

**Submission  
No 72**

## **INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977**

**Organisation:** University Infrastructure, University of Sydney

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**Greg Robinson**  
Chief University Infrastructure Officer

25 June 2021

**The Hon. Peter Poulos, MLC**  
Chair, Standing Committee on Social Issues  
[socialissues@parliament.nsw.gov.au](mailto:socialissues@parliament.nsw.gov.au)

cc: **Karina Lozada**, [karina.lozada@environment.nsw.gov.au](mailto:karina.lozada@environment.nsw.gov.au)  
Heritage Policy Team, Heritage NSW, Department of Premier and Cabinet

Dear Mr Poulos,

**Review of the Heritage Act 1977**

Thank you for your recent correspondence and invitation for the University of Sydney (the University) to comment on the Standing Committee's review of the *Heritage Act 1977*. The University welcomes the opportunity to contribute to this important legislation as it affects a number of our properties around New South Wales.

The University works closely with Heritage NSW on various matters relating to the University's holdings on the Section 170 Heritage and Conservation Register, as well as current and future developments which require s.57(2), s.60, Development and/or State Significant Development Applications for the University's various properties.

On the 2<sup>nd</sup> of August 2018, the University's Camperdown campus, University Colleges and adjoining Victoria Park were listed on the State Heritage Inventory as State heritage item 01974. This listing was accompanied by a raft of s.57(2) Site Specific Exemptions under which the University continues to apply for various ongoing works.

We have reviewed the 19 Focus Questions raised in the exhibited document "Review of NSW, Heritage Legislation - Discussion Paper April 2021", and are responding specifically to items 2 and 12 as follows:

**Focus Question 2:** How should Aboriginal Cultural Heritage be acknowledged and considered within the Heritage Act?

The University supports the intention to have Aboriginal Cultural Heritage provisions included in the *Heritage Act 1977* and removed from the *National Parks and Wildlife Act 1974*. However, the University also notes here the important differences between Aboriginal cultural heritage and historical heritage. The key objective is to ensure Aboriginal Cultural Heritage is ultimately managed and cared for by Aboriginal and Torres Strait Islander people.

**Focus Question 12:** How could we improve the current approval permit system?

**A. Conservation Management Plans and Heritage exemptions:**

Recent changes to the approvals permit system -that were promoted as streamlining the system - have in practice made the process more cumbersome, in particular:

1. The Heritage Council's decision to no longer endorse Conservation Management Plans (CMPs); and
2. Changes to the Standard 57[2] Exemptions.



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Prior to the University's Camperdown campus being jointly listed on the State Heritage Inventory (SHR ID 01974), the University negotiated a set of Site Specific s.57[2] Exemptions in order to enable the University to continue its operations without having to lodge numerous applications to carry out routine work. In several instances these Site Specific Exemptions are only applicable with reference to conservation policies in a Conservation Management Plan (CMP) endorsed by the Heritage Council.

On this basis, the University began a program of reviewing and updating the CMPs for all buildings ranked as being of Exceptional or High significance. However, with the Heritage Council no longer endorsing CMPs, the application of these Site Specific Exemptions has been negated and, consequently, the University is now obliged to lodge a s.60 application to Heritage NSW for more work than was previously the case.

In instances where the Site Specific s.57[2] Exemption is inapplicable (due to the lack of an endorsed CMP), the University could use *Standard Exemption 2 – Repairs*, which in the rescinded exemption permitted general repairs of any heritage fabric with the proviso that the repairs did not damage significant fabric.

However, the revised Standard s.57 [2] *Exemption 2 – Repairs to non-significant Fabric* limits the application of this exemption solely to *non-significant fabric*. In most CMPs, fabric is usually ranked as being Exceptional, High, Moderate, Little or Intrusive, so theoretically all fabric in a heritage building/item has some level of significance.

#### Recommendations:

1. With the Heritage Council no longer endorsing CMPs, the University recommends that the references to *endorsed* CMPs in its Site Specific 57[2] Exemptions be deleted, and that proposed works in accordance with conservation policies in a CMP are sufficient for an exemption.
2. The University suggests it would be beneficial if *Standard s.57[2] Exemption 2 – Repairs* refer to fabric of *Little* and *Intrusive significance*, or better still was extended to include fabric of *Moderate significance*.

#### **B. Heritage Office NSW response to s57(2) and s60 requests:**

The University has enjoyed a productive relationship with Heritage NSW in referring its various developments to the Division for comment. The University understands the difficulty presented to the Division's human resources in balancing the various portfolio heritage interests. Notwithstanding, in streamlining the approvals process, it would be beneficial to the University and other public authority applicants to have a direct point of contact within Heritage NSW, through which our various applications and requests can be lodged and tracked.

Please do not hesitate to contact us for any clarification on our submission and for continued dialogue on the Standing Committee's review of the *Heritage Act 1977*.

Heritage is managed by the University's Director – Design, Engineering, Planning & Sustainability, Juliette Churchill who can be contacted

Yours sincerely,

**Greg Robinson**  
Chief University Infrastructure Officer