

15 May 2019

The Australian Museum
6 College Street
SYDNEY NSW 2010
Attention: Mr Greg Murphy

Dear Greg

AUSTRALIAN MUSEUM PROJECT DISCOVER

I am writing in response to your inquiry concerning the eligibility of the current development proposal for exemption from the requirement to pay a development contribution to the City of Sydney.

The Central Sydney Development Contributions Plan 2013 provides a number of grounds for exemption from the requirement to pay development contributions. Section 2.2(c) states:

The City may at its absolute discretion exempt the works in the table overleaf from the need to pay a Levy under this Plan upon written application from the applicant.

Among the works included in the table is:

5. Heritage – development for the sole purpose of the adaptive reuse of an item of environmental heritage. The terms ‘item’ and ‘environmental heritage’ have the same meaning as in the Heritage Act 1977.

The term ‘adaptive reuse’ is not defined in the Contributions Plan, nor in other relevant planning documents including the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000, the Heritage Act 1977, the Heritage Regulation 2012, the Sydney Local Environmental Plan 2012, or the Sydney Development Control Plan 2012. The last of these however, mentions in the introduction to Section 3.9 (Heritage) that:

This DCP is consistent with the Australia International Council on Monuments and Sites (ICOMOS) Charter for Conservation of Places of Cultural Significance (The Burra Charter).

While the Burra Charter (2013) does not define the term adaptive reuse as such, it does include the following definitions:

1.9 Adaptation means changing a place to suit the existing use or a proposed use.

1.10 Use means the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

1.11 Compatible use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

It is therefore arguable that the term ‘adaptive reuse’ is equivalent to ‘the adaptation of a place for a compatible use’ in accordance with the Burra Charter, notwithstanding that the proposed use of the place as a museum is the same as the existing use.

In my opinion, therefore, the proposed development known as Australian Museum Project Discover would fall within the scope of 'adaptation of a place for a compatible use' as defined in the Burra Charter.

As the Australian Museum is an item of the environmental heritage, being included on both the State Heritage Register and Schedule 5 of Sydney Local Environmental Plan 2012, it is therefore arguable that the proposal would also fall within the scope of the exemption for 'development for the sole purpose of the adaptive reuse of an item of the environmental heritage.'

I trust that these comments will be of assistance. Please let me know if you require any further information.

Yours sincerely

ORWELL & PETER PHILLIPS

A handwritten signature in blue ink, appearing to read 'O P Phillips', with a large, stylized initial 'O'.

O P PHILLIPS