guidelines have been prepared to inform owners and managers of heritage items listed on the State Heritage Register about the standard exemptions. They also explain how to develop site specific exemptions for a heritage item.

The State Heritage Register

Heritage places and items of particular importance to the people of New South Wales are listed on the State Heritage Register. The Register was created in April 1999 by amendments to the Heritage Act 1977.

The key to listing on the State Heritage Register is the level of significance. Only those heritage items which are of state significance in NSW are listed on the State Heritage Register.

To check whether an item is listed on the register, check the online heritage database on the homepage of the Heritage Branch, Department of Planning:

www.heritage.nsw.gov.au

This online database lists all statutorily protected items in NSW. It may be accessed from the homepage, via the Listings tab, then Heritage databases.
WHY HAVE STANDARD EXEMPTIONS?

The standard exemptions apply to all items listed on the State Heritage Register. These exemptions came into force on 5 September, 2008. They replace all previous standard exemptions.

The current exemptions replace those gazetted on 4 April 2006 and as amended 28 April 2006. They relate to a broad range of minor development and will result in a more streamlined approval process.

The purpose of the standard exemptions is to clarify for owners, the Heritage Branch and local councils what kind of maintenance and minor works can be undertaken without needing Heritage Council approval. This ensures that owners are not required to make unnecessary applications for minor maintenance and repair.

The Heritage Council has prepared guidelines to help owners and managers to interpret and apply the standard exemptions. Those guidelines were first published in 2004 and have been incorporated into this document.

HOW WILL EXEMPTIONS ALREADY IN PLACE BE AFFECTED BY THE NEW STANDARD EXEMPTIONS?

1. **Standard Exemptions**: The new standard exemptions replace all existing standard exemptions.

2. **Site Specific Exemptions**: Some heritage items have site specific exemptions for works other than those in the standard list. Site specific exemptions will continue to remain in force.

WHAT OTHER APPROVALS ARE NECESSARY TO DO WORK ON A HERITAGE ITEM?

The exemptions only reduce the need to obtain approval from the Heritage Council, under section 60 of the Heritage Act, to carry out works to a heritage item listed on the State Heritage Register. You should check with your local council for information on additional development and building approvals, and with the Heritage Branch for other approvals which may be required under the Heritage Act, such as an Excavation Permit.
HOW TO RELATE THE STANDARD EXEMPTION CLAUSES TO YOUR HERITAGE ITEM

The standard exemption clauses can be grouped under two headings:

- maintenance and repairs;
- alterations.

Clauses have been kept as concise as possible to avoid ambiguities. The terminology used is consistent with the Australia ICOMOS *Burra Charter*. Australia ICOMOS is the Australian Chapter of International Council on Monuments and Sites, a UNESCO-affiliated international organisation of conservation specialists. The *Burra Charter* is a nationally accepted standard for assessing and managing change to heritage items.

Before you develop firm proposals for changes to the heritage item, take the following actions:

[ 1. ] Check the boundaries of the item to which the State Heritage Register listing applies;

[ 2. ] Check the exemptions which apply to your heritage item;

[ 3. ] Read these explanatory notes to ensure that the work you propose is exempted, and check if prior Heritage Council notification and endorsement is required before the works are commenced;

[ 4. ] If the work is not exempted, apply to the Heritage Council for approval under section 60 of the Heritage Act;

[ 5. ] Check with the local council concerning other approvals that may be required;

[ 6. ] Check with the Heritage Branch if the work you propose involves the disturbance of relics more than 50 years old.
NOTICE OF ORDER UNDER SECTION 57(2) OF THE HERITAGE ACT, 1977

I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:

1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and

2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.

FRANK SARTOR
Minister for Planning
Sydney, 11 July 2008
SCHEDULE OF EXEMPTIONS TO SUBSECTION 57(1) OF THE
HERITAGE ACT 1977
MADE UNDER SUBSECTION 57(2)

GENERAL CONDITIONS

1. These general conditions apply to all of the following Exemptions.


3. The following Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which affect traditional access by Aboriginal people.

4. The Director, and Managers employed by the Heritage Branch,-Department of Planning; the Executive Director, Tenant and Asset Management Services, employed by the Sydney Harbour Foreshore Authority; the Executive Director Culture & Heritage employed by the Department of Environment and Climate Change and the General Manager, Sustainability employed by the Sydney Water Corporation may perform any of the functions of the Director-General of the Department of Planning (Director-General) under these exemptions.

The authorisation to the Executive Director, Tenant and Asset Management Services of the Sydney Harbour Foreshore Authority is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director, Tenant and Asset Management Services.

The authorisation to the Executive Director Culture & Heritage of the Department of Environment and Climate Change is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director Culture & Heritage.

The authorisation to the General Manager, Sustainability employed by the Sydney Water Corporation is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is
satisfied, must not be carried out by the General Manager, Sustainability.

5. In these Exemptions, words shall be given the same meaning as in the Heritage Act 1977 ("the Act") unless the contrary intention appears from the context of the exemption.

6. Anything done pursuant to the following Exemptions must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

Guidelines

In addition to the above guidelines listed in paragraph two, the Heritage Council adopted further guidelines on 7 April 2004 (revised 2009) for use in interpreting and applying the standard exemptions.

If it is unclear whether proposed development satisfies the requirements of these exemptions, an application will be required under section 60 of the Heritage Act.
STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING

1. The following maintenance and cleaning does not require approval under subsection 57(1) of the Act:

   (a) the maintenance of an item to retain its condition or operation without the removal of or damage to the existing fabric or the introduction of new materials;

   (b) cleaning including the removal of surface deposits, organic growths or graffiti by the use of low pressure water (less than 100 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing.

NOTE 1: Traditional finishes such as oils and waxes must continue to be used for timber surfaces rather than modern alternative protective coatings such as polyurethane or acrylic which may seal the surface and can cause damage.

NOTE 2: Surface patina which has developed on the fabric may be an important part of the item’s significance and if so needs to be preserved during maintenance and cleaning.

Guidelines

Maintenance is distinguished from repairs, restoration and reconstruction as it does not involve the removal of or damage to existing fabric or the introduction of new materials. It is a continuing process of protective care. Typical maintenance activity includes:

- the removal of vegetation and litter from gutters and drainage systems;
- resecuring and tightening fixings of loose elements of building fabric;
- lubricating equipment and services which have moving parts;
- the application of protective coatings such as limewash, polish, oils and waxes to surfaces which have previously had such coatings applied; and
- cleaning by the removal of surface deposits using methods other than aggressive mechanical or chemical techniques such as high pressure, high temperature or strong solvents which may affect the substrate.

This standard exemption applies to the maintenance of all types of heritage items including buildings, works, landscapes, cemeteries and movable heritage. Reference should be made to other relevant standard exemptions (#12, 14 and 17) for particular types of items.
STANDARD EXEMPTION 2: REPAIRS

1.1. Repair to an item which is of the type described in (a) or (b) below does not require approval under subsection 57(1) of the Act:

(a) the replacement of services such as cabling, plumbing, wiring and fire services that uses existing service routes, cavities or voids or replaces existing surface mounted services and does not involve damage to or the removal of significant fabric;

(b) the repair (such as refixing and patching) or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing and does not involve damage to or the removal of significant fabric.

NOTE 1: Repairs must be based on the principle of doing as little as possible and only as much as is necessary to retain and protect the element. Therefore replacement must only occur as a last resort where the major part of an element has decayed beyond further maintenance.

NOTE 2: Any new materials used for repair must not exacerbate the decay of existing fabric due to chemical incompatibility, obscure existing fabric or limit access to existing fabric for future maintenance.

NOTE 3: Repair must maximise protection and retention of fabric and include the conservation of existing detailing, such as vents, capping, chimneys, carving, decoration or glazing.

Guidelines

This standard exemption is not intended to allow the cumulative replacement of large amounts or a high proportion of the fabric of an item. If replacement of large amounts of fabric is necessary, an application will be required to be submitted under s. 60 of the Heritage Act. If there is uncertainty about whether the proposed extent of repair is exempt from approval, advice should be sought from the Heritage Branch, Department of Planning.

Repairs should have detailed specifications and carried out by licensed tradespeople with experience in the conservation of heritage buildings. It is essential that the composition of elements of the fabric such renders, mortars, timber species and metal types remain the same to assist with matching appearance and avoiding chemical incompatibility.

Repair may involve reconstruction which means returning an item to a known earlier state. This may involve the use of new or recycled materials.
Reconstruction must satisfy a four-part test to qualify for exemption from approval:

1. The nature of the earlier state being reconstructed must be known. Where there is conjecture about the earlier state of the fabric or where it is proposed to change the appearance, material or method of fixing of the fabric an application under s.60 of the Heritage Act will be required.

2. The replacement fabric must be matching in appearance and method of fixing. The use of salvaged or recycled fabric can be a valuable resource in matching appearance in preference to the use of new fabric which may appear obtrusive. However the damage to other heritage buildings by the salvaging of fabric for reuse is unacceptable. Salvaged materials must be judiciously sourced so as not to encourage secondary damage to other heritage resources. The use of artificial ageing techniques to assist the matching of new with original fabric is only advocated where there is an obtrusive mismatch of materials which negatively impacts on the heritage significance of the item. Ideally, new and original fabric should be subtly discernable on close examination to assist interpretation of the history of change to the building.

3. The fabric being replaced must be beyond further maintenance. The replacement of fabric may only occur where fabric is missing or it is so damaged or deteriorated that it is beyond further maintenance. In many cases the judgement about the level of deterioration and the effectiveness of further maintenance will require the advice of a person who is suitably experienced in similar heritage conservation projects. If it is unclear that the fabric is beyond further maintenance, its replacement will require the submission of an application under s. 60 of the Heritage Act.

4. Significant fabric must not be damaged or removed. In all cases of repair, the damage or removal of significant fabric is not permitted without approval. Significant fabric is that which contributes to the heritage significance of the item. The identification of the level of significance of fabric will usually require the advice of a person who is suitably experienced in similar heritage conservation projects. The damage or removal of significant fabric will require the submission of an application under s. 60 of the Heritage Act.

New material used in repairs should where possible be date stamped in a location which is not conspicuous but is legible on close examination. Archival recording of removed and replacement fabric is advocated and should be used in interpretive displays where practicable.
STANDARD EXEMPTION 3: PAINTING

1. Painting does not require approval under subsection 57(1) of the Act if the painting:
   (a) does not involve the disturbance or removal of earlier paint layers other than that which has failed by chalking, flaking, peeling or blistering;
   (b) involves over-coating with an appropriate surface as an isolating layer to provide a means of protection for significant earlier layers or to provide a stable basis for repainting; and
   (c) employs the same colour scheme and paint type as an earlier scheme if they are appropriate to the substrate and do not endanger the survival of earlier paint layers.

2. Painting which employs a different colour scheme and paint type from an earlier scheme does not require approval under subsection 57(1) of the Act, provided that:
   (a) the Director-General is satisfied that the proposed colour scheme, paint type, details of surface preparation and paint removal will not adversely affect the heritage significance of the item; and
   (b) the person proposing to undertake the painting has received a notice advising that the Director-General is satisfied.

3. A person proposing to undertake repainting of the kind described in paragraph 2 must write to the Director-General and describe the proposed colour scheme, paint type, details of surface preparation and paint removal involved in the repainting. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) the Director-General shall notify the applicant.

NOTE: Preference should be given to the re-establishment of historically significant paint schemes of the item that are appropriate to the significance of the building.

Guidelines

Painting of surfaces which have not previously been painted such as face brickwork, stone, concrete or galvanised iron is likely to adversely affect the heritage significance of the item and is not exempt from approval under this standard exemption. Likewise, the stripping of paint coatings which were intended to be protective may expose the substrate to damage and cause the loss of the historical record and significance of the building. In cases where surface preparation has revealed significant historic paint layers, repainting should facilitate the interpretation of the evolution of the building by displaying appropriately located sample patches of historic paint schemes. This
information should also be examined if it is proposed to recreate earlier finishes or paint schemes.

Paint removal of failed layers to achieve a stable base for repainting is exempt from approval but intervention should be minimised to avoid the loss of the significant historical record. Where old paint layers are sound they should be left undisturbed. The removal of paint with a high content of lead or other hazardous materials requires considerable care and use of experienced tradespeople as its disturbance can create health hazards. If the removal of such paint layers will adversely affect the heritage significance of the item, an application will be required under section 60 of the Heritage Act.

Reference should be made to The Maintenance Series, NSW Heritage Branch, particularly Information Sheets 6.2 Removing Paint from Old Buildings, 7.2 Paint Finishes and 7.3 Basic Limewash which are available online at www.heritage.nsw.gov.au.
STANDARD EXEMPTION 4: EXCAVATION

1. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director-General is satisfied that:

   (a) an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or

   (b) the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or

   (c) a statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of disturbance, indicates that the site has little or no archaeological research potential.

2. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57(1) of the Act:

   (a) the excavation or disturbance of land is for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics;

   (b) the excavation or disturbance of land is to carry out inspections or emergency maintenance or repair on underground utility services and due care is taken to avoid effects on any other relics;

   (c) the excavation or disturbance of land is to maintain, repair, or replace underground utility services to buildings which will not affect any other relics;

   (d) the excavation or disturbance of land is to maintain or repair the foundations of an existing building which will not affect any associated relics;

   (e) the excavation or disturbance of land is to expose survey marks for use in conducting a land survey

3. A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Director-General and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a), (b) or (c) the Director-General shall notify the applicant.
NOTE 1: Any excavation with the potential to affect Aboriginal objects must be referred to the Director-General of the Department of Environment and Climate Change.

NOTE 2: If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the Department of Environment and Climate Change is to be informed in accordance with section 91 of the National Parks and Wildlife Act, 1974.

NOTE 3: This exemption does not allow the removal of State significant relics.

NOTE 4: Where substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment, zoning plan, management plan or statement required by this exemption, are unexpectedly discovered during excavation, 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, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

NOTE 5: Archaeological research potential of a site is the extent to which further study of relics which are likely to be found is expected to contribute to improved knowledge about NSW history which is not demonstrated by other sites or archaeological resources.
STANDARD EXEMPTION 5: RESTORATION

1. Restoration of an item by returning significant fabric to a known earlier location without the introduction of new material does not require approval under subsection 57(1) of the Act.

2. The following restoration does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the restoration has received a notice advising that the Director-General is satisfied:

   (a) the restoration of an item without the introduction of new material (except for fixings) to reveal a known earlier configuration by removing accretions or reassembling existing components which does not adversely affect the heritage significance of the item.

3. A person proposing to undertake restoration of the kind described in paragraph 2 must write to the Director-General and set out why there is a need for restoration to be undertaken and the proposed material and method of restoration. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a), the Director-General shall notify the applicant.

Guidelines

Restoration in accordance with clause 1 of this standard exemption does not involve the removal of fabric and only relates to the return of fabric which has been removed to storage or has been dislodged from its original location.
STANDARD EXEMPTION 6: DEVELOPMENT ENDORSED BY THE HERITAGE COUNCIL OR DIRECTOR-GENERAL

1. Minor development specifically identified as exempt development which does not materially impact on heritage significance, by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or by a conservation management strategy endorsed by the Director-General does not require approval under subsection 57(1) of the Act.

2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

Guidelines

This standard exemption does not exempt development that is consistent with a conservation policy or strategy contained in an endorsed conservation management plan or interim conservation management strategy other than development that is specifically identified as exempt development in that conservation plan or strategy.
STANDARD EXEMPTION 7: MINOR ACTIVITIES WITH LITTLE OR NO ADVERSE IMPACT ON HERITAGE SIGNIFICANCE

1. Anything which in the opinion of the Director-General is of a minor nature and will have little or no adverse impact on the heritage significance of the item does not require approval under subsection 57(1) of the Act.

2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed activity. If the Director-General is satisfied that the proposed activity meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

Guidelines

This standard exemption has the potential to relate to a wide range of minor development. In determining whether a proposed development is minor the Director may have regard to the context of the particular heritage item such as its size and setting. For instance a development may be considered to be minor in the context of Prospect Reservoir’s 1200ha curtilage whereas a similar proposal affecting an item on a smaller site may not be considered to be minor.

In order to assess whether a proposal has an adverse affect on heritage significance it is necessary to submit a clear and concise statement of the item’s heritage significance and an assessment of whether a proposal impacts on that significance.
STANDARD EXEMPTION 8: NON-SIGNIFICANT FABRIC

1. The following development does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:

(a) the alteration of a building involving the construction or installation of new fabric or services or the removal of building fabric which will not adversely affect the heritage significance of the item.

2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a), the Director-General shall notify the applicant.

Guidelines

In order to assess the level of significance of fabric it is necessary to submit a clear and concise statement of the item’s heritage significance and to grade the fabric of the place in accordance with its association with or impact on that significance. It may not always be concluded that more recent fabric is of less or no heritage significance.
STANDARD EXEMPTION 9: CHANGE OF USE

1. The change of use of an item or its curtilage or the commencement of an additional or temporary use does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to undertake the change of use has received a notice advising that the Director-General is satisfied:

   (a) the use does not involve the alteration of the fabric, layout or setting of the item or the carrying out of development other than that permitted by other standard or site specific exemptions; and

   (b) the use does not involve the cessation of the primary use for which the building was erected, a later significant use or the loss of significant associations with the item by current users;

2. A person proposing to change the use of an item or its curtilage or to commence an additional or temporary use of an item or its curtilage in the manner described in paragraph 1 must write to the Director-General and describe the changes proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) and (b), the Director-General shall notify the applicant.

Guidelines

For the purposes of this standard exemption any change of use which is inconsistent with specific conditions of any previous approval or consent such as hours of operation or nature of conduct of an activity requires approval under section 57(1) or the modification of an approval under section 65A of the Heritage Act.
STANDARD EXEMPTION 10: NEW BUILDINGS

1. Subdivision under the **Strata Scheme (Freehold Development) Act** or **Strata Scheme (Leasehold Development) Act** of the interior of a building that has been constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette which applies to the land does not require approval under subsection 57(1) of the Act.

2. Alteration to the interior of a building which has been constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette which applies to the land does not require approval under subsection 57(1) of the Act.

**Guidelines**

Subdivision to which clause 1 of this standard exemption applies must not subdivide the curtilage of the exterior of a building other than approved car spaces. A strata plan which otherwise proposes the subdivision of the curtilage of a heritage item requires approval under section 57(1) of the Heritage Act.

For the purposes of clause 2 of this standard exemption, alterations to the interior of a building:

- do not include internal alterations to additions to buildings which existed prior to the listing of the site on the State Heritage Register or publication of the interim heritage order;
- must not affect the external appearance of the building such as by balcony enclosure or window screening; and
- must not be inconsistent with any specific conditions of a previous approval.

Such alterations require approval under section 57(1) of the Heritage Act.
STANDARD EXEMPTION 11: TEMPORARY STRUCTURES

1. The erection of temporary structures does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to erect the structure has received a notice advising that the Director-General is satisfied:

(a) the structure will be erected within and used for a maximum period of 4 weeks after which it will be removed within a period of 2 days and not erected again within a period of 6 months; and

(b) the structure is not to be located where it could damage or endanger significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items.

2. A person proposing to erect a structure of the kind described in paragraph 1 must write to the Director-General and set out the nature of the structure, the use for the structure and how long it will remain in place and the next occasion on which it is anticipated that the structure will be erected. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraphs 1(a) and 1(b) the Director-General shall notify the applicant.

Guidelines

The cumulative impact of the multiple use of this standard exemption will be considered by the Director in the assessment of the simultaneous construction of a number of temporary structures or a succession of temporary structures which may have a prolonged adverse impact on heritage significance of the item.
STANDARD EXEMPTION 12: LANDSCAPE MAINTENANCE

1. Landscape maintenance which is of the type described below does not require approval under subsection 57(1) of the Act:

   (a) weeding, watering, mowing, top-dressing, pest control and fertilizing necessary for the continued health of plants, without damage or major alterations to layout, contours, plant species or other significant landscape features;

   (b) pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material), not exceeding 10% of the canopy of a tree within a period of 2 years;

   (c) pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material) between 10% and 30% of the canopy of a tree within a period of 2 years;

   (d) removal of dead or dying trees which are to be replaced by trees of the same species in the same location; or

   (e) tree surgery by a qualified arborist, horticulturist or tree surgeon necessary for the health of those plants.

2. A person proposing to undertake landscape maintenance in the manner described in paragraph 1(b) 1(c) or 1(d) must write to the Director-General and describe the maintenance proposed and provide certification by a qualified or experienced arborist, horticulturist or tree surgeon that the maintenance is necessary for the tree’s health or for public safety. If the Director-General is satisfied that the proposed maintenance meets these criteria, the Director-General shall notify the applicant.

NOTE 1: In relation to cemeteries, landscape features include monuments, grave markers, grave surrounds, fencing, path edging and the like.

NOTE 2: Other standard exemptions may apply to landscape maintenance such as #4 Excavation and #6 Development endorsed by the Heritage Council; and #7 Minor works with no adverse heritage impact.
Guidelines

Landscape features and gardens can be of heritage significance in their own right. They are often vital to the curtilage of a heritage item and fundamental to the setting of other (eg; built or archaeological) heritage items and important to the appreciation of their heritage significance. Landscape setting is by its nature evolving and often requires more regular maintenance than other elements of heritage fabric. Horticultural advice may be required to ensure a regime of maintenance appropriate to the retention of the heritage significance of a place.

General advice about landscape maintenance is provided by The Maintenance of Heritage Assets: A Practical Guide Information Sheet 9.1 Heritage Gardens and Grounds, printed versions available from the Heritage Branch, Department of Planning.

STANDARD EXEMPTION 13: SIGNAGE

1. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act:

   (a) temporary signage which is located behind or on the glass surface of a shop window which is not internally illuminated or flashing and is to be removed within eight weeks; or

   (b) a real estate sign indicating that the place is for auction, sale or letting and related particulars and which is removed within 10 days of the sale or letting of the place;

2. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) respectively have been met and the person proposing to erect it has received a notice advising that the Director-General is satisfied:

   (a) the erection of non-illuminated signage for the sole purpose of providing information to assist in the interpretation of the heritage significance of the item and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items; or

   (b) signage which is in the form of a flag or banner associated with a building used for a purpose which requires such form of promotion such as a theatre or gallery, which is displayed for a maximum period of eight weeks and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage;

3. A person proposing to erect signage of the kind described in paragraph 2 must write to the Director-General and describe the nature and purpose of the advertising or signage. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) or 2(b), the Director-General shall notify the applicant.

4. Signage of the kind described in paragraphs 1 and 2 must:

   (a) not conceal or involve the removal of signage which has an integral relationship with the significance of the item;

   (b) be located and be of a suitable size so as not to obscure or damage significant fabric of the item;

   (c) be able to be later removed without causing damage to the significant fabric of the item; and

   (d) reuse existing fixing points or insert fixings within existing joints without damage to adjacent masonry.
Guidelines

In addition to the requirements of clause 4 of the standard exemptions, signage may be controlled by development control plans or signage policies prepared by the relevant local council. The operation of the standard exemptions do not affect the requirements for consent by local councils or the need to satisfy any signage policies which may have been adopted by them.

Additional forms of signage not addressed by this standard exemption may not require approval under section 57(1) of the Heritage Act if they satisfy the requirements of other standard exemptions such as Standard Exemption 7 (Minor Activities with no Adverse Impact on Heritage Significance) or Standard Exemption 8 (Non-significant Fabric).

Signage in accordance with clause 2(a) of the standard exemption for the purpose of assisting the interpretation of heritage significance:

- requires approval under section 57(1) of the Heritage Act if additional information is provided which is unrelated to heritage interpretation such as commercial promotion or sponsorship; and

- must be in accordance with Interpreting Heritage Places and Items published by the Heritage Council and available online.
STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES

1. Development on land within a burial site or cemetery which is of the type described in (a), (b) or (c) below does not require approval under subsection 57(1) of the Act:

   (a) the creation of a new grave;

   (b) the erection of monuments or grave markers in a place of consistent character, including materials, size and form, which will not be in conflict with the character of the place; or

   (c) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers;

provided that there will be no disturbance to human remains, to relics in the form of grave goods, associated landscape features or to a place of Aboriginal heritage significance.

2. A person proposing to carry out development in the manner described in paragraph 1(b) or (c) must write to the Director-General and describe the development proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

3. This exemption does not apply to the erection of above-ground chambers, columbaria or vaults, or the designation of additional areas to be used as a burial place.

NOTE 1: Other standard exemptions apply to the maintenance, cleaning and repair of burial sites and cemeteries.

Guidelines

In addition to burial remains and artefacts, above ground cemetery elements may include headstones, footstones and other burial markers or monuments and associated elements such as grave kerbing, iron grave railings, grave furniture, enclosures and plantings. It is important that cemeteries listed on the State Heritage Register have a conservation policy or conservation management plan endorsed by the Heritage Council and that it records the history and significant fabric of the place with policies for conservation, relocation and the erection of new monuments and grave markers.

Additional advice about the management of heritage cemeteries is provided in:

- Cemeteries: Guidelines for their Care and Conservation, *Heritage Council of NSW and Department of Planning*, 1992;
STANDARD EXEMPTION 15: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

1. Development which is required for the purpose of compliance with the minimum standards set out in Part 3 of the Heritage Regulation 1999 or an order issued under either:

   (a) section 120 of the Heritage Act 1977 regarding minimum standards of maintenance and repair; or

   (b) section 121S of the Environmental Planning and Assessment Act 1979 regarding an order which is consistent with a submission by the Heritage Council under subsection 121S(6) of that Act;

   does not require approval under subsection 57(1) of the Act.

Guidelines

This standard exemption is intended to facilitate and expedite compliance with orders and minimum standards of maintenance and repair.

The Minimum Standards of Maintenance and Repair replaced the “wilful neglect” provisions of the Heritage Act in 1999. The minimum standards are contained in Part 3 of the Heritage Regulation 2005 and are reproduced in the Heritage Information Series published by the Heritage Branch, Department of Planning. The minimum standards only apply to items listed on the State Heritage Register and relate to:

- weather protection;
- fire prevention and protection;
- security; and
- essential maintenance and repair to prevent serious or irreparable damage.

Maintenance and repair which exceed the minimum standards in the Regulation may be exempt from approval under other standard exemptions (refer to #1 and #2).

Orders under s.121S(6) of the EP&A Act are those given by a council or other consent authority in relation to an item listed on the State Heritage Register, land to which an interim heritage order applies or a heritage item listed under an environmental planning instrument. Orders must not be given in relation to items listed on the State Heritage Register or land to which an interim heritage order relates unless the consent authority has given notice of it to the Heritage Council and considered any submission made by it.
STANDARD EXEMPTION 16: SAFETY AND SECURITY

1. The following development does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) or (b) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:

   (a) the erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the item including landscape or archaeological features of its curtilage; or

   (b) development, including emergency stabilisation, necessary to secure safety where a building or work or part of a building or work has been irreparably damaged or destabilised and poses a safety risk to its users or the public.

2. A person proposing to undertake development of the kind described in paragraph 1 must write to the Director-General and describe the development and, if it is of the kind set out in 1(b), provide certification from a structural engineer having experience with heritage items confirming the necessity for the development with regard to the criteria set out in 1(b) and any adverse impact on significant fabric. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) or (b), the Director-General shall notify the applicant.

Guidelines

Development exempt under this standard exemption must be for the temporary or emergency securing of safety for users or the public. Permanent upgrading of site or building security may be exempt under other standard exemptions such as #7 (Minor Activities with little or no Adverse Impact on Heritage Significance) or #8 (Non-significant Fabric). Development described in 1(b) of this exemption is intended to apply in circumstances where there has been damage caused by a sudden change in circumstances of the building such as a catastrophic event, rather than safety risks which may arise from ongoing neglect of maintenance.

Emergency maintenance and repairs such as required following a storm event may be exempt under other standard exemptions such as #1 (Maintenance and Cleaning) and #2 (Repairs). More intrusive means of upgrading security which may damage significant fabric will require the submission of an application under section 60 of the Heritage Act.

Development in accordance with this exemption must be undertaken with minimal intervention to significant fabric.
STANDARD EXEMPTION 17: MOVABLE HERITAGE ITEMS

1. The temporary relocation of movable heritage items, including contents, fixtures and objects, to ensure their security, maintenance and preservation, for conservation or exhibition, to ensure health or safety, the need for a controlled environment for those heritage items, or to protect the place, and which are to be returned to their present location within six months, does not require approval under subsection 57(1) of the Act.

2. A person proposing to relocate a movable heritage item as set out in paragraph 1 must advise the Director-General in writing of the proposed location and the reasons for its relocation. If the Director-General is satisfied that the temporary relocation meets the criteria set out in paragraph 1 the Director-General shall notify the applicant.

Guidelines

Movable heritage items or objects which are listed on the State Heritage Register must be specifically referred to in the gazetted listing. Unless specifically listed, the movable content of buildings such as furniture, paintings and other decoration is not movable heritage for the purposes of the Heritage Act which triggers approval requirements to “move, damage or destroy it”.

The permanent relocation of an item of movable heritage such as listed ships or railway rolling stock will require the submission of an application under section 60 of the Heritage Act.

Additional advice regarding movable heritage is provided by:

- Objects in Their Place: An Introduction to Movable Heritage, NSW Heritage Council, 1999; and

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