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Planning and Environment Notices

HERITAGE ACT 1977

NOTICE OF LISTING ON THE STATE HERITAGE REGISTER UNDER SECTION 37 (1) (b)

Lower Prospect Canal Reserve
Holroyd LGA
SHR No 1945

In pursuance of section 37 (1) (b) of the *Heritage Act 1977* (NSW), the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage made on 28 May 2015 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

HERITAGE COUNCIL OF NEW SOUTH WALES

Schedule "A"

The item known as Lower Prospect Canal Reserve, situated on the land described in Schedule "B".

Schedule "B"

All those pieces or parcels of land known as Lot 1 DP 225807; Lots 1 and 2 DP 222247; Lots 2, 4, 6, 8, 10, 12, 14, 16 and 18 DP 221011; Lot 1 DP 513204; Lot 1 DP 952529; Lots 1, 3, 5, 7, 9, 11 and 12 DP 221012, Lots 1, 2, 3, and 4 DP 235064 and Lot 1 DP 708007 in Parish of Prospect, County of Cumberland; Lot 1 DP 225808 in Parish of Prospect, County of Cumberland and Parish of St John, County of Cumberland; Lot 1 DP 225809; Lots 1, 3 and 5 DP 222245; Lots 1, 2 and 3 DP 225811, and Lot 2 DP 865978 in Parish of St John, County of Cumberland; shown on the plan catalogued HC 2636 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977

ORDER UNDER SECTION 57 (2) TO GRANT SITE SPECIFIC EXEMPTIONS FROM APPROVAL

Lower Prospect Canal Reserve
SHR No 1945

I, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57 (2) of the *Heritage Act 1977*, do, by this my order, grant an exemption from section 57 (1) of that Act in respect of the engaging in or carrying out of any activities described in Schedule "C" by the owner, mortgagee or lessee of the land described in Schedule "B" on the item described in Schedule "A".

The Hon MARK SPEAKMAN SC, MP
Minister for Heritage
Sydney, 28 May 2015

Schedule "A"

The item known as Lower Prospect Canal Reserve, situated on the land described in Schedule "B".

Schedule "B"

All those pieces or parcels of land known as Lot 1 DP 225807; Lots 1 and 2 DP 222247; Lots 2, 4, 6, 8, 10, 12, 14, 16 and 18 DP 221011; Lot 1 DP 513204; Lot 1 DP 952529; Lots 1, 3, 5, 7, 9, 11 and 12 DP 221012, Lots 1, 2, 3, and 4 DP 235064, and Lot 1 DP 708007 in Parish of Prospect, County of Cumberland; Lot 1 DP 225808 in Parish of Prospect, County of Cumberland and Parish of St John, County of Cumberland; Lot 1 DP 225809; Lots 1, 3 and 5 DP 222245; Lots 1, 2 and 3 DP 225811, and Lot 2 DP 865978 in Parish of St John, County of Cumberland; shown on the plan catalogued HC 2636 in the office of the Heritage Council of New South Wales.

Schedule "C"

1. Restoration

- a. Restoration of the Gipps Road Bridge and the Lower Canal and its associated structures by returning significant fabric to a known earlier location without the introduction of new material
- b. Restoration of the Gipps Road Bridge and the Lower Canal and its associated structures without the introduction of new material (except for fixings or fastenings) to reveal a known earlier configuration by removing accretions or reassembling existing components which does not adversely affect the heritage significance of the item.

2. Maintenance and Cleaning

- a. The maintenance of the Gipps Road Bridge and the Lower Canal and its associated structures to retain their 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), neutral detergents and mild brushing, scrubbing or abrasives.
- c. Maintenance and minor repairs necessary to preserve and maintain the functioning of the Gipps Road Bridge as a transport corridor, including pavement resurfacing; maintenance and repair of roadside kerbing; maintenance and replacement of deck joints; concrete coring and testing; traffic management; relocation and maintenance of signage.
- d. Use of anti-graffiti treatments including sacrificial coatings, where it is known that this activity would not harm the heritage values of the Gipps Road Bridge and the Lower Canal and its associated structures.

Note: Maintenance means ‘the continuous protective care of the fabric and setting of a place’.

3. Repairs to Gipps Road Bridge

- a. Repair of structural components of the bridge to include pavement resurfacing, painting, traffic management and navigational infrastructure on the bridge.
- b. Repairs and activities associated with the maintenance and repair of services and utilities including communications and electricity.
- c. 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.
- d. Replacement elements may be date-stamped or otherwise marked to indicate they are later components.

4. Works to Gipps Road Bridge

- a. Works and activities associated with the maintenance and repair of the pedestrian walkway; maintenance and repair of pedestrian signage and plaques; and maintenance and repair of the pedestrian footpath.
- b. Temporary works, not exceeding 12 months, including containment areas, deck support or inspection systems, scaffolding and enclosures necessary for the carrying out of maintenance, enhancement or upgrading works.
- c. Minor works that do not alter the structure’s overall form or shape or significantly change the appearance of bridge elements.
- d. Minor works necessary to preserve and maintain bridge lighting including the upgrade of existing lighting fixtures.
- e. Temporary and reversible works, not exceeding 6 weeks, for the operation of special events including the use of temporary event lighting.

5. Minor Development Endorsed by the Heritage Council

- a. Minor development specifically identified as exempt development by a conservation policy or strategy within a conservation management plan or a conservation management strategy which has been endorsed by the Heritage Council of NSW, which does not materially impact on heritage significance.

6. Painting

- a. Painting which does not involve the disturbance or removal of earlier paint layers other than that which has failed by chalking, flaking, peeling or blistering.
- b. Painting which 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.
- c. Painting which 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.
- d. Removal of lead paint or other hazardous coatings using methods that are verified to not affect original fabric, where followed immediately by recoating to protect the exposed surface.
- e. Painting of surfaces which have not previously been painted such as face brickwork, stone, concrete or galvanised iron is not exempt from approval under this exemption.

7. Signage

- a. Installation of new signage or relocation of signs, except where these are commercial signs, modular sign structures, cantilever sign structures, or signage over 2 square metres in size.
- b. Replacement of signage (up to a 50% increase in size) in the original sign area
- c. To permit the erection of temporary and/or permanent non illuminated, non-interpretive signage for the purposes of general way finding, safety and security and the like that does not fall within the descriptions of Heritage Council’s Standard Exemption 13: *Signage within the curtilage of the item*.
- d. Any signage will not detract from the heritage significance of the item or obstruct significant views of and from the item and will utilise appropriate and sympathetic materials for the sign’s purpose.

8. Excavation

- a. The excavation or disturbance of land that will have a nil or minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them, where:
 - I. an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines endorsed by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; and/or
 - II. 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.
- b. 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 relics.
- c. The excavation or disturbance of land is to maintain or repair the foundations of the existing bridge which will not affect any associated relics.
- d. The excavation or disturbance of land is to expose survey marks for use in conducting a land survey.

9. Line marking

To permit the installation of line marking in an appropriate colour along the cycle way component of the canal to aid usability and improve safety.

10. Installation/maintenance of seating, garbage bins, bubblers and general street furniture

To permit the provision and maintenance of any street furniture within the curtilage of the canal in a sympathetic style utilising appropriate materials, colours and not in a location that will detract from the heritage significance of the item, obstruct view corridors or interfere with the use of the reserve.

11. Fencing

To permit the construction of fencing of an appropriate and sympathetic style for the purposes of improving safety, restricting access to protected vegetation and providing a boundary to the item.

12. Landscape Maintenance

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

13. Bushfire maintenance

To permit the undertaking of fire prevention works in accordance with Holroyd City Council's Fire Management Plan for the Lower Prospect Canal. This includes works relating to hazard reduction, reduce vulnerability, maintain defensible space and protect, maintain and enhance the biodiversity and ecological values of the Lower Prospect Canal Reserve.

14. Safety and Security

- 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 Gipps Road Bridge and the Lower Canal and its associated structures, including landscape or archaeological features of the curtilage.
- b. Development, including emergency stabilisation, necessary to secure safety where the Gipps Road Bridge and the Lower Canal and its associated structures have been irreparably damaged or destabilised and pose a safety risk to users or the public.
- c. Minor works necessary to preserve and enhance the security of the Gipps Road Bridge and the Lower Canal and its associated structures, including security fencing, video surveillance and detection systems.
- d. Works that, in the opinion of the Heritage Council or its Delegate, are required for the security of the Gipps Road Bridge and bridge users, and that need to remain confidential.

By Authority