



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

27 June 2013

Dear Minister

HERITAGE COUNCIL OF NSW – SUBMISSION TO THE WHITE PAPER AND DRAFT PLANNING BILLS 2013

I was pleased to receive your letter of 26 June 2013 explaining in more detail the provisions of the proposed act. The Heritage Council would like to continue discussing these, including particularly the provisions relating to the approvals functions of the Heritage Council. We would like to work with your Department so we can both achieve our objectives. We particularly welcome the constructive tone of your letter, but I need to clearly set out the present concerns of myself and my Council with the Draft Exposure Bills so the implications of the Bills can be seen clearly. It is noted that your letter mentions a legal mechanism” to be introduced to the new Act that would retain the Heritage Council's current approval role in most IDA's. However we have as yet not sighted that proposal.

The effort of the White Paper, A New Planning System for NSW, to create a more streamlined and efficient planning system in NSW is commendable. The existing system is cumbersome and ramshackle but it does recognise that planning is involved with four objectives: economic (financial feasibility), social, environmental, and heritage. Most contemporary planning systems (Melbourne, Vancouver, Portland, Singapore) seek to balance these four objectives to make productive and liveable cities.

The Draft Act however prioritises economic objectives (economic feasible) and only requires that ‘regard’ be given to social and environmental objectives. An Act based on this foundation may work for green field sites but cannot, I believe, work in the many old and complex city and town environments in NSW. It cannot work for Aboriginal objects, places and features that may go back 40 000 years that we are custodians for. The Act needs to rest on the four pillars: economic, social, environmental and heritage.

Plans that were initially based on economic objectives only, such as Singapore, found they were becoming unliveable. People in the knowledge-based industries, which are more and more the major sectors of employment, did not want to live there. Without heritage, without old and new, visitors did not want to go there. Now in Singapore, historic shop houses are protected and are more valuable than equivalent new buildings.

The Heritage Council of NSW (Heritage Council) has reviewed the *White Paper: A New Planning System for NSW* (White Paper), associated *Draft Planning Bill 2013* and *Draft Planning Administration Bill 2013* (Draft Exposure Bills), and outlines its concerns and recommendations as follows.

The Heritage Council of NSW believes that the White Paper and Draft Exposure Bills require substantial revisions to ensure that community needs and expectations about economic growth, the environment and heritage are properly balanced in the new planning system. This is essential if the government is to demonstrate appropriate leadership in heritage management and deliver a world class planning system for the twenty-first century.

The Heritage Council is concerned that its previous recommendations to this end, in its submissions on the Issues and Green Papers (attached), are absent from the draft Bills.

The absence of the necessary safeguards to protect heritage, combined with the proposed flexibility of the new system, and its bias towards economic outcomes and approving development, leads the Heritage Council to believe that the proposed new planning system represents the greatest threat to the heritage of NSW in over 30 years of planning in this State.

As currently proposed, the implications of the new planning system for heritage are potentially devastating. The new planning system will weaken existing heritage safeguards, further disempower the Heritage Council's role, enable economic concerns to dictate planning decisions, disadvantage heritage property owners, and perpetuate an expectation of unlimited development potential.

The failure to maintain or set legally-binding upper limits on what development or impact can be approved will undermine outcomes from strategic planning and community consultation and remove certainty for the environment and heritage. Critically, this unlimited development potential will also void existing conservation incentives in the planning system for socially beneficial outcomes, such as transferrable floor space to benefit heritage conservation, while increasing pressure to demolish or degrade heritage.

This collective impact of the new planning system will endanger our State's heritage, and the jobs, sense of place and connection to identity and culture that these assets sustain. Once lost or degraded through poorly planned development, these assets of our environment and heritage can never be recovered.

The Heritage Council recommends a number of essential changes to the proposed new planning Bills to address these risks and ensure the planning system retains and improves heritage safeguards appropriate to the high degree of flexibility and discretion of the proposed new system.

These critical concerns are tabled in Attachment A to this letter.

The Heritage Council and its stakeholders believe that each of these concerns must be addressed by the Government and the Department of Planning and Infrastructure to ensure

that development under the new planning system does not occur at the expense of protection of the environment and heritage.

The Heritage Council and its stakeholders further believe that a number of safeguards must be inherent in the new planning system so that the environment and cultural heritage of NSW are appropriately protected when development is proposed. These include:

- that objects in the Planning Bill 2013 require new development to be ecologically sustainable, protection of the environment and protection, conservation and management of cultural heritage and Aboriginal objects, places and features;
- that the existing system of heritage management be transposed into the new planning system;
- that there is a NSW Planning Policy for Heritage;
- that the Heritage Council's approval role in integrated development applications be retained;
- that concurrences relating to the Heritage Council be retained;
- that there is merit assessment of applications relating to heritage items, heritage conservation areas, archaeological sites, development in the vicinity of heritage items and Aboriginal objects, places and features.

Unless such safeguards are included in the new planning system there is a strong risk that development and growth in NSW will be at the expense of protection of the environment and heritage.

The Heritage Council would welcome the opportunity to discuss these changes further with you and the Department of Planning and Infrastructure. Please contact me or the Heritage Division, Office of Environment and Heritage Director to discuss this further on (02) 9873 8500.

Yours faithfully



Professor Lawrence Nield
Chair - Heritage Council of NSW

HERITAGE COUNCIL OF NSW – SUBMISSION TO THE WHITE PAPER AND DRAFT PLANNING BILLS 2013

Background to this Submission

In 2011 the Government announced its intention to review the planning system in NSW. An Issues Paper titled “The way ahead for planning in NSW” was subsequently released by the Government to establish new legislation to replace the Environmental Planning and Assessment Act 1979.

In February 2012 the Heritage Council of NSW made a submission to the Issues Paper that included sixteen recommendations that were provided to assist with the development of policy options for the management of heritage in NSW.

In July 2012 the Government released a Green Paper titled “A New Planning System for NSW” that proposed transformative changes to the planning system with a shift to a more strategic and streamlined system that facilitated economic growth and upfront community participation”.

In September 2012 the Heritage Council of NSW made a formal submission to the Green Paper. The submission was informed by a workshop attended by more than fifty stakeholders including professional organisations and individuals, community and interest groups. The submission included thirty one separate recommendations that addressed the concerns of the Heritage Council and its stakeholders about the Green Paper (**Attachment 1**).

In late May 2013 the Heritage Council held a workshop for stakeholders to inform its submission on the White Paper and the Draft Exposure Bills. More than one hundred and twenty stakeholders participated in the workshop and identified key concerns with the White Paper and the Draft Exposure Bills. The concerns identified by the stakeholders have been included this submission to the White Paper.

To date, however, none of the recommendations made in the Heritage Council’s earlier submissions to the Department of Planning & Infrastructure about the Issues Paper and Green Paper are evident in the White Paper and the Draft Exposure Bills. Further, there was **no consultation with the NSW Heritage Council whatsoever on the White Paper and Planning Bills.**

Given that the Heritage Council is the State’s independent expert body on heritage, this is extremely disappointing and concerning. Further, the White Paper and Draft Exposure Bills are largely silent on how heritage is to be protected, conserved and managed under the new planning system and many aspects of the proposed new system pose a real threat to the State’s heritage.

Overview

The Heritage Council of NSW and its stakeholders have a number of serious concerns about the White Paper and the Draft Exposure Bills. The most significant of these is that under the proposals the key aims of the new planning system, identified as growth and development, could be achieved at the expense of protecting the environment and cultural heritage.

The Heritage Council is not averse to economic growth and development or the need for reform of the existing planning system.

The Heritage Council has worked for more than thirty years to achieve enhanced outcomes for the state's heritage, and has successfully negotiated integrated development approvals on hundreds of major development sites in NSW that have included State Heritage Register listed items. Examples of these outcomes include, the GPO, Commonwealth Bank in Martin Place, the Justice Precinct at Parramatta, Prince Henry Hospital at Little Bay and Aboriginal places including Brewarrina Weir fish way.

The Heritage Council believes that economic growth and development and the protection of the environment and cultural heritage are not mutually exclusive and must be properly balanced. The Heritage Council further believes that it is critical that the new planning system include safeguards to ensure that the environment and cultural heritage are properly protected, conserved and managed when development occurs.

Key Concerns

1/ Objects of the Planning Bill 2013

The protection of the environment including “the conservation and sustainable use of built and cultural heritage” is listed as one of the key objects of the Planning Bill 2013.

The order of objects in the Planning Bill 2013 with economic growth first and the protection of the environment fifth in the order is indicative of an over emphasis on economic growth and development in the new planning system and the lack of regard given in both the White Paper and Planning Bill 2013 for protection of the environment and identification, conservation and management of cultural heritage in NSW.

The definition of “environment” provided in Schedule 1 Dictionary of the Planning Bill 2013 that is “all aspects of the surroundings of humans, whether affecting any humans as individuals or in their social groupings” should be deleted and the definition of environment in section 528 of the *Environment, Protection Biodiversity and Conservation Act* used instead that is :

a/ ecosystems and their constituent parts including people and communities

b/ natural and physical resources and

c/ the qualities, characteristics of locations, places and areas

d/ heritage values of places and

e/ the social, economic and cultural aspects of a thing mentioned in a/, b/, c/ and d

The Planning Bill must include an objective for the protection, conservation and management of cultural heritage and Aboriginal objects, places and features. The wording of 1.3 (e) (ii) of the Planning Bill 2013 that is “the conservation and sustainable use of built and cultural heritage” is ambiguous and confusing. The object should be amended so that it properly references the protection, conservation and management of cultural heritage and Aboriginal objects, places and features. The term “built” heritage should not be used as “cultural heritage” is the broader term and includes built heritage. It should also reference “conservation” as defined in the NSW *Heritage Act* 1977 (preservation, protection, maintenance, restoration and adaptation) and natural heritage. Please insert what the objective should say, per previous HC submission (I asked for this before).

Provisions and considerations relating to ecologically sustainable development, the protection of the environment, the protection, conservation and management of cultural heritage and Aboriginal objects, places and features must be readily evident throughout the Planning Bill 2013 particularly in the heads of consideration for development assessment and strategic plans.

The current wording ‘conservation and sustainable use of built and cultural heritage’ should be replaced by a separate objective: ‘the identification, protection and management of the cultural, including Aboriginal, heritage of NSW’.

2/ System of Heritage Management

Neither the White Paper nor the Draft Exposure Bills reveal whether the system of heritage management that has prevailed, developed and evolved to suit changing circumstances in NSW for the last thirty years will be transposed into the new planning system.

This system has included the identification/assessment of heritage items, heritage conservation areas, archaeological sites and Aboriginal objects, places and features in heritage studies/reviews, formal identification and listing in heritage schedules and heritage maps of local environmental plans and statutory protection of such items vis-à-vis compulsory heritage provisions of local environmental plans.

The system has also included an overarching Section 117 (2) Ministerial Direction 2.3 Heritage Conservation that has required any local environmental plan relating to an item or area of environmental heritage to include provisions that provide for protection, conservation and management.

The current system of heritage management must be fully transposed into the new planning system so that there is an appropriate context for decision making about heritage items, heritage conservation areas, archaeological sites and Aboriginal objects, places and features.

There are currently 27,500 listed heritage items, heritage conservation areas, archaeological sites and Aboriginal objects, places and features in NSW.

Approximately 26,000 of these are items of local heritage significance and listed in the

heritage schedule of a local environmental plan. The remaining items are items of State heritage significance and listed on the State Heritage Register.

Not every heritage item, heritage conservation area, archaeological site and Aboriginal object, place and feature that exists in NSW is, however, currently listed. The incompleteness of heritage schedules of local environmental plans and the State Heritage Register has significant implications for development assessment and strategic planning in the new planning system. **Resources must be committed to establish the “evidence” base that will underpin the strategic plans in the new system.**

3/ Aboriginal Heritage

Only a very small portion of aboriginal heritage in NSW is currently listed in the heritage schedules of local environmental plans or on the State Heritage Register. We are the custodians of aboriginal cultural and natural heritage that may go in some cases back 40,000 years.

Aboriginal heritage studies must therefore be undertaken to properly inform strategic plans, local plans and the framing of development controls in the new planning system.

The assessment of Aboriginal heritage in such studies should not be limited to sites but also include whole areas and landscapes. **The studies must include predictive modelling to determine potential for Aboriginal objects, places and features on lands to be rezoned or developed under the new planning system.**

The preparation of Aboriginal heritage studies and predictive modelling should occur in a systematic and timely fashion so that their findings inform the hierarchy of strategic plans and development assessment in the new planning system. It may not always be possible for the exact location, nature and significance of Aboriginal objects, places and features to be revealed in studies and plans. Aboriginal communities must however be consulted about the appropriate protocol for such objects and places.

The capacity of the new planning system to destroy a significant amount of the State’s Aboriginal heritage through inappropriate zoning and development must be acknowledged and addressed.

Aboriginal communities must be engaged in the new planning system. Community consultation models must be developed that facilitate the involvement of Aboriginal communities in the planning process.

There must be strong linkage between community consultation and strategic planning in the new planning system if quality outcomes are to be achieved for Aboriginal heritage. These outcomes need to be defined.

Independent expert panels under the new planning system must include Aboriginal representation.

The proposed replacement of the Office of Environment and Heritage’s (OEH) role in determining permits to destroy Aboriginal heritage under Section 90 of the NPWS Act

through a proposed 'one stop shop' referral for concurrences and approvals, by a non expert bureaucracy within the Department of Planning, is a serious threat to informed decision making about Aboriginal heritage and its protection in NSW. This in turn will further disempower the Aboriginal community of NSW and move them further away not only from determining the treatment of their culture and heritage in response to development proposals but also from the objectives of the Broad Reform on Aboriginal Culture and Heritage currently under review by the NSW Government. The Office of Environment and Heritage must retain its role in the assessment and approval of permits for impacts on Aboriginal culture and heritage.

4/ Community Participation

There must be community participation in not only the preparation of the hierarchy of plans in the new system but also in development assessment under the new system.

If true "evidence based" decision making is to occur with the participation of communities, heritage studies/reviews and Aboriginal heritage studies will be critical to inform the strategic plans and decisions about development applications. Communities will require education in strategic planning and development assessment processes and how to read/interpret plans.

Communities must be provided with the tools they need to properly engage and participate in these planning processes. In a heritage context this includes heritage study/review; plans and elevations, zoning, floor space ratio, building height, building envelopes and setback information; archaeological assessment; view and vista analysis; photo montages, conservation management plans/strategies.

The Government must commit adequate resources and time to ensure meaningful community engagement in strategic planning and development assessment under the new system.

Individuals and communities must retain their right to comment on development applications that will affect heritage items, heritage conservation areas, archaeological sites and Aboriginal objects, places and features. Individuals and communities must continue to receive notification of development that affects heritage items etc - onsite signage, notification letters and advertising in a local newspaper and be provided with the opportunity to comment on development.

Schedule 2 of the Planning Bill 2013 prescribes a minimum 28 day exhibition period for strategic plans in the new planning system. This must be significantly increased to provide the community with sufficient time to comment on such plans.

The power of the Minister for Planning to amend strategic plans including local plans without community consultation as currently written in section 3.9 of the Planning Bill 2013 is significantly at odds with the "community participation" pillar of the White Paper and Draft Exposure Bills. The Minister for Planning should not have the ability to amend strategic plans and the very things that community has been consulted about and signed off on without further community consultation. Proposed amendments to strategic plans must be publicly exhibited and the community provided with the opportunity to comment. Submissions received in response to exhibition of the amendment should be published together with the Minister's decision about the amendment and the reasons for

this. The absence of further community consultation about amendments to strategic plans raises questions about transparency in the new planning system.

5/ Strategic Planning

The foundation of the new planning system is a hierarchy of plans - NSW Planning Policies, Regional Growth Plans, Subregional Delivery Plans and Local Plans.

Heritage must be identified and accepted as a key element in the new planning system - it is integral to the strategic planning that underpins the new planning system.

There must be a separate NSW Planning Policy for Heritage in the new planning system that clearly articulates Government direction for the management of heritage in NSW.

The NSW Planning Policy for Heritage that will replace the existing Section 117(2) Direction relating to heritage conservation must include aims and objectives that provide for the protection, conservation and management of cultural and Aboriginal heritage. The aims and objectives of the NSW Planning Policy for Heritage must cascade through the hierarchy of plans in the new system.

The NSW Planning Policy for Heritage must, however, be in place prior to gazettal of the Planning Bills to ensure that the full intent of the existing Section 117(2) Direction is retained in all strategic plans.

The NSW Planning Policy for Heritage must reference the Burra Charter, the Heritage Council's "Design in Context" and "New Issues for Heritage Places" Guidelines.

Strategic planning processes at each level of the new planning system must include a heritage study/review so that the "evidence" from the assessment of heritage items or places informs decisions about land use and development. "Evidence" based on the assessment of heritage significance has been at the centre of the system of heritage management in NSW for the past twenty five years.

Plans at each level of the proposed hierarchy must clearly identify how the heritage of the state, region, subregion or the local government area is to be protected, conserved and managed because the quality of the strategic plans will have a strong bearing on the success of the new planning system.

There must be expert heritage representation on Subregional Planning Boards to ensure that heritage is appropriately considered in subregional strategic planning under the new planning system.

All heritage items, heritage conservation areas, archaeological sites and Aboriginal objects, places and features currently listed in local environmental plans must be protected in Local Plans in the new planning system. Heritage studies/reviews must be undertaken to identify any unlisted heritage items, heritage conservation areas, archaeological sites and Aboriginal objects, places and features.

The standard heritage provisions in the Standard Instrument Principal Local Environmental Plan must be fully transposed into the new Local Plans in the new planning system.

Provisions relating to development in the vicinity of heritage items previously deleted from the standard heritage provisions must also be reinstated in Local Plans. The revised wording must ensure that consent authorities are required to consider the heritage impact of proposed development in the vicinity of heritage items.

Provisions requiring development consent for alteration or removal of non-structural elements in the interiors of heritage items must also be reinstated in the standard heritage provisions. The alteration or removal of non structural elements can affect the heritage significance of a heritage item.

Strategic planning principles must reference the protection, conservation and management of heritage.

6/ Development Assessment

Merit assessment must continue for “environmentally sensitive areas” as well as heritage items, heritage conservation areas, archaeological sites, development in the vicinity of heritage items and items/places covered by Interim Heritage Orders.

Complying and code based assessment have significant potential to adversely impact on the heritage significance of such items, areas and places unless the complying standards are responsive to heritage considerations and the codes applying to heritage are heritage-based. These two tracks should only apply to very minor proposals for change when heritage sites, heritage conservation areas or sites next to heritage items are involved. All other proposals applying to these sites must be merit assessed.

A number of exemptions are already available for minor works on heritage items listed on the State Heritage Register or in the heritage schedules of local environmental plans (Heritage Council Standard Exemptions and State Environmental Planning Policy Exempt and Complying Development Codes 2008). The exemptions reduce red tape and save applicants time and money.

Complying and code based assessment must only be used for development that is low impact and not for development that relates to a listed or unlisted heritage item.

Much cultural heritage in NSW including Aboriginal heritage is not currently listed in local environmental plans or the State Heritage Register. It is unclear from the White Paper how such items, place and areas will be protected under complying or code based assessment process. The development assessment process must allow for the proper identification and assessment of the impacts of development on such items.

The Planning Bill must be amended to include a requirement for consideration of cumulative impacts of development and ecologically sustainable development principles.

Third party merit based appeal rights must be introduced for development that becomes merit assessment because it exceeds code standards. When an Applicant exercises an appeal right against a consent authority's refusal or deemed refusal on the grounds that the Application exceeds previously agreed standards, there must be an automatic third party appeal right extended to the community also. This would help to protect heritage places when they are threatened by such appeals. The limitation of third party appeal rights in the Planning Bill is significantly at odds with Government's commitment that the new planning system will be both transparent and accountable.

The review of concurrences, including those relating to the Heritage Council of NSW, described in the White Paper must be well considered and include formal consultation with both the Heritage Council of NSW and the Heritage Branch of the Office of Environmental and Heritage.

Concurrence requirements must be reinstated for State Significant Development and State Significant Infrastructure that involves environmental or cultural heritage impact.

7/ Removal of the Heritage Council's approval role

Removal of the Heritage Council's approval role for Integrated Development Applications and (as described in Division 6.3, clause 6.12 and Table 3 of the Planning Bill 2013) would jeopardise the State's most significant heritage.

Under the current planning system the Heritage Council of NSW is engaged early in the development process. The Heritage Council directly advises applicants how to achieve the best possible heritage outcomes and successfully negotiates those outcomes in nearly 100% of Applications. Under Division 6.3 of the Planning Bill 2013, the negotiating ability and 'teeth' of the Heritage Council of NSW will be removed. The Heritage Council has significant expertise in heritage as well as in many other areas including development, property, architecture, planning, archaeology, cultural landscapes, materials conservation, disability access and fire safety. This expertise must be utilised in the new planning system so that the best possible outcomes for the State's most significant heritage can be achieved.

The existing approvals role of the Heritage Council for Integrated Development Applications under the Heritage Act 1977 must be retained. The existing approvals role of the Office of Environment and Heritage for Aboriginal heritage under the National Parks and Wildlife Act 1974 must similarly be retained.

The role and powers of the Heritage Council in regard to State Significant Development and State Significant Infrastructure must also be reinstated so that the expertise of the Heritage Council, can properly inform Government decision making about such projects. At the very least, a requirement to consult with the Heritage Council on SSD or SSI involving items on the State Heritage Register must be mandated.

8/ Delivery Culture

The primary focus of the new planning system described in the White Paper is economic growth not protection of the environment or heritage. The delivery culture of the new planning system must be oriented to require new development to be **environmentally sustainable** and **protect the environment and heritage**.

Conclusions

The Heritage Council considers that the **recommendations in this submission represent the minimum essential safeguards** needed to avoid serious adverse impacts on heritage values in NSW given the highly flexible and discretionary nature of the new planning system.

Unless such safeguards are included in the new planning system there is every likelihood that when development occurs in NSW it will be at the expense of protection of the environment and heritage.

**Heritage Council Recommendations in its Submission to the
Green Paper September 2012**

HERITAGE COUNCIL OF NSW SUBMISSION TO THE GREEN PAPER

Recommendations

Aboriginal Heritage

- 1. The new planning system must address and recognise the disproportionate impact it has on Aboriginal heritage.*
- 2. Strategic planning must better address Aboriginal heritage both through zonings and development controls.*
- 3. Aboriginal heritage studies must be undertaken at the strategic planning stage and findings integrated into strategic planning, preparation of planning instruments and framing of development controls.*
- 4. Conservation approaches should not be limited to lists of sites, but should be addressed by compatible zonings and development controls.*
- 5. Consultation must be tailored to meet the needs of communities. The planning system rarely engages effectively with Aboriginal communities.*
- 6. The exact location, nature and significance of Aboriginal heritage cannot always be made public. Planning must be carried out in accordance with protocols with local Aboriginal communities.*
- 7. Aboriginal representation should be considered on Regional Planning Panels/Boards.*
- 8. Incentive should be available through the planning system to encourage Aboriginal conservation outcomes, in recognition of the broad community benefit.*
- 9. Given the nature of the resource, consideration should be given to the regional assessment of Aboriginal heritage, at the strategic planning stage, across LGA boundaries.*
- 10. Recognition is needed of cultural differences across tribal boundaries.*
- 11. The outcomes of this review as to how the planning system addresses Aboriginal heritage legislation will have direct implications for the Government's broader review into Aboriginal currently taking place.*

Code Assessment

- 12. Proposed development that affects listed heritage items (including conservation areas and heritage streetscapes) should continue to be merit assessed.*
- 13. Existing exemptions for minor works to heritage places should be carried through to the new related Act.*
- 14. Further exemptions for minor works that have no adverse impact on heritage places be developed in conjunction with the Heritage Council for inclusion in the Housing Code.*

Community Engagement

- 15. Community engagement in a heritage context must extend to provision of plans/elevations; zoning, building height, building envelope, floor space ratio and setback information; archaeological assessment; view and vista analysis; photo montages; conservation management plans and strategies so that communities are assisted in understanding the issues.*
- 16. The White Paper and related Act should clearly articulate how community engagement will be undertaken as well as who will pay for it.*

Concurrences and referrals

- 17. Referrals to the Heritage Council should be mandated in planning legislation for all items listed on the State Heritage Register, except where prior approval has been granted by the Heritage Council.*
- 18. The requirements and timeframes for referrals to State agencies should be clearly articulated in the planning legislation, perhaps in a simplified table form.*

Heritage Incentives

- 19. The new planning system should provide the following incentives for heritage conservation:*
 - financial grants assistance through a Local Heritage Fund programme;*
 - waiving of DA fees for applications relating to heritage items;*
 - transferrable floor-space to encourage conservation and allow new development;*
 - bonus floor-space;*
 - permitting land uses which are not generally permissible within the land zoning;*
 - exemptions from on-site car parking requirements ie: by not requiring on-site car parking ensures the retention of significant landscapes;*

- *Heritage Advisors programme to provide valuable advice and education to property owners, and promote heritage within the LGA;*
- *rate relief to heritage listed properties to enable greater availability of funds for conservation and maintenance works.*

Heritage 'Tools'

20. *Tools used for heritage management including a generic requirement for councils preparing local environmental plans that relate to heritage items, Aboriginal objects or areas of Aboriginal heritage significance or Aboriginal places should include provisions that facilitate conservation of items, Aboriginal objects or areas of Aboriginal heritage significance, listing and mapping heritage items and places in the heritage schedules of local environmental plans and standard heritage provisions in local environmental plans and be transposed into the new planning system and related Act.*
21. *The proposed NSW Planning Policies should include a mandatory requirement for councils preparing local environmental plans that relate to heritage items, Aboriginal objects or areas of Aboriginal heritage significance or Aboriginal places to include provisions that facilitate conservation of items, Aboriginal objects or areas of Aboriginal heritage significance.*

Minimum Standards of Maintenance and Repair for Local Heritage

22. *The new Act should include provisions that require the owners of locally listed heritage items maintain and repair their heritage items to minimum standards imposed by the Act (similar to the provisions in the Heritage Act 1977 for state listed properties.)*

State Vision for Heritage

23. *The strategic framework of the new planning system should be underpinned by an overarching State Vision for Heritage that articulates government direction on the management of heritage in NSW.*
24. *That the State Vision for Heritage encompass natural and cultural (Aboriginal, built, landscape, moveable, maritime and archaeological) heritage.*
25. *That an aim of the new planning system be the identification, protection and management of the natural and cultural (Aboriginal, built, landscape, moveable, maritime and archaeological) heritage of NSW.*
26. *That the objectives of the new Act include:*

“to encourage:

the identification, protection and management of items of environmental heritage, Aboriginal object or areas of Aboriginal heritage significance or Aboriginal places;

the protection of the natural environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats.”

27. Heritage as a specific issue should be included as a head of consideration in the new Act for development assessment.

Strategic Studies

28. That the strategic planning process in the new planning system include a heritage study/review of the study area so that evidence from an assessment of the heritage significance of heritage items or places informs decision making about land use and development.

29. The White Paper and related Act clearly articulate the when, what and how of the proposed strategic studies as well as who will pay for them.

Character Areas

30. That the strategic planning process in the new planning system include the identification of Suburban Character Zones so that such zones inform decision making about land use and development.

31. That controls for Suburban Character Zones preclude development that adversely impacts on local character and ensure that good urban design outcomes are achieved.