

PLANNING REFORM PROCESS -LOCAL HERITAGE UPDATE

Step 1 – Planning Review & Expert Panel

Plans and Plan Making

Advice to Planning Minister

December 2014-Recommendations

Reform 8 – Place heritage on renewed foundations.

- Heritage laws consolidated into one integrated statute and statutory body with links to cultural institutions
- Review terminology
- Greater integration with cultural institutions
- Single register
- Heritage code of practice to provide for listing, maintenance and adaptation
- Allow for accredited heritage professionals and Code of Practice
- Audit existing listings
- Heritage financing placed on stable long term footing with property related taxes and heritage lottery providing a basis for heritage grants.

Step 2-Government's Response & provisions

- March 2015-reponse to final report of Expert Panel
- September 2015 Planning Development & Infrastructure Bill 2016 introduced into Parliament
- April 2016- Bill assented to.
- Section 67 (a) local heritage criteria for listing – existing provisions in the Development Act carried over existing criteria for local listing
- Owner Appeals against Local Heritage Place designation
- (s 202(1)(a))
- 51% of residents in a proposed Historic Conservation zone must vote in favour to succeed.
- Existing listings to be incorporated into the Minister's Design and Planning Code

Section 67 of PDI Act

67(3) The Community Engagement Charter must include provisions that require

- consultation with the owner of any land constituting a place—
- (a) that is being proposed for inclusion in the Planning and Design Code as a place of local heritage value; or
- (b) that, under an amendment to the Planning and Design Code, is being proposed as being subject to any heritage character or preservation policy that is similar in intent or effect to a local heritage listing.

Section 67 (4 and 5)

(4) In addition, an area cannot be designated under an amendment to the Planning and Design Code as constituting a heritage character or preservation zone or subzone unless the amendment has been approved by persons who, at the time that consultation in relation to the proposed amendment is initiated under the Community Engagement Charter, constitute at least the prescribed percentage of owners of allotments within the relevant area (on the basis of 1 owner per allotment being counted under a scheme prescribed by the regulations).

(5) In this section—
prescribed percentage means 51% of relevant owners of allotments within a relevant area.

PDI Act- other provisions applicable to local heritage

- Pt 5 Division 2 Planning Instruments
- Section 202 Deals with rights of review and appeal
- S. 71 Incorporation of material and application of instrument
- S.73 Preparation and amendment –
 - Owners may appeal local heritage listings included in the Planning and Design Code
 - No right of Council appeal against delisting of a local heritage place
 - Wide definition of who can make or vary an amendment to the Planning & Design Code (see s. 73 (2)(b)(viii))

Step 3 -Statutes Amendment (Planning, Development and Infrastructure) Bill 2016

- transitional arrangements and time frame for Planning & Design Code

Part 4 – Planning Instruments

- The Planning & Design Code not required to provide for all of the matters referred to in s. 66(2) until July 2020.
- Development Plans will have effect in the meantime until July 2020
- Minister can make amendments to Development Plans if ‘he considers a DP inconsistent with Code or ‘because it appears to the Minister that amendments should be made to provide for greater consistency with the provisions of this Act, including the objects of the Act’.
- S. 66 enables amendments to DPs to be allowed, inter alia, by ‘any person with an interest in land’ with the Ministers approval.

Local Heritage Discussion paper Sept. 2016 released for comment.

- Focus on local heritage identified via planning legislation – existing listings to be incorporated into a State based Ministerial Design and Planning Code and listed via regulation to avoid existing lengthy DPA processes
 - Consider minor developments exemptions
 - Existing criteria for local listing to be reviewed to comply with HERCON criteria and incorporate a thematic approach
 - Review of existing local heritage listings on a regular basis
 - Inference to seek to reduce number of local places
 - No role or mention of local government
- *‘To encourage high level ideas and feedback from experts and practitioners involved in local heritage in this state.’*

The Local Heritage Discussion Paper...

Did not address :

- ❑ Any role of local government in the heritage process
- ❑ Funding and resourcing options
- ❑ One integrated heritage authority
- ❑ State Heritage areas and State heritage places
- ❑ Contributory items-what they are intended to do
- ❑ How the Community Engagement Charter would address community involvement in policy formulation

Raised:

- ◆ Inadequate hierarchy of heritage values
- ◆ Uneven recognition of local heritage across the state
- ◆ Lack of comprehensive review
- ◆ Interim authorisation
- ◆ Need for timely consultation with owners
- ◆ Lengthy listing process
- ◆ Role of accredited professionals
- ◆ Streamlining approvals
- ◆ Demolition of local heritage places to be 'on merit' with no right of appeal to third parties

Community Outrage

- National Trust & branches submissions
- 127 personal submissions
- Local Government submissions – 27
- NGO bodies -33
- Professional organisations - 10

Outcomes:

- Criticism of Initial limitation of time and extent of consultation
- Consultation period extended and broadened
- Information sessions run by local councils
- Concerns over tenor of discussion paper regarding local heritage
- All submissions can be seen on the DPTI website –link to heritage

Next steps...



DPTI to summarise submissions in response to Discussion Paper

Statutes Amendment (Planning, Development and Infrastructure) Bill 2016 has passed the Lower House and has been referred to Legislative Assembly -

Check DPTI website for ongoing information re consultation, timing and priorities of Planning Instruments including the Planning & Design Code