



POSITION PAPER

BUILDING OVER THE AIRSPACE OF HERITAGE ITEMS AND AREAS

BACKGROUND

The definition of 'development' in the NSW Heritage Act, 1977 states that "development", in relation to land, includes 'the carrying out of a work in, on, over or under that land.'

The September 2015 City of Melbourne Heritage Review: Local Heritage Policies and Precinct Statements of Significance section relating to subdivision notes -

Subdivision of a heritage place should:

- Reflect the pattern of development in the streetscape or precinct, whichever is most relevant to the place.
- Maintain an appropriate setting to the significant or contributory building.
- Not provide for future development which will visually disrupt the setting and impact on the presentation of the significant or contributory building.
- Subdivision of airspace above heritage buildings, to provide for future development, is discouraged

Airspace over 18 historic Auckland buildings has been transferred to other properties in the city. That allows developers to buy floorspace or air rights from a heritage building which is often low-rise and cannot be developed. They then apply to transfer that benefit to another site. That compensates or rewards the owner of the historic building and allows a developer to build more than might usually be allowed under the district plan.

In NSW many bizarre developments in the airspace above historic buildings have, and continue to occur, which significantly disrupt the setting and impact adversely on the presentation of those buildings.

NATIONAL TRUST POSITION

- The National Trust will be seeking the adoption of planning provisions and accompanying guidelines at the state and local government level, dealing with subdivision, along the lines of the City of Melbourne Heritage Review model.
- The Trust will also urge the establishment of transferable airspace development rights to allow for the better protection of the settings and presentation of heritage buildings.

ACTION TO PROMOTE THE TRUST'S POSITION

The Trust will promote its views on this issue in the media, with Councils and NSW parliamentary representatives.