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29 April 2020

Ms Pauline McKenzie
Executive Director, Heritage NSW
Department of Premier and Cabinet
Level 6
10 Valentine Avenue
PARRAMATTA NSW 2124

Dear Ms McKenzie,

Review of Standard Exemptions and Fast Track Activities

The Property Council welcomes the opportunity to provide feedback to Heritage NSW on its review of standard exemptions under section 57 of the *Heritage Act 1977* (the Act).

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers and developers of property across all asset classes.

We are pleased to provide the following comments for your consideration.

We welcome the Heritage Council embarking on reforms of the processes associated with standard exemptions that may be granted under section 57 of the Act. Implementation of these proposed reforms should provide significant guidance to our members, streamline approvals which will reduce unnecessary delays and costs whilst adhering to the important objectives contained within the Act.

The commitment to establish a new fast-track approval process within the remake of the *Heritage Regulation 2012* to expedite certain applications made under section 60 of the Act is also supported. It is appropriate for activities that have minor impact to heritage significance to follow a separate assessment pathway within a 14-day timeframe. This is a positive change which we support.

It would be helpful to clarify whether there is an overlap of specified activities and work under Standard Exemption #6 (non-significant fabric) and Fast-Track #8. It would appear that the definitions and summaries of works could be more explicit. For example clearly stating that contemporary bathrooms and kitchens can be refurbished, provided they maintain existing service connections to the space would be helpful. Not doing so could result in unnecessary delays under the current arrangements.

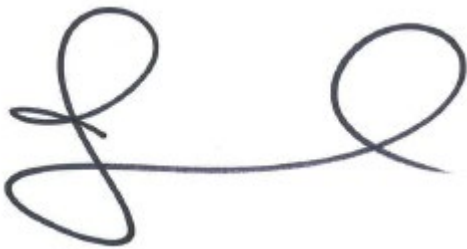
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In respect to the specific issues for which responses were sought, a table with additional feedback is attached.

In summary, we endorse the initiative of the Heritage Council to look at reforming the approvals process under the Act and ask that consideration be given to the Section 60 approval process for major works. It is important to reiterate that appropriate resourcing within the agency is essential in order to meet the reduced assessment timeframes being sought.

Should you have any questions, please do not hesitate to contact Troy Loveday, Senior Policy Advisor, on 0414 265 152 or tloveday@propertycouncil.com.au

Yours sincerely

A handwritten signature in dark ink, appearing to be 'J Fitzgerald', with a long horizontal stroke extending to the right.

Jane Fitzgerald
NSW Executive Director
Property Council of Australia

Attach.

Question	Response
The kinds of activities you think owners should be able to do without notifying government or obtaining approval.	Remodelling existing contemporary kitchen and bathrooms, activities under S60 fast track
What work poses an unacceptable risk of being done incorrectly, impacting heritage and therefore should require approval either through a fast track S60 or standard S60?	A standard document of best practice should be provided to every exemption, fast track or S60 lodged that advises owners of best practice on common issues that heritage architects advise on (such as fixing methods for bathrooms over existing heritage timber flooring, how to repair standard types of heritage roofing, etc). This would be more beneficial to preserving fabric than requiring any further approvals.
How user friendly the proposed three pathways (exemption, fast track and standard approval) is.	It is user friendly in its setup, however there needs to be more clarity between standard exemptions and fast track application requirements as noted above, there appears to be overlap currently under standard exemption #8 non-significant fabric & fast track #8 which will be one of the most commonly used for minor refurbishment with no impact.
Whether the conceptual new exemptions (which model the structure and wording of the Exempt and Complying Development SEPP) are easier, no better or worse than the current exemptions in terms of usability.	The current exemptions are based on the information provided to us by our members whose feedback is that they are clear in their wording and do not require modification.
Do the standards go far enough to conserve heritage in the context of works?	Yes
Issues or risks with the conceptual exemptions that would need to be able to interpret and use the exemptions.	Overlap with S60 fast track definitions and activities.
The kinds of supporting information you think customers would need to be able to interpret and use the exemptions.	The current layout would benefit from further discussion and greater detail to take into account practical application. For example, as they relate to remodelling of kitchens and bathrooms. Further whilst items such as Air conditioning are covered under fast track, further information would be of assistance. Hot water should not be listed as 'fast track' but as an exemption. Also as noted above, a best practice document could be issued with each application to provide greater guidance. Finding information for the general public on this is difficult and perhaps development of a FAQ might be helpful on the website