

ORDER UNDER SECTION 57(2) OF THE HERITAGE ACT 1977

Standard exemptions for engaging in or carrying out activities/ works otherwise prohibited by section 57(1) of the *Heritage Act 1977*.

I, Donald Harwin, the Special Minister of State 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, effective 1 December 2020:

1. revoke the order made on 11 July 2008 and published on pages 91177 to 9182 of Government Gazette Number 110 of 5 September 2008 and varied by notice published in the Government Gazette on 5 March 2015; and
2. grant the exemptions from subsection 57(1) of the *Heritage Act 1977* that are described in the attached Schedule.

Donald Harwin
Special Minister of State
Signed this 9th Day of November 2020.

SCHEDULE OF STANDARD 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 standard exemptions.
2. These standard exemptions apply to **all** items of **all** values listed on the NSW State Heritage Register or subject to an Interim Heritage Order (termed 'item' or 'items' for the purpose of these standard exemptions), including Aboriginal cultural heritage.
3. These standard exemptions are available to the owner of a listed item or item subject to an Interim Heritage Order, or any person with the consent in writing of that owner, or if the item is situated on Crown Land, as defined in the *Crown Land Management Act 2016*, the lawful occupier.
4. Anything done under the standard exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some exemptions require suitably qualified and experienced professional advice/ work).
5. The standard exemptions do not permit the removal of any significant fabric. Significant fabric means all the physical material of the place/item including elements, fixtures, landscape features, contents, relics and objects which contributes to the item's heritage significance.

6. The standard exemptions do not permit the removal of relics or Aboriginal objects.

If relics are discovered, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area.

If any Aboriginal objects are discovered, excavation or disturbance is to cease, and Heritage NSW notified in accordance with section 89A of the *National Parks and Wildlife Act 1974*. More information is available at <http://www.environment.nsw.gov.au/licences/ACHregulation.htm>

Aboriginal object has the same meaning as in the *National Parks and Wildlife Act 1974*.

7. Activities/ works that do not fit strictly within the exemptions described below require approval by way of an application under section 60 of the *Heritage Act 1977*.
8. The standard exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/ works fall within the standard exemptions.
9. The proponent is responsible for ensuring that any activities/ works undertaken by them meet all Relevant standards and have all necessary approvals.
10. Proponents must keep records of any activities/ works for auditing and compliance purposes by the Heritage Council. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must be kept. Records must be kept in a current readable electronic file or hard copy for a reasonable time.
11. It is an offence to do any of the things listed in section 57(1) of the *Heritage Act 1977* without a valid exemption or approval.
12. A person guilty of an offence against the *Heritage Act 1977* shall be liable to a penalty or imprisonment, or both under Section 157 of the *Heritage Act 1977*.
13. Authorised persons under the *Heritage Act 1977* carry out inspections for compliance.
14. The standard exemptions under the *Heritage Act 1977* are not authorisations, approvals or exemptions for the activities/ works under any other legislation, Local Government and State Government requirements (including, but not limited to, the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*).
15. The standard exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the Building Code of Australia for ancillary works.
16. Activities or work undertaken pursuant to a standard exemption must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*.
17. In these exemptions, words have the same meaning as in the *Heritage Act 1977* or the relevant guidelines, unless otherwise indicated. Where there is an inconsistency between relevant guidelines and these exemptions, these exemptions prevail to the extent of the

inconsistency. Where there is an inconsistency between either relevant guidelines or these exemptions and the *Heritage Act 1977*, the Act will prevail.

18. The *Heritage Manual* (1996, Heritage Office and Department of Urban Affairs & Planning) and *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities/ works on an item. These guidelines are available on the Heritage NSW website.

STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

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

Relevant standards:

- d) Specified activities/ works must not involve removal of or damage to significant fabric.
- e) New materials or finishes may only be introduced to non-significant fabric where this does not impact the significance of the item, uses a colour sympathetic to the item, does not detract from the item and does not reduce the ability to appreciate the item.
- f) Protective coatings may only be applied to surfaces which have previously had these coatings. Existing finishes such as oils and waxes for timber must continue to be used rather than modern alternative protective coatings.
- g) Surface patina important to the item's heritage significance must be preserved during maintenance and cleaning.
- h) Cleaning of significant fabric may only use low-pressure water less than 100 psi and neutral detergents.

STANDARD EXEMPTION 2: REPAIRS TO NON-SIGNIFICANT FABRIC

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Repair (such as refixing and patching) of damaged or deteriorated non-significant fabric.
- b) Replacement of missing, damaged or deteriorated non-significant fabric that is beyond further maintenance.

Relevant standards:

- c) Specified activities/ works must not involve alteration to, damage to, or the removal of, significant fabric.
- d) Only missing, damaged or deteriorated non-significant fabric that is beyond further repair or maintenance may be replaced.
- e) Any new materials must not exacerbate the decay of significant fabric due to chemical incompatibility, obscure existing significant fabric or limit access to significant fabric for future maintenance.

STANDARD EXEMPTION 3: ALTERATION TO NON-SIGNIFICANT FABRIC

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The alteration of an item involving the introduction of new fabric and/or the removal of non-significant fabric.

Relevant standards:

- b) The specified activities/ works must not impact the heritage significance of the item.
- c) Significant fabric of the item must not be impacted.
- d) Relics must not be impacted.
- e) Work must not involve construction of extensions or additions where these may impact the item's setting, views to or from the item, obscure existing significant fabric, impact relics and/or impact significant landscape layout, landscape elements or vegetation.
- f) The positioning and size of walls, windows and doors is not altered.
- g) Significant finishes, surfaces (including flooring) and fixtures must not be impacted.
- h) Any new fabric must be sympathetic to but can be distinguished from the appearance, composition, detailing, size, position and finish of existing fabric.
- i) Non-significant fabric must be identified as non-significant fabric in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as non-significant fabric in written advice prepared by a suitably qualified and experienced heritage professional before it can be removed.

- j) Installation of new fabric must be in accordance with the policies of a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or in written advice prepared by a suitably qualified and experienced heritage professional before installation.
- k) Any new fabric must not impact setting or views to or from the item, obscure existing significant fabric or limit access to existing fabric for future maintenance.
- l) Any new penetrations must be:
 - i. limited in number; and
 - ii. made through non-significant fabric or mortar joints only.
- m) Any excavation must comply with Standard Exemption 8: Excavation.
- n) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing significant fabric due to chemical incompatibility, vibration, percussion or explosive flammability.

STANDARD EXEMPTION 4: ALTERATION TO INTERIORS OF NON-SIGNIFICANT BUILDINGS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Alteration to the interior of a non-significant building.

Relevant standards:

- b) The specified activities/ works to the non-significant building must not impact the heritage significance of the item.
- c) Significant fabric of the item must not be impacted.
- d) Relics must not be impacted.
- e) Work must not involve construction of extensions or additions where these may impact the item's setting, views to or from the item, obscure existing significant fabric, impact relics and/or impact landscape values.
- f) Non-significant buildings must be either:
 - i. buildings identified as non-significant in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as non-significant building in written advice prepared by a suitably qualified and experienced heritage professional, and/or

- ii. buildings constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette, which applies to the land.

STANDARD EXEMPTION 5: REPAIR OR REPLACEMENT OF NON-SIGNIFICANT SERVICES (Mechanical, Electrical and Plumbing)

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Repair or replacement of non-significant services on or in an item, such as cabling, plumbing and wiring (excluding telecommunications and fire safety systems).
- b) Activities/ works necessary to upgrade or replace existing non-significant lighting fixtures and fittings within buildings/structures and or/affixed to buildings/ structures.

Relevant standards:

- c) The specified activities/ works must not involve alteration to, damage to, or the removal of, significant fabric. The specified activities/ works must not impact significant views and landscape values.
- d) Any excavation must comply with Standard Exemption 8: Excavation.
- e) Any new hardware must not be attached to the primary or significant façade(s) and must be discreetly located to reduce negative visual impact.
- f) Replacement fabric must appear the same, be sympathetic to the item's fabric and unobtrusive.
- g) Activities/ works must use existing service routes, cavities or voids or replace existing surface mounted services.
- h) Reuse of existing fixing points in significant fabric is permitted.
- i) Any new fabric must not obscure significant fabric or limit access to significant fabric for future maintenance.
- j) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing significant fabric due to chemical incompatibility, vibration, percussion or explosive flammability.
- k) Replacement surface mounted services must be the same or less intrusive than the surface mounted services they replace.
- l) Existing service routes and/or conduits may be deleted if the installation can be streamlined into one existing service route, cavity or void.

STANDARD EXEMPTION 6: NON-SIGNIFICANT TELECOMMUNICATIONS INFRASTRUCTURE

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Upgrade or installation of telecommunication infrastructure.
- b) Upgrade of existing telecommunication towers.

Relevant standards:

- c) Activities/work must not involve alteration to, damage to, or the removal of, significant fabric.
- d) The specified activities/ works must not impact significant views to or from the item and landscape values, including landscape or archaeological features.
- e) Any excavation must comply with Standard Exemption 8: Excavation.
- f) Any new hardware must not be attached to the primary or significant façade(s) and must be discreetly located to reduce negative visual impact.
- g) Any new fabric must not obscure significant fabric or limit access to significant fabric for future maintenance.
- h) Reuse of existing fixing points in significant fabric is permitted.
- i) Existing service routes and/or conduits may be deleted if the installation can be streamlined into one existing service route, cavity or void.
- j) There is no increase in height of any existing telecommunication towers or vantage point and no more than a 20% increase in the size of the antenna array on the approved tower or fixing point.
- k) Telecommunications infrastructure must be able to be later removed without damage to the significant fabric of the item.

STANDARD EXEMPTION 7: FIRE SAFETY DETECTION AND ALARM SYSTEMS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Upgrade to, or installation of, a fire safety detection and alarm system. Note: this exemption does not apply to fire suppression systems (for example sprinklers).

Relevant standards:

- b) Fire safety system elements must not obscure, affix to, penetrate, remove or otherwise damage significant fabric.

- c) The specified activities/ works must not impact landscape values or obstruct significant views to and from the item.
- d) Fire safety system elements must not unnecessarily obscure significant fabric, limit access to significant fabric for future maintenance, exacerbate the decay of significant fabric or risk the destruction of significant fabric due to chemical incompatibility.
- e) Reuse of existing fixing points in significant fabric is permitted.
- f) Any fire safety system elements must be:
 - i. not attached to primary façade(s);
 - ii. grouped with existing services where possible;
 - iii. consolidated with existing conduits where possible;
 - iv. discreetly located to reduce negative visual impact while maintaining the need for easy identification and access.
- g) Fire safety system elements must be able to be later removed without damage to the significant fabric of the item.

STANDARD EXEMPTION 8: EXCAVATION

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Excavation or disturbance of land that is:
 - i. for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench, or
 - ii. to carry out inspections or emergency maintenance or repair on underground utility services, or
 - iii. to maintain, repair, or replace underground utility services to buildings, or
 - iv. to maintain or repair the foundations of an existing building, or
 - v. to expose survey marks, or
 - vi. associated with feral animal/insect eradication.

Relevant standards:

- b) Activities/ works must not disturb or remove any relics.
- c) Excavation must not compromise the structural integrity of any heritage structure or significant landscape elements.
- d) Activities/ works must not affect archaeological evidence, for example the archaeology of foundation trench deposits from the time of original construction.

STANDARD EXEMPTION 9: PAINTING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Paint removal, surface preparation and repainting of the already painted fabric of an item.
- b) Painting non-significant fabric.

Relevant standards:

- c) Activities/ works must not involve the disturbance or removal of earlier paint layers other than those which have failed by chalking, flaking, peeling or blistering.
- d) When painting already painted significant fabric, activities/ works must involve application of an isolating layer, to protect significant earlier layers and provide a stable basis for repainting.
- e) Painting significant fabric must use the same colour scheme and paint type as an earlier or existing scheme.
- f) For removal of earlier failed paint layers, the paint removal method/s used must be verified by a suitably qualified and experienced professional to not affect significant fabric. Paint removal must be immediately followed by recoating using the same colour scheme to protect the exposed surface.
- g) New paint must be appropriate to the substrate.
- h) Painting must not endanger the survival of earlier paint layers.
- i) Painting of non-significant fabric must:
 - i. use a colour sympathetic to the item,
 - ii. not detract from the item,
 - iii. not reduce the ability to appreciate the item.

STANDARD EXEMPTION 10: RESTORATION OF FABRIC THAT FORMS PART OF THE SIGNIFICANCE OF THE ITEM (SIGNIFICANT FABRIC)

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Returning significant fabric, which has been removed or dislodged, to a known earlier location.
- b) Revealing a known earlier significant configuration, including reassembling existing elements or removing non-significant accretions and/or obstructions.

Relevant standards:

- c) The specified activities/work must not involve damage to, or the removal of significant fabric.
- d) The specified activities/work must not introduce new material other than fixings and fastenings.
- e) Any new fixings and fastenings must use existing penetrations where possible.
- f) Any new penetrations must be:
 - i. limited in number; and
 - ii. made through non-significant fabric or mortar joints only.
- g) Work to reveal a known earlier configuration must be guided by historical evidence for the earlier configuration of that item.
- h) Significant fabric must be identified as significant fabric in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as significant fabric in written advice prepared by a suitably qualified and experienced heritage professional.
- i) Revealing a known earlier configuration must be in accordance with the policies of a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as significant fabric in written advice prepared by a suitably qualified and experienced heritage professional.
- j) Non-significant accretions and/or obstructions must be identified as non-significant fabric in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as significant fabric in written advice prepared by a suitably qualified and experienced heritage professional, before it can be removed.
- k) Work must be carried out by a suitably qualified person with heritage experience.

STANDARD EXEMPTION 11: SUBDIVISION OF NON-SIGNIFICANT BUILDINGS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Subdivision under the *Strata Schemes Development Act 2015* (termed Strata subdivision) of the interior of a building that is not of heritage significance and 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 *NSW Government Gazette*.
- b) Subdivision under the *Strata Schemes Development Act 2015* (termed Strata subdivision) of the exterior of an item for car spaces.

Relevant standards:

- c) Strata subdivision under this exemption must not subdivide the curtilage of an item other than for car spaces in an existing area identified for carparking.
- d) Strata subdivision must not involve alterations to the external appearance of the building other than that permitted by other exemptions under the *Heritage Act 1977*.

STANDARD EXEMPTION 12: TEMPORARY STRUCTURES

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The construction or installation of a temporary structure or structures.

Relevant standards:

- b) Activities/ works must not involve alteration to (including penetrations), damage to, or the removal of, significant fabric.
- c) Any excavation must comply with Standard Exemption 8: Excavation.
- d) Temporary structure/ structures may be internal or external to items or buildings.
- e) The temporary structure or structures must not be located where it could:
 - i. damage (including through use of the temporary structure) significant fabric or
 - ii. endanger significant fabric, including landscape or archaeological features, or
 - iii. obstruct significant views to and from the item, or
 - iv. detract from the significance of the item, or
 - v. reduce the ability to appreciate the item.
- f) Existing public access to the item must be maintained and not restricted.

- g) The temporary structure or structures must not be erected for more than 30 consecutive calendar days (inclusive of set-up, pack-down and removal).
- h) No further temporary structure or structures may be erected again on the site, under this exemption within a period of 90 calendar days.

STANDARD EXEMPTION 13: VEGETATION

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Weeding (including poisoning of weeds), watering, mowing, manual clearing of paths and drains, top-dressing, pest control and fertilizing.
- b) New planting of species sympathetic to the item.
- c) Pruning to control size, improve shape, condition, flowering or fruiting.
- d) Removal of non-significant diseased, dying, dead and/or dangerous trees and/or plant material.
- e) Tree surgery.

Relevant standards:

- f) Activities/ works must not alter the significant layout, contours, plant species or other significant landscape features or views.
- g) Pruning of significant vegetation must not exceed 30% of the tree canopy within a period of two years.
- h) Tree surgery may only be performed by a qualified arborist, horticulturist or tree surgeon and must be necessary for the health of those plants.
- i) Selective herbicide should be used when poisoning weeds. Herbicide should be applied using:
 - i. Spot application around significant elements of the heritage item (e.g. ornamental or symbolic plants, remnant native vegetation, structures, exposed relics and moveable items) to avoid adverse impacts to these; and
 - ii. Spraying in non-significant areas of the curtilage.
- j) Removal of diseased, dead, dying or dangerous trees and/or plant material must not disturb archaeological relics (for example through stump grinding or removal of tree boles, in such situations stumps and tree boles should be left in place).

STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

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

Relevant standards:

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

STANDARD EXEMPTION 15: SIGNS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The installation of temporary signs located behind or on the glass surface of a commercial tenancy window.

- b) The installation of temporary real estate signs notifying of an auction, sale or letting.
- c) Removal, repairs or replacement of modern non-significant site interpretation and/or waymarking signs.
- d) The installation of new non-illuminated site interpretation and/or waymarking signs.
- e) Relocation of non-illuminated site interpretation and/or waymarking signs.

Relevant standards:

- f) Temporary signs must not be affixed to significant fabric of the item, internally illuminated or flashing.
- g) Temporary commercial tenancy window signs must be removed within 60 calendar days of erection and temporary real estate signs must be removed within 14 calendar days after the auction, sale or letting.
- h) Temporary signs must not conceal or involve the removal of or damage to significant pre-existing signs.
- i) Replacement interpretation and/or waymarking signs must not exceed the size of the original sign area and must be in the same location.
- j) Installation of new interpretation and/or waymarking signs or relocation or interpretive and/or waymarking signs must:
 - i. not obscure, affix to, penetrate or otherwise damage heritage fabric, including landscape or archaeological features, or obstruct significant views to and from the heritage item. Reuse of existing fixing points is permitted,
 - ii. not be in the form of a mural or artwork,
 - iii. be for the sole purpose of providing information to assist in the interpretation of the item's heritage significance or to navigate the item,
 - iv. be able to be later removed without causing damage to the significant fabric of the item,
 - v. not be of a modular or cantilever structure, or over 2 square metres in size,
 - vi. not be commercial in any way unless in the form of a freestanding flag or banner associated with a building used for a purpose which requires such promotion, for example a theatre, gallery or museum.
- k) Any excavation must comply with Standard Exemption 8: Excavation.

STANDARD EXEMPTION 16: FILMING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

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

Relevant standards:

- b) The specified use of the heritage item as a set or backdrop for filming is permitted for up to 60 calendar days in a calendar year.

- c) Any activities/ works must be temporary, reversible and must have no physical impact to significant fabric, landscape elements and/or archaeological relics.
- d) No permanent activities/ works are to be undertaken to the item.
- e) No painting or special effects are to be physically applied to significant fabric.
- f) Significant fabric must be protected from damage by using bumpers, gaskets and/or matting.
- g) No penetrations into significant fabric are permitted. Clamping or bracing to the item's significant fabric may be used.
- h) Consent must be provided by the owner or lawful occupier of the item to the use of the item as a set or backdrop for filming.
- i) The item must not be moved except as permitted by Standard Exemption 17 - Moveable Heritage Items.

STANDARD EXEMPTION 17: TEMPORARY RELOCATION OF MOVEABLE HERITAGE ITEMS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The temporary relocation of moveable heritage items, including contents, fixtures and objects.

Relevant standards:

- b) The item must be identified as a moveable heritage item on the State Heritage Register or gazetted Interim Heritage Order.
- c) Relocation must only be for the purpose of ensuring the moveable heritage items' security, maintenance or preservation, conservation or exhibition of moveable heritage items.
- d) The moveable heritage items must be returned to their location within 180 calendar days of their relocation (inclusive of packing, moving and transit time).
- e) Maintenance, preservation or conservation activities/ works are not permitted under this exemption. These activities may be covered under other exemptions or may require approval.
- f) The moveable heritage items must be safely stored and adequately protected from damage during any temporary relocation.
- g) An inventory (including photos) and information about the items and their permanent location must be retained with the moveable heritage items in their temporary space.

STANDARD EXEMPTION 18: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Specified actions required for the purposes of compliance with minimum standards set out in:
 - i. Part 3 of the *Heritage Regulation 2012*, or
 - ii. An Order under section 120 of the *Heritage Act 1977*, or
 - iii. An Order under Schedule 5 Part 1 or Part 2 of the *Environmental Planning and Assessment Act 1979* which is consistent with a submission by the Heritage Council under Schedule 5 Part 4 Clause 3 (Orders affecting heritage items) of that Act.

Relevant standards:

- b) Activities/ works required by an order under the *Environmental Planning and Assessment Act 1979* must be consistent with a submission by the Heritage Council under Schedule 5 Part 4 Clauses 3 of that Act.

STANDARD EXEMPTION 19: SAFETY AND SECURITY

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access, or to secure public safety.
- b) Emergency stabilisation activities/ works necessary to secure safety where a structure or landscape feature (such as a tree) has been irreparably damaged or destabilised and poses a safety risk to its users or the public.

Relevant standards:

- c) Installation and operation of any temporary equipment specified in a) and b) above must not impact on significant fabric (including landscape or archaeological features) and the item's overall heritage significance.
- d) Any temporary security fencing, scaffolding, hoardings or surveillance systems must not be erected for more than 180 calendar days (inclusive of setup and pack down).

- e) No further temporary fencing, scaffolding, hoardings or surveillance may be erected again on the site, under this exemption within a period of 365 calendar days.
- f) Work must not permanently change or alter the structure such as the configuration of the floor space, or any architectural or landscape features.
- g) Any new penetrations must be:
 - i. limited in number; and
 - ii. made through non-significant fabric or mortar joints only.
- h) Work must not result in an increase in the floor space of any building or structure.

STANDARD EXEMPTION 20: EMERGENCY SITUATIONS AND LIFESAVING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Any activities/ works that would be in contravention of subsection 57(1) of the *Heritage Act 1977* that is solely for the purpose of:
 - i. Saving or protecting human life under imminent threat in an emergency.
 - ii. Securing the safety of a ship endangered by stress of weather or navigational hazards.
 - iii. Dealing with an emergency involving serious threat to the environment.
 - iv. Preventing imminent serious damage to property or any heritage item in an emergency.

Relevant standards:

- b) The activities/ works must have been immediately necessary for the identified purposes.¹
- c) The activities/ works were reasonable and justifiable in the circumstances.
- d) The activities/ works were proportionate to the damage the item has suffered and to the risk of further damage. The effects of the activities/ works must be adequately mitigated or remedied.

¹ Incidents likely to cause serious damage and require actions necessary to save or protect life could include: an uncontrolled escape, spillage or leakage of a substance, an uncontrol implosion, explosion or fire, an uncontrolled escape of gas or steam, an uncontrolled escape of a pressurised substance, exposed live electrical parts, fall or release from a height of any plant, substance or thing, the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be designed or registered (for example a collapsing crane), the collapse or partial collapse of a structure, the collapse of failure of an excavation or of any shoring supporting an excavation, the inrush of water, mud or gas. <https://www.safeworkaustralia.gov.au/doc/incident-notification-fact-sheet>