

Submission

Housing supply regulation

The following submission has been provided to assist the PC in providing a foundation for the appropriate means for assisting Local Government achieve greater housing supply within Heritage Conservation Areas (HCAs).

The particular background is HCAs within NSW.

Currently development within a typical HCA is regulated by the Local Environmental Plan (LEP) and then in the detail through the guidelines of a Development Control Plan (DCP).

While each LGA in NSW has their own DCP with heritage clauses for guiding and supporting development in their HCAs, they have many aspects in common.

The common elements are generally based upon the Burra Charter, which is the Australian guide document based on International best practice for heritage. The detailed guide is *Design in Context: Guidelines for infill development in the historic environment*, NSW Heritage Office & RAIA. The guide was originally produced in 2005. This guide uses six clear criteria to assist developers, designers and planning assessment staff:

1. Character
2. Scale (height)
3. Form (bulk)
4. Siting
5. Materials and colour
6. Detailing.

In conjunction these two documents offer a practical and easily appreciated set of tools for negotiating infill within a typical HCA.

A key additional point which often adds value and flexibility is Clause 5.10(10) of each LEP which is known as the Incentive clause and allows flexible development opportunities where a heritage item is involved in a project: the Council can grant consent for any purpose on a heritage site even if that use is normally not permitted by the zoning table.

These tools are more than adequate for the development of residential development in an HCA. The height, among the other five factors, of an infill development will be determined by the ability of the designer to provide a scheme which fits the general character and scale of the predominant buildings in the setting. The building stock within a typical HCA is commonly graded into listed, contributory, neutral and uncharacteristic types. The infill proposal should generally demolish existing buildings which are either uncharacteristic, detracting or neutral structures in the particular context. Listed and contributory buildings within a development site should be retained and may be adapted for housing and associated uses, as part of a proposal.

In relation to the four best practice principles:

1. Adopt a build mindset: Infill development can meet the build mindset and subject to the local land values, the benefits can outweigh the costs;
2. Regulate where necessary: The Design in Context guide has proven over the last 25 years to offer a valued aid to designers and Councils in negotiating sympathetic infill development. The HCA in terms of Heritage regulation has proven to be a useful and valued planning tool for ensuring that heritage areas which are highly valued by communities, are developed in an appropriate manner;

3. Coordinate with infrastructure: The great benefit of HCAs is that they generally have mature infrastructure which requires only minor modification to accommodate infill housing development;
4. Keep the process simple: The current LEP frameworks are generally well understood by the development and community parties. The DCP frameworks vary across LGAs and offer a wide range of constraints based upon the context of each HCA. One opportunity for LGAs where particular HCAs are located in urban settings, is a local DCP to specify the constraints and opportunities within the HCA. In particular, a DCP would specify which sites are graded as uncharacteristic and neutral. Redevelopment of these sites would be supported while the community interest would be protected as the sites graded as Listed and Contributory would be retained or adapted for residential uses in a sympathetic manner.

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