P001

RECEIVED
31 Aug 2016
DPTI

From: Steiner, Brett <brett.steiner@cttg.sa.gov.au>
Sent: Wednesday, 31 August 2016 4:21 PM
To: DPTI:Planning Reform
Subject: Local Heritage Discussion Paper Response - City of Tea Tree Gully

Dear Anita,

Please find below our comments in relation to the Local Heritage Discussion Paper. The comments have been prepared with significant input from our Heritage Advisor.

- The proposal to amend the criteria for listing Local Heritage Places is supported as it is consistent with the State Heritage criteria but at a Local level.

- Thematic studies and comparative analysis can be useful tools. However, the question of how many LHP's of a particular theme should have significant input from the community and/or local council.

- Early engagement and consultation is desirable when listing properties, and a non-threatening, consultative, approach can achieve reasonable outcomes.

- Local Heritage Advisory committee plays an important role in the consideration of individual objections, ensuring a considered and balanced review based on experience and understanding. It would be a poor outcome if proposed listings ended up in the courts for determination and decisions came down to money and legal nuances.

- Updating statements of heritage value and descriptions of listed elements is a sound goal, however to properly review each of the over 8000 existing places would take a great deal of time and therefore funding will be necessary. Full access to each property would also be required to undertake the task thoroughly, which could be confronting for some owners.

- Accrediting professionals is a sound idea; however the criteria for accreditation is not clear, nor is the remit of their decisions. Final decision should remain with a statutory authority.

- It is not clear why listing of local heritage places needs "to be considered in balance with the broad strategic objectives of the State". This could also creates some uncertainty and the strategic objectives of the State may change and remove items with heritage and cultural value at the expense of short term objectives – i.e. if population growth is an objectives could the listing of heritage places be removed to facilitate new infill housing rather than other options like adaptive re-use?

- Any confusion between 'heritage' and 'character' could be easily managed through guide notes and education.

- Keeping descriptions of heritage value and physical descriptions of listed elements up-to-date could be an additional cost burden, however would be an important process to simplify development assessment and ensure unauthorised development is not occurring. In recent experience at the City of Tea Tree Gully, a site visit for assessment of development adjacent to a Local Heritage Place resulted in uncovering a number of unauthorised developments to the Local Heritage Place itself.

- It is difficult to have a specific list of minor works to apply to all Local Heritage Places; what might be appropriate for one property may not be for another. In this respect the involvement of accredited professionals to sign off on works could be useful, provided they have a good understanding of the specific local heritage place and area in general. Physical attendance at the property is important, as issues can be missed by simply referring to Google Streetview and aerial photos, as displayed by the afore mentioned example referring to unauthorised development of a local heritage place.

- Regarding the demolition of local heritage places 'on merit'. The City of Tea Tree Gully Development Plan does not list demolition of LHP's as non-complying, but instead have the following PDC:

  A heritage place spatially located on Overlay Maps - Heritage and more specifically identified in Table TTG/7 - State Heritage Places or in Table TTG/6 - Local Heritage Places should not be demolished, destroyed or removed, in total or in part, unless either of the following apply:

(a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the places identified in the tables
(b) the structural condition of the place represents an unacceptable risk to public or private safety

A review and identification of the number of LHP's previously demolished could assist in informing future decision making. Public notification could assist in creating transparency of decision making.

- Involvement of accredited professionals has merit, however the detail of how this would work is unknown. Knowledge of the area and places in question is important. Council nominated professionals for their area would enable Council's to calibrate the management of their heritage assets.

- We would welcome further input into the proposed changes once more detail becomes available.

If you have any questions, do not hesitate to contact me directly.

Regards,

Brett

Brett Steiner | Team Leader Planning Strategy
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Think green - read on the screen

P002

RECEIVED
05 Sep 2016
DPTI

From: andrew bateman
Sent: Monday, 5 September 2016 1:15 PM
To: DPTI:Planning Reform
Subject: SUBMISSION - Local Heritage Reform Discussion Paper Feedback - Andrew Bateman

Summary: Heritage protection (and trees) is important to the future of Adelaide

Adelaide is not a large city - we can never compete with Sydney or Melbourne in terms of population or Brisbane in terms of climate so we will always struggle to get people to move here and the resultant investment here. What Adelaide should focus on to grow population and investment is livability. Instead of chasing money by always bending to the will of developers who build cheap and nasty blueboard homes and alluminium/cladded buildings, Adelaide should look to grow slower and build buildings of quality. I point to the Port Adelaide riverside apartments - what cheap looking garbage that already looks dated and ready to be pulled down whereas the Glenelg foreshore and East end apartments are what we should be building.

Lets protect our heritage by protecting any building that would never be built again (basically anything that is made of stone) and lets use those buildings as reference points to future buildings. If we don't then Adelaide is doomed to become just a working town with poor people relative to the eastern cities.

I'm probably wasting my breathe and anything John Rau has dealings with always turns to custard. He, after all, was the prime mover for dismantling the tree protection laws and now we can all watch the slow desertification of our once beautiful urban forest. Now we can all live on top of each other and have the neighbors air con ditioning blowing into each others yards. Lets hope that at some point wisdom sets into the government think tanks and the first job is to protect the city's building heritage.

Regards, Andrew

P003

From: David Hore
Sent: Monday, 5 September 2016 5:10 PM
To: DPTI:Planning Reform
Subject: SUBMISSION - Concerns regarding Local Heritage Discussion Paper - David Hore

Hello,

I have read the Local Heritage paper, and while there are some good things in the paper - I can't get past general statements like "Another improvement could involve considering the demolition of local heritage places ‘on merit’". This is ambiguous and open to abuse – especially given how desperate the state is for private investment. My wife and I lived a good portion of our lives in Europe and what we found appealing in Adelaide (compared to other states) is that there are still heritage buildings and are surprised how vulnerable they are, as well as how ugly many of the buildings that are built in their place.

I urge you to be stronger in your protection of heritage if you wish to attract young,educated tax paying people to the state. Adelaide already has a large number of high rise eye sores that have dated poorly. While we have been here we have seen a number of attractive heritage buildings knocked over for cheap builds (although the state government may have considered them having merit).

The desired vibrancy will be attained by protecting heritage and encouraging development on the large number of empty blocks of lands, ‘pay and display’ car parks and ugly 60 buildings - this is what should be streamlined, not destruction of heritage.

Thanks, David

P004

Ref: 52080
Doc ID: 205586

6 September 2016

RECEIVED
06 Sep 2016
DPTI

Anita Allen
Manager, Planning Reform
Department of Planning, Transport & Infrastructure
GPO Box 1815
ADELAIDE SA 5001

By Email: planningreform@sa.gov.au

Dear Anita

RE: Local Heritage Discussion Paper

Thank you for providing Council with an opportunity to review and comment on the Local Heritage Discussion Paper recently released by the State Government.

Council's administration has reviewed its content and whilst generally supportive of the reform agenda put forward in the discussion paper wish to provide feedback on a number of areas for consideration/clarification:

- New Listing Process:
  - Role of Council – The discussion paper provides an outline of what the new listing process could entail, identifying a number of steps which include early engagement, formal consultation and the use of an expert heritage committee. Whilst supportive of an early and inclusive engagement process, it is not clear what role Council may have in the process (if any) as local custodians and place makers.
  - Periodical Review – Council officers appreciate the intent of undertaking a periodical review and update of statements of heritage value and descriptions, however question how this process would take place. Council nominates that should a periodic review process be pursued it would be best served occurring on the basis of a five (5) or ten (10) year period or following development on the property subject to the listing or adjoining properties.
- Local Heritage Listing Criteria – Council officers support the proposal to 'standardise' local heritage criteria and provide certainty and consistency. For the purpose of providing clarity and assisting the listing/de-listing process it is recommended that examples for each criterion be included, that could include:
  - It has qualities that are locally rare or endangered.
  - It is comparatively significant in representing a class of place of local significance.
  - It displays particular creative, aesthetic or technical accomplishment, endemic construction techniques or particular design characteristics that are important to demonstrating local historical themes.
  - It has a special association with the life or work of a person or organisation or an event of local historic importance.

  The criteria should also consider the land and other characteristics of the listing so as to prevent the excising of land around Local Heritage Places (LHPs) and affecting the context of the LHP and associated generous spacial setting.
- Reference within the discussion paper to "How many are too many?" – Council officers question whether focus should be placed on the number of places listed when considering historic themes. In asking the above question it is clear that those places currently listed met

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the requirements of the Act at the time of listing and presumably have maintained a level of integrity worthy of maintaining this listing, and a focus on reducing the number of places may threaten the themes or character to which local heritage places contribute.

- Streamlining Processes – Council officers support the opportunity to simplify and streamline minor, low-risk works to heritage places and updates which would consider demolition of local heritage places 'on merit'. In this, it will be important for these updates to be consistent across all Council areas to ensure fair and transparent application of the amendments. Matters which Council considers relevant for consideration as minor, low-risk works would include:
    - Side and rear boundary fences where it includes galvanised corrugated profile iron metal sheeting and does not exceed a height of 1.8 metres and is not located forward of the building;
    - Development that includes the replacement of "like for like". These may include the re-sheeting of a corrugated iron roof;
    - "repairs and maintenance" when it affects an LHP as currently exists via Schedule 3 of the *Development Regulations 2008*;
    - The exclusion of those activities caught in Schedule 3 (4) of the Regulations so that development authorisation will only be required where activities are proposed on the front façade of the building or encroach on a public street;
    - An outbuilding less than $15m^2$ in an area that does not have a height greater than 2.5 metres, not located in front of the principal building on the land or within 900 mm of a secondary street boundary, where it is pre-colour treated and where it does not have a span that exceeds 3 metres.
- Accredited Heritage Professionals – Council officers are cautious about the value that accredited heritage professionals may bring to a process which is considerably subjective and does not operate in the same manner as for instance the Residential Code which is much more specific. Rather, Council officers would support a comprehensive re-work on what is defined as 'development' when affecting local heritage processes as proposed and see greater value in this process than one which allows accredited professionals to provide the heritage equivalent of a current Building Rules Consent Only.
- The intention to consider the listing of local heritage places against the broad strategic objectives of the State is not generally supported. The loss of LHPs should not occur for the purpose of achieving urban consolidation or increased density targets. If a place is worthy of LHP listing then it should be retained.
- Contributory Items – Council's administration read with interest that there was no discussion within the paper on the role and value of Contributory Items as currently exist within many Council Development Plans as it could be argued that these places also play an important role in protecting historic themes of an area.

Note: Light Regional Council is currently advancing the Historic Conservation DPA, having submitted a Statement of Intent to the Department of Planning, Transport & Infrastructure for approval. In formulating the Statement of Intent Council formed a Heritage Policy Review Working Party and undertook early and comprehensive engagement with the community. This process yielded valuable results and encouraged an open dialogue with the community on what was considered important. This process which included early engagement supports that nominated in the discussion paper.

Please do not hesitate to contact me on telephone 8525 3200 should you wish to discuss the content of this letter further.

Yours sincerely

Andrew Chown
Manager, Strategy

From: Andrew Chown <AChown@light.sa.gov.au>
Sent: Tuesday, 6 September 2016 2:44 PM
To: DPTI:Planning Reform
Subject: SUBMISSION - Light Regional Council - Response to Local Heritage Discussion Paper
Attachments: LRC Response to DPTI - Local Heritage Discussion Paper.pdf

Good afternoon

Please find attached a response from Light Regional Council to the recently consulted *Local Heritage Discussion Paper.*

Should you have any questions please do not hesitate to contact me.

Kind Regards

Andrew Chown | Manager, Strategy - Strategy & Development
Light Regional Council | PO Box 72 Kapunda SA 5373 | Ph - 8525 3212
Fax - 8566 3262 | Mob- 0448 662 123 | Email - achown@light.sa.gov.au

P005

From: Sollitto, Paul
Sent: Tuesday, 6 September 2016 3:31 PM
To: DPTI:Planning Reform
Subject: SUBMISSION - Discussion Paper - Paul Sollitto
Attachments: Discussion Paper.docx

Good afternoon.

Please accept the attached Discussion Paper as so my contribution to the debate in 'Renewing our Planning System'.

My contact details are listed below:

Mr Paul Sollitto

Discussion Paper

I am a property investor that has recently purchased a Local Heritage site situated in the city of Onkaparinga.

I have a vested interest in seeing the State Government pass sensible reforms as noted in interstate jurisdictions in recent years.

My comments are therefore framed to reforms that would have land owners make better use of their land with less interference from local government.

Having read the discussion paper, 'Renewing our Planning System', I propose the following reforms that make it equitable for all parties in the debate:

Delisting

- Delisting sites which have no significant historical meaning/value either to the local region or to the State of South Australia.
- Dilapidated buildings to be delisted on application by the land owner or council.
- Buildings that have been altered, for example, extensions approved by council to no-longer have the status of a local heritage site.
- Reduced time frame for council to consider an application for delisting a Local Heritage site.

Fairness

- Avenues of redress to be less complex and costly to the land owner.
- Compulsorily acquired historical sites by governments to adequately compensate the land owner by the acquiring government
- Consistency among all councils when listing/delisting heritage sites.

P007

Response to DPTI "Heritage reform – an exploration of the opportunities"
Local Heritage Discussion Paper 2016

RECEIVED
07 Sep 2016
DPTI

To: Local Heritage Reform Discussion Paper Feedback
Email: planningreform@sa.gov.au

From: Prospect Local History Group

Comments

1. Issues with the Discussion paper Process and Consultation by DPTI

The Discussion paper process seems to be flawed. The period of consultation by DPTI has been extended only after pressure from various quarters. It appears that many with an interest in this matter are scrambling to be able to respond in time. The notice of the discussion paper on DPTI website was in an obscure place in the page end and did not show on the DPTI website search.

Indeed, Prospect Local History Group (PLHG) has not been invited to respond by DPTI as had some residents' groups and only found out about the DPTI Discussion Paper through one of its members being alerted by another residents' group. Local history and heritage groups seemed to have largely been ignored to respond to a Local Heritage Discussion Paper yet selected resident associations were invited to respond.

Representatives of the National Trust who participated in community assessment of the Expert Panel on Planning Reform strongly disagree that this list of Discussion Paper topics bears resemblance to the conclusions of those discussions. Our Local Heritage Under Threat, A critique of the DPTI Local Heritage Discussion Paper, by Norman Etherington, President of the National Trust of South Australia, on behalf of the Cultural Heritage Advisory Committee.

For example, the Expert Panel on Planning Reform was against the merit idea and it endorsed "the recommendation of the 2008 review that complying development should account for the majority of the assessment task handled by the system-and our reforms to zoning are pivotal to achieving this." P.78 South Australia's Expert Panel on Planning Reform Our Ideas For Reform August 2014.

Missing from the Discussion Paper are the topics of:
- An end to interference in Local Heritage listings by the Minister (see point 11, page 6)
- Number of contributory Items (see Point 3, page 2)
- Failure to establish adequate historic conservation zones

(Historic conservation zones are in the vanguard of heritage protection designated by local authorities reflecting the value placed by communities on cherished places, the recognition of local distinctiveness and giving them a key role in the regeneration of local areas).

Recommendation 1:

That consultation of this Local Heritage Reform Discussion paper be widened Paper to include an advertised invitation to Local Government, community organisations (particularly local history and heritage groups) and interested individuals to make submissions. This should include a series of public forums.

2. Demolition of local heritage places on 'merit' is definitely not supported

Any property not heritage listed can currently be demolished without any notification/appeal. Heritage listed properties and Contributory Items (CIs) and Historic Conservation Zones provide a greater degree of protection and demolition is generally a non- complying development. It is of great concern for a proposal to dilute this protection and allow demolition of heritage items to be considered "on merit".

One could well ask on whose versions of 'merit' is this based. This could mean that on the recommendation of the Council planner, a heritage property could be demolished. There may not even referral to Development and Planning Panels nor community consultation. This would bypass the elected councils that approved the original listing of heritage places (that have already been through an exhaustive justification process being placed on the heritage list).

In areas of high development pressure, the introduction of 'demolition on merit' would deliver windfall profits to owners who bought property at prices reflecting the dollar value as a protected heritage place. That windfall is unfair, both to the community and to people who sold in good faith.

This recommendation would insert a new uncertainty to the planning process. Once certainty is removed from local heritage, it will be almost impossible to restore integrity to the system. Instead we will have a system of 'heritage destruction' instead of 'preservation' that strongly appears to be weighted to providing gains for one segment of the economy, the property industry, to the detriment of other sectors.

There no 'merit' in demolition of irreplaceable community assets that are then lost to future generations.

The SA Expert Panel on Planning Reform strongly advocated against the 'merit' system:
"The overwhelming majority of assessments are undertaken using the merit pathway, and this has grown over time to more than 90 per cent of all development applications—well over the proportion originally intended. This is unsustainable and imposes costs on ratepayers, residents, land owners and businesses that are entirely avoidable. It sends the wrong message to businesses looking to invest in jobs and new industries in this state. We endorse the recommendation of the 2008 review that complying development should account for the majority of the assessment tasks handled by the system—and our reforms to zoning are pivotal to achieving this." P.78 South Australia's Expert Panel on Planning Reform Our Ideas For Reform August 2014.

Recommendation 2:

That there be no 'merit pathway' and the planning system for development should either be complying or non-complying.

3. Potential loss or reduction in the number of Contributory Items

Potential loss or reduction in the number of Contributory Items with heritage features that contribute to the historic quality of historic conservation areas, zones or policy areas is a major concern.

The Discussion Paper is silent on this and it is understood that this will be part of the Planning and Design Code. Proposals to replace them with overlays are a concern. The distinction between local heritage and contributory status is somewhat arbitrary. If a Contributory Item contributes to the historic quality of an area, it should be preserved; to allow its destruction detracts from that area.

The State Government's Urban Corridor Zones in the inner local council areas, where height restrictions have been raised, is likely to place yet more heritage properties and Contributory Items in danger due to the sudden increase in value of the land in these areas.

Councils are likely to be required to review all of their Contributory Items against new local heritage criteria, which is an expensive exercise with the cost most probably being passed on to Councils. It is likely that many Contributory Items will not be listed. This will have a major impact, as Contributory Items cannot currently be demolished without a very good reason. It is a major concern that all this protection would be removed if Contributory Items no longer existed.

Recommendation 3:

That Contributory Items remain listed by Local Government and continue to be afforded protection from demolition without good reason.

4. Concerns about the proposal to reduce timeframes for public consultation

The proposal to reduce the set time for public consultation consistent with the Community Engagement Charter (possibly 4 weeks in lieu of the current 8 weeks) owing to improved earlier engagement and owner notification is not supported.

Recommendation 4:

That the period of community consultation be extended for at least six months and that the consultation be launched at a well-advertised public forum with the Planning Minister in attendance.

5. Interim operation/protections should be retained

Engaging with owners early and with aggrieved owners may help resolve their issues and save them having to pay for expensive heritage and legal advice to contest a proposed listing.
However it is a 'long bow' to state this early engagement (unless compulsory) therefore removes the need for 'interim operation'. There would still remain the threat of pre-emptive demolition of potential listings and uncertainty over the process.

Recommendation 5:

That Interim operation/protections be retained to avoid pre-emptive demolition of potential listings and to retain a degree of certainty for the community.

6. Support for Local Government to continue to be the authority to identify, nominate and list places of local heritage value

With over 8,000 local heritage places, almost four times as many as there are state heritage places (some 2200), indicates that local government should retain the carriage of local heritage places as is the current situation in South Australia. Councils should retain their ability to nominate particular places or areas. In the 1970s and 1980s the purpose of local heritage regulation was to allow variation among councils because historic environments vary.

In contrast to the South Australian government Discussion Paper, currently the New South Wales government states: "Local heritage values need greater recognition and we need to work closely with local government and communities to ensure this happen." And "Local councils and their communities are at the forefront of the vital task of conserving the heritage of New South Wales. The Local Government Heritage Resource Centre offers those working in or for local government easy access to information and resources on heritage management specific to local government."

The New South Wales government also has comprehensive Local Government Heritage Guidelines.

Heritage Near Me is an innovative new program that empowers NSW communities to protect, share and celebrate their local heritage. The program has been developed to address an identified gap in current heritage programming and includes:

- Support councils and communities to establish an effective stewardship model for local heritage in NSW
- Return autonomy to communities by providing resources and support for improved local heritage management and decision making.
- Support training, skills and the development of local heritage resources
- Increase opportunities for the activation of local heritage spaces

http://www.environment.nsw.gov.au/Heritage/heritage-support.htm (Page last updated: 04 August 2016)

Recommendation 6:

That Councils and their communities are supported by the State Government with an effective stewardship model for local heritage with comprehensive Local Government Heritage Guidelines.

7. Proposal for using accredited professionals to assist statutory functions

In relation to the proposal for accredited heritage professionals having decision making power/more influence, the concern is that this is being taken away from the elected council further eroding its community representation. A better alternative would be to have a system of heritage advisors that work with local councils and local heritage groups (perhaps funded through a heritage lottery?).

Use of accredited professionals would most probably increase costs due to accreditation processes etc. and have potential to have a fragmented approach to heritage as accredited professionals do not always agree.

The competencies and expertise of a 'heritage professional" would need to be defined.

Recommendation 7:

That the proposal for using accredited professionals to assist statutory functions and have decision-making power/influence be removed.

That the State Government investigates a system as a better alternative to having a system of heritage advisors that work with local councils and local heritage groups (perhaps funded through a heritage lottery?).

8. Clarifying the difference between 'Character' and 'Heritage'

The substitution of the phrase 'historic character' for 'character' in legislation is supported.

Retention and expansion of historic conservation zones where demolition of historic fabric is tightly controlled is preferable to protection of selected individual buildings.

As Susan Marsden, historian states: "Adelaide's heritage of domestic architecture is probably its most significant heritage. The survival of many thousands of nineteenth, as well as twentieth, century housing is one of the most important features of the region's present character.

It is vital that not only good examples of the different types of housing are preserved but that the distinctively nineteenth, and early twentieth, century atmosphere of entire suburbs is retained."

Source: Susan Marsden (1986) Metropolitan Adelaide: a short history, first appeared as chapter 7 of Jenny Walker (ed.), South Australia's Heritage, Department of Environment & Planning, Adelaide, 1986, pp. 87-100. SA Historians.org.au

However heritage is part of the planning process that contributes to the character of a place and how it evolves and should not be dismissed as a 'confusing concept'.

"In Australian practice 'heritage' usually refers to significant buildings and areas. Evolving meanings of heritage are often broader than this. By using new terms for place-based heritage, we can reframe the heritage conversation as part of a wider civic discussion about the things we value most and wish to retain. Jurisdictions overseas use terms such as landmarks, cultural properties, monuments, historic sites, national treasures and icons to describe heritage items."
P.68 South Australia's Expert Panel on Planning Reform Our Ideas For Reform August 2014.

The common link to both heritage and character is the design process:
"Design should be fundamental to planning in urban areas: it offers ways to link private and public spaces; it helps maintain and enhance established character; and it helps visualise character, giving it a valuable role in promoting community engagement in planning processes. Because of this, design is particularly important in the context of urban renewal."
P.63 South Australia's Expert Panel on Planning Reform Our Ideas For Reform August 2014.

"The panel believes design and zoning must be linked, and that design approaches may help manage character and heritage in urban settings, particularly by promoting adaptive reuse. Indeed, effective design can remove the need for land use to be the principal basis for the assessment process, especially in urban renewal areas where a mixed use approach is desirable. In such areas especially, design must lead planning practice."
P.64 South Australia's Expert Panel on Planning Reform Our Ideas For Reform August 2014.

The Discussion Paper cites no evidence that the community at large, as opposed to vested interests, thinks there is anything seriously wrong with the existing system. Judging from the consistent stance of resident groups over the decades, they want more rather than less protection for the places they love.

Prospect Council's community survey of its 2016 Strategic Plan and its McGregor Tan Report 2015 have residents citing: Preserving older heritage style buildings of importance above Community events ,Car parking / parking controls , Bike paths / cycle-ways and Arts and Cultural activities.

Recommendation 8:

That the substitution of the phrase 'historic character' for 'character' in legislation be proceeded with.

That retention and expansion of historic conservation zones where demolition of historic fabric is tightly controlled is preferable to protection of selected individual buildings.

That design approaches are used to manage character and heritage in urban settings, particularly by promoting adaptive reuse. There are many references in the Expert Panel on Planning Reform report that the planning system should 'encourage design of the public realm that is creative, inclusive and adaptable; promote, guide and enable redevelopment, urban renewal and adaptive reuse'.

9. Historic buildings should not be seen as a constraint or as a problem getting in the way of property development but an opportunity for creative and economic endeavour

A widely shared desire for heritage reforms was identified by the Expert Panel on Planning Reform in its final report to Minister Rau in December 2014. But these were stated as picking the best ideas and to maintain a balance of the triple bottom line (social, economy and environment).

Historic buildings should not be seen as a constraint or as a problem getting in the way of property development but an opportunity for creative endeavour. The best way to conserve a heritage building, structure or site is to use it. Adaptation or adaptive reuse offers new uses for old places. The new use needs to be compatible with the building, retain its historic character and conserve significant fabric, but it can still introduce new services, as well as modifications and additions.

Adaptation also makes good economic and environmental sense. Construction waste accounts for 33% of all landfill in Australia. Of this, over 75% is clean fill, brick, timber and concrete. Recycling existing buildings and materials significantly reduces waste and increases sustainability. Many 19th century and early 20th century buildings were constructed of materials and techniques that today require repair and renewal at half the rate of more recent buildings. Although some traditional materials may at first glance appear more expensive than modern materials, they will last up to three times longer and are more economical and environmentally friendly in the long-term.

Renovation of old buildings creates many more jobs than new building with industrialised components. Every renovation of historic fabric employs two people for everyone involved in new construction. The economic benefits extend beyond construction to tourism and a lively café/small bar.
"Work to heritage buildings should conserve what is important about them, and provide the opportunity to reveal and interpret their history, while also providing sustainable long-term uses"
New Uses for Heritage Places was written by the Heritage Office, NSW Department of Planning and the Royal Australian Institute of Architects NSW Chapter New Uses for Heritage Places Working Party.

Recommendation 9:

That a legally binding overarching management framework be put in place such as a heritage agreement to ensure that the heritage values of the place are appropriately managed.

10. Streamlining our Development Assessment Processes

Whilst comments made in the Discussion Paper are about the perception of confusion, inconsistency and the need for streamlining the existing system, this is made without any concrete examples of supposed problems created in the paper.

This distracts from the real issue: the potential for items to be delisted and demolished more easily in future. One of the main issues identified by community members were delays in listing heritage items due to DPAs sitting with the Minister, or the refusal of the Minister to list recommended items. The process involved in getting local heritage places listed has often been unduly lengthy.

A concrete example is the length of time taken by Minister Rau in Prospect Council's most recent Heritage and Heritage Conservation Zone DAPs (almost 2 years).

Heritage listing should proceed automatically in the event the Minister does not deal with council recommendations within 180 days.

Recommendation 10:

That planning department internal administrative reform be implemented as a way of solving many of the problems set out in the 'key issues', such as lengthy and unpredictable processes.

That heritage listing proceeds automatically in the event the Minister does not deal with council recommendations within 180 days.

That the handling of ‘minor, low-risk works to heritage places’ be streamlined and the requirement for a full Development Assessment dropped.

11. Concerns about moving towards a centralist approach reducing local community input

Whilst there are many things that work well in the current system, there are concerns about moving towards a centralist approach reducing local community input.

Instead, there should be separate Ministers and statutes with one responsible for planning and the other responsible for heritage plus having vigorous and transparent processes that involve owners and the community in decision-making. Heritage listing should decisions should be made independently of development planning and assessment.

Recommendation 11:

That there be separate Ministers and statutes with one responsible for planning and development assessment; and the other responsible for heritage listing and heritage management to reduce the perceived risk of conflict of interest.

12. Best practice conservation zones

All conservation zones should aim for ‘best practice’ (or ‘better’ practice). In Australia, best practice is happening in Fremantle, Salamanca Place, Petrie Terrace, the City of Sydney, Ballarat and several inner suburbs of Melbourne and Adelaide.

‘Applying lessons learned’ from interstate means replicating the tough historic preservation measures that kept those places vital and vibrant and not going down the easy path of demolition.

A notable admission is in the Discussion Paper is the City of Sydney’s fine-grained controls within designated historic conservation zones.

In fact, there is no mention of best practice conservation zones at all.

Recommendation 12:

That all conservation zones aim for ‘best practice’ and be supported in this process.

13. The introduction of a hierarchy of significance in local heritage protection would be a backward step.

A hierarchy approach was abandoned in most places around the world because developers invariably contended that they should be free to demolish anything but the top class of historic places. While national, state and local heritage differ in geographical scope, there is no reason they should differ in the protection afforded them.

Recommendation 13:

That the same criteria apply to heritage evaluation whether national, state or local. The only variation is that the local heritage places need not prove their significance beyond the council area.

14. The National Themes formed the basis for Victoria's historic themes which are cited in the paper.

Victoria's Framework of nine main Historical Themes ensures heritage objects; places and events can be understood, assessed and presented within the context of a broad theme, rather than as singular items of interest. It also relates to the Australian Historic Themes.

NSW heritage management system has 35 themes to provide the context needed to be able to assess whether an item is of State heritage significance and serve as a checklist when preparing local historical context reports. The themes summarise the historical framework for NSW, but they do not describe physical evidence or items in the study area.

"Local themes will not necessarily fit neatly into the state thematic framework, and themes may overlap. A useful way to deal with this is to include a cross-referenced schedule of state, regional and local themes in the historical context report. Relating local and/or regional themes to state themes is important in helping to work out the relative importance of the historical forces, processes, events and issues within the area being considered."

Page 3, http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmhistoryheritage.pdf

Recommendation 14:

That South Australian heritage themes be brought into line with the national framework, but not as the process assisting in establishing hierarchies of significance, quality or quantity nor as a template for a collection policy.

15. A new integrated Heritage Register

There should be the construction of a single internet portal that will provide access to documentation on all South Australian heritage places: national, state, local and National Trust listed (and any other new listings such as regional, monuments, special landscapes).

Having only a DPTI portal on local heritage would be a waste of resources.

Recommendation 15:

That the State Government construct a single internet portal that will provide access to documentation on all South Australian heritage places.

That the State Government commissions the development of an App such as the Victorian Heritage Register availability through the Vic Heritage app.

16. Expanding our current Heritage Listing Criteria

A new integrated Heritage Register could be expanded to include:

- A Regional category of heritage listing to capture places significant to a region (but are not necessarily significant to the State or to Local heritage).
- Monuments
-Special landscapes

Recommendation 16:

That current heritage listing criteria be expanded to include a Regional category; monuments; special landscapes.

17. Establishing a state based lottery to assist in subsidising heritage projects and heritage property upgrades.

"The panel suggests there would be benefit in developing a state-wide approach, with the possibility of funding from special lotteries as in some other jurisdictions."
P.69 South Australia's Expert Panel on Planning Reform Our Ideas For Reform August 2014

Recommendation 17:

That the State Government investigates a state based lottery to fund heritage projects rewarding those for their conservation efforts.

Acknowledgements:

Our Local Heritage Under Threat, A critique of the DPTI Local Heritage Discussion Paper, by Norman Etherington, President of the National Trust of South Australia, on behalf of the Cultural Heritage Advisory Committee.

P008

From: bob.kinnane
Sent: Wednesday, 7 September 2016 3:03 PM
To: DPTI:Planning Reform
Cc: 'gspear@mitchamcouncil.sa.gov.au'
Subject: SUBMISSION - Local heritage Reform Discussion Paper feedback - B Kinnane

Thanks for the paper, it is good reading and addresses a lot of the frustrations I have with the local heritage listing.

I own a local heritage house in Pasadena. It is an isolated bluestone cottage at Avenue Pasadena.

I fought the listing based on the nonspecific nature of the listing, the ambiguous evidence leading to its review, and the ambiguous nature of the hurdles to owning the house for me and future owners.

I took the discussion to council and got a better description of the aspect of the house they wished to preserve.

The original listing was sold to me, as having no impediment, except for demolition and that the council could only get a say in a proposed demolition of the house by placing it in local heritage.

15 years later the Mitcham council reneged on this, by stopping me putting solar panels on the roof without a $200 planning approval. The cost and time involved offended me limited my options, and was pointless.

Suggestion 1 Planning approval on heritage properties must be done by councils at no cost to the owner.

This would make councils think twice before gratuitously listing a property, providing a financial balance for unbridled desire to list.
It would also share with the rest of the area the cost of heritage that inordinately fall on the owner of the house. *We preserve the place for the public. They can share the burden*.

Suggestion 2 Planning approvals for heritage properties must be done in a reasonable time or default to approved.

Suggestion 3 Council should have an easier way of reviewing the demolition of a building without a heritage listing

Suggestion 4 Local heritage listings should be reviewed every 10 to 15 years

Fashion and heritage bias of a council, plays a high part of the listing process. This needs to be reviewed from time to time.

Suggestion 5 Work needs to be done to remove the stigma associated with this listing so it is easier to sell these properties.

People shy away from local heritage properties in isolated properties as it represents a threat to stop anything. After talking to my local council heritage advisor it is surprising that I don't have to take electricity out of the house and paint the inside the original fire engine red and deep Brunswick green. (yes inside)

> ***138*** *Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):*
>
> *a) principal elevations;*
> *(b) important vistas and views to and from the place;*
> *(c) setting and setbacks;*
> *(d) building materials;*
> *(e) outbuildings and walls;*
> *(f) trees and other landscaping elements;*
> *(g) access conditions (driveway form/width/material),*
> *(h) architectural treatments;*
> *(i) the use of the place.*

This is the ambiguous statement in Mitcham's PAR that has to be interpreted by the prospective purchaser of a local heritage property.

Comment. One of the problems we faced, was what part of the house needed protection. While the house has an apparent front and back, it is visible in part from 3 sides. It is on an axe head block facing away from the main road into the back of two houses.

142 New buildings should not be placed or erected between the *front street boundary* and the façade of existing State or local heritage places.

What rules apply to a non-conventional house and how do they apply.

I would have been happy with a non-demolition order been placed on the house on stated heritage values. It would have achieved the councils stated end over the long term with limited damage to all parties.

Bob Kinnane
phone

YORKE PENINSULA COUNCIL

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
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Website: www.yorke.sa.gov.au

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P010

30th August 2016

Ms Anita Allen
Manager of Planning Reform
Department Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5000

RECEIVED
02 Aug 2016
DAC

Dear Ms Allen

Local Heritage Discussion Paper

Council acknowledges receipt of your correspondence dated 9th August 2016 in relation to the Local Heritage Discussion Paper.

Council does not have any heritage listings and therefore will not be contributing feedback in relation to the Local Heritage Discussion Paper.

Thank you for providing Council with the opportunity to make comment.

Yours sincerely

Roger Brooks
DIRECTOR DEVELOPMENT SERVICES

P011

Vranat, Meredith (DPTI)

From: Delmenico, Zoe (DPTI)
Sent: Monday, 12 September 2016 5:08 PM
To: Vranat, Meredith (DPTI)
Subject: FW: heritage matters

Hi Meredith,

Please save and record as a submission.

Many thanks

Zoe Delmenico
Team Leader, Governance and Frameworks
Planning Reform

Development Division
Department of Planning, Transport and Infrastructure
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L1, 211 Victoria Square, Adelaide SA 5000 • GPO Box 1533, Adelaide SA 5001 • DX 967 www.dpti.sa.gov.au

collaboration . honesty . excellence . enjoyment . respect

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

From: Chris Smith [mailto:chris@franklinharbour.sa.gov.au]
Sent: Monday, 22 August 2016 5:05 PM
To: Delmenico, Zoe (DPTI) <Zoe.Delmenico@sa.gov.au>
Cc: Allen, Anita (DPTI) <Anita.Allen@sa.gov.au>
Subject: heritage matters

Zoe,

Tried to contact you today to talk about heritage buildings in our District

1. We have an estimated 70 heritage buildings in the District and only one on the register.
2. Many of these buildings are on farms which have been the subject of amalgamations.
3. The minimum lot size as you would be aware in Primary Production zoning is 40 hectares
4. We are currently working on a DPA which will seek to establish smaller rural allotments where heritage buildings are present
5. The difficulty of working with heritage once listed is a serious issue for owners.....making them less likely to seek listing
6. Many of these buildings are now in serious decline which is disappointing....where are the incentives to maintain?

These are our views....happy to talk further

Chris Smith
Chief Executive Officer
District Council of Franklin Harbour
PO Box 71, COWELL SA 5602

P012

Ref: P-Drive

9 September 2016

URPS
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ROSE PARK SA 5067

08 8333 7999
www.urps.com.au
ABN 55 640 546 010

Anita Allen
Manager, Planning Reform
Development Division, DPTI
GPO Box 1815
ADELAIDE SA 5001

Dear Anita

Heritage Reform – An Exploration of the Opportunities – Local Heritage Discussion Paper

Thank you for your letter dated 9 August 2016 inviting URPS to comment on the "Local Heritage Discussion Paper". We very much appreciate this opportunity to be involved in the planning system reform process.

We support the focus areas of the Discussion Paper and the ideas therein, including:

- Revising the Local Heritage Listing Criteria – very necessary.
- Implementing a Framework Document and Practice Direction – very necessary.
- Streamlining the listing process – new forms of engagement supported, in concert with emergency protection measures discussed further below.
- Improving how we record local heritage places – very necessary.
- Clarifying the difference between Character and Heritage – very useful in guiding new planning policy formulation.
- Streamlining the Development Assessment process – very necessary for minor and low risk works, and important to have demolition considered on merit.

In the interests of providing you with constructive feedback that can help strengthen the reform approach, the remainder of this letter focuses on elements where further improvement may be considered.

Updating our current Local Heritage Listing Criteria

The current Local Heritage Listing Criteria in Section 23(4) of the Development Act 1993 has been unevenly applied across different Council areas. This indicates that the existing criteria is too subjective and needs to be made more objective. Of the draft criteria listed in the Discussion Paper, we find some elements clearer/objective than others as detailed below:

a. It is important to demonstrating themes in the evolution or pattern of local history – *unclear*.

b. It has qualities that are locally rare or endangered – *clear*.

c. It may yield important information that will contribute to an understanding of local history, including its natural history – *somewhat unclear (i.e. what does this add that is not covered by the other criteria?).*

d. It is comparatively significant in representing a class of places of local significance – *could be made clearer (e.g. using significant twice in the once sentence makes this less clear).*

e. It displays particular creative, aesthetic or technical accomplishment, endemic construction techniques or particular design characteristics that are important to demonstrating local historical themes – *clear, but this will need to be carefully managed when considered against character preservation.*

f. It has strong cultural or spiritual association for a local community – *clear.*

g. It has special association with the life or work of a person or organisation or an event of local historical significance – *clear.*

It may also be worth considering whether at least 2 criteria should be satisfied for Local Heritage listing to avoid the scenario where buildings are listed more for their desirable character than their heritage significance (see additional discussion about this later in relation to Contributory Places/Items).

Streamlining our Listing Process

The Discussion Paper states that "successful early engagement and consultation processes would through into serious doubt the need for 'interim operation'...". We agree that early and effective community engagement underpins any successful planning process.

At the same time, we understand that the interim effect DPA process has been used for the listing of Local Heritage Places in the past to minimise the risk of demolition of Places that warrant Local Heritage listing before the listing process is complete. It is acknowledged that this interim effect process can create hostility within the community, even amongst those who have no intention of demolishing their buildings.

As an alternative, and in the context of ideas for a reformed planning system that is efficient and competitive, we question whether an approach that provides opportunity for emergency Local Heritage listing may be more suited to managing real threat of demolition, as opposed to perceived risk. Such a process could be as follows:

1. A local Council obtains Ministerial/Planning Commission agreement to embark on a Local Heritage DPA/Design Code amendment (similar to the current agreement to a Statement of Intent). It is understood that such agreement would be based on the Council providing a draft heritage survey of those properties that an accredited heritage specialist considers worthy of Local Heritage Listing.

2. If the local Council receives a Complying demolition application for a building that appears to satisfy the criteria for Local Heritage listing (i.e. it has been identified as part of a heritage survey), as confirmed by an accredited heritage professional, the Council completes a request for interim listing of that property with the Minister/Planning Commission within 5 business days and notifies the Applicant of this. The Council can only make such a request if the Statement of Intent has been previously agreed to.

3. The Council then has a set timeframe (say, 2 weeks) within which to lodge documentation with the Ministerial/Planning Commission and the owner to support the Local Heritage listing. If it cannot, then demolition approval must be granted by the Council. If it can, the owner has a set timeframe to object (say, 4 weeks), before the Ministerial/Planning Commission has a set timeframe (say, 4 weeks) to determine whether the property should be Locally Heritage listed. If the property is listed, then the demolition application is determined on its merits by the Council (likely refused). If the property is not listed, then the demolition approval is granted by the Council.

This is not dissimilar to the process for provisional listing of State Heritage Place that is under immediate threat of demolition, but can only occur when the local Council has embarked on a Heritage DPA/Design Code amendment process, the building has already been identified as party of a heritage survey and there are clear timeframes for determination of the emergency listing (i.e. 3 months maximum).

The advantages of such a process are:

- There is emergency protection of yet to be listed Places that satisfy the Local Heritage criteria;
- The emergency protection process only needs to be enacted when there is a clear and present threat to a particular property, rather than across many properties where the threat is only perceived as part of an interim effect DPA/Design Code amendment; and
- The owner of the property in question needn't be unnecessarily delayed (say, between 1 and 3 months) if their property doesn't satisfy the criteria for Local Heritage listing, compared to the more lengthy delay typical between an interim effect DPA coming into operation and being finalised.

The disadvantages of such a process are:

- The owner of the property in question will be delayed (say, between 1 and 3 months) while their property is considered for Local Heritage listing;
- Some property owners may still consider this to be 'heritage listing by stealth'; and
- It relies on the vigilance of Council Planners to identify when a demolition application is lodged for a potential Local Heritage Place and could be subject to overzealous use (this is why having an accredited heritage professional involved quickly at the initial request stage is important).

We acknowledge that this proposed reform is transformational and imperfect, but as intimated previously we are striving for new ways of thinking that are not constrained by the nature of the existing system.

In order to achieve greater efficacy of existing Local Heritage Places it may also be worth considering mandating that Local Councils embarking on Heritage DPAs/ Design Code amendments must also review their existing listings as part of this process.

Clarifying the difference between "Character" and "Heritage"

The description of the difference between heritage and character could be further clarified as follows:

- Heritage is the presence of places of cultural value and the physical attributes that express this cultural value; and
- Character is the presence of, or desire for, particular physical attributes to determine how similar or different the future characters of areas should be.

Streamlining our Development Assessment Processes

Under many existing Development Plans, the demolition of Local Heritage Places is already subject to the on merit assessment process (e.g. all of the inner-rim Development Plans including Prospect, Walkerville, Norwood Payneham and St Peters, Burnside, Unley, West Torrens and Charles Sturt). The exceptions to this appear to the Development Plans for Adelaide and Port Adelaide, where the proposed demolition of a Local Heritage Place is subject to the non-complying assessment process.

We consider that there should be a consistent approach to the assessment of any application for the demolition of Local Heritage Places across SA. That is, we agree that it should be subject to the on-merit assessment process. In the Council areas where this has already been in place for decades, this has not resulted in the widespread demolition of Local Heritage Places. Rather, it has facilitated the considered and pragmatic assessment of circumstances where the demolition of Local Heritage Places is warranted. We believe that this strikes a good balance between certainty and flexibility in the planning system, and that the demolition of Local Heritage Places will remain the exception rather than the rule.

Contributory Places/Items

Many Councils currently identify a vast number of Contributory Places/Items within Historic (Conservation) Zones, Policy Areas or Heritage Overlays. These Contributory Places/Items rarely, if ever, have accompanying inventory sheets that explain their heritage value. It is often unclear whether they are identified for their heritage contribution or their character contribution. It is understood that in many instances they were identified as part of heritage surveys where there was insufficient funding for detailed analysis of their heritage value.

The listing process for these buildings was much less rigorous and arguably more difficult to challenge for landowners than for Local Heritage Places. Obtaining approval to demolish/redevelop Contributory Places/Items can also be very difficult, with many Councils treating Contributory Places/Items as pseudo Local Heritage Places.

The Discussion Paper makes no reference to Contributory Places and how they may, or may not, fit into the new planning system.

It will be important to the efficacy of heritage management to consider how Contributory Places/Items are dealt with. This may be best achieved via the heritage survey process to determine those that satisfy the criteria for Local Heritage listing and those that may be better managed as part of a Policy Areas/Precincts where they create a desired character, but may be demolished over time provided that the identified desirable character of the area is maintained.

Conclusion

We trust that these comments are helpful. Please contact me on 8333 7999 if you would like to discuss them in more detail.

We would also welcome the opportunity for further involvement in this or any other part of the planning system reform process.

Yours sincerely

Marcus Rolfe FPIA CPP
Managing Director

P013

Berri Barmera
COUNCIL
Building a Better Community

RECEIVED
07 Sep 2016
DPTI

Our Ref: MS:ta
Your Ref:

5th September 2016

Department Planning Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5000

Dear Sir / Madam,

Re: Local Heritage Reform Discussion Paper Feedback

Please find the following response on behalf of Berri Barmera Council.

In general terms, Council supports reforms to legislation which simplify processes and increase the ability for people to understand the potential impacts upon their lives and properties. In particular local heritage provisions within the Development Act 1993 have been the source of much angst and anxiety and the process of establishing local heritage listings been unnecessarily controversial. Council would welcome efforts to redress the perceived unfairness and confusion with well considered reforms to be included in the Planning Development and Infrastructure Act and Regulations. Beyond such reforms it is critical that the proposed State Planning Commission provides state wide leadership and support to Councils. On this question it is important to note that Councils roles in the SA Planning System are altering under the PDI Bill. Hence, the Commission and Regional Planning Board role in heritage matters needs to be clarified in conjunction with consultation on the discussion paper. This is further addressed in the response to the Paper as follows:

Applying Lessons Learnt from Similar Reforms Interstate

It is acknowledge that the most recent heritage statute reform is that of Victoria in 2015. It is also acknowledged that in learning lessons from interstate we should also recognise other critical issues such as comparative funding and state administrative support. For example Councils in rural and regional Victoria may benefit from the Department of Transport, Planning and Local Infrastructure (DTPLI) Rural Council Planning Flying Squad program ("the Flying Squad") to fund heritage advisory services programs in rural and regional Victoria from 2014-16.

Support from the Flying Squad can also be accessed for strategic heritage projects including, for example, regional heritage studies and amendment of planning schemes. Assistance can also be provided for specialist technical assistance on major projects and developments, long-term land–use issues and strategic planning, as well as immediate support with planning permit and amendment work.

Whilst the discussion paper states clearly that it "does not deal with funding matters", the success or otherwise of any proposed reforms will be critically influenced by financial capacity of local Councils to afford related services. This was

recognised by the Victorian State government in introduction of heritage reforms with strong emphasis on supporting rural and regional areas.

Updating Our Current Local Heritage Listing Criteria, Creating Thematic Frameworks and Streamling Listing Processes

Developing new local heritage criteria and a thematic framework is supported if it assists in greater understanding of the objectives of heritage protection legislation. Streamlining the listing process is supported especially if it involves:

- More simplified process than Development Plan Amendment
- Early community engagement and targeted consultation with likely impacted landowners.
- Transparent and inclusive process.
- Ability for Minister approved Regional Planning Board to manage local heritage listing process in liaison and co-operation with Planning Commission.

In respect to the Discussion Paper and suggested potential new listing process inclusions:

- Heritage listing process supported by early assistance of the community through accredited heritage professionals subject to a heritage listing practice direction. As stated previously funding support to rural and regional Councils would be critical to achieve state-wide consistency and outcomes. **SUPPORTED** subject to funding.
- Early notification to owners of properties likely to be identified as having local heritage value-**SUPPORTED**.
- Reducing consequent public consultation timeframes in recognition of early notification and engagement. In addition a formalised 'listing objection' process included to improve the current perception of local heritage listing being unfair and unchallengeable-**SUPPORTED**.
- Expert Heritage Committee role extended beyond considering individual objections to more broadly consider proposed listings in context of the local area is **SUPPORTED**. However in regions which have a Minister approved Regional Planning Board, the Expert Heritage Committee should work closely with the Board throughout the review process.
- Under delegation from the Planning Commission, the Expert Heritage Committee finalises heritage related amendments for incorporation into the Planning and Design Code. Whilst this reform is **supported in principle** it is recommended that where a region of Councils has formed a Minister approved Regional Planning Board that the powers of the Planning Commission are delegated to the Regional Board in such circumstances and by effect the Expert Heritage Committee would finalise the listing process in close liaison with the Board.
- Periodical review and updating of the statements of heritage value and descriptions of the listed elements of the place are **SUPPORTED**.

Improving How We Record Local Heritage Places

Council supports the move to E Planning and a digital portal for mapping and spatial information including heritage overlays.

Clarifying the distinction between 'heritage' and 'character' is an important matter and the suggested reform is supported.

Streamlining Development Assessment Processes

Minor, low risk works being subject to exemptions, accepted or deemed to satisfy provisions within the Planning and Design code would be supported. In particular removing unnecessary approvals requirements under such circumstances should greatly improve the 'public image' of heritage laws and their application.

Demolition of local heritage places on 'merit' is supported. Furthermore, scaling and greater clarity on controls such as painting, internal alterations and fence or tree controls would greatly address confusion and unfairness of current provisions.

Planning Commission, Regional Planning Boards and Heritage

As stated previously any reforms must consider the proposed changes to Council roles under the Planning Development and Infrastructure Bill. Where less assessment and strategic planning is undertaken by Councils which opt not to establish Regional Planning Boards, it is logical that the Planning Commission assume the current relevant heritage related functions carried out by such Councils including DPAs.

However in the circumstance a Minister approved Regional Planning Board has been established, responsibility can be transferred from the Planning Commission to the Board including the management of local heritage listing, amendments to Planning and Design Code and community consultation. Such activity should also be supported by funding from the State in recognition that the activity is being undertaken under delegation from the Planning Commission. This is likely to be an effective strategy for rural areas of the State such as the Riverland and South East which have well established Regional Boards including Regional Development Assessment Panels.

For further information, please do not hesitate to contact Myles Somers on 8582 1922 during office hours.

Yours sincerely,

MYLES SOMERS
MANAGER ENVIRONMENTAL SERVICES/MAJOR PROJECTS

P014

Vranat, Meredith (DPTI)

From:	Huw Dent <Huw.Dent@gpaeng.com.au>
Sent:	Thursday, 15 September 2016 10:35 AM
To:	DPTI:Planning Reform
Cc:	heritagewatch@nationaltrustsa.org.au
Subject:	Local Heritage Discussion Paper

Good morning,

I am appalled at the proposed changes to the heritage rules in SA. I implore those responsible for the Local Heritage Discussion Paper to prevent the proposed changes from going ahead. Adelaide is a great city with a great historic feel. We don't need to become Sydney or Melbourne, I dislike their architecture and modern monstrosities. This document may suit the short term lining of pockets for vested interests but is not in the best interest of the state. If this proposal goes ahead, I will not be voting Labour at the next election and will be encouraging others to join me.

Regards,

Huw Dent
Mechanical Engineer
BEng (Mech) (Hons) | CPEng | NER | RPEQ 13630

GPA Engineering
121 Greenhill Road, Unley SA 5061
Dir 08 8299 8407 | **Ph** 08 8299 8300 | **Fax** 08 8299 8399
E Huw.Dent@gpaeng.com.au | **I** http://www.gpaeng.com.au/

P014A

RECEIVED
23 Sep 2016
DPTI

Vranat, Meredith (DPTI)

From: Delmenico, Zoe (DPTI)
Sent: Friday, 23 September 2016 4:36 PM
To: Vranat, Meredith (DPTI)
Subject: FW: Local Heritage Discussion Paper

Can you please register as submission?

From: Huw Dent [mailto:Huw.Dent@gpaeng.com.au]
Sent: Thursday, 15 September 2016 4:54 PM
To: Delmenico, Zoe (DPTI) <Zoe.Delmenico@sa.gov.au>
Subject: RE: Local Heritage Discussion Paper

Hi Zoe,

I think Theo Maras would have a serious conflict of interest. The flavour of the website also seems focussed on change being necessary rather than remaining impartial until a consultative review determines this. I remain unconvinced that this is not just being rail roaded to suit planners and developers to make a lot of dosh regardless of the impacts on the historic value that Adelaide demonstrates.

I do not understand the need to rush the progress of this reform agenda without consultation with interested parties. I know for a fact that the National Trust do not feel they have been adequately consulted with.

Regards,
Huw Dent
Mechanical Engineer
BEng (Mech) (Hons) | CPEng | NER | RPEQ 13630

GPA Engineering
121 Greenhill Road, Unley SA 5061
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E Huw.Dent@gpaeng.com.au | **I** http://www.gpaeng.com.au/

From: Delmenico, Zoe (DPTI) [mailto:Zoe.Delmenico@sa.gov.au]
Sent: Thursday, 15 September 2016 2:49 PM
To: Huw Dent
Subject: RE: Local Heritage Discussion Paper

Hi Huw,

Thanks for your email.

The Expert Panel was appointed by the Minister for Planning and was chaired by Brian Hayes QC

The other members of the Expert Panel were:
Natalya Boujenko
Simone Fogarty
Stephen Haines
Theo Maras AM

Their Biographies are available on the Expert Panel Website http://www.thinkdesigndeliver.sa.gov.au/about/panel-members

The Expert Panel worked on Planning Reforms from January 2013 – December 2015 when they presented the final report (there were 3 reports in total plus many research papers).

The Expert Panel were supported by a 22 member Reference Group chaired by Dr Michael Llewellyn-Smith
The National Trust were on that Reference group and were represented by Mr David Beaumont.
The Expert Panel and the Reference group met monthly in the first year and then more frequently in the second year with weekly meetings as the final report was being prepared.

There is a full list of represented organisations in the Appendices at the back of each Expert Panel Report.

Copies of the reports and research papers can be found at http://www.thinkdesigndeliver.sa.gov.au/report

Many thanks

Zoe Delmenico
Team Leader, Governance and Frameworks
Planning Reform

Development Division
Department of Planning, Transport and Infrastructure
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We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

From: Huw Dent [mailto:Huw.Dent@gpaeng.com.au]
Sent: Thursday, 15 September 2016 12:05 PM
To: Vranat, Meredith (DPTI) <Meredith.Vranat@sa.gov.au>
Subject: RE: Local Heritage Discussion Paper

Hi Vranat or Anita,

Why did the "expert panel" not include the National Trust? Please clarify who makes up this expert panel.

Regards,

Huw Dent
Mechanical Engineer
BEng (Mech) (Hons) | CPEng | NER | RPEQ 13630

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P015

City of Burnside

RECEIVED
14 Sep 2016
DPTI

14 September 2016

Local Heritage Reform Discussion Paper Feedback,
GPO Box 1815
ADELAIDE SA 5000

By email:

planningreform@sa.gov.au

Dear Sir/Madam

Local Heritage Discussion Paper

Thank you for the opportunity to comment on the Local Heritage Discussion Paper: *Heritage reform – an exploration of the opportunities*.

The Discussion Paper raises matters of key interest and concern to the City of Burnside.

The City of Burnside recognises that there are currently some inconsistencies and inadequacies in the recognition and management of local heritage places and a review of existing polices and processes may be beneficial.

There is concern, however, that the Discussion Paper generally paints a negative picture of the current state of heritage conservation framework and application in South Australia. There is no discussion around the positive contribution that heritage makes to our society in terms of lifestyle, economy, tourism, sustainability etc., or that the current heritage conservation policy frequently encourages designers to think outside a 'cheap box replacement' approach through design innovation. In our experience, the current heritage framework, while not perfect, has generally been positive and effective and is not as inadequate as the discussion paper suggests.

The following comments are made under the subject headings as set out in the Discussion Paper.

1) Updating the current Local Heritage Listing Criteria

1.1 In relation to the inconsistent application of the criteria, it is not made clear how new criteria will address this. Both the existing and the draft new criteria require an assessment to be made which is qualitative and subject to considered opinion.

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Civic Centre 401 Greenhill Road, Tusmore SA 5065
Phone (08) 8366 4200 **Fax** (08) 8366 4299 **Email** burnside@burnside.sa.gov.au
www.burnside.sa.gov.au **ABN** 66 452 640 504

1.2 Amended criteria should not be at the future opportunity cost of fewer listings than would be made under the existing criteria.

1.3 Further refinement of the proposed criteria is needed to ensure that the new criteria would capture all currently listed heritage items.

1.4 Any proposed new criteria should be tested against a significant sample of existing local heritage places to determine any upward or downward trend in listing rates.

1.5 Whether the existing criteria are retained or new ones introduced, there needs to be a way to ensure a consistent interpretation and application of the criteria. This may be partly done through the introduction of accompanying practice notes that set out, with examples, how the criteria are to be applied.

2) *Implementing a framework document and 'practice direction'*

2.1 The intent of the proposed framework is not entirely clear, however, a document that enhances the understanding of heritage listing processes and heritage attributes and themes in particular areas, would be beneficial.

2.2 Any change to the process should not result in a reduction in the ability overall to list important places.

2.3 Listing based on themes alone, will not necessarily pick up unique individual examples of architecture which do not fit the general development pattern of an area, but are important in their own right. For example, an innovative art deco building, ahead of its time, set amongst bungalows.

2.4 Any State-wide thematic framework should enable the option for local adaption to reflect local circumstances.

2.5 The Paper's suggested notion of limiting the number of listed properties through use of terms such as 'over-representation' or asking 'how many are too many?' fails to recognise the significant contribution that heritage conservation policy makes to our society, neighbourhoods and urban form. Heritage conservation should not be about numbers, it should be about conservation of valued history which in turn has social and economic benefits for the current and future society.

2.6 Limiting listings to a maximum quota of representative examples is a "Noah's Ark" approach which is inappropriate for matters of heritage. The significant historic story of a place is frequently expressed in a collective group of buildings, not just in a mere remnant representative example. The social and economic value of the group as a whole is invariably far greater than that of the individual parts. For example, the tourist appeal of many European cities is the environment created by the prevalence of their particular historic buildings, and likewise visitors to Adelaide repeatedly espouse the unique appeal of our neighbourhoods of many older stone dwellings.

3) *Streamlining the listing process*

3.1 It is agreed that a simpler way to list Local Heritage Places could be beneficial.

3.2 Council is not convinced that early engagement with owners of properties would remove the need for interim operation. It is recognised that the need for early engagement is certainly essential, to enable many questions to be answered, misconceptions and misunderstandings corrected, and grievances diminished. However, without interim operation as well, there is significant risk of loss of heritage items before finalisation of the heritage listing. Alternatively, a moratorium on the issuance of demolition approval for properties under consideration as part of a heritage listing process may be an option.

3.3 A more considered approach to consultation might be a two stage community engagement process comprising:

- preliminary engagement with the community at large, before commencement of any heritage study, in order to generally educate regarding the social and economic benefits of heritage, followed by

- more specific and intensive engagement at the commencement of interim operation (or a moratorium on demolition), with owners of properties highlighted for potential listing.

3.4 The Paper's suggestion to extend the role of the expert heritage committee (currently LHAC) to consider proposed listings earlier in the process, in addition to their existing role considering individual objections post consultation suggests a likely conflict of roles, having been party to initial listing, but then acting as arbiter in the end.

3.5 It is agreed that an informative statement of heritage value should be prepared for each heritage item. If these statements are sufficiently informative, however, the need for future review is questioned. The suggestion of periodic review implies opportunity to open the door for subjective delisting. Any introduction of processes to update heritage value statements should not undermine the protection of existing listed heritage places.

4) *Clarifying the difference between 'Character' and 'Heritage'*

4.1 It is agreed that there is confusion between the terms 'character' and 'heritage' and clarification of these terms is necessary.

4.2 It is not appropriate to consider translating existing Historic Conservation Zones (HCZ) into 'character sub-zones'. This suggestion fails to recognise that a HCZ is far more than just about visual appearance, but is in itself an historic record of how an area developed over time. Historic Conservation Zones are created to conserve the historic elements of a particular area, and in particular, to conserve both the original pattern of subdivision of an area as well as the historic fabric of buildings constructed at the time of original subdivision. This differs from a 'Character Area' which aims only at conserving and directing the general

'character' of the area, and where some changes to the pattern of subdivision and the replacement of buildings by appropriate alternatives are options.

4.3 It is noted that the Discussion Paper also makes no reference to Contributory Items which are the key components of the HCZ within the City of Burnside and in many other Councils.

4.4 The Paper fails to recognise that HCZs and HCZ Policy Areas are established to provide an accurate story of the built history of an area for a particular period of history and not to simply retain representative examples of a particular historic style of architecture. It is most important that any translation of existing HCZs, and associated Contributory Items, across to a new framework, does not undermine retention of original buildings and original historic fabric.

5) *Streamlining the Development Assessment Processes*

5.1 The paper's suggestion to reclassify some minor works as 'exempt', or as needing building rules consent only may be appropriate for some works, however, care will need to be taken in determining the list of exempt works to ensure that aspects of unique local heritage will not be lost.

5.2 The Paper suggests an increase in the role of heritage professionals, both in the listing and the assessment processes. It is important, however, that any increase to the role of heritage professionals should not usurp the current authority of councils. Heritage professionals should maintain an advisory role to councils, not an authority in their own right. This is particularly important in relation to the question of demolitions.

In summary, it is acknowledged that some refinement of heritage policy would be beneficial to provide greater clarity and consistency within the current framework but this must be approached cautiously to ensure that the positive aspects of the current system are not undermined or lost. The City of Burnside strongly objects to any watering down of the current arrangements for listing and retention of properties/places of heritage value.

The Council is keen to work with the State Government in the process of developing a revised framework to govern local heritage listing and heritage management in South Australia.

If you would like any further information in relation to the City of Burnside's submission, please contact Magnus Heinrich, Manager City Development and Safety on 8366 4136 or email MHeinrich@burnside.sa.gov.au.

Yours sincerely

Paul Deb
Chief Executive Officer

MANAGER, PLANNING REFORM

REPORT OF THE LOCAL HERITAGE ADVISORY COMMITTEE – LOCAL HERITAGE DISCUSSION PAPER

INTRODUCTION

The Local Heritage Advisory Committee (the Committee) thanks the Department for Planning, Transport and Infrastructure for the opportunity to comment on the Local Heritage Discussion Paper.

The Committee agrees that the current planning system as it applies to heritage requires review and update and, in particular, to be benchmarked against the National Heritage Convention. The Committee is disappointed that the Discussion Paper does not adopt the Expert Panel recommendations in Reform 8 as supported in the Response of the SA Government of March 2015. It is nevertheless supportive of the general directions for reform outlined in the paper as discussed below.

DISCUSSION

Links to recommendations of the Expert Panel on Planning Reforms

The Committee considers that the paper responds in a somewhat ad hoc way to only part of the Expert Panel recommendations. It is deficient insofar as it does not consider the following:

- Consolidation of heritage law into one statute
- Provision of one integrated statutory body replacing existing multiple bodies
- Financing of heritage recognition and assessment

The Committee questions the decision to respond to only part of the recommendations of heritage reform and is concerned that the proposed amendments may further entrench separate State and Local systems.

The Committee also considers that consideration should be given to how the system will be funded, particularly if a requirement is introduced to review all existing lists. Such a requirement would currently be resource prohibitive and impractical.

Updating Criteria

The Committee supports the review and update of heritage criteria, and agrees with linking them back to the National Heritage Convention (HERCON). The Committee is generally supportive of the draft criteria outlined in the Discussion Paper, and considers that the emphasis on the word 'local' will help to narrow down and focus heritage assessments.

Notwithstanding this, it is considered that there will need to be appropriate guidance on how to interpret the new criteria to ensure clarity and consistent application across listings. It is acknowledged that much of this detail has yet to be provided, and will likely form the basis for the proposed 'practice direction' document.

Implementing a Thematic Framework

The Committee generally agrees with the introduction of a thematic framework as it will enable the system to be more nimble and responsive to change over time. This in turn will ensure the system continues to reflect best practice. However, the Committee considers that the framework will need to go hand in hand with the relevant heritage criteria.

The Committee also advises that the use of thresholds and in particular the question of "how many is too many?" is a particularly sensitive issue for the general public. It is understood that a Practice Direction could provide detailed guidance on this issue.

Streamlining our Listing Process

Public Consultation and Interim Operation

The Committee considers that providing opportunities for public nominations as part of the heritage survey process as proposed should continue.

The Committee agrees that there is a need for more engagement with local communities to establish what is, and isn't, important to them; this in turn should inform the establishment of historic themes. In particular, it is important to not lose sight that this process is about *local* heritage; if the *local* community does not consider something to be historically important, should it be listed?

The Committee also agrees with the proposal to undertake early engagement with affected property owners; however, it considers that there is a need for protective measures (i.e. demolition control) to be introduced at this stage. It is suggested that protective measures could be similar to the State Heritage process under the Heritage Places Act, which includes triggers for provisional heritage listing (generally for places deemed to be 'at risk') while a heritage assessment is finalised. The Committee would be comfortable with losing Interim Operation only if early and responsive protection is dealt with in another way.

Notwithstanding the above, the Committee does not agree with reducing any formal public consultation period to four weeks. It is concerned that a reduction of time at this stage will make the engagement of heritage experts and/or lawyers by affected property owners difficult, introducing a level of inequity into the system. This is of particular concern given the full extent of listing and heritage justification may not be available at the early consultation stage. The Committee recommends that the consultation period remain at eight weeks.

Accredited Professionals

With regard to the introduction of 'accredited heritage professionals', it is noted that there is the power in Section 5A(3) of the Heritage Places Act for the SA Heritage Council to establish and maintain a list of persons appropriately qualified for the purposes of those provisions of the Development Act that are relevant to heritage. At the present time there are no such provisions.

The Committee broadly agrees with the concept of accredited heritage professionals (presumably as part of an accreditation scheme under Section 88 of the Planning, Development and Infrastructure Act) however, it considers there needs to be appropriate checks and balances in place to ensure accreditation is kept relevant and up-to-date (e.g. 5 yearly re-accreditation processes) and oversight of any approval processes. In particular, the Committee questions who will become an 'accredited professional', and what process will be put in place to achieve accreditation.

Extended Role of an Expert Heritage Committee

The Committee is supportive of expanding the role of an expert heritage committee, and seeks scope within the new system for a preliminary screening process of proposed heritage listings, similar to that undertaken recently as part of the City of Charles Sturt, Heritage Places DPA. This will provide more certainty for property owners and Council moving forward, and enable the identification of information gaps within heritage surveys earlier in the process.

However, the Committee questions who will have the final role of approving proposed listings. The Committee considers that it should not be the role of the committee/body to consider matters beyond the application of heritage criteria. Such a committee should not be put in a position of having to weigh up strategic considerations. The Committee considers that the role of approving proposed listings should not rest with a committee.

Periodical Review

The Committee considers that the proposal to undertake a periodical review of heritage lists could raise a number of significant issues. In particular:

- There is potential for conflicts depending on how often reviews can be undertaken, and as to who is allowed to undertake the review and subsequently amend descriptions/extent of listing.
- There needs to be certainty around who takes responsibility for reviewing lists. This has the potential to be a resource-intensive process for councils. It is also noted that the statement on page 5 of the Discussion Paper suggesting heritage lists have 'rarely' been reviewed as a whole is unfair; many councils have undertaken full reviews of their heritage lists.

The Committee is also concerned by the statement on page 5 of the Discussion Paper which indicates that the review of heritage places would need to be *'coupled with comprehensive descriptions of the fabric and setting of the heritage place'*. In particular, the inclusion of 'setting' in descriptions of heritage places is too broad and has the potential to place heritage restrictions on adjacent, non-heritage sites, veering into the realms of 'character' protection (see below for further discussion). It is recommended that references to setting be excluded as policy exists to address the broader setting/context of streetscapes. Notwithstanding, in limited circumstances it may be appropriate to refer to the setting if it itself is of *historic* importance (i.e. meets the criteria); in such cases it would need to be clearly defined as part of the extent of listing.

Improving how we record local heritage places

The Committee considers that the inclusion of heritage places on the Planning Portal may negate the need for a separate register; however, this is not considered to be a significant change to the existing system and more a technicality.

Clarifying the difference between 'Character' and 'Heritage'

The Committee considers that it is important for the community to understand the difference between 'heritage' and 'character', and thus agrees with providing clear definitions of both. However, it is considered that the proposed definitions outlined on page 6 of the Discussion Paper require refinement.

In particular, it is considered that the definition of heritage should extend beyond fabric and built form; often it is the story or ongoing use of a particular place which contributes to its

heritage values. For example, the continued use of Adelaide Oval as a sporting venue and provider of entertainment is a significant contributor to its heritage value.

Notwithstanding, it is noted that the confusion between heritage and character highlights the importance of character to the community in its own right. Character is often attributed to streetscape elements, such as building age/style, setbacks, fencing and trees/gardens, and has led to the listing of clusters of properties or the establishment of 'heritage' areas.

In this context, the Committee emphasises the need to address heritage areas as part of the heritage reforms process. It is suggested that heritage criteria applied to listings could also be applied to heritage areas; where an area does not meet the criteria, there may be cause to create a 'character' area. The Committee also considers that the delineation of heritage in a separate Heritage Act (as recommended by the Expert Panel) would further assist in drawing distinctions between 'heritage' and 'character', as character criteria should be addressed separately in the *Planning, Development and Infrastructure Act 2016*.

Streamlining our Development Assessment Process

The Committee does not agree that a 'hierarchy of heritage values (national, state and local heritage places and areas)' gives 'clarity in policy and better guidance in development assessment pathways' as stated on page 6 of the Discussion Paper. It is considered that National, State and Local Heritage places can be of equal importance as values are defined by the community.

The Committee considers there is merit in introducing exempted works, however, there will need to be detailed guidelines on how to undertake assessments. In particular, consideration will need to be given to what works should be exempted, and the definition of what constitutes development.

The Committee does not object to demolition being considered "on merit" but believes that decision making should involve consideration of advice from an independent heritage expert.

CONCLUSION

Fundamentally, The Committee considers that the proposed heritage reforms should reflect the recommendations of the Expert Panel and in particular, Recommendation 8.1 which states:

'Heritage laws should be consolidated into one integrated statute'.

Notwithstanding this, the Committee broadly supports the general directions for reform outlined in the Discussion Paper; however, considers that additional detail of proposed processes, legislation and practice directions is required. Ongoing discussion and consultation with the Committee and key stakeholders is therefore encouraged as the reform process moves forward.

Gavin Leydon
PRESIDING MEMBER
LOCAL HERITAGE ADVISORY COMMITTEE

19/ 9/ 2016

P017

Vranat, Meredith (DPTI)

From: Jonathan Harry
Sent: Tuesday, 20 September 2016 6:04 PM
To: DPTI:Planning Reform; DPTI:Planning
Subject: Local Heritage Planning Reform

May we support the submission of the NPSP Council? We can see the objective of the reform both State wide and locally. However centralisation planning has not dealt with the implications of the reform nor dealt with the pressures of development. It seems that the containment of urban boundaries, which we support, brings into play a focus upon local infilling. That concept has been very poorly explained in relation to heritage zones within Council areas. Especially is this so with the centralisation of decision making. We can only assume that Government is moving to remove any impediment in its path to ensure a Statewide perspective as contemplated by a centralised and remote Department rather than the local considerations promoted generally by its elected Council representatives. We realise our submission will end up in the waste bin as it would appear the decision has been already made and recommended to the Minister. As community members we feel totally disenfranchised.
Yours sincerely
Jonathan and Carolyn Harry

P018

RECEIVED
20 Sep 2016
DPTI

Vranat, Meredith (DPTI)

From: KIPA Secretary
Sent: Tuesday, 20 September 2016 8:16 PM
To: Delmenico, Zoe (DPTI)
Cc: DPTI:Planning Reform
Subject: Government Plan to Demolish Local Heritage Protection
Attachments: Response to Local Heritage Discussion Paper.pdf

Importance: High

Dear Ms Delmenico

Kangaroo Island Pioneers Association (KIPA) was made aware of the State Government proposals for radical changes to local heritage protections via a paper circulated by the National Trust of South Australia.

We were advised to contact you in the first instance to establish that KIPA would like to be part of the consultation process and to make a submission.

Given the small window of opportunity allowed to interested parties to forward submissions, KIPA has elected to proceed straight to lodging a submission, which is attached to this email.

We look forward to acknowledgement of our submission and a further opportunity to participate in this important process.

Yours sincerely

Anthea Taylor
Secretary

Kangaroo Island Pioneers Association
https://sites.google.com/site/kipaview

Kangaroo Island Pioneers Association
INCORPORATED
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Response to DPTI Local Heritage Discussion Paper 2016

"Heritage Reform – An Explanation of the Opportunities"

Kangaroo Island Pioneers Association (KIPA) takes this opportunity to respond to the DPTI Local Heritage Discussion Paper 2016.

Any response must start with a question about why has this process been so rushed? Any review of legislation that affects the heritage of our State should be given the widest exposure and allow maximum consultation from all interested parties, which must surely include all Community, History and Heritage organisations. KIPA is listed on several State government heritage organisation sites and has a large individual presence on the internet. Any cursory search of organisations with an interest in heritage issues would surely have revealed KIPA as a worthy recipient of this Paper. How many other heritage organisations in the State have been overlooked/ignored?

Once alerted to the existence of the Paper, KIPA referred to the DPTI website, hoping to view or even download it. It is interesting to note that it was all but 'hidden' on the DPTI website, not even a site search revealed its existence.

Despite the lack of consultative information from DPTI, KIPA has now had the opportunity to consider the Paper and makes the following comments.

1. It is essential that DPTI undertake consultation with all Local Governments, state and local history/heritage groups, community organisations and any interested individuals. This process should include public forums and a much wider dissemination of the Paper's recommendations. Anything less than this surely begs a question about what exactly the Government is trying to achieve – a balanced consideration of the current legislation or a 'quick fix' to cash in on money being waived around by developers.

2. It is obvious from information circulated by other heritage groups that many of the 'findings' and 'recommendations' in the DPTI Paper are not accurate. Members of the National Trust that served on the 'Expert Panel on Planning Reform' disagree with the conclusions drawn by the Paper, going so far as to state that many of those conclusions bear no resemblance to the actual discussions. Topics missing from the Paper include:
   - continued interference in Local Heritage listings by the Minister
   - the number of contributory items
   - the failure to establish adequate historic conservation zones

3. The Paper also fails to explain what is actually 'wrong' with the current system – apart from the fact that the State Department of Planning fails to act promptly on recommendations of Local Government and the interference in Local Heritage listings by the Minister.

Kangaroo Island Pioneers Association
22 Murray Street
Clapham SA 5062
Email: KIPASecretary@gmail.com
Website: https://sites.google.com/site/kipaview/

4. The reports, studies and interstate legislation referred to throughout the Paper are not sourced – they are not even available on the DPTI website. The process is flawed unless all interested parties have an equal access to the full range of information purportedly used by the Panel in their decision-making.

5. Why is the DPTI attempting to over-ride the 2014 findings of the SA Expert Panel on Planning Reform, which strongly advocated against any 'merit' system? The Paper fails to fully explain who would have control of the 'merit' decision-making, which is surely the crux of the whole proposal. The pressure that could be brought to bear on any individual decision-making to deliver a decision 'on merit' to a cashed-up developer must inevitably lead to doubts about the integrity of the process and, far worse, destruction of irreplaceable heritage property and community assets

6. The suggestion that a 'hierarchy' system should be used in local heritage protection also opens the door to pressure from developers to demolish/redevelop any property/open space on the lower levels of such a 'register'.

   The nature of local heritage differs widely throughout South Australia. In Port Adelaide the issues are centred on demolition and redevelopment of buildings. In comparison there are in excess of 80 Local and 30 State heritage locations on Kangaroo Island (KI), many of them geographic locations and open space rather than buildings. It is entirely feasible that a 'hierarchy' system would place these locations on the lower levels of the scale, making them more vulnerable to redevelopment despite the fact that some of these sites are the most pristine historic sites in Australia, possibly the world.

7. The Paper also indicates that the State Government should take greater control of heritage places, reducing/removing the input and/or influence of the Local Government.

   As noted above, there are nearly 3 times as many local heritage locations on KI as there are State locations. Across SA as a whole, there are nearly 4 times as many local heritage places compared to the State listed places.

   This surely indicates that Local Governments are better placed as <u>the</u> authority to continue to identify, nominate and list places of heritage value. Rather than removing controls and 'centralising' decision-making, Local Councils and their communities should be given the resources and support to conserve South Australia's heritage.

   KIPA would support a new 'stewardship' model, perhaps based on the NSW Local Government Heritage Guidelines, which assists Local Councils by providing resources and support to manage and maintain State Heritage places on Council land. This is essential where the heritage listed sites require expensive maintenance which is beyond the scope of a Local Council to provide. This is a common issue on KI.

8. KIPA does not agree that the proposal to use accredited professionals to assist with decision making will 'stream-line' decision-making. The Paper is silent on the definition of a 'heritage professional', but KIPA would argue that using these 'professionals' will inevitably increase costs and further remove community representation and involvement in decision-making. How much will the 'accreditation' process cost the tax payer and how will the resulting fragmented approach taken by these 'professionals' be handled? A more workable model would be to continue to support Local Government in their work by providing assistance to Councils and local heritage groups when requested/necessary.

9. The Paper refers to the perception of confusion, inconsistency and a need to streamline the current DA process. As previously noted, the Paper fails to provide examples supporting these statements. It also deflects the reader from the issue that heritage places will be

delisted far more easily in the future. The real issue with delay revolves around the listing of heritage places, due to applications being held up in the Minister's office or a refusal by the Minister to recommend listings.

KIPA suggests retaining the current listing/DA processes, with the addition of a provision for automatic listing after six months if the Minister does not deal with a Council recommendation promptly. This would surely remove much of the confusion and inconsistency currently being experienced.

10. Many of the 'lengthy and unpredictable processes' referred to in the Paper could also be streamlined by removing the requirement to complete a full DA for minor, low-risk works to heritage places. This is particularly applicable to many locations on KI, where recent, simple maintenance work on a grave surround recently required the lodgement of a full DA and a 6 month delay while waiting for approval.

11. The proposed construction of a single internet point for local heritage sites would be a waste of resources. Of far more value would be a portal which provides access to all documentation on all heritage places – national, state and local.

In summary:

- There should be a 6 month consultation process, widespread notification and public forums before any 'recommendations' in the Paper are actioned.
- Reports and recommendations referred to in this Paper should be made available with the Paper to support the conclusions drawn. In particular, there should be more information available on the DPTI website.
- KIPA rejects the recommended 'merit' system advocated by the Paper.
- KIPA rejects the suggested 'hierarchy' system advocated by the Paper.
- KIPA rejects greater State Government control of local heritage places.
- KIPA supports the retention of Local Government as the authority to identify, nominate and list heritage places.
- KIPA rejects the suggested removal of 'interim protection orders'.
- KIPA supports the introduction of a new model that assists Local Government in their stewardship of heritage places.
- KIPA rejects the use of accredited professionals to assist with State Government decision-making.
- KIPA supports the proposal to reduce the requirement for a full DA for 'low risk minor works' on listed places.
- KIPA supports the proposal that heritage sites would be automatically listed if not approved by the Minister within 6 months.
- KIPA supports the development of a single internet portal for all national, state and local heritage places.

Acknowledgments

A Critique of the DPTI Local Heritage Discussion Paper by Norman Etherington, President of the National Trust of South Australia, on behalf of the Cultural Heritage Advisory Committee

Response to DPTI "Heritage Reform – an exploration of the opportunities" - Prospect Local History Group

P019

Vranat, Meredith (DPTI)

RECEIVED
21 Sep 2016
DPTI

From: Jenny Sever >
Sent: Wednesday, 21 September 2016 12:53 PM
To: DPTI:Planning Reform
Cc: townhall@npsp.sa.gov.au
Subject: Proposal for local heritage reforms

To whom it may concern

I would like to register my opposition to your proposed changes to the current protection, largely administered by local councils, of our local heritage.

Historically it has only been chance that has saved some of our heritage buildings, but now that these buildings and areas have been recognised as beautiful and of great benefit to our community and soul their continued protection must remain.

There are not many of these areas in Adelaide and if their protection means limited urban infill or development than so be it. There are many other areas where this development can occur.

Norwood Payneham and St Peters Council have been very good at protecting our area and it would be a great travesty if they lost any of their authority on the matter.

Yours sincerely

Jenny Sever

P020

RECEIVED
21 Sep 2016
DPTI

Graham Webster

Local Heritage Reform Discussion Paper
GPO Box 1815
ADELAIDE 5000

22/9/2016
Submission

The Discussion Paper has failed to set out clearly what would be the probable implications for existing Contributory Items and Historic Conservation Zones if proposed changes were introduced.

The paper states that existing local heritage places will be transitioned over to the new legislation but it is silent on transitioning over Contributory items and Historic Conservation Zones. If the Minister has no intention to delist Contributory items and Historic Conservations Zones then this should be stated at the outset in the 'Context' section.

If the Minister is simply trying to improve the system without delisting etc, then he should have been confident enough to include such proposals in the development of the new PDI legislation following the Expert Panel's Report. But by his own admission at a presentation to member Councils of the Local Government Association on the 21st September the Minister stated that he could see the whole process of getting the new legislation through Parliament as too difficult to achieve therefore he decided to separate the process.

Surely if the intent was to simply implement the recommendations of the Expert Panel then this wouldn't threaten to turn into a political issue. The Expert Panel's recommendations in relation to heritage principally referred to the need to better clarify the distinction between 'heritage' and 'character' as well as the mechanics of having two pieces of legislation through two departments.

'Introducing new local heritage criteria' needs to be clarified. Is the department only looking at future listings or are they suggesting that by adopting new criteria that existing properties would also be reviewed against that criteria? (Delisted for developers to bulldoze).

There are many Contributory Items in this state that are worthy of protection. Stately homes on large allotments are a huge asset to South Australia but also are properties woven through our suburbs representing differing eras. These many Contributory Items have created thematic zonings e.g. Local Historic Zone, pre First World War era, Historic Townships etc. which are great tourism and economic assets in their own right.

These must also be 'transitioned' across and protected under any new legislation.

Returning to the call to improve clarification between 'heritage' and 'character' this can be simply rectified by developing definitions that define each and how they interrelate.

'Early engagement linked to design criteria' has been a mantra held up by the Minister over the past 2 years under the yet to be seen detail of the Engagement Charter and Design Criteria under the new PDI legislation. The Minister has assured us that we and our communities will have a strong say at the policy setting stage. As yet we still have no detail of what this Design Criteria means so how can we respond to this section of the Discussion Paper?

The paper refers to the successful changes to planning legislation such as in Victoria. Yet we see by the article in the Melbourne Sunday Age 18/9/2016 that the implications of their changes are now becoming apparent to the community. Stately mansions in Kew are being bulldozed and the Liberal Opposition is backing the community outcry over the loss of their heritage. Could the same occur here?

Much greater detailed discussions must take place with Local Government, Opposition parties and the community before any draft legislation can be considered. I doubt this flawed Discussion Paper helps in that process.

Graham Webster

P021

JOHN R MORRIS

21st Sept 2016

@bigpond.com

I am strongly opposed to the proposals ~~the~~ of the State Government as set forth in its Local Heritage Discussion Paper titled "Heritage Reform – An exploration ---".

Yours sincerely

John Morris.

JUDY [redacted] MORRIS

P022

21st Sept. 2016

?bigpond.com

I am strongly opposed to the proposals of the State Government as set forth in its Local Heritage Discussion Paper titled "Heritage Reform - An Explanation ---",

Yours Sincerely

Judy Morris

JUDY MORRIS

P023

JOHN R MORRIS (Director of Andrich Pty Ltd)

21st Sept 2016

The legal entity Andrich Pty Ltd is strongly opposed to the proposals of the State Government as set forth in its Local Heritage Discussion Paper titled "Heritage Reform - An explanation ---".

Yours truly
Andrich Pty. Ltd
per: J Morris.
Director of Andrich Pty. Ltd

P024

Vranat, Meredith (DPTI)

From: Barry Chatterton
Sent: Thursday, 22 September 2016 10:53 AM
To: DPTI:Planning Reform
Subject: Local heritage reforms

To whom it may concern.

I have been a long standing resident of St Peters in what is now a historic conservation zone.

In the 1970's the character of this suburb was almost destroyed by the demolition of character houses dating back to the turn of the last century, and their replacement by 2 story cream brick/besser block blocks of 6-8 flats with cement forecourts and no garden or character.
Fortunately this infill was stopped by activist local residents and a forward-looking council which realised that heritage, once lost, could not be replaced.

It is essential for the ambience and quality of an area that controls for building be managed as close to the area itself. Central planning has been a failure in almost all arenas it has been implemented (and this does not apply only to building control).

I therefore urge in particular that control of building be vested in the local council to allow the continuation of the Historic Conservation Zones, that the criteria for the recognition of these not be wakened.

Similarly, I urge you to not weaken the criteria used to identify and list heritage buildings.

The patchwork of history and character across Adelaide is not replaceable. All over the world communities are recognising this and destruction is permanent. Short term development profits are just that and benefits will have disappeared in a few years.

Sincerely

(Assoc Prof) Barry Chatterton MBBS FRACP DDU FAANMS
Physician in Nuclear Medicine

P025

Vranat, Meredith (DPTI)

From: Ernest Murray Butler
Sent: Thursday, 22 September 2016 10:58 AM
To: DPTI:Planning Reform
Subject: Re: State Government's Proposal for Local Heritage Reforms

To whom it may concern:

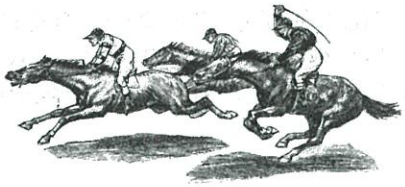
We love the heritage character of Adelaide and inner suburbs and would hate to see it eroded.

We support the opposition of the City of Norwood Payneham and St Peters to the State Government's proposals for heritage reforms.

Environmental sustainability is very important to us.

Ernest Murray Butler
Pauline Anne Butler

P026



THE CHELTENHAM PARK RESIDENTS ASSOCIATION Inc.

PO BOX 5154 ALBERTON SA 5014

Ms Anita Allen
Manager Planning Reform
Development Division
Department of Planning Transport and Infrastructure
GPO Box 1815 Adelaide SA 5000.
E-mail: planningreform@sa.gov.au

Dear Ms Allen

Re: Local Heritage Discussion Paper

The Association (CPRA) has an interest in local heritage practice for the Northwest Adelaide region and intends to provide a response to matters relating to planning policies that may affect that region.

We are informed that local heritage reforms can be entirely managed under the provisions of the *uncommenced* Planning, Development and Infrastructure Act 2016 (PDI Act) and that Act will repeal the Development Act 1993 and amend some seven other Acts including the Local Government Act 1999.

We are unsure in what way these changes will affect Development Plans in particular the latest consolidated Charles Sturt Council Development Plan.

This Development Plan has been prepared at great expense over many years to provide for matters of Heritage Conservation that are relevant to the use, development and management of land and buildings. This includes the " conservation of areas and their settings of indigenous and non-indigenous cultural or natural significance".

In particular the plan defines some 15 Historic Conservation Areas, 15 State Heritage Places, 83 Local Heritage Places and approaching some 4000 places deemed to be Contributory Items.

The discussion paper warns that it addresses some 10 issues warranting reform, does not deal with matters relating to State Heritage Places, nor heritage governance and funding matters.

But does advise that the State Government has agreed that all existing Local Heritage listings will be transitioned as Local Heritage Places in a still to be developed Planning and Design Code within the PDI Act.

New features claimed for the PDI Act include:-

ability for owners to seek court based review of proposed heritage listings

widening the possibility of initiating heritage nominations to individuals

widening the consultation requirements under the proposed community engagement charter.

Given the community experience in attempting to protect properties considered as valuable to the heritage of the Charles Sturt Local Government Area, the Association will be promoting the ability of owners of heritage listed properties to seek court based review of proposed new developments for the erection of buildings not consistent with guidelines and that do not reinforce the character of Historic Conservation Areas.

This begs the question, will the Charles Sturt Council Historic Conservation Areas survive under the PDI Act? Will these zones be prescribed in a local section of a Planning and Design Code?

And will the places designated in the City of Charles Sturt as Contributory Items in Historic Conservation Areas survive in the PDI Act? Your response to these questions will be appreciated.

We understand that development of the Design Code has commenced under the auspices of a new SA Planning Commission with a Community Engagement Charter for incorporation of the Design Code. The complexity of this statement is self-evident.

The Association takes note of media reported concerns of people with long term experience in heritage matters in regard to the discussion paper on heritage preservation.

The Association is of the view that public consultation must now commence and will be approaching the Hon Jay Weatherill MP Member for Cheltenham, on his support for a Public Meeting to

inform the affected property owners of the intent and advantage to the community of the proposed changes.

You would acknowledge that such a course of action if supported by the Premier would also cover other electorates and would require in the order of three months to organize.

Yours sincerely

Trevor White

Trevor White

Chairman CPRA.

Ms Allen Letter Local Heritage Discussion Paper.

P026A

Pearce, Penny (DPTI)

From: Delmenico, Zoe (DPTI)
Sent: Friday, 7 October 2016 8:16 AM
To: Pearce, Penny (DPTI)
Subject: Fw: Addendum ti CPRA Submission
Attachments: Photos of development.docx

For registration & acknowledgement please Thanks Zoe

Sent using OWA for iPhone

From: Trevor White
Sent: Thursday, 6 October 2016 5:27:01 PM
To: Delmenico, Zoe (DPTI)
Subject: Addendum ti CPRA Submission

Ms Zoe Delmenico
Leader, Governance and Framework
Planning Reform.
Dept. of Planning, Transport and Infrastructure.

Dear Ms Delmenico

The Cheltenham Park Residents Association (CPRA) letter to Ms Anita Allen, Manager Planning Reform Dept. PT&I, dated 19 September 2016 has been according to your letter 27 September 2016 received as a submission to the Local Heritage Discussion Paper. Despite not receiving answers from Ms Allen to queries in that letter we are pleased with its inclusion as a submission to the Discussion Paper.

We further request that the attached page be included as an addendum to the CPRA submission.

In regard to the future legislation reform, the Association requests that it be included in the discussion that "will continue as more detail emerges in response to the the feedback received".

Yours sincerely
Trevor White, Chairman CPRA.

Coming To A Backyard Near Your Place?

Community confidence for Local Heritage in the new planning system requires answers to important questions.

Will the above pictured adjacent development be the “New Standard” facing owners of homes registered as “Contributory Items” in Charles Sturt Historic Conservation Zones ?

What is the public notification process and development assessment system for places and properties in the Historic Conservation Zones ?

When will the “Charter of Citizen Participation” be available to the families in the Charles Sturt Historic Conservation Zones ?

The community requires urgently a clear State Government response to the future of Charles Sturt Council’s established Historic Conservation Zones in the new planning system.

Authorised by T. White, Cheltenham Park Residents Association. PO Box 5154 Alberton SA 5014.

P027

The Corporation of the Town of Walkerville

ABN 49 190 949 882

66 Walkerville Terrace, Gilberton SA 5081

PO Box 55, Walkerville SA 5081

File Number: 3.73.2.4

Please Quote Ref: OLT20169089

Contact Officer: Manager Planning & Environment, Mark Kwiatkowski

Telephone: (08) 8342 7100

Facsimile: (08) 8269 7820

Email: walkerville@walkerville.sa.gov.au

/www.walkerville.sa.gov.au

22 September 2016

Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide SA 5000

Via Email: planningreform@sa.gov.au

Dear Sir/Madam,

Re: Comments from the Town of Walkerville on the Local Heritage Discussion Paper

Thank you for the opportunity to respond to the Local Heritage discussion paper.

The matters raised in the discussion paper are of particular interest to the Town of Walkerville given the number of Local Heritage Items within the Council.

The Town of Walkerville has a longstanding commitment to preserving the City's rich history and heritage and recognises that heritage conservation is about making the most of the Towns built and natural form.

The Council has worked hard and remained committed to these values, using a range of legislative measures to conserve and enhance these valued assets.

The Town of Walkerville Development Plan contains:

- 5 State Heritage Places
- 82 Local Heritage Items identified in Table Walk/5 – Local Heritage Places
- 548 Contributory Items
- Residential Character Zones with 6 separate Policy Areas
- Historic Conservation areas

This comprehensive approach to recognising and protecting "layers" of the City's built form has been the subject of expert heritage advice through heritage surveys and implemented using the legislative tools, criteria and applicable State policy (administered by the State Government) at the time. The implementation of the current Planning Policy framework, particularly in relation to the creation of new or extended Historic (Conservation) Zones, has become less clear in recent times due to the changing Departmental position on proposed Development Plan changes.

In response to the Local Heritage discussion paper, Council at its meeting on 19 September received a detailed report from Administration with the following recommendation:

Thank you for the opportunity to respond to the Local Heritage discussion paper.

The matters raised in the discussion paper are of particular interest to the Town of Walkerville given the number of Local Heritage Items within the Council.

Whilst several aspects of the heritage reform ideas are supported, there are a number of suggested reforms with potential for significant impact on the ongoing protection of heritage buildings and Historic (Conservation) Zones within the Town of Walkerville.
These are discussed under the relevant Discussion Paper headings below.

Updating local heritage listing criteria

Council agrees for the need to review and update the criteria for identifying Local Heritage Places. The proposed criteria would appear to be reasonable; however, we would encourage the Department of Planning, Transport and Infrastructure (DPTI) to consult closely with heritage professionals in finalising the criteria.

Council recommends:

1 *Further direct consultation on the proposed local heritage criteria takes place with specialist heritage professionals.*

2 *Further consultation on the proposed legislative response to the discussion paper take place following the release and finalisation of the revised 30-Year Plan for Greater Adelaide and once the State's 'broad strategic objectives' are known.*

Implementing a framework document and 'practice direction'

The discussion under this heading refers to the benefits of a thematic framework in assessing the suitability of additional (and existing) local heritage places. This conceptual framework includes the notion of thematic guidance, thresholds and the concepts of 'under and over-representation' of themes.

The Discussion Paper refers to the benefits of having a 'thematic framework' to provide the local or regional context to assess the suitability of Local Heritage Places. This conceptual framework includes the notion of thematic guidance, thresholds and the concepts of 'under and over-representation' of themes. The notion of establishing a thematic framework to assist the listing process is generally supported subject to the comments below.

The use of threshold tests (or numeric quotas) within the criteria and listing process, needs to be more fully understood and there is a risk that its application could be used to reduce the overall ability to list important places.

The proposed framework intends a State-level theme to be developed, regional themes (potentially for the Eastern Region of Adelaide) and local thematic frameworks (which would be prepared by Councils). Proposed new listings in each theme would then be measured against threshold tests to determine if listing is warranted on the basis that it is currently under-represented.

It is considered that the new elements of thresholds should not replace current arrangements with a system based on quotas. Heritage recognition and conservation should not be about numbers, it should be about conservation of valued history which provides long term cultural, social and economic benefits.

Further, any framework will need to acknowledge and allow for local adaptation, in recognising that some historical themes can be endemic to a particular area or region.

Council recommends:

3 The use of threshold tests (or numeric quotas) within the criteria and listing process, needs to be more fully understood and further information needs to be provided.

4 That the proposed State-wide thematic framework, allows for the provision for local adaptation to reflect local circumstances.

Streamlining of the listing process

The notion of simplifying the listing process for Local Heritage Places is generally supported. The Discussion Paper envisages a streamlined process under the yet to be drafted, Planning and Design Code.

Currently, to list a local heritage place within a Development Plan, a Council must undertake a Development Plan Amendment (DPA) process, with special legislative processes and governance bodies (Local Heritage Advisory Committee) dedicated to this process. Administration agrees that the DPA process may not be the best vehicle for listing local heritage places. However, any moves to adopt a system similar to the current State heritage listing process needs to first acknowledge that that system can be time consuming.

The Discussion Paper suggests that 'separate from a new process for listing, there could also be the opportunity to review existing statements of heritage value and descriptions of the listed elements of the place within a future set timeframe'. This type of review would require careful consideration regarding the scope, purpose, cost and resourcing. To retrospectively alter the details applying to existing listings needs to consider that countless buildings have been bought and sold based on those listings and owners have worked within grant opportunities and heritage advisory frameworks of the time. A retrospective audit has the potential to undermine work that the City has publically funded to conserve the documented built form fabric.

The substantial change from the current standard process under the Development Act 1993, is the shift to early engagement with owners of properties that have been reviewed for potential listing. The early engagement with the community through the initial phases of heritage surveys is supported as it may give rise to broader nominations and provides greater community knowledge of and appreciation for, the context of local heritage.

However, with regard to the processes proposed above, Council are not convinced that early engagement will remove the need for 'interim operation'. The interim operation process discourages demolition prior to resolution of the listing process. This risk remains, regardless if early engagement takes place or not. A property owner may decide to make an application under the current Development Plan, thus gaining support for replacement of the building with new development and potentially negating any ability to recognise its historic value, once they know it may be listed but the provisions for protecting the building are not in place.

The interim operation process discourages demolition prior to resolution of the listing process however the risk remains, regardless if early engagement takes place or not that a property owner may decide to make an application under the current Development Plan, thus gaining support for replacement of the building with new development and potentially negating any ability to recognise its historic value, once they know it may be listed but the provisions for protecting the building are not in place.

Administration also has reservations about the suggestion to extend the role of the expert heritage committee (currently the Local Heritage Advisory Committee (LHAC)) to more broadly consider

proposed listings earlier in the process. Our preference is that LHAC (or its future equivalent) retain its current role in advising on proposed listings at the end of the process (ie essentially the final arbiter on proposed listings).

Council recommends:

5 *That some form of 'interim operation' still applies to proposed local heritage places during the course of resolving the listing process to stop the potential for demolition.*

6 *That the future role of LHAC (or its equivalent body) be limited to arbitrating at the end of the listing process only.*

Streamlining our development assessment processes

The Discussion Paper makes reference to opportunities to improve the assessment of Development Applications affecting local heritage places and to streamline minor, low risk works to heritage places.

Administration agrees that there may be opportunities to streamline minor, low-risk works to heritage places. This will require reconsideration of current arrangements in the Development Regulations 2008, and be suitably reflected in the future regulations to be prepared in support of the Planning, Development and Infrastructure Act 2016.

Administration note the suggestion in the discussion paper to classify proposals to demolish a local heritage place as 'on merit' applications. This is currently the arrangement within the Walkerville Council Development Plan, and we are of the view that this approach achieves a reasonable balance between preserving heritage fabric and allowing redevelopment in justifiable cases.

The Discussion Paper also suggests an increase in the role of heritage professionals, both in the listing and the assessment processes. It is important, however, that any increase to the role of heritage professionals should not usurp the current authority of councils. Heritage professionals should maintain an advisory role to councils, not act as an authority in their own right. This is particularly important in relation to the question of demolition.

Council recommends:

7 *That minor works, unlikely to compromise the heritage integrity of local heritage places, be removed from the definition of 'development' in the Development Regulations 2008.*

8 *That DPTI, in its forthcoming work on the proposed planning portal, considers providing links between local heritage places and their associated assessment sheets.*

Clarifying the Difference between 'Character' and 'Heritage'

The Discussion Paper states:

"In Historic Conservation Zones and Policy Areas, the confusion of heritage and character could be addressed by their translation into the Planning and Design Code as either character sub zones or heritage overlays. This process could be substantially determined by current Development Plan Policies.

The Town of Walkerville has a number of Historic Conservation Areas, some of which are contained in the Residential Character Zone and some of which apply to other zones. One of the policy mechanisms we use to manage change within these areas is through the use of 'Contributory Items'. This is consistent with the Planning Bulletin – Heritage (2001). We note that the discussion paper makes no reference to 'Contributory Items' and, indeed, makes no suggestions regarding the future governance of Historic Conservation Zones / Policy Areas.

The Discussion Paper is not definitive on how the process of assessment or transitioning across of existing Historic (Conservation) Zones will occur within the, yet to be drafted, Planning and Design Code. It appears that existing Historic (Conservation) Zones and Contributory Items, will either be

tested against the new Local Heritage criteria or introduced as Character Overlays, where individual building recognition (Contributory Items) will be lost and character policy will guide replacement infill development in such locations.

Administration generally concurs with the comments made in the discussion paper regarding confusion between 'character' and 'heritage' (although the provided 'definition' of heritage requires simplification to improve understanding.)

Distinctions would need to be made based upon the existing policies that seek to conserve buildings (heritage) as compared with other policies that seek to continue prevailing neighbourhood characteristics (character)".
The above discussion implies an approach of assessing existing Historic (Conservation) Zones to determine how many Local Heritage Places exist within them, to then determine whether these can be translated over to 'Local Heritage Areas' within the Planning and Design Code. Very few Historic (Conservation) Zones would meet this test, as this imposes a higher test than the original (building blocks) test for these areas.

This lack of detail in the Discussion Paper around future processes for the transitioning of Historic (Conservation) Zones is a key detail required for the clarification between heritage and character. This aspect of the paper is therefore not supported and is particularly concerning in light of this Council's commitment to heritage conservation, which aligns with local and wider community expectations.

Council recommends:

9 That a clearer definition of 'heritage' and 'character' be developed.

10 Further detail and information be provided around future processes for the transitioning of Historic (Conservation) Zones is a key detail required for the clarification between heritage and character.

Improving how we record local heritage places

The discussion paper refers to the importance of a 'current statement of significance' and a 'description of the elements' that link significance with the physical fabric of the place.

Currently Table Walk/5 - Local Heritage Places in the Walkerville Development Plan achieves both these expectations. The original assessment sheets prepared to support nominations provided an even higher level of detailed information, which may be of value to the development assessment process. The proposed planning portal may offer opportunities to digitally link each listed heritage place with its original assessment sheet to better articulate the basis for listing.

The Discussion Paper advances the online accessibility of heritage information which is an excellent initiative. Having Heritage Identification Sheets available would assist with the many telephone requests which the Council receives for this information. This proposed reform of online access and detailed description of the elements of listed heritage value is therefore supported.

Recommendation:

11 That Council agree with the online accessibility to heritage information.

Further consultation

In terms of process, the Council raises significant concerns with the limited consultation process associated with the Local Heritage Discussion Paper and seeks that this be addressed before the Discussion Paper is further progressed.

The discussion paper raises a number of important questions regarding the future management (legislative and otherwise) of local heritage resources in South Australia. It is not clear, however, how future responses to the discussion paper, either in the form of draft legislation or a practice note, will be consulted upon.

Council recommends:

12 *That the State Government undertakes further consultation with stakeholders on the proposed legislative and other responses to the discussion paper*

Local Government Association Response

The Town of Walkerville has participated in discussions with the Local Government Association and has reviewed the Local Heritage and Character Revised Draft Position Paper.

The Local Government Association has met with Council's in relation to the proposed changes and has also provided a formal response on behalf of constituent councils which is contained in Attachment C.

The Local Government Association have previously expressed general support for the recommendations of the Expert Panel on Planning Reform relating to heritage. However, while some reforms suggested by the Local Heritage Discussion Paper were supported, there was broad concern expressed in the workshops about the processes and levels of consideration and consultation surrounding the local heritage reforms.

A detailed summary of the general comments from the Councils is contained on page 10 of Attachment C of the response from Concise on behalf of the Local Government Association.

Council recommends that

13 *The findings of the Local Heritage and Character Revised Draft Position Paper by the Local Government Association are considered by the Department of Planning, Transport and Infrastructure in addition to the comments from the Town of Walkerville.*

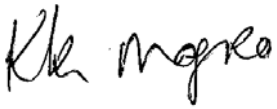
Council subsequently resolved the following (**CNC90/16-17):**

> ***That Council rejects the State Government's premise that the current process of listing local heritage places, historic conservation zones and character areas are in need of change as stated out in the DPTI Discussion Paper 'Renewing our Planning System'.***
>
> ***That the State Government undertake meaningful consultation with stakeholders prior to drafting new legislation.***

Council looks forward to working with the State Government on this important matter as part of the ongoing reforms to the planning system.

If you have any questions in relation to Council's submission please do not hesitate to contact Mark Kwiatkowski, Manager Planning and Environment on 83427122 or at mkwiatkowski@walkerville.sa.gov.au

Yours Sincerely



Kiki Magro
Chief Executive Officer

P028

Public Health Week 2016 Excellence in Public Health Awards WINNER

RECEIVED
22 Sep 2016
DPTI

Ref: 3/CON/SUR/1/MM

22 September 2016

Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
ADELAIDE SA 5000
Via email planningreform@sa.gov.au

Dear Sir/Madam,

Council Feedback on Local Heritage Reform Discussion Paper

In response to the recent consultation paper distributed by the State Government, Council wishes to provide its support to the general intent of reviewing the current heritage listing and associated planning policy regime within South Australia.

Council's response to this consultation is detailed below -

New Local Heritage Listing Criteria

Council supports this initiative, and has already been operating under more stringent guidance from DPTI staff as part of a Local Heritage Development Plan Amendment (DPA) that it is currently undertaking (this is discussed further in this letter). The proposed clearer guidelines will ensure that Council's and communities do not undertake excessive and unnecessary research and consultation in respect to places that are unlikely to gain local heritage listing. Council also supports the broad philosophy of only one example of a form of architecture or cultural heritage item being listed in a region, as opposed to every town having its post office, school, church etc. heritage listed, as well as any house that is of a certain age/style. Council does not see that former thinking conducive to economic development outcomes, nor to a streamlined development assessment process.

Council's only comments in this respect is that the State Government should provide greater clarity on its position relating to the local heritage listing of structures and places that are generally publically owned assets e.g. cemeteries, monuments, structures on road reserves.

A Framework Document and 'Practice Direction'

This initiative is supported, as it will ensure that Councils, practitioners and the community alike have greater guidance and information from the State Government about the Local Heritage listing process.

Streamlining the Listing Process

Council's view is that the current Local Heritage listing process, via means of a DPA, is cumbersome, slow and expensive. Therefore Council would support any improvements to this process, which in the future may mean the development of more simple measures to amend the Planning and Design Code.

Council also believes that the role of Heritage professionals should be formalised, similar to that suggested in the discussion paper – Accredited Heritage Professionals. This would ensure that all proposed listings are thorough and meet a certain standard. It would also ensure that all supporting information regarding a place is comprehensive.

In terms of the community and stakeholder engagement process, Council considers the early that the consultation occurs the better. At present, the process requires a substantial amount of time and effort to be invested by Council before having a firm list of proposed heritage listed places. The proposed list then has to also navigate its way through various Committee and Council meetings too. It is only at this point that consultation with affected property owners can then occur. Therefore any measure to ensure consultation occurs at the front end of the process would be supported – it may even be that the community is invited to nominate places of local heritage importance to them at the initiation stages of the project.

The outline of a proposed new listing process, as detailed on page 5 of the discussion paper is supported by Council. In particular, Council supports the notion of involving property owners at an early date, as this will save confusion and concern further into the process. It will allow Council to understand the property owner's view of the heritage value of their property and may even allow additional historical information to be obtained by Council. Council agrees that the public consultation period would be more user-friendly being 4 weeks, as opposed to 8 weeks.

Council would also encourage that a consistent approach to community consultation for the local heritage process occur, noting however that this may form part of the Community Engagement Charter. Council believes that a public meeting or 'drop-in' session at the start of the consultation is vital, as well as the opportunity for "one-on-one" meetings between property owners and the relevant practitioners.

Council strongly agrees with the need for more comprehensive descriptions of the fabric and the setting of Local Heritage places to be detailed. This ensures that property owners and planning authorities alike are clear as to the elements of the site/property that are heritage listed. Improved descriptions would save much time, effort and argument, as well as assist in the assessment of development applications proposed on such sites.

Improving how Local Heritage Places are Recorded

Council supports the initiatives as detailed in the discussion paper. This would ensure that the community and practitioners alike are aware of precisely what is Local Heritage listed and where such listings are situated. It is also important to ensure that these listings are kept up-to-date e.g. removed if a building is demolished, or altered in the instance to changes to the fabric or curtilage of a place.

Clarifying the Difference Between "Character" and "Heritage"

Mid Murray Council's Development Plan currently has no specific Character, nor Heritage areas. The confusion between the terminology is common place within the planning profession, as well as the community at large. Additional information about the terminology should be available to the public on the Planning Portal or other DPTI website, whilst also clarifying such terminology in future Practice Directions.

Streamlining the Development Assessment Process

In order to streamline the Development Assessment process relating to heritage properties, Council supports the following principles –

- Reducing the number of Development Applications it needs to assess for minor, general inconsequential works relating to heritage places e.g. fire safety upgrades, general structural repairs, placement of CCTV equipment. This could be achieved through increase the scope of exemptions from the need to obtain Development Approval.
- Other minor and low-risk works not requiring a "merits" planning assessment – these could include like for like cladding and window replacement, repainting in a similar colour scheme, alterations and additions not visible from the street nor materially affecting the structure, and outbuildings being constructed on the site that aren't attached to the listed place.
- Merit assessment should be the 'default' mechanism for demolition or substantial alteration/addition to any such Local Heritage Place
- Allow Accredited Heritage Professionals (recognised by a peak body e.g. Australian Institute of Architects) to undertake minor assessments (similar to the current role of private certifiers) and certify that certain works won't materially affect a Local Heritage Place. Further, it could be mandated that only these Accredited Heritage Professionals could provide advice to those applications mentioned above (demolition or substantial alteration/addition to a Local Heritage Place).

Stone Walls

Within the Mid Murray Council area sit numerous historic dry stone walls. These struggle to be captured by the current heritage listing process, given that they straddle numerous properties and are many kilometres in length. At present, feedback received from DPTI indicates that only small sections which are the best examples of the dry stone walling system satisfy the test for being made Local Heritage Places. As part of these reforms, Council would be interested in seeing mechanisms in place that allow the listing of such structures of cultural and built heritage importance, despite the fact that the structures cover numerous properties.

Current Local Heritage Development Plan Amendment

On a final note, Council wishes to flag that it has been working with DPTI staff as part of the Southern Areas Heritage Places DPA. This DPA is proposing to develop a list of Local Heritage Places in the southern half of the Mid Murray Council area. Council staff and consultants are of the view that this Heritage DPA will not be impacted upon by the reforms, based on advice received thus far from DPTI staff. Further, the advice Council has received so far from DPTI staff appears to correlate with the intent of the proposed reforms, largely relating to an increased critique of places proposed to be listed as Local Heritage Places.

Finally, Council is also interested in discussing aspects of the State Heritage listing process, and funding mechanisms, in the future.

Council appreciates your consideration of our feedback. Please contact Mr Joel Taggart, Manager – Development Services on telephone 8564 6020 or via email at jtaggart@mid-murray.sa.gov.au should you wish to seek clarification on any of the above.

Yours faithfully,

Russell Peate
Chief Executive Officer

cc. Mr Stephen Smith, Local Government Association
Email stephen.smith@lga.sa.gov.au

P029

Vranat, Meredith (DPTI)

From: Danielp
Sent: Thursday, 22 September 2016 6:14 PM
To: DPTI:Planning Reform
Subject: Planning reform comments

RECEIVED
23 Sep 2016
DPTI

Dear Sirs

I have been impacted by planning issues recently under a Development Plan having a Residential Character Zone (or a quasi Historical (Conservation) Zone).

My issues with the current system for these zone:

- it prevents choice which ultimately prevents some people investing in new homes and therefore jobs. People won't necessarily look at other suburbs as they might not suit their needs.
- it does not result in better outcomes. Some so called historical homes are falling down and people don't want to spend the money fixing something that can't be saved or that require a significant incremental investment and ultimately a comprimise in design, floor plan etc.
- "Character Homes" are not defined by age but by quality. Therefore a modern home can still have character.
- In these zones where a new home was allowed the quality of these homes is generally poor. This isn't supporting leaving the old home but demonstrates that planning rules and regulations don't help in achieving quality. In my view the reason is because:
    - the design is constrained because of planning requirements (for example you can't have a flat roof it needs to be pitched) which ultimately impacts the outcome; or
    - no matter what the rule you will always see good and bad designs. Therefore the rules controlling appearance don't lead to character or better quality homes if the Architect is poor.
        - Note - all of the charter homes in question (some of which are magneficent were designed in a period when there where no development plans constraining appearance.
- Councils should not have a say via development plans (or in any forum) which impact architectural form i.e. prevent modern flat roof homes being built. Times have changed and just because a roof has a pitch doesn't translate into a quality home.

Regards

Daniel

P030

Vranat, Meredith (DPTI)

From: Yifei Pei
Sent: Friday, 23 September 2016 8:44 AM
To: DPTI:Planning Reform
Subject: Re: Supporting Council for Local Heritage Reforms

Hi there

How are you?

I have received a written notice regarding the Council opposes State Government' Proposal for Local Heritage Reforms. I also went through the Discussion Paper via the weblinks.

I agree with the Council's concerns and please regard this letter as an expression in support of the Council's opposition. Although the Planning Reform sounds appealing, I could not deny the three points made by the Council especially if inappropriate infill development could be seen within historic areas.

Historic buildings and areas represent memory, and by visiting the same and well maintained historic areas, the next generation would be able to inherit the piece of memory from the current generation.

I also hope that whichever the result may be, our Council Rates would not increase as a side effect.

Cheers

Yifei Pei

P031

Vranat, Meredith (DPTI)

RECEIVED
26 Sep 2016
DPTI

From: Ronald Newbold
Sent: Sunday, 25 September 2016 1:54 PM
To: DPTI:Planning Reform
Subject: Heritage reform submission

I hope you have read Ian Henschke's excellent article in yesterday's Weekend Magazine section of The Advertiser on this issue. I have been concerned for a while about the tendency of new houses to occupy almost all of a site, leaving very little bare earth for water to percolate down and replenish underground water supplies. Even if the roof area doesn't occupy almost all of a site, paved areas to the front and/or back of a houses (or houses) add to the runoff problem referred to in Henschke's article which appears to be linked to increased suburban flooding. Preserving heritage properties are a valuable means of preventing this runoff problem from getting worse. I therefore oppose your so-called reform.

Yours sincerely

Ron Newbold
Maylands.

P032

Vranat, Meredith (DPTI)

From: Serena
Sent: Sunday, 25 September 2016 7:40 PM
To: DPTI:Planning Reform
Subject: Heritage Discussion Paper

RECEIVED
26 Sep 2016
DPTI

To whom this may concern,

The thing that my family love about Adelaide is its heritage and we see these proposed changes as threatening this. The community has a right to have a say on this very important matter of local heritage and the way that this matter has been dealt with appears very underhanded and cursory to say the least.

We live in a heritage zone in Norwood, Payneham, St Peters Council area. We have always lived in a heritage home and appreciate their charm. On the other hand we understand that not everyone likes heritage homes and all the headaches that they offer. And that is exactly why Council's such as ours only recognise houses that are of Local Significance or are Contributory Items to be entered onto the heritage register. This allows flexibility in types of homes available to people and flags where developments can occur.

Having lived in this zone for a long time we recognise the harm that has occurred in past years before the current regime. Norwood is a prime example of this where key landmark sites have been allowed to be demolished and replaced with properties of varying quality of build and design. It is now a hodge podge of different types of houses and as a result lost a lot of its charm. Overall, we believe the current system works reasonably well.

We believe that local heritage is best managed locally, by local Councils as it is now. They are more qualified to understand the importance of the local heritage than any other organisation.

Yes, there are inconsistencies between council zones. For far too many years we have seen our heritage , both locally significant and contributory gradually disappear, but more so in some areas than others. This raises the question as to why? Are some Council's greedier and more easily swayed by developers than others? Are the State stepping in when they shouldn't? As such there are potentially improvements that could be made such as improving consistency of identification of what properties should be listed and maintained as Local significance and as Contributory items.

For properties that are listed as Local significance, there needs to be a better system to ensure that these properties are maintained and looked after for future generations. We should not let ourselves fall for the greed of owners and property developers, but have a clear strategy of what will occur if these properties are not maintained. We hear too often about the Local significant property that is so badly dilapidated that it is nearly falling down. This can't be allowed to continue to happen. There must be something that can be done to prevent this. Surely Councils should undertake condition assessments on a regular basis? Owners who do not maintain their properties should be fined at a minimum. And if owners continue to refuse to maintain their property, perhaps it should be taken away from them.

We strongly agree that Local Significance properties should be able to be renovated and extended by their owners at their own taste and budget, without a ridiculous level of oversight from Councils, while at the same time preserving streetscape view of Local Significance character from the outside.

Should a demolition proposal be able to be more robustly argued for consideration on its merits? No. We disagree strongly with the concept of allowing demolishing part or all of significant local heritage items on "merit". This sends the wrong message to the community and developers and will send us right back to the 70's and 80's where we saw our significant amounts of our heritage landscape destroyed. We are also not comfortable with a simplified assessment path for minor developments that do not materially affect the value of a local heritage place without further clarity of what exactly this means.

Yours sincerely,
Serena & Andrew Coulls

P033

RECEIVED
26 Sep 2016
DPTI

HOUSING INDUSTRY ASSOCIATION

Housing Australians

Reforming Building & Planning Laws

Submission to the
South Australian Government

Heritage Ref - An Exploration of the Opportunities
Local Heritage Discussion Paper

September 2016

HOUSING INDUSTRY ASSOCIATION

contents

Housing Industry Association contact:

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Hindmarsh SA 5007
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f 08 8340 5992
Email: b.gardner@hia.com.au

1. ABOUT THE HOUSING INDUSTRY ASSOCIATION

The Housing Industry Association (HIA) is Australia's only national industry association representing the interests of the residential building industry, including new home builders, renovators, trade contractors, land developers, related building professionals, and suppliers and manufacturers of building products.

As the voice of the industry, HIA represents some 40,000 member businesses throughout Australia. The residential building industry includes land development, detached home construction, home renovations, low/medium-density housing, high-rise apartment buildings and building product manufacturing.

HIA members comprise a diversity of residential builders, including the Housing 100 volume builders, small to medium builders and renovators, residential developers, trade contractors, major building product manufacturers and suppliers and consultants to the industry. HIA members construct over 85 per cent of the nation's new building stock.

HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building development industry. HIA's mission is to:

> *"promote policies and provide services which enhance our members' business practices, products and profitability, consistent with the highest standards of professional and commercial conduct."*

The residential building industry is one of Australia's most dynamic, innovative and efficient service industries and is a key driver of the Australian economy. The residential building industry has a wide reach into manufacturing, supply, and retail sectors.

The aggregate residential industry contribution to the Australian economy is over $150 billion per annum, with over one million employees in building and construction, tens of thousands of small businesses, and over 200,000 sub-contractors reliant on the industry for their livelihood.

HIA develops and advocates policy on behalf of members to further advance new home building and renovating, enabling members to provide affordable and appropriate housing to the growing Australian population. New policy is generated through a grassroots process that starts with local and regional committees before progressing to the National Policy Congress by which time it has passed through almost 1,000 sets of hands.

Policy development is supported by an ongoing process of collecting and analysing data, forecasting, and providing industry data and insights for members, the general public and on a contract basis.

The association operates offices in 23 centres around the nation providing a wide range of advocacy, business support including services and products to members, technical and compliance advice, training services, contracts and stationary, industry awards for excellence, and member only discounts on goods and services.

2. SOUTH AUSTRALIAN HERITAGE REFORM

This submission is provided in response to the South Australian Government's Local Heritage Discussion Paper, released for consultation in August 2016.

In its recent wave of planning reform, the Government put forward limited change around heritage matters. The changes that were introduced in the new Planning, Development and Infrastructure Act included strengthening property owner's rights to contest a heritage listing, allowing individuals to nominate potential listings together with some community consultation changes.

This current proposal is more detailed and specifically targets local heritage places. The proposal can broadly be categorised as:

a. Proposals to *alter the process of listing a local heritage place* – facilitated by a more standard and contemporary set of criteria for properties and introduction of new criteria to allow listings to be considered in a broader context; and

b. Proposals for *streamlining the assessment of development applications* on a listed local heritage place.

When finalised, these reforms will form part of the new legislative and regulatory framework. It is proposed to transition heritage places into the new Planning and Design Code which will be developed under the new Planning Development and Infrastructure Act.

The operation of a new Framework and Practice Guide will give a context to the significance of a "local" heritage place.

In addition, the changes examine ways to streamline the development application process on properties which already have a local heritage listing.

3. WHAT ARE THE SPECIFIC PROPOSED AMENDMENTS?

1. **Drafting of New Local Heritage Criteria -** New criteria might be similar to that used for state criteria and more in line with interstate requirements.

2. **Introduction of a Framework and Practice Direction -** To enable a place to be assessed in a broader context - rather than just examining the individual property in isolation. The Framework would provide a regional context and the practice direction would provide a local context.

3. **Streamlining of the Listing Process** - Currently a development plan amendment process is required to list a local heritage place. Some streamlining of this process is proposed with a number of specific proposals to achieve this outlined in the paper, including further delegated powers to the State Planning Commission and the expert Heritage Committee.

4. **Providing a better record for local heritage places –** New listings would be gazetted as an amendment to the Planning and Design Code, shown as a heritage overlay on a map and available electronically on the new planning portal.

5. **Clarify the Difference between Character and Heritage –** The new Planning and Design Code would aim to remove the confusion as to what is heritage (ie has cultural value) and character (physical attributes).

6. **Streamline the Development Assessment Process** – a number of process changes to make the assessment of an existing local heritage listed place simpler.

4. HIA'S COMMENTS ON THE PROPOSALS

4.1 GENERAL COMMENTS

7. Heritage values in the planning system should form part of a fully balanced decision in respect of all considerations, such as economic, social and environmental considerations.

8. The proposed changes appear to provide a positive step forward, in terms of delivering a more standardised and streamlined processes for both the listing and development of local heritage places.

9. Whilst much rests with the documents still to be developed, the concept of the proposed state-wide criteria for a local heritage listing should ensure more consistency and certainty around the types of properties that are considered appropriate to receive a listing.

10. Further, a streamlined approach to the assessment methodology for applications to alter or further develop a locally listed property might see more timely and balanced outcomes for both property owners, industry and the community.

11. As the current process has seen nearly four times as many "local" heritage places listed as those in the "state" category, the processes of listing a local heritage place need to be considered.

12. Any new system of managing heritage in planning should be clearly transposed to the new planning legislation and structures set up through that.

13. Consideration must be given to provisions in the current Act. Section 67 already deals specifically with local heritage. How will these proposals fit with this section of the Act? The community charter and its operation will need to be reviewed for consistency with this proposal.

14. Further consultation on the structure of the new requirements will be required - this includes the placement of local heritage criteria, regulations and the Planning and Design Code, the Framework document and Practice Direction (when drafted). This will assist to establish the right set up for the intended outcomes.

15. Further consultation on the content of the heritage aspects of the Planning and Design Code together with the content of the Framework and Practice Direction should be undertaken to ensure a balanced approach.

16. A review of the status of the 8000 properties that currently have a local heritage listing should be undertaken as part of this process and not simply "picked up". While we understand that the SPC can undertake a review of the listings once incorporated, it is our submission that this would be better dealt with before an automatic listing takes place.

17. Reforms to the development assessment process are overdue and should be pursued quickly. Delays in the processing of heritage matters are costly to applicants often for no difference in outcome. A faster application process and alternative solutions are urgently required.

18. Some consideration could be given to a broader range of assessment reforms. For example any permit applications under a Heritage Overlay or similar could be exempt from advertising requirements. Given the technical nature of such applications (requiring input from heritage consultants in most cases) permit applications should be a decision based on technical or expert advice only. Major structural change for example a proposal for buildings and works that alter the front façade or a new home is proposed would be the only exemption.

19. Proposals under active consideration such as demolition on merit and scaling of development assessment pathways will ensure a better process is followed for planning applications on local heritage listed properties. Under the scaling of planning applications, the more minor the proposal, the faster the decision should be.

20. As the concepts are further developed there needs to be a clearer picture provided of what is actually considered appropriate for a local heritage listing. HIA considers that further evidence and practical examples are required to demonstrate the types of listing outcomes envisaged by this process and these examples could form part of the discussion on the Framework document.

21. Whilst it is understood that it is early days with this round of heritage reform, the new Act is also in the very initial stages of implementation with some parts will not be enacted for many years to come – potentially up to 5 years. It is unclear when these reforms will be in place and how they will be integrated.

4.2 COMMENTS ON SPECIFIC PROPOSALS IN THE DISCUSSION PAPER

Development of new Heritage Criteria to be incorporated into the new Planning Development and Infrastructure Act

22. New state-wide criteria will ensure there is greater consistency between the types of proposals put forward for local heritage listing.

23. Often heritage proposals are put forward by local action groups who are keen to protect all buildings that are simply “old”. This option presents an opportunity for the State Government to refine and provide clearer, consistent criteria to be observed.

24. There are likely to be concerns raised by Councils who wish to retain their own criteria. The proposed Framework and Practice Direction may go some way to providing a broader context to applications and take some of the local “emotion” from the decision making process.

25. The structure of the new arrangements should consider the contribution the proposed local heritage place provides to that particular community. There should be a particular individual element to a proposal.

Implementing a Framework Document and Practice Direction

26. Much of the success of the new process rests with the content and processes outlined in the proposed Framework Document and Practice Direction.

27. It is not clear from the discussion paper as to what these documents will contain and HIA considers further consultation on the format and content will be required.

28. If the Framework establishes broad and general criteria for historical significance, it could assist with overarching assessment and provide the context to a potential listing. More comment will be required once this has progressed further.

29. If the Practice Direction supports the Framework and provides a *local* context and the historical themes and attributes that are considered worthy of retention, this might also be useful as it will provide a tangible assessment of the place in a local context.

30. It is unclear whether these documents will encourage or discourage applications. Without viewing them an assessment cannot be made.

Streamlining of the Listing Process

31. According to the Discussion Paper, proposed improved consultation processes as part of the new process could involve:

    - Undertaking of a heritage survey by suitably qualified professionals;
    - Early notification of an owner likely to have a local heritage listing;
    - Listing nominations finalised through the completion of a statement of significance and descriptions of the elements of the place in accordance with the heritage listing;
    - Reduction in public consultation time frames;
    - Extended role for the expert heritage committee to consider the application in context;
    - Delegated powers to the expert heritage committee for including amendments in to the Planning and Design Code; and
    - Periodical review and updating of statements of heritage value.

32. The streamlining of the listing process in conjunction with clearer criteria will enable local heritage listings to be resolved in a timely manner.

33. A full assessment of the powers to be delegated to the expert heritage committee will be important for industry. It appears the powers are to include a capacity to recommend an amendment to the Planning and Design Code.

34. The constitution of the Expert Heritage Committee will be a vital part of the reform process having the right balance will be imperative to achieving balanced and fair decision making.

35. Long and fair transitional arrangements would be vital as developers would not want a listing added late in the process of planning a redevelopment of a given site.

Providing a better record for local heritage places

36. New listings would be gazetted as an amendment to the Planning and Design Code, shown as a heritage overlay on a map and available electronically on the new planning portal. This will assist a developer understand what constraints apply to a property prior to purchase – it is clearer. The timeframe for this is not provided. This type of initiative may be years away.

Clarify the Difference between Character and Heritage

37. The new Planning and Design Code should aim to remove the confusion as to what is heritage (ie has cultural value) and character (physical attributes). This might provide further clarity for designers as to what aspects of a property are to be retained and what general character is required. This has been confusing in the past.

Streamline the Development Assessment Process

38. Proposals put forward in the paper include:

- Better delineation between national, state and local items of heritage significance;
- A review of what is considered to be a "development" and deemed to satisfy responses for low impact works;
- Demolition on "merit" to be considered;
- Scaling of assessment pathways – more or less requirements depending on the property and location and a table to be maintained by heritage professionals.
- "Building rules consent only" for really minor works - ie internal layout changes

39. Most initiatives in this category would assist industry as it will make the assessment of listed heritage places a bit clearer and potentially faster.

40. The potential to remove some works from the definition of "development" is likely to lead to fewer applications, and deemed to satisfy proposals for low impact works would allow applicants to put forward their own solutions to match a required outcome. This is a positive step.

41. Providing a scale of assessment pathway means potentially not all properties have all controls applied to them, depending on their significance. (Similar to Victoria). However, the controls should not overly constrain owners' rights to undertake minor works and routine maintenance on heritage properties. A more expansive definition of what constitutes minor works should be provided.

42. Demolition on merit should be an option to consider rather than having to have a property delisted before a demolition process can take place, this could be considered on its individual circumstances. The discussion paper suggests that some of the properties were considered and listed on criteria that may be up to 30 years old this would support the HIA's position that allowing demolition on merit would ensure that some properties which no longer meet current criteria could achieve a planning permit for a demolition on this basis as they are no longer considered to be significant.

5. CONCLUSION

43. HIA appreciates the opportunity to comment at this early stage of the proposal. On a general level, the proposed changes are positive and represent a step forward from an administrative and assessment perspective.

44. The development of a set of state-wide criteria for local heritage listings will assist with achieving more consistency with the assessment of newly proposed places.

45. There are four times as many local listed places as state listed places indicating that a review of the criteria in the new framework and guidelines for new places together with a review of those that are already listed is imperative.

46. Integration with the current legislative arrangements is important as full implementation of the PDI Act is some time away. Further clarification of the structure of arrangements will be required.

47. Further consultation will also be required in relation to the content of the proposed Framework and Practice Direction to provide a clearer understanding of types of impact the proposal will have.

48. The rights of property owners should be retained and potentially strengthened in the process.

49. HIA looks forward to participating further as the Government consolidates its views on these matters.

P034

Vranat, Meredith (DPTI)

RECEIVED
26 Sep 2016
DPTI

From: Libby Broomhead
Sent: Monday, 26 September 2016 1:19 PM
To: DPTI:Planning Reform
Subject: Local Heritage Reforms

Dear Sir/Madam

I am the owner of a Heritage Listed Property in the City of Norwood Payneham & St Peters and like the Council I am concerned about recent proposed reforms. I have read the discussion paper and the Council's submission and I am concerned that the ongoing retention of Historic Conservation Zones is not guaranteed with these proposals. I am concerned that important buildings may not be protected and about the possible strategic direction being pursued by the Government.

I hope the opinion of the Councils involved are fully considered and I reinforce my support of the Norwood Payneham & St Peters Council.

Yours sincerely

Elizabeth Broomhead

P035

RECEIVED
26 Sep 2016
DPTI

Vranat, Meredith (DPTI)

From: Mike & Patricia
Sent: Monday, 26 September 2016 3:26 PM
To: DPTI:Planning Reform
Subject: Comments on discussion paper "Heritage Reform-An exploration of the Opportunities".

Dear Sir,

I would like to submit the following comments on the Local Heritage Discussion Paper.

1. The paper lacks a supportable rationale for reform. It lacks depth and scope presenting an unbalanced and incomplete discussion of key elements. There is no discussion of the economic benefits arising from heritage including tourism nor consideration of cultural, artistic or religious benefits. Overall the paper is rather negative in its approach.

2. It is of concern to learn the paper was originally only intended for consideration by Heritage experts and practitioners.

   Why? Reading between the lines suggests the paper is all about making it easier to streamline the Development process and make it simpler for Demolition to occur.Controls would be dismantled. New Heritage criteria would assist with Heritage Outcomes determined by practitioners rather than the local community. Surely “local Heritage” should be determined by locals. What will happen to protect Conservation Zones.? They are not considered in the discussion paper.

3. What is “best practice? It would help if examples of what is happening on the ground(such as in Fremantle) were provided .

4. The thrust of the paper is towards, simplification,standardisation,simplicity etc however it could be argued there is value in diversity,in difference,in recognition of place. These factors when combined with tough controls are more likely to protect Heritage than the actions the paper proposes.

5. Yes the Current system can be improved . Yes a local register is required. Proposed Changes to the register should be notified in advance with opportunity to comment.

6. If the Government is serious about a review which seeks to protect the rich portfolio of local Heritage SA values it should consider a comprehensive review. It would help if the views of local Councils and SA National trust were involved in the exercise from start to finish . Certainly a new, detailed discussion paper covering the thinking behind selection of “criteria”would be helpful. The new criteria,as proposed, are woeful.

Thank you for the opportunity to comment.

Mike Wallis-Smith 26/9/16

Long Time resident of Norwood.

P036

Vranat, Meredith (DPTI)

From: Elaine Niedorfer
Sent: Tuesday, 27 September 2016 3:54 PM
To: DPTI:Planning Reform
Subject: FW: Local Heritage reforms proposal by the state government
Attachments: IMG_1032.JPG; IMG_1033.JPG; IMG_1034.JPG

From: Elaine Niedorfer
Sent: 27 September 2016 3:17 PM
To: 'planningreform@sa.gov.au.' <planningreform@sa.gov.au.>
Subject: Local Heritage reforms proposal by the state government

Dear Sir/Madam

We write in regards to the State governments proposed local heritage reform. We feel our views are very important as we are the owners of a grand local heritage building.
Our views are as follows-

- If the State government changes local heritage planning we feel it will be an open, easy path to letting developers knock down these local heritage buildings.
- One could say this can only happen if owners like us sell, but we feel there will be no protection from developments surrounding us if the protection is removed. It could mean multi stories built right up against our building and any other local heritage buildings. Please see photo of building that does not have protection.
- Attached is the 11 story development across the road from us, this alone will shadow our local heritage building from the sun.
- Attached is the vacant block to the west of us where one worries if the local heritage rule is removed this will allow multi story right up against our property.
  These are just properties surrounding our local heritage building how many others would be affected?
- Owners like us are proud of these buildings, I mean it would be more beneficial ,financially to us, if the local heritage listing was removed from our property then developers would value this site much more allowing multi story buildings.
- One only has to look at Paris if this city's heritage buildings weren't protected being local or state heritage, it could have ended up like Dubai or New York city.

In closing please remember local heritage is so important for the mix surely one does not want rows and rows of multi story buildings.

Yours sincerely

Bob & Elaine Niedorfer


CONSTRUCT
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NO
ENTRY
NO ENTRY
CAUTION
RAA


Registry Centre Open Daily

P037

RECEIVED
28 Sep 2016
DPTI

Vranat, Meredith (DPTI)

From: Joanna Chen
Sent: Tuesday, 27 September 2016 8:54 PM
To: DPTI:Planning Reform
Subject: Re: Council Opposes State Government's Proposal For Local Heritage Reforms

Hi

I'm the owner and resident of .

I strongly oppose the state government's proposal for NPSP's local heritage reform. I probably can understand from the state economic perspective that capping the number of heritage building and rebuilding/replacing some with residential houses/multi-storied apartment could attract investment to South Australia. However, it doesn't take into account the nature of this City and the State. Adelaide has more than 150 year's history and most of heritage buildings are well protected and maintained. It has become one of the tourist attractions due to its unique design and rare material that was used at that time. So is the City. The unique feature of this City is heritage culture which attracted me to buy my own house 3 years ago.

I'm a migrant from China. I came to Adelaide for study initially in 2007. I chose Adelaide as I like the peace of this city, which is very different from Sydney and Melbourne. There are too many modern cities in the world especially fast growing economy is the main feature. I bought my house 3 years ago in Firle because I love this peace in the noisy and messy world, because I enjoy this heritage culture and because I feel I'm not lonely over here by myself as people around who live here for long long time are very friendly. If this peace was disturbed due to demolition of heritage zones, I wonder what the difference would Adelaide be from other modern cities. Heritage can never be replaced with anything else and culture is uniquely existing, which is the nature of this City as I mentioned above.

Again, I'm strongly against the proposal from the state government for heritage reforms although I don't know if my feedback would make it any different.

Regards
Naihan Chen

Note: I will go overseas working on a project for about 12 months so I'm able to read the response and final decision from the state on this matter. Can you please send me any communication through the email (rather than post it over to my address.

P038

Vranat, Meredith (DPTI)

From: leni < >
Sent: Wednesday, 28 September 2016 9:45 AM
To: DPTI:Planning Reform
Subject: Local Heritage

I wish to make a couple of brief submissions on this matter.

First, I think that
1. if the person/body wanting demolition of or alterations/additions to a listed building (be it local heritage or State heritage) 2. is the same person/body who/which built the structure (that is to say, they organised/paid for it - I exclude from this anyone who had no legal or equitable "interest" in the land at the time of development approval/construction
3. then any listing that the structure may have at the time of the
request for demolition/alteration/additions should be disregarded in assessing the merits of their proposal.

It seems to me indefensible that the State and the community should be able to force the original owner to keep it. If it is that important, those third parties should buy it themselves. It is simply unfair that I may have a building built on my land to satisfy my needs and subsequently find that everyone else requires me to keep it for their benefit, at substantial cost to me and no cost to them. A case in point is Maughan Church, the demolition of which was not prevented thanks to the State Government. It would have been grossly unfair had the Church been forced to retain a building that did not suit their ongoing use.
It would have been equally unfair if their intention was merely to sell the land as vacant land. They built it; they should be the arbiter of whether it should be kept.

Secondly, I think that local heritage listing has assumed an importance and scope beyond a reasonable level. If the property was listed at the time of purchase, it is unreasonable for the purchaser to complain. If, however, it has been listed during the ownership of someone who wishes to demolish/alter/add then it is an unfair imposition that takes no account of the financial hardship caused to the owner. The notion of "I like it; you keep it" is fundamentally unfair. There are too many who wish to impose their own ideological view on others and have scant regard for the financial and personal needs and limitations of those who own such properties, which include small row cottages and the like the owners of which tend to have limited means.

(Just as trees were cut down in anticipation of "significant" and "regulated" tree laws, so it is with heritage listings. Changes will be made to buildings not yet listed to ensure that they do not fall within listing criteria. That represents an avoidable loss to the community.)

Finally, I submit that any threshold for local heritage listing should be higher than it is at present. Too many insignificant, however charming, dwellings are caught by this. There is no "character" other than that which reflects community standards as they develop over time.
If Councils had better input into their Development Plans and there were less Ministerial power (because the ultimate content of a Development Plan is and has long been in the "gift" of the Minister) there might be better balance. The principal objections tend to be height, overlooking, blocking of light and noise potential. If these were better respected in Development Plans, what would it matter (other than personal preference, which is misplaced when it is applied as a rule to one's neighbour) what form the building took?

Thank you
Leni Palk

Computers don't save time: they merely re-distribute it as maintenance tasks

P039

RECEIVED
28 Sep 2016
DPTI

Vranat, Meredith (DPTI)

From: Elisa
Sent: Wednesday, 28 September 2016 1:07 PM
To: DPTI:Planning Reform
Subject: re local heritage planning reform

Dear Sir/ Madam,

I am writing to express my opposition to the proposed changes to the planning system that may allow the demolition of buildings that have local heritage listing.
Local councils, local interest groups, historians and local people need to be the ones responsible for deciding buildings that are of local significance.

I believe it is imperative that we preserve what little remains of our local heritage buildings. It has taken determination, drive and perseverance from many people over many years to have places of local heritage listed. The ones that are currently listed need to remain listed. We need to add to the list not decrease it.

The statement "demolish on merit" fills me with dread. Who will decide which building has merit? What criteria will be used to evaluate a buildings merit?

Local people understand local heritage. Local people have connections with local heritage buildings. Developers come and go, local people stay.

I have travelled extensively and I, like many tourists are attracted to cities that are rich in heritage buildings, eg Prague, Paris, Tallinn.
Our state, our capital city and our regional towns have buildings, whole streets and whole suburbs that are rich in local heritage buildings that can be used to promote our state as a destination for tourists.
I see local heritage buildings giving economic, cultural, social, educational and aesthetic benefits to our state.

Restoring and re-purposing old buildings does create jobs.
I have seen here in Adelaide as well as overseas many examples of local heritage buildings that have been successfully re -purposed. This is the strategy I would like to see our state government foster and encourage.

South Australia's state government seems to have a "develop at all costs" policy and the suggested changes to how local heritage places will be demolished under the proposed changes reinforces this.

Local heritage buildings are no less significant that national or state heritage buildings. They are equally important. They need to be preserved, valued and acknowledged.

Regards

Elisa Toome

P041

Vranat, Meredith (DPTI)

From: Chris Harris
Sent: Wednesday, 28 September 2016 3:25 PM
To: DPTI:Planning Reform
Subject: Local Heritage Planning Reform

I am making comments regarding the Local Heritage Planning Reform.

Adelaide is unique with its collection of old housing and commercial buildings. These buildings are valuable to South Australia in both historical and tourism terms.

The local planning authorities have made efforts to protect and conserve these buildings.

I have read the Local Heritage Discussion Paper and I am concerned that the protection of the local heritage buildings may be weakened and may be demolished to allow for "development".

I believe all Local Heritage buildings need full protection and if necessary assistance to preserve these valuable assets.

This is the opportunity to strengthen the protection and make it consistent over South Australia.

I ask that Local Heritage buildings be protected in South Australia for future generations and for the benefit of South Australia.

Regards

Chris

Chris Harris
Adelaide
Australia

P042

Vranat, Meredith (DPTI)

RECEIVED
28 Sep 2016
DPTI

From: Gary Williams
Sent: Wednesday, 28 September 2016 4:23 PM
To: DPTI:Planning Reform
Subject: FW: Heritage Reform "An exploration of the opportunities"

From: Gary Williams
Sent: Wednesday, 28 September 2016 3:26 PM
To: 'planningreforn@sa.gov.au'
Subject: Heritage Reform "An exploration of the opportunities"

Dar Sir/ Madam,
I wish to protest at any proposed change to the current protection given to buildings and streetscapes of Adelaide. My greatest concern is that of my area Norwood, a member of the International League of Historic Cities.
I value the city's rich building heritage. Five generations of my family have lived most or part of their lives in this suburb. Buildings are part of our heritage. This is our history. It is up to those living in an area to say what they want. Local knowledge and opinion is vital and part of the democratic process .
Your faithfully
Helen Williams.

P043

72 Woodville Road, Woodville
South Australia 5011
PO Box 1, Woodville SA 5011

T 08 8408 1111
F 08 8408 1122
charlessturt.sa.gov.au

29 September 2016

RECEIVED
30 Sep 2016
DPTI

Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide SA 5000

By email:
planningreform@sa.gov.au

Dear Sir / Madam

Local Heritage Discussion Paper

Thank you for the opportunity to respond to the above discussion paper. The matters raised in the discussion paper are of particular interest to the City of Charles Sturt (CCS). Council has had recent and current experiences with two Local Heritage Place Development Plan Amendments (DPA) - one authorised in May 2013, and the other currently seeking the Minister's agreement to release the draft DPA for consultation. Many of the following comments are based on those experiences.

Council accepts the need for a general review of the matters addressed in the discussion paper. We note that the Planning Bulletin – Heritage was released in October 2001, and therefore provides outdated guidance on these matters. However, our recent experiences with the current system have generally been positive, as outlined below.

The following comments are made under the subject headings as they appear in the discussion paper.

Updating local heritage listing criteria

We agree that there is a need to review and update the criteria for identifying Local Heritage Places. The current criteria can be criticised for being open ended. The proposed criteria would appear to be reasonable, however, we would encourage the Department of Planning, Transport and Infrastructure (DPTI) to consult closely with Council and heritage professionals in finalising the criteria.

We note that the discussion paper suggests that "(t)he listing of local heritage places will also need to be considered in balance with the broad strategic objectives of the State." *The 30-Year Plan for Greater Adelaide* (2016 Update) was recently released for consultation, post the release of the Discussion Paper. We note that 'Heritage and Character Protection' is still referenced as a Principle of the Plan and is further reinforced as a Policy Theme. Therefore, it is clear that heritage protection is one of the State's broad strategic objectives, and therefore should be given equal weight to other, sometimes competing, strategic objectives.

Council recommends the following:

1 Further direct consultation on the proposed local heritage criteria takes place with specialist heritage professionals.

Implementing a framework document and 'practice direction'

The discussion under this heading refers to the benefits of a thematic framework in assessing the suitability of additional (and existing) local heritage places. The CCS adopted such a process in identifying proposed local heritage places in its current Heritage Places DPA. This thematic framework was determined with specific reference to the historical development of the CCS.

The approach proved useful in framing the DPA nominations and, more particularly, in identifying gaps in representation in the current list. Therefore, we support the broad notion of establishing a thematic framework to assist the listing process. However, any framework will need to acknowledge and allow for local adaptation, in recognising that some historical themes can be endemic to a particular area or region. For example, in Council's current DPA, State industrialisation in the 1930s and 1940s was seen to be a particularly important period in the Council's and State's historical development (eg Hendon and Finsbury former munitions factories). This particular historical theme may not be relevant to other parts of Adelaide and South Australia.

Council recommends the following:

2 That the proposed 'practice direction' include a generic State-wide thematic framework, with provision for local adaptation to reflect local circumstances.

Streamlining our listing process

We agree that the DPA process may not be the best vehicle for listing local heritage places. However, any moves to adopt a system similar to the current State heritage listing process needs to first acknowledge that that system can also be cumbersome and time consuming.

The concerns regarding the number of objections to nominations (sometimes over 70% according to the discussion paper) are not borne out by our recent experience. In the 2013 Heritage Places DPA, Council received 11 objections out of the 82 nominations (ie 13%). Importantly, as part of that process, Council allowed all nominated property owners the opportunity to meet 'one-on-one' with a Senior Policy Planner and Council's Heritage Advisor to discuss their particular property nomination. This provided the forum to elaborate on the reasons behind the nomination, the implications for future development (should it proceed to listing), and the process for objecting to the nomination. We believe that this process resolved a number of concerns and misconceptions, resulting in a relatively low objection rate.

We are not convinced that early engagement will remove the need for 'interim operation'. As you know, the interim operation process discourages demolition prior to resolution of the listing process. This risk remains, regardless if early engagement takes place or not. A property owner may decide to make an application under the current Development Plan, thus gaining support for replacement of the building with new development and potentially negating any ability to recognise its historic value, once they know it may be listed but the provisions for protecting the building are not in place.

We also have some misgivings about the suggestion to extend the role of the expert heritage committee (currently the Local Heritage Advisory Committee (LHAC)) to more broadly consider proposed listings earlier in the process. Council was compelled by DPTI to adopt this approach with its current Heritage Places DPA (ie LHAC has been involved in advising on the draft nominations for listing prior to release of the DPA for consultation). Accordingly, LHAC will have been involved in both identifying the proposed listings and, ultimately, in advising the Minister on the final proposed listings, post consultation. This suggests the potential for conflicted roles – can the same body have both roles at different points in the listing process? Will LHAC, having been party to the initial proposed listings, still qualify as an independent arbiter later in the listing process?

Our preference is that LHAC (or its future equivalent) retain its current role in advising on proposed listings at the end of the process (ie essentially the final arbiter on proposed listings, excluding the Minister, of course).

Council recommends the following:

3 That some form of 'interim operation' still applies to proposed local heritage places during the course of resolving the listing process.

4 That the future role of LHAC (or its equivalent body) be limited to arbitrating at the end of the listing process only.

Streamlining our development assessment processes

Council concurs that there may be opportunities to streamline minor, low-risk works to heritage places. This will require reconsideration of current arrangements, as enshrined in the *Development Regulations 2008*, and be suitably reflected in the future regulations to be prepared in support of the *Planning, Development and Infrastructure Act 2016*.

The discussion paper refers to the importance of a 'current statement of significance' and a 'description of the elements' that link significance with the physical fabric of the place. Currently, Table ChSt/6 – Local Heritage Places in the Charles Sturt Council Development Plan achieves both these expectations. We acknowledge, however, that the original assessment sheets prepared to support nominations provided an even higher level of detailed information, which may be of value to the development assessment process. For example, the assessment sheets contained in our current Heritage Places DPA even identifies the relevant historic theme and sub-theme, as pertaining to Council's thematic framework. If possible, the forthcoming planning portal may offer opportunities to digitally link each listed heritage place with its original assessment sheet to better articulate the basis for listing.

We note the suggestion in the discussion paper to classify proposals to demolish a local heritage place as 'on merit' applications. This is currently the arrangement within the Charles Sturt Council Development Plan, and we are of the view that this approach achieves a reasonable balance between preserving heritage fabric and allowing redevelopment in justifiable cases.

Council recommends the following:

5 That minor works, unlikely to compromise the heritage integrity of local heritage places, be removed from the ambit of 'development'.

6 That DPTI, in its forthcoming work on the proposed planning portal, considers providing links between local heritage places and their associated assessment sheets.

Clarifying the Difference between 'Character' and 'Heritage'

We note and generally concur with the comments made in the discussion paper regarding confusion between 'character' and 'heritage' (although the provided 'definition' of heritage requires simplification to improve understanding.) More importantly, however, the discussion paper chooses to consider the issue of Historic Conservation Zones and Policy Areas within this context and fails to address the broader issue of the historic legitimacy and basis of these existing zones/policy areas.

The CCS has a number of Historic Conservation Areas, some of which are contained in the Residential Character Zone and some of which apply to other zones. One of the policy mechanisms we use to manage change within these areas is through the use of 'Contributory Items'. This is consistent with the Planning Bulletin – Heritage (2001). We note that the discussion paper makes no reference to 'Contributory Items' and, indeed, makes no suggestions regarding the future governance of Historic Conservation Zones / Policy Areas.

We do not accept the argument that our existing Historic Conservation Areas are akin to 'character' areas. Without going into any detail regarding the background to their original identification, there is significant information which confirms the historical basis of delineating these areas. Accordingly, Council is of the view that the discussion paper should consider these areas in the context of 'retaining cultural value' - in other words, the local heritage equivalent to State Heritage Areas.

Council recommends the following:

7 That a clearer definition of 'heritage' be developed.

8 That the forthcoming response to the discussion paper includes governance arrangements for the heritage protection and enhancement of existing (and future) Historic Conservation Areas.

Other Matters

Financial incentives

A topic not addressed in the discussion paper is financial incentives to entice property owners to undertake conservation works to listed places.

The CCS has had a modest Heritage Conservation Program in place for several years. Its main objective is to assist and encourage owners of local heritage places (and contributory items) to retain and conserve these places of local significance. The program offers a free heritage advisory service, development application lodgement fee concessions and heritage conservation grants. While the recurrent budget for the heritage conservation grants is small in comparison to the number of listed places in the City, the program has nevertheless been successful in encouraging conservation work to a significant number of buildings over time.

While reflective of their local area, local heritage places are identified and administered through State policies and legislation. Consideration should be given to financial incentives for conservation work to local heritage places at a State level, whether through a grant program or other means, such as subsidies on property related taxes. A recommendation to this effect was identified by the Expert Panel under reform 8, *The Planning System We Want* (2014).

Council recommends the following:

9 That the State Government further considers a range of financial mechanisms to provide a sustainable funding basis for the future management of heritage buildings. Ideally, these mechanisms should not involve de-funding Councils, who already allocate considerable financial and other resources to this public policy area.

Adaptability

While the discussion paper identifies potential reforms on demolition policy, consideration should also be made to general policy reform and/or the development of guidelines to address the adaptability of local heritage places. Adaptation provides a way to conserve the important heritage fabric of the built form while providing opportunities for sustainable long-term uses.

Council recommends the following:

10 That the forthcoming practice note address the important policy issue of adaptive re-use of heritage buildings.

Further consultation

The discussion paper raises a number of important questions regarding the future management (legislative and otherwise) of local heritage resources in South Australia. It is not clear, however, how future responses to the discussion paper, either in the form of draft legislation or a practice note, will be consulted upon. As mentioned previously, we are also concerned about the timing of the discussion paper prior to the release of the revised 30-Year Plan.

Council recommends the following:

11 That the State Government undertakes further consultation with stakeholders on the proposed legislative and other responses to the discussion paper.

Council looks forward to working with the State Government on this important matter as part of the ongoing reforms to the planning system.

If you have any questions in relation to Council's submission or require clarification, please do not hesitate to contact Craig Daniel, Manager Urban Projects on 84081130 or email: cdaniel@charlessturt.sa.gov.au

Yours sincerely

Paul Sutton
Chief Executive Officer

cc Local Government Association

Our ref. 16/288205

P044

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RECEIVED
30 Sep 2016
DPTI

7 September 2016

Hon J Rau
Minister for Planning
Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide 5000 SA

Dear Hon Rau

Re: City of Salisbury submission on Local Heritage Discussion Paper

The City of Salisbury thanks you for the opportunity to consider and comment on the "Heritage Reform – an Exploration of the Opportunities", Local Heritage Discussion Paper.

A report on the matter was considered by Council at its September 26th 2016 meeting, where it was resolved that:

1. *The City of Salisbury supports a review into the Local Heritage processes in South Australia*

2. *Council is supportive of the Local Government Association draft Position Paper of 1st September 201 which identifies the issues that require further consideration.*

The LGA draft Position Paper is enclosed with this letter for your information.

Please contact Peter Jansen, Principal Planner Land Use Policy on 8260 8148 or via email on pjansen@salisbury.sa.gov.au if further information is required.

Yours sincerely

John Harry
Chief Executive Officer
Phone 08 8406 8212
Email: jharry@salisbury.sa.gov.au

c.c. LGA

Enc

Concise.

Local Heritage and Character
Revised Draft Position Paper

Local Government Association of South Australia
1 September 2016

Contents

Local Heritage and Character Draft Position Paper
1 September 2016

Prepared for the Local Government Association of South Australia by:

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Executive Summary

As part of a significant program of reform of South Australia's planning system, in August 2016 the Minister for Planning released a Local Heritage Discussion Paper for public consultation. The Discussion Paper identifies opportunities for reform around processes for identifying and managing local heritage through the *Planning Development and Infrastructure Act 2016* (the PDI Act) and non-legislative mechanisms.

The Local Government Association of South Australia (LGA) intends for this Local Heritage and Character Position Paper to form a guide and resource for the Department for Planning, Transport and Infrastructure (DPTI) as it progresses these reforms in consultation with local government. The Position Paper has been developed through review of relevant documents, and engagement with metropolitan local governments.

Local governments are a key partner in government and are committed to being constructive partners in local heritage reform, as shown by the sector's engagement with the Expert Panel on Planning Reform, and general support for the Panel's heritage recommendations.

Local government is the level of government closest to the community, and experiences firsthand the great extent to which their communities value local heritage, and the value local heritage contributes to their streets, suburbs and beyond. Councils invest in local heritage through grants programs, advisory services, promotions and education, and research. The strength of this investment is borne out by studies that demonstrate the economic significance of cultural heritage and its important role in tourism attraction and expenditure.

As reform is implemented, local governments will continue to have substantial responsibilities both administratively and to their communities in the management of local heritage. Changes to local heritage arrangements will have physical, cultural, and economic impacts across Councils and communities, particularly within Greater Adelaide.

In terms of the statutory and strategic framework, the objects and principles of the PDI Act are consistent with the ongoing protection of local heritage and recognition of its social, cultural, and economic value, as is the draft update of The 30-Year Plan for Greater Adelaide. The latter highlights the need to carefully consider the approach to achieving objectives seeking both increased urban infill and the preservation of heritage and character value.

In this context, while some specific reforms and policy directions suggested by the Local Heritage Discussion Paper are supported by local governments, significant concerns exist about the processes and levels of consideration and consultation to date. Local governments are of the view that prior to development of a draft Bill incorporating local heritage reforms, further consideration, clarification, and consultation is required in relation to:

- The relationship of local heritage reforms and the objectives of the planning system and planning strategy as expressed in the PDI Act and 30-Year Plan;
- How and why currently proposed reforms differ from the suite of recommendations of the Expert Panel on Planning Reform;
- The operation and implementation of reforms, in particular governance and roles and responsibilities for decision making;
- Opportunities for economic benefits of heritage conservation to be realised, including holistic consideration of funding and incentives for economic use alongside policy reforms;
- New heritage listing criteria, particularly on the methodology for selection of themes, and issues of thresholds and over- and under-representation;
- Existing Historic Conservation Areas/Zones and how they will be identified and protected in the future;
- Interim demolition control for proposed local heritage listings;
- Mechanisms for policy clarity, effective guidance, and clear decision making roles in development assessment; and
- Effective engagement of the community in development and implementation of reforms.

Importantly, appropriate consideration of these issues requires a program of consultation with sufficient time and information for Councils to engage with their elected members and communities, and contribute constructive feedback to the reform process. This is likely to involve additional rounds of consultation to that currently underway.

Local governments will continue to seek further engagement with DPTI both directly and through the LGA to contribute to a local heritage reform package that appropriately reflects the aspiration, priorities, and values of the State government and metropolitan local governments and their communities.

1.0 Background

In December 2014 South Australia's Expert Panel on Planning Reform delivered their recommendations for a new planning system, including eight proposals designed to, in the words of the Panel, "place heritage on renewed foundations".[1]

The reform proposals sought to consolidate and improve heritage policy and management, and increase the planning system's capacity to deal effectively and efficiently with Aboriginal and non-Aboriginal heritage in the context of broader planning and development objectives.

In March 2015 the South Australian Government officially responded to the Expert Panel's recommendations, supporting the proposed heritage reform in principle, and committing to further investigations.[2]

The Minister for Planning released a Local Heritage Discussion Paper for public consultation in August 2016. The Discussion Paper identifies opportunities for reform around listing of local heritage places, development assessment, and terminology. Proposed reforms would be undertaken via the new *Planning Development and Infrastructure Act 2016* (the PDI Act), or non-legislative mechanisms.

No changes to the listing and assessment of State Heritage places under the Heritage Places Act are proposed.

2.0 Purpose

Planning system reforms proposed by the State Government to change the management of local heritage in South Australia will have physical, cultural, and economic impacts across Local Governments and communities, particularly within Greater Adelaide.

The Local Government Association of South Australia (LGA) intends for this Local Heritage and Character Position Paper to form a guide and resource for the Department for Planning, Transport and Infrastructure (DPTI) as it progresses these reforms in consultation with Local Government.

3.0 Methodology

Development of this Position Paper has involved:

- Review of documents including
  - Previous LGA and Council planning reform submissions and investigations relating to heritage and character;
  - Relevant sections of the PDI Act and draft update of The 30-Year Plan for Greater Adelaide; and
  - The State Government's Local Heritage Discussion Paper.
- Feedback on the Local Heritage Discussion Paper provided by 18 Councils over 2 facilitated workshops held in August 2016.

4.0 Context for heritage reform

Throughout the Expert Panel on Planning Reform, metropolitan Councils shared their views on a range of issues including heritage and character both through the LGA,[3] and directly to the Expert Panel.[4]

During the Expert Panel's consultation process the LGA identified a number of key challenges for Councils in managing heritage and character through the planning system, including:

- A lack of consistency in heritage listing, leading to confusion, uncertainty and frustration regarding what is appropriate to list;
- A heritage management process that is highly resource intensive and predisposed to conflict;
- Poor understanding of what character is and how it differs from heritage value; and
- Poor and inconsistent expression of character in Development Plans.

Overall, Councils reported that current arrangements tend to create ongoing uncertainty and conflict around heritage and character issues, in turn impacting upon their efficiency, resourcing, and relations with their communities.

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[1] *Our Ideas for Reform* prepared by South Australia's Expert Panel on Planning Reform, July 2014
[2] *Transforming Our Planning System: Response of the South Australian Government to the final report and recommendations of the Expert Panel on Planning Reform* prepared by the Government of South Australia, March 2015
[3] *Planning Reform Issues Paper: Heritage & Character* prepared for the Local Government Association of SA by Jensen Planning + Design, July 2014
[4] http://www.thinkdesigndeliver.sa.gov.au/report/?a=120183

Following multiple stages of research, consultation and deliberation, the Expert Panel developed key planning reform ideas in relation to heritage and character in two iterations, as shown in Table 4.1.

While the LGA's subsequent consultation indicated general support amongst metropolitan Councils for the key planning reform ideas, there was an awareness of the challenges and costs involved implementing the ideas, and a further concern that local character, heritage and design policy could be watered down or lost.

Table 4.1: Summary of Expert Panel Heritage and Character Reforms[5]

Our Ideas for Reform August 2014 (Reform 10)	*The Planning System We Want* December 2014 (Reform 8)
10.1 Heritage recognised as relating to place, culture and community development, not simply physical structures 10.2 Heritage laws consolidated into one integrated statute 10.3 An integrated statutory body to replace existing multiple heritage bodies, e.g. based on the existing heritage council or a subcommittee of the planning commission 10.4 Governance arrangements that embrace the capabilities and expertise of the state's key cultural institutions. 10.5 A new integrated heritage register to include existing state and local listings and have an expanded capacity to recognise special landscapes, building fabric and setting, and place historic markers 10.6 A legislated heritage code of practice to outline how listed properties can be maintained and adapted 10.7 Legislative basis for accredited heritage professionals to undertake specified regulatory functions for private property owners on a similar basis to private certifiers 10.8 Audit of existing heritage listings to better describe their heritage attributes 10.9 Consideration of financial subsidies such as discounts on property-related taxes for private owners of listed properties	8.1 Heritage laws consolidated into one integrated statute 8.2 Heritage terminology reviewed and updated as part of new statute 8.3 An integrated statutory body replacing existing multiple heritage bodies, with links to the state's cultural institutions 8.4 The new body to be responsible for administering a single integrated register of heritage sites, including state and local listings, and have the power to add special landscapes and historic markers to the register 8.5 A legislated heritage code of practice to outline how listed properties should be described, maintained and adapted 8.6 Legislative basis for accredited heritage professionals to (similar to private certifiers) to provide advice and sign-off on changes to listed properties that are consistent with the code of practice 8.7 Audit of existing heritage listings to better describe their heritage attributes 8.8 Stable, long term financing of heritage with discounts on property-related taxes and a heritage lottery providing the basis for heritage grants

[5] *Our Ideas for Reform* prepared by South Australia's Expert Panel on Planning Reform, July 2014
The Planning System We Want prepared by South Australia's Expert Panel on Planning Reform, December 2014

5.0 Legislative and strategic context

5.1 Planning, Infrastructure and Development Act 2016

Emerging from the reform discussions generated by the Expert Panel on Planning Reform, the PDI Act was assented to in April 2016, and will be brought into operation over the next 3 to 5 years.

The primary object of the PDI Act is to

> *support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system that …*
>
> *promotes and facilitates development, and the integrated delivery and management of infrastructure and public spaces and facilities, consistent with planning principles and policies; and*
>
> *provides a scheme for community participation in relation to the initiation and development of planning policies and strategies.*[6]

In association with this principal intention, the PDI Act intends to facilitate amongst other goals:

- Certainty as well as scope for innovation for developers;
- High standards of design quality in the built environment;
- Financial mechanisms and incentives to support development and investment opportunities; and
- Cooperation, collaboration and policy integration between State and local government.

Section 14 of the PDI Act further sets out principles of good planning to inform application of the legislation and functions of the planning system, as reasonably practicable and relevant. These principles relate to seven themes and those of relevance to the role of local heritage in urban environments and the planning system are summarised in Table 5.1.

Table 5.1: Principles of good planning under the *Planning, Infrastructure and Development Act 2016*

Theme	Summary of relevant principles	Links to local heritage management
Long-term focus	Informed and equitable long term planning to address current and future challenges and priorities	The role of heritage conservation as a long term priority for the benefit of current and future generations
Urban renewal	Accommodation of urban growth in existing urban areas through renewal activities that make best appropriate use of the latent potential of land, buildings and infrastructure	Opportunities for realising latent potential in heritage places through conservation, continued use and adaptive reuse
High-quality design	Development that: – Reflects local setting and context, with a distinctive identity that responds to existing character of the locality; and – Is durable and adaptive, and inclusive and accessible to people with differing capabilities	Contribution of heritage to local setting, context and character How to enable heritage places to inclusive and accessible through conservation works and adaptive reuse
Activation and liveability	Promotion of neighbourhoods and buildings that support diverse economic and social activities, a range of housing options, active lifestyles and diverse cultural and social activities	Opportunities for heritage places to support economic activity and contribute to social and cultural life
Sustainability	Urban environments that are energy efficient and address the impacts of climate change	Embedded energy in heritage places and opportunities for sustainable adaptive reuse

[6] PDI Act Section 12 (1)

Theme	Summary of relevant principles	Links to local heritage management
Investment facilitation	Planning and design undertaken with a view to strengthening the economic prosperity of the State and employment growth, and coordinated approaches to planning that promote public and private investment toward common goals	Opportunities for heritage places to support economic activity through of conservation activities and adaptive reuse (multiplier effect) and contribution to tourism
Integrated delivery	Coordination of policies within and outside the planning system to ensure efficient and effective achievement of planning outcomes	Role of local heritage to contribute to and complement desirable planning outcomes including those relating to economic development, streetscape and character, housing choice and sustainable urban form

5.2 The 30-Year Plan for Greater Adelaide

A draft update to The 30-Year Plan for Greater Adelaide was released for community consultation by the Planning Minister on 25 August 2016.

The update maintains the broad directions set out in The 30-Year Plan released in 2010, whilst streamlining the format of the strategy, revisiting some priorities (such as climate change and healthy neighbourhoods), and addressing challenges that have arisen from additional development within existing urban areas as envisaged by the original Plan.

The update presents a planning strategy for metropolitan Adelaide in the form of six strategic high level targets, 14 policy themes, 119 policies, and 47 actions.

Of the six targets, four of them (Targets 1, 2, 4 and 6) relate to concentrating new urban development in established areas or a more compact urban form. Policy themes, policies, and actions relevant to local heritage management are summarised in Table 5.2.

Table 5.2: Summary of heritage related content of the draft update of The 30-Year Plan for Greater Adelaide

Policy theme	Policies/Actions
Adelaide City Centre Reinforce and enhance Adelaide's reputation as a liveable and vibrant place	**P13- 24** Policies relating to character, streetscape, urban form and housing diversity P17 seeks to reinforce the special character of main streets through design responses that increase activity while preserving the elements that make these places special P22 seeks to sustain the heritage and character of North Adelaide and south west and south east residential precincts with appropriate well serviced development

Policy theme	Policies/Actions
Design quality Good design outcomes are necessary to ensure new development positively and sensitively contributes to existing neighbourhoods, their local identity, distinctive character, and valued heritage	**P29 – 31** Encourage development that is compatible and complementary of its context Support the characteristics and identities of different neighbourhoods, suburbs and precincts Recognise areas' unique character by identifying valued physical attributes **A 7, 9, 10** Release guidelines for medium density urban development in local heritage and character areas Explore reviewing local heritage listing processes within an integrated strategic framework Ensure local area plans manage interface issues in the local context and identify appropriate locations for sensitive infill and areas of protection
Heritage Heritage is valued by communities and its conservation and adaptive reuse contributes to precinct revitalisation, energy efficiency and sustainability, and local economic development	**P32 – 35** Ensure new development is sensitive and respectful of the value of heritage Ensure local heritage places and areas of heritage value are identified and their conservation promoted Promote economic development through innovative reuse of heritage places and older buildings Explore reviewing local heritage listing processes within an integrated strategic framework
Housing mix, affordability and competitiveness Provision of diverse housing options within the existing urban footprint	**P39/A15** Explore flexibility for ancillary residences in local heritage areas for social benefit and heritage protection
The economy and jobs Linking people with jobs in employment centres and supporting new economic drivers such as services, information and communications technology, retail, and commercial sectors	**P61** Provide for sustainable tourism development by protecting, enhancing and promoting valuable qualities, providing appropriate infrastructure and facilitating value adding activities

6.0 Local Heritage Discussion Paper 2016

The State Government's Local Heritage Discussion Paper *Heritage reform – an exploration of the opportunities* was released for public consultation in mid-August 2016. The Discussion Paper sets out to address the following issues:

- Clarity of criteria and inadequate hierarchy of heritage values (national, state, local);
- Poorly/inconsistently applied local heritage criteria;
- Uneven recognition of local heritage across the state;
- Lack of comprehensive review;
- Lengthy/unpredictable listing process;
- Consultation process that rely too often on 'interim operation';
- Sensitive consultation occurring too late in the process;
- Confusion between 'heritage' and 'character';
- Inconsistent Development Assessment procedures and policies; and
- A formal role for accredited heritage professionals.

The Discussion Paper excludes consideration of general heritage governance, funding arrangements, and listing and development assessment issues relating to State heritage (other than minor matters).

The Paper's exclusive focus on local heritage is based on:

- The large and increasing numbers of local heritage places compared to State heritage places;
- The incompatibility of existing local listing criteria with national best practice; and
- The opportunity for immediate benefit from reforms managed solely through the new Planning, Development and Infrastructure Act.

Key aspects of the suite of reforms presented in the Discussion Paper include standardisation of processes for local heritage listing through practice directions prepared by the State Planning Commission, a role for accredited heritage professionals, and management of places through the state-wide Planning and Design Code and heritage overlay.

Development of the Discussion Paper included consideration of other Australian jurisdictions that have undertaken heritage reforms in the last ten years.

Tables 6.1 and 6.2 below summarise the reform opportunities raised in the Discussion Paper, along with potential benefits and challenges/risks of the proposed approach identified by the LGA. Reforms are grouped in relation to local heritage listing (reference L1 to L6) and development assessment (D1 to D7).

Table 6.1: Discussion Paper Reforms - Local Heritage Listing

Ref	Reform opportunity	Benefits	Challenges/Risks
L1	Statutory listing criteria with thresholds described in a practice direction Local heritage criteria based on thresholds similar to State heritage criteria under the *Heritage Places Act 1993*[7] Inclusion/exclusion guidance for professionals and the community on what is likely to meet thresholds for heritage value	Provides clear guidance as to what constitutes different levels of heritage value Contributes to greater certainty in assessments of heritage value Supports compliance with best practice	Achieving agreement amongst stakeholders of different levels of value and thresholds
L2	Implement a framework and practice direction that enables understanding, evaluation and presentation of objects, places and events in the context of broad historical themes	Integrated rather than piecemeal approach to preserving heritage across the state Enables comparison of multiple similar nominations Allows understanding of over and under representation in listings	Ensuring local values are incorporated in development of broader themes
L3	Implement early engagement with communities and property owners from heritage survey to decision making stages through a heritage listing practice direction prepared by the Planning Commission Reduce public consultation timeframe	Potential to reduce conflict Potential to reduce consultation and listing process timeframes Shorter process reduces the need for interim operation	Responsibility for and monitoring of compliance with the practice direction Responsibility for dispute resolution where early engagement does not remove conflict

[7] The Discussion Paper suggests:

"*A place is deemed to have local heritage value if it satisfies one or more of the following criteria:*

a) *It is important to demonstrating themes in the evolution or pattern of local history; or*
b) *It has qualities that are locally rare or endangered; or*
c) *It may yield important information that will contribute to an understanding of local history, including natural history; or*
d) It is comparatively significant in representing a class of places of local significance; or
e) It displays particular creative, aesthetic or technical accomplishment, endemic construction techniques or particular design characteristics that are important to demonstrating local historical themes; or
f) It has strong cultural or spiritual associations for a local community; or
g) It has a special association with the life or work of a person or organisation or an event of local historical importance.

Ref	Reform opportunity	Benefits	Challenges/Risks
L4	Simplify the process to amend the Planning and Design Code to incorporate a listing, involving the Planning Commission, experts, accredited professionals and community representatives	Shorter and more efficient process for listing	Perceived or actual reduced community input Options for challenging a listing Mechanisms to resolve conflict arising within or from outside the Commission led process
L5	Require clear and comprehensive descriptions of listings, prepared by accredited professionals governed by a practice direction Review and update existing statements of heritage value and listed elements at some time in the future	Provides clarity for professionals and the community about the elements of a place that are important to heritage value Provides relevant information for any future development applications and appeals	May generate large quantities of material Requires monitoring and updating over time in relation to condition of places Providing descriptions for existing local heritage places may be time and cost prohibitive
L6	Discontinue a traditional register of local heritage places, instead identifying listings by gazette as amendments to the Planning and Design Code, on a heritage overlay, and through the online planning portal	Avoids duplication through multiple instruments Maintains heritage information in functional instruments and active information sources	Loss of dedicated repository of local heritage information

Table 6.2: Discussion Paper Reforms – Development Assessment

Ref	Reform opportunity	Benefits	Challenges/Risks
D1	Clearly distinguish between 'character' and 'heritage' in the Planning and Design Code Distinguish between heritage and character value in translation of existing Historic Conservation areas into the Code via character subzones or heritage overlays[8]	State-wide clarity of interpretation across all planning policy Appropriate planning controls for heritage and character protection respectively	Developing a shared understanding of terms acceptable to all stakeholders Communicating the defined terminology effectively to all stakeholders Considering stakeholder perceptions and community values in distinguishing between heritage and character for existing protected areas Consistent use of terminology in new policy including local variations
D2	Develop hierarchy of heritage values (national, state, and local places and areas)	Greater policy clarity and guidance in assessment pathways	Achieving agreement amongst stakeholders of different levels of value and thresholds Accommodating all forms of heritage value in a hierarchical system

[8] In reference to reform opportunity D1, the Discussion Paper notes the following distinctions:

> *"**Heritage** is about retaining cultural 'value', not simply identifying with a history. It generally involves conservation of the fabric of a place to help **reconcile its cultural value with its asset value**.*
>
> ***Character** is less about a 'value' and is more a tool to recognise the presence of, or desire for, particular physical attributes to determine **how similar or different the future character of areas should be**".*

Ref	Reform opportunity	Benefits	Challenges/Risks
D3	Review definition of development relating to heritage places to reduce the number of potential applications	Reduced number of assessments relating to straightforward and minor matters Encourages improvement of heritage places	Actual or perceived dilution of heritage protections leading to loss of heritage value
D4	Introduce 'exempt', 'accepted' or 'deemed to satisfy' assessment pathway for defined minor and low risk works	Shorter and more efficient process commensurate to the potential impact of proposed works Encourages improvement of heritage places	Actual or perceived dilution of heritage protections leading to loss of heritage value
D5	Introduce statements of significance, descriptions of elements, and tables of controls for all heritage places (refer to example in Figure 5.1)	Greater clarity of relationship of physical fabric to heritage value Contributes to transparency and clarity in assessment process Provides information resources for heritage managers	May generate large quantities of material Requires monitoring and updating over time in relation to condition of places
D6	Allow 'on merit' assessment of demolition of heritage places	State-wide consistency of demolition controls and public notification requirements	Actual or perceived dilution of heritage protections leading to loss of heritage value
D7	Empower accredited heritage professionals to provide heritage equivalent of current Building Rules Consent Only	Expedites simple assessments Frees up Council planners to focus on more complex applications	Removes decision making power of Councils over local heritage places

Figure 6.1: Example table of controls from a Victorian planning scheme[9]

Maribyrnong Planning Scheme *Example of a Heritage Overlay schedule*

PS Map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO112	Washingtonia Palm 78 Cowper St, Footscray The heritage place is the Washingtonia Palm tree and the land beneath the canopy of the tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	–	–
HO113	Klipspringer 40-54 Cranwell St, Braybrook	No	No	No	No	No	No	–	–

[9] Excerpt from the *Heritage Overlay Guidelines* published by the Victorian Government Department of Sustainability and Environment, January 2007

6.1 Local government response

On 17 and 18 August 2016 the LGA held two local heritage and character workshops with metropolitan Councils to facilitate local government responses to the Local Heritage Discussion Paper. Workshop participants were planning and heritage staff representing 18 metropolitan Councils.

Local governments have previously expressed general support for the recommendations of the Expert Panel on Planning Reform relating to heritage. However, while some reforms suggested by the Local Heritage Discussion Paper were supported, there was broad concern expressed in the workshops about the processes and levels of consideration and consultation surrounding the local heritage reforms.

Table 6.3 summarises the main areas of concern and key messages communicated by workshop participants.

Table 6.3: Reform areas and key messages from local governments

Reform area	Key messages from local governments
Reform context and process	The Discussion Paper reforms lack a strategic framework, clarity of detail, and clarity of governance arrangements. The information provided and consultation process underway is insufficient for Councils to effectively contribute on behalf of their communities.
Status of heritage areas	The future of Historic Conservation Areas/Zones must be clarified. These areas are highly valued by local communities.
Economic drivers for heritage protection	The economic benefits of heritage conservation should be encouraged and communicated. Funding and incentives are essential to getting the balance right in heritage protection and should be considered holistically with policy reforms.
Local heritage listings	Clear and consistent local heritage criteria are supported. Significantly more discussion and detail is required around thresholds, selection of themes, and overrepresentation.
Communication and engagement	Early engagement is supported, as is better communication with owners about opportunities for economic use. Policies and incentives should support economic use. Currently interim demolition control saves heritage from demolition.
Development assessment	Reforms must enable policy clarity, effective guidance and clear roles in decision making.
Accredited heritage professionals	Heritage accreditation is supported to expand the pool of qualified professionals and maintain expertise within Councils.

7.0 Local Government Position

Local governments are a key partner in government and are committed to being constructive partners in local heritage reform, as shown by the sector's engagement with the Expert Panel on Planning Reform, and general support for the Panel's heritage recommendations (refer Table 4.1 above).

Local government is the level of government closest to the community and experiences firsthand the great extent to which their communities value local heritage, and the value local heritage contributes to their streets, suburbs and beyond.

Heritage has a significant local economic benefit. As well as implementing planning and heritage controls, Councils invest in local heritage through grants programs, advisory services, promotions and education, and research. The strength of this investment is borne out by studies that demonstrate the economic significance of cultural heritage and its important role in tourism attraction and expenditure.[10]

[10] Adelaide City Council (2015) *Economic Value of Heritage Tourism*; Presentation by the National Trust at LGA workshop "Tourism and Heritage – a Winning Combination" October 2014; The Allen Consulting Group 2005, *Valuing the Priceless: The*

Local governments support the principles of good planning set out in the PDI Act, and see effective development and implementation of local heritage reforms in appropriate consultation with stakeholders as consistent with those principles, and as contributing to the objects of the Act.

The draft update to The 30-Year Plan for Greater Adelaide contains many policies that acknowledge the value of local heritage, character, and context, as well as many policies to support growth and development within existing urban areas. As consultation continues on the draft update, it will be important to understand how these strategic directions work together to provide for the best possible planning outcomes.

From a local heritage perspective, urban infill development is compatible with heritage conservation, and with good design offers opportunities for improving streetscapes and areas in ways that can benefit local heritage places and incentivise their restoration and use.

Conversely, such development also has the potential to impact negatively on local heritage, and clear policies and frameworks for decision making are required where heritage conservation must be considered alongside other objectives in pursuit of infill targets.

In this context, prior to development of a draft Bill incorporating local heritage reforms, local governments are of the view that further consideration, clarification, and consultation is required in relation to:

- The relationship of local heritage reforms and the objectives of the planning system and planning strategy as expressed in the PDI Act and 30-Year Plan;
- How and why currently proposed reforms differ from the suite of recommendations of the Expert Panel on Planning Reform;
- The operation and implementation of reforms, in particular governance and roles and responsibilities for decision making;
- Opportunities for economic benefits of heritage conservation to be realised, including holistic consideration of funding and incentives for economic use alongside policy reforms;
- New heritage listing criteria, particularly on the methodology for selection of themes, and issues of thresholds and over- and under-representation;
- Existing Historic Conservation Areas/Zones and how they will be identified and protected in the future;
- Interim demolition control for proposed local heritage listings;
- Mechanisms for policy clarity, effective guidance, and clear decision making roles in development assessment; and
- Effective engagement of the community in development and implementation of reforms.

Importantly, appropriate consideration of these issues requires a program of consultation with sufficient time and information for Councils to engage with their elected members and communities, and contribute constructive feedback to the reform process. This is likely to involve additional rounds of consultation to that currently underway.

Local governments will continue to seek further engagement with DPTI both directly and through the LGA to contribute to a local heritage reform package that appropriately reflects the aspiration, priorities, and values of the State government and metropolitan local governments and their communities.

Value of Heritage Protection in Australia, Research Report 2, Heritage Chairs and Officials of Australia and New Zealand, Sydney.

P045

Underwood, Sharon (DPTI)

From: shirley rowe
Sent: Thursday, 29 September 2016 10:52 PM
To: DPTI:Planning Reform
Subject: Comments re the Local Heritage Reforms discussion paper

RECEIVED
30 Sep 2016
DPTI

To whom it may concern,

I'm concerned about the wording on pages 5 and 7 of the Local Heritage Discussion Paper :

Page 5 – "The listing of local heritage places will also need to be considered in balance with the broad strategic objectives of the State."

Who makes this judgement? This could become very politically motivated and be open to many variables and no certainty.

Page 7 - "Another improvement could involve considering the demolition of local heritage places 'on merit'."

Who decides the merit of demolition? Is it the developer? Who does the developer have to convince of the 'merit'? Will the merit be based on the mantra of jobs, jobs, jobs???? Once the jobs have gone, the community is left with another unnecessary tower block, eg the Ibis Hotel on Grenfell Street at the cost of a de-listed heritage building.

Page 7 "There could also be opportunities for accredited heritage professionals to provide the heritage equivalent of a current Building Rules Consent Only, where, on balance, their judgements reveal that a full assessment is not warranted in relation to internal alterations."

The wording above, also from page 7, appears to be a good idea to help the process of consent if it means heritage buildings could be modified in a reasonable manner to make them economically viable.

This document is not easy for the layperson to read and lacks detail. Surely there has been enough time for the government to provide more clarity and formulate a document which isn't so vague in it's final intentions.

Developers may donate to political parties at election time but the people of the state are paying the salaries of public servants and politicians. They are the ones who should be listened to, not the developers alone.

I live in a local heritage listed property in Kensington within a small street of similarly listed houses. Once the fabric of heritage buildings is gone, there is no way of getting it back. All the major cities of the world value their built heritage and tourists flock to these cities because of the history and the architecture. Don't let Adelaide become another Sydney of boring towers, little greenery and no history. Please don't succumb to developers' wishes at the monumental cost of losing one's history of place.

Yours faithfully,

Shirley Rowe

P046

Reference: TRIM 16/62918

RECEIVED
29 Sep 2016
DPTI

29 September 2016

The Barossa Council

Ms Anita Allen
Manager, Planning Reform
Development Division
Department of Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

Dear Anita,

LOCAL HERITAGE DISCUSSION PAPER – COMMENTS FROM THE BAROSSA COUNCIL

Thank you for the opportunity to comment on the "Heritage reform - an exploration of the opportunities: Local Heritage Discussion Paper".

Heritage is paramount in the Barossa region contributing towards its special character. While heritage places contribute visually and aesthetically, they also invariably exhibit high quality design standards with embedded energy efficiency principles, and a certain robustness not readily reflected in modern buildings. The Barossa Council therefore seeks a system which not only facilitates the retention and ongoing sustainable use of existing heritage places, but which also promotes the ongoing adoption of these built qualities.

The following comments are based on the discussion paper itself and subsequent question and answer document provided by the State government.

Council understands the discussion paper is in response to the Expert Panel on Planning Reform's The Planning System We Want report which made various recommendations relating to heritage and the State Government's response to those recommendations which proposed a two-step approach to heritage reform:

1. **Heritage reforms in the planning system** - The Government agreed with the Expert Panel that State and local heritage listings should be brought under one umbrella, proposing to merge State and local heritage listing processes into a single framework. The new *Planning, Development and Infrastructure Act 2016* (PDI Act) addresses these matters.
2. **Wider heritage reforms - rethinking what we mean by 'heritage'** - the proposal was to proceed with a wider discussion paper in the second half of 2015 that "canvasses ways in which heritage can be repositioned more broadly".

Wider reform discussion?
Council sees a disconnect between the Expert Panels' recommendations, the State Government's response and the directions proposed in the discussion paper which doesn't address the proposed wider reform as it only focusses on local heritage matters, nor does it explain how the government intends to "substitute contributory items and historic conservation zones and areas with new mechanisms" as indicated in its response to the Expert Panel's recommendations. It appears those aspect are to be the subject of a further discussion paper.

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Nuriootpa SA 5355
Phone (08) 8563 8444
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Further legislation
The discussion paper and question and answer document suggest new legislation is proposed notwithstanding that the new PDI Act provides a framework for the Planning and Design Code to list State and Local heritage places and for the Code to indicate development categories and procedures. Council suggests that any new legislation needs to be *amending* legislation to amend the PDI Act rather than introduce a new standalone Act. However Council questions the merit of preparing legislation in the absence of the broader discussion about heritage reform – that is, beyond local heritage.

Local heritage listing
Experience shows that 'surprise' listing of local heritage places generates opposition and distrust, and while early consultation with owners is to be encouraged, this has to be weighed against the potential risk of damage to properties during the formal listing process. This risk is exacerbated by demolition of non-heritage listed properties now only requiring building rules consent only (i.e. no longer requiring development plan consent). Council suggests that interim operation will still be necessary.

Listing criteria
The discussion paper suggests that the description of local heritage places needs to be expanded and routinely updated but it fails to acknowledge the significant resource impacts on local government if this was introduced.

Development assessment
The suggestion about reviewing what requires development approval and simplifying the application process has merit but the potential for accredited professionals to grant approval needs to be treated with caution, unless the Planning and Design Code provides clear performance measures and there is some dispute resolution process where a local council could intervene if it considers planning or building aspects have not be adequately addressed. An option is for accredited professionals to only deal with minor matters which normally would be complying development, as opposed to significant proposals including a change of use of a heritage place.

Categorisation of demolition
The discussion paper raises the potential for demolition of local heritage places to be assessed on merit in future. Media reports suggest this is one of the more contentious discussion points in the discussion paper and to ensure increased probity and accountability a potential approach would be for the Planning and Design Code to provide that proposals to demolish heritage places is to be determined at a development assessment panel level as opposed to an accredited professional or assessment manager.

Heritage versus character
Council sees merit in distinguishing between heritage and character as they current approach can be confusing. As an example, the Barossa Valley and McLaren Vale character preservation legislation and the associated Addendum to the Planning Strategy recognises various character values which recognise a range of values and attributes including natural landscape, industry and tourism, in addition to heritage attributes. In turn these character values are relevant to assessing the special character of each district. This example highlights that because character extends beyond heritage aspects any proposals to separate these two concepts needs to be part of a broader reform and not isolation.

Please contact Paul Mickan, Principal Planner, by email (pmickan@barossa.sa.gov.au) or phone (8563 8493) if clarification of the above points is required.

Yours sincerely,

Martin McCarthy

Chief Executive Officer

P047

RECEIVED
30 Sep 2016
DPTI

Patricia Sumerling

Here are my recommendations about Local Heritage places

1. The management of Local Heritage places and potential ones must stay under the control of Local Government. It and the communities within each council area are best able to define what is of community value to them. It's worked in the past for over 30 years with very view hiccups.

2. Interim Listing must stay as an important factor of local heritage assessment processes. I know of one owner in the 1990s who refused listing of her Walkerville property. Then when she sold it the next owner demolished it. Needless to say, she almost had a mental break-down over it.

3. No building built before 1942 should be demolished without, first the owner having to produce a detailed assessment report by a heritage consultant as chosen by the local government area the property is within. Further, this report must be paid for by the owner or developer that intends demolition. 1942 and before is chosen because a total building ban was enforced during the Second World War, which wasn't lifted until into the 1950s. By which time architectural styles were totally changed. The Westpac Building on the corner of King William Street and North Terrace is a very fine example of this. Etherington's proposal of implementing this to buildings before 1914 is short sighted as there is 100 years of places built after this. Would you regard subdivisions such as Springfield, Athelstone (Hickibotham's first subdivision of early 1960s with trees left standing, and still mainly intact); also cold war installation of Woomera, the only one of its type in the world. The list goes on and on. Most of King William Street is made up of 1920s and 1930s buildings, not many before the First World War.

4. Again, where a building has already been listed as a Local Heritage Place or State Heritage Place and an owner developer wants it taken of the list, they should be bound to write a heritage report as to why this should happen. Again a consultant must be chosen by the Council body, but the assessment is paid for by the owner/developer. This is to avoid what happens when a building has come up as being

removed from heritage registers (Union Hall and the Maughan Church)

5. Criteria for assessment should be the same as that for State Heritage places. The only difference is that the question to be asked 'but is it worthy of State Heritage listing?' This is usually immediately apparent.

6. It is apparent that half of South Australia, to date, have had no heritage surveys done. This is ludicrous. Not so long ago the Eyre Peninsula was offered about $100,000 to undertake one, but declined because they weren't going to put up the other $100,000 required. This was foolish as each council area could have added its portion.

7. The notion of a Conservation Area where identified should be implemented such as North Adelaide, parts of Norwood, St Peters, Unley etc etc.

8. Streetscapes in the city of Adelaide should be identified once more. A survey was done some years back but the good people of Adelaide rejected the register. Now, in the city, many streetscapes earlier identified, no longer exist and the few that do, are under great threat (Northern side of the corner of Waymouth Street and kin William Street; both sides of East Terrace; along both frontages of Hindley Street between king William Street and Morphett Street) There are many more in the city I could identify that are vulnerable to zealous developers

9. Contributory places can be viewed in a similar way as 'streetcapes'

10. If a building is identified as worthy of listing and an owner objects to its listing, tough luck. If an entire community or a Heritage Consultant of repute has identified the building, then the owner's decision should be disregarded. If they don't like it they can sell up.

11. Once listed, no place should be removed from a heritage register. In this case State Heritage Places. (Union Hall and Maughan Church are examples of pushy owners and a weak minister)

Patricia Sumerling
30 September 2016

P048

Underwood, Sharon (DPTI)

From: Jill Werner
Sent: Friday, 30 September 2016 11:48 AM
To: DPTI:Planning Reform
Subject: Local Heritage Reform Discussion Paper Feedback

My view on some issues identified in the discussion paper:
– Poorly / inconsistently applied local heritage criteria – **AGREE**
– Lack of comprehensive review – **AGREE**
– Sensitive consultations occurring too late in the process – **AGREE**
– Confusion between 'heritage' and 'character' – **AGREE**
– Inconsistent Development Assessment procedures and policies – **AGREE**
– Formalising a role for accredited heritage professionals. – **AGREE**

My view on new listing processes identified in the discussion paper:
– Ensuring accredited heritage professionals survey and identify proposed local heritage nominations with the early assistance of the community in accordance with a heritage listing practice direction prepared by the Commission – **AGREE**
– Early notification of an owner of a property likely to be identified as having local heritage value in accordance with a heritage listing practice direction – **AGREE**– Reducing the set time for public consultation consistent with the Community Engagement Charter (possibly 4 weeks in lieu of the current 8 weeks) owing to improved earlier engagement and owner notification. – **STRONGLY DISAGREE**
– Extending the primary role of the expert heritage committee (currently the Local Heritage Advisory Committee) from considering individual objections to more broadly considering proposed listings in the context of the local area established through a heritage listing practice direction. – **VERY STRONGLY AGREE**
– Under delegation from the Planning Commission, the expert heritage committee finalises heritage related amendments for incorporation into the Planning and Design Code. **– VERY STRONGLY AGREE**
– Periodical review and updating of the statements of heritage value and descriptions of the listed elements of the place. **– VERY STRONGLY AGREE**
– Clarify the difference between 'Character' and 'Heritage'– **AGREE**

The levels of control over Historic Conservation Zone (HCZ) are not much different from Local Heritage Place (LHP). Therefore it is common sense and courtesy for the same considerations and appeal rights, and some authorities agree. Please give the owners of a Historic Conservation Zone property, not just Local Heritage Place, the right to appeal to the Local Heritage Advisory Committee.

Thank you,

Jill Werner

P050

Vranat, Meredith (DPTI)

From: John Daenke
Sent: Sunday, 2 October 2016 10:45 AM
To: DPTI:Planning Reform
Subject: Submission

Follow Up Flag: Follow up
Flag Status: Completed

As a ratepayer of Norwood, St Peters and Payneham Council I support the Council's submission
John Daenke

P051

Thank you for accepting this submission.

I strongly believe that my locally elected council is in the best position to determine which and how many buildings are heritage listed within their jurisdiction.

I also strongly believe that my locally elected council is best placed to determine the nature of development in various areas across their jurisdiction through local zoning, such as Historic Conservation Zones.

Being elected by local people and living locally themselves, our councillors are the most informed people to be deciding on the strategic direction of our local area.

I choose to live where I do because of the atmosphere and environment around me. My surrounding area provides me and my family with a great sense of happiness and wellbeing. The wonderful neighbourhood where I live is a result of the planning and work of the local council of years gone by, and is carefully planned and managed by the current council to only improve in the years going forward.

I have personally experienced the process of rebuilding a property within my local council's heritage framework. Not only was the process smooth, easy and efficient but the end result was a beautiful heritage home that improves the general amenity of my local area (for all other residents in our local area to enjoy) and is also a beautiful home for my family to live and grow up in.

I think that state government bodies are too far removed and not familiar enough with my local area to make decisions about my surroundings which ultimately affect the wellbeing of myself and my family. I therefore strongly oppose any reforms relating to local heritage.

Yours sincerely,

Tim Hutchesson

P052

Vranat, Meredith (DPTI)

From: Alex Paschero
Sent: Monday, 3 October 2016 9:30 AM
To: DPTI:Planning Reform
Subject: Historic Reform

Follow Up Flag: Follow up
Flag Status: Completed

RECEIVED
04 Oct 2016
DPTI

Dear Mr Rau,

Adelaide the City of Churches

Adelaide is a quaint and historic city. This is its appeal and why we, the residents, choose to live in the city.

We want to retain the heritage of the metropolitan area of Adelaide. If you remove the local council's ability to zone and control the heritage then you remove the voice of the resident. You will have uninformed and remote application of rules by people who have no interest in maintaining the features of Adelaide.

We live in a house marked as a contributory item. We also like modern living. However, removing the historical zones would diminish the liveability of the area, the quiet ambiance of the suburbs. Residents like the historic feel of these neighbourhoods as well as the trees. This is seen by the demand for residency within these areas. If you remove zoning from the local council then you open this to high rise development which will **decrease** demand in the city centre from long term residents.

We believe the intent of the reform is to remove zones is to allow the path for apartment living closer to the city in the eastern/north eastern suburbs. This will increase the load on already overloaded infrastructure but does nothing to increase jobs. The government needs to focus on increasing business and supporting small innovative business to flourish in the state. However, what the government is planning is flawed. The state will be setting up ghettos of the future. As a resident I don't want to be part of this. At the moment a lot of residents grapple with living in an almost bankrupt SA economy versus enjoying the quality of life. This type of development will push working people out of the state.

It is important to leave these decisions in the local hands of the council.

Your sincerely,

Alex and Kim Paschero

NATIONAL TRUST
of South Australia
ROBE BRANCH
South Australia

PO Box 324,
ROBE SA 5276
ABN 45 432 652 72

P053

Patron-in-Chief
The Honourable Hieu Van Le AO
Governor of

20 September 2016

The Hon. John Rau
Minister for Planning
GPO Box 464
Adelaide SA 5001

Dear Minister

Re: Proposed Changes to Legislation regarding Local Heritage

The Robe Branch of the National Trust of South Australia supports the points made by the National Trust of South Australia President, Mr Norman Etherington, in his response titled "Our Local Heritage Under Threat", pertaining to the Department of Planning, Transport and Infrastructure's discussion paper "Renewing Our Planning System – Placing Local Heritage on Renewed Foundations".

We strongly protest that the consultation process is inadequate and severely flawed. Our local Council brought this matter to our attention on 28/8/16. Our Branch has not had timely opportunity to adequately "discuss" the implications of the State Governments "discussion paper". We consider that a minimum consultation for public response for such an important matter should be at least six months.

Robe is differentiated from other South East seaside towns by its heritage value.

The District Council of Robe has a long history of recognition of local heritage importance and there are 50 Local Heritage listed places and properties and 30 listed under State Heritage in the council area. The governance of the preservation and maintenance of this heritage value has required local knowledge and understanding of our history and heritage - not possible from a state office. If the preservation of these 50 local heritage places had depended on governance solely from a department in Adelaide it is doubtful that we would have maintained this heritage that the residents and visitors to our town so value.

A thorough understanding of built heritage and its place in our history is vital in preserving the heritage value and character of our town for future generations.

The government "discussion paper" fails to recognize the contribution to preserving local heritage supplied by volunteers in community organizations such as the National Trust and local History Groups and the value provided in public benefit by this. Retracting local input would diminish this contribution.

Yours faithfully,

Jillian Davidson
Branch Chair

P054

Vranat, Meredith (DPTI)

RECEIVED
04 Oct 2016
DPTI

From: Sally Armstrong
Sent: Monday, 3 October 2016 1:30 PM
To: DPTI:Planning Reform
Subject: Feedback: State Govt proposed reforms re Local Heritage management

Follow Up Flag: Follow up
Flag Status: Completed

To The Mayor,
Mr Robert Briar

Thankyou for the opportunity to look at the Discussion Paper which I have just read. It has left me wondering what the role of local councils will be should the new model of heritage assessment, management and development be put in place. Exactly who will comprise this expert Heritage Committee?

Personally, in relation to the realisation of heritage value, I want the role of my local council to be strong and clear. I hope Local Government knows the area well and will act to preserve and extend heritage value, whilst still acting to safeguard the interests and amenity of residential areas and business ventures. Some local areas naturally have more heritage value because of their age and history. Such areas have attracted residents that value heritage. This is not the case throughout the state and a state approach is not necessarily the best approach to the management of heritage value.
I have concerns about a proposal that may cap the number of buildings that can be listed, when this state has not yet, in my opinion, fully considered that heritage is a business opportunity.

I have real concerns about 'demolition on merit' and a 'sped up process', both of which could be used to push through business development at the expense of heritage value and the integrity of heritage zones. 4 weeks is not necessarily enough time for the considerations that some projects require and for real community engagement. A Government who has sacrificed our Parklands for saving 3 minutes of travel time on an O-Bahn project amidst so much public objection, can in no way be trusted.

Yours sincerely,

Sally Armstrong

P055

RECEIVED
04 Oct 2016
DPTI

In response to : Local Heritage Discussion Paper.

The discussion paper, in my opinion, says very little about what is actually intended. In ist's barest form, it would appear that the intention is to remove local heritage from local councils and substitute an Expert Committee to supervise heritage, both state and local.

The type of 'Expert Committee', and who it will be made up of, is not described. I Questionable expert committees have, to date, been less than attentive to the wishes of the people, an example being the O'Bahn debacle. The wishes of the people were not listened to.

- response to **Local Heritage Reform Could Include…**

To preserve for posterity, a single article of an era; as is done in so many museums, is not good enough. Architects have designed buildings in styles that have, through fashion, been propagated throughout an entire area e.g. St Peters, Walkerville, Prospect, Mile End, and the list goes on. To preserve an example of the dominant architecture is as absurd as preserving one stuffed elephant when all others are extinct.

State governments are at arms length from the community and so will the Expert Committee likely be. This Expert Committee may not represent my interests at all.

- response to **Implementing a framework document and 'practice direction'**

This is hugely risky. I understand that if there are two examples of heritage valued buildings, one in one council area and the other in another council area, it could be decided that 'one is enough…we have an example of x, so we can knock down the other one'. This diminishes our local heritage that belongs also to the next generation. Not good and a major concern. This approach is 'theme park' and Kraft cheese slice and undermines the uniqueness of heritage places. What would happen if something was unique and didn't quite fit into a 'cited parameter'? Would it just fall into a too hard basket? We run the risk of trying to fit our heritage into a framework - putting the cart before the horse.

- response to **Streamlining our listing process**

This is of considerable concern. Reducing the time for discussion can result in a project being rushed through without proper consideration.

The capping of the number of properties that may be placed on the register I have dealt with above. zoning Areas preserves architectural history and ways of life. Preserving that history cannot be done if a few properties are maintained whilst swamped by conflicting architecture. As someone who is genuinely interested in history, a workers cottage flanked by five storied apartment blocks is shameful.

Heritage is not only for you, or I. It is for the benefit of future generations, children as yet unborn. The document that the Government wishes us to support has, in my opinion, too many areas that are ill-defined and that may risk heritage.

Yours Faithfully

Jonathan Armstrong

3/10/2016

P056

Vranat, Meredith (DPTI)

From: Penelope Schapel
Sent: Monday, 3 October 2016 2:34 PM
To: DPTI:Planning Reform
Subject: Opposing proposal for local heritage reforms

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

As a residence in the City of Norwood, Payneham & St Peters, I write to OPPOSE the state governments proposal for local heritage reforms.

I strongly value the build heritage of the area.
My love of the area derives from the heritage buildings and the historic streetscape.
I wish for the current local heritage to remain for future generations.

Thank you for your consideration.

Kind regards,

Penelope Schapel

iPhone

P057

Vranat, Meredith (DPTI)

From: VIncent Anderson
Sent: Monday, 3 October 2016 2:57 PM
To: DPTI:Planning Reform
Subject: SA Government's Proposal For Local Heritage Reform

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir/madam,
We are very concerned about changes to criteria used to identify & list heritage buildings.
We note that many interstate & overseas visitors to SA cannot believe we have so many heritage buildings & historic conservation zones. In other states of Australia & other countries such buildings have been lost to posterity. We are very lucky that previous leaders have had the foresight to retain such buildings . Australians travel overseas to London, Paris & other cities to see the magnificent buildings & built environment.
Adelaide does & can further develop tourism in the heritage area.
We are also very concerned that Historic Conservation Zones are under threat & we will see Inappropriate infill allowed within historic areas. Norwood Payneham & St Peters has many Conservation zones which add to the character & liveability of the city.
There are many areas in Adelaide which can be developed but not at the expense of our local Heritage buildings & Historic Conservation Zones.
A government only remains in power if it listens to the wishes of the community. Unfortunately of late the government is not listening!
Kaye & Vincent Anderson

Sent from my iPad

P058

SUBMISSION ON DPTI LOCAL HERITAGE REFORM DISCUSSION PAPER

RECEIVED
04 Oct 2016
DPTI

I strongly support the submission from the National Trust of South Australia.

I strongly support the retention and transfer of existing Local Heritage Listings as Local Heritage Places into the Planning and Design Code under the new Planning, Development and Infrastructure Act 2016 (PDI Act).

I take offense that 'this discussion paper has been prepared to encourage … ideas and feedback from experts and practitioners involved in local heritage practice'. What is so precious about this content and process that it is to be confined to a select group of respondents? Please do not exclude the general population. Many have a heritage listing on their property and could be affected by suggested reforms. Many live in Historic Conservation Zones and will wonder what impact the suggested reforms will have on them. Many appreciate the value 'heritage' adds to the local, regional and State communities – aesthetically and economically. Many will feel that the Government is wanting to steamroll suggested reforms and will wonder why.

In the 30-year Plan for Greater Adelaide 2016 Update document there is comment (to paraphrase) that local area planning will be undertaken so …. is grounded in local context, and needs of communities will play a greater role in determining how their community develops. Linking this to heritage, one should acknowledge that each community/area will have different aspects of heritage it wishes to preserve. The Pt Adelaide area is going to have many more – and different components – than say the Golden Grove area. So it is important that the 'rationing' type discussion of 'how many is too many' does not dominate the process. The older, earlier developed areas will have culturally significant characteristics that the local, and often, wider community identify as important – whether it is historic, aesthetic, scientific, social, spiritual. So themes are useful IF they are applied for consistency of implementation, NOT as a rationing device. These themes MUST be developed/enunciated/ clarified with appropriate consultation with the general population.

Mention is made in the discussion paper regarding the Victorian system. My limited experience is that while the multiple 'overlays' make sense, the whole system is weakened by an appeal process (VCAT) that strongly favours developers

by regularly over-riding council decisions and completely ignoring the original zoning and overlays. The 'push' by developers is actually ruining the very thing that the zoning and overlays have achieved – the local fabric of historic, character areas. This is the 'elephant in the room'. How can the general population have faith in a planning system that does not uphold the basic premise on which it is established?

Demolition of local heritage places 'on merit' is fraught with problems. Who (Councils, ERD court, panel of 'experts') is to determine that the owner, sick of the upkeep, is deliberately allowing the property to deteriorate to the stage s/he may argue 'it is uneconomical' to maintain/restore? This is currently a grey area and thus there should be VERY clear and strict rules and processes covering this aspect. Grants to assist owners maintain heritage places should be retained. Just as new developments are required to contribute towards open space, perhaps they could also contribute to a heritage protection fund. Tourists appreciate Adelaide's 'heritage' characteristics: they do not visit to see modern, replicated buildings.

Mention is made of panels of 'experts'. Communities wish to retain the 'local' in their lives: the Development Assessment Panels at local Council level have introduced 'experts', often at the expense of 'local'. Perhaps a panel of heritage 'experts' along with one or two 'local' representatives would reassure the community that the Government is genuine in its desire to retain and value local heritage.

May I suggest that there should be wider discussion in relation to what the Government is actually trying to achieve with the proposed changes to local heritage in the PDI Act. Currently there is mistrust –that what is being suggested is opening the way for more indiscriminate development at the expense of local heritage. The discussion paper has succeeded in raising many important issues. Hopefully the Government keeps faith with the community and involves them in ongoing, genuine consultation.

Thank you for the opportunity to comment.

Robin Donaldson

P059

Vranat, Meredith (DPTI)

From: Diane Pomeroy
Sent: Monday, 3 October 2016 3:10 PM
To: DPTI:Planning Reform
Subject: Local Heritage Planning Reform

Follow Up Flag: Follow up
Flag Status: Completed

Hello

I've read your Local Heritage Discussion Paper and can see nothing in it to alleviate concerns that any changes to management of local heritage sites will provide more protection to these sites and keep them out of the hands of developers.

On a recent trip to Europe and England I couldn't help but reflect on the large number of heritage buildings there and the immense sense of history and heritage they convey. At the same time I couldn't help but identify how much Australia is lacking in this regard and if we continue to tear down buildings simply because they are old and stand in the way of development we will never achieve the same sense of heritage and history.

Please consider including more protection for our heritage and ways of making it harder to tear down our buildings simply to please developers. Having preservation of local heritage under the umbrella of the planning council does not seem an appropriate way to preserve the integrity of our heritage.

Regards

Diane

P060

Vranat, Meredith (DPTI)

From: Warren Doman TPG
Sent: Monday, 3 October 2016 4:02 PM
To: DPTI:Planning Reform
Cc: Darren Peacock
Subject: Local heritage submissions

Follow Up Flag: Follow up
Flag Status: Completed

RECEIVED
04 Oct 2016
DPTI

Department of Planning, Transport and Infrastructure,

I believe that the Discussion Paper on Local Heritage is flawed and needs immediate revision.

There was no public forum to launch the discussion paper and only a select number of organisations were notified with instructions to submit written comments in less than 1 month.
I believe it was unfair in limiting who could submit comments, and also made it extremely difficult for many community organisation and councils to comply.

Local Heritage is all about places that the people of the local communities believe are deserving of heritage protection.
In this paper the Department gives Local Heritage the lowest category of heritage protection, so if as this paper alludes to, elected councils aren't involved in identifying local heritage, then it is hard to see that there will be many local heritage places put on the list for protection.
In the paper it says that what needs protection can be identified by experts. Experts can tell you useful things about buildings & places but in the end it is only the people in the community who can say what they believe deserves protection as Local Heritage and isn't it the government's responsibility to act on the will of the people (i.e. those who voted them into power).

Please don't let our local heritage be eroded for commercial gain.

I would like to see the Department of Planning restarts this process and produce a new discussion paper based on submissions from the public.

Regards

Warren Doman
Strathalbyn Branch
National Trust of South Australia

P061

Vranat, Meredith (DPTI)

From: Warren Doman TPG
Sent: Monday, 3 October 2016 5:02 PM
To: DPTI:Planning Reform
Cc: Darren Peacock
Subject: Local heritage submissions

Follow Up Flag: Follow up
Flag Status: Completed

RECEIVED
04 Oct 2016
DPTI

Department of Planning, Transport and Infrastructure,

The Management Committee of the Strathalbyn Branch of the National Trust of SA totally supports the views put forward by Professor Norman Etherington, President of the National Trust of South Australia, on behalf of the Cultural Heritage Advisory Committee, in his "Critique of the DPTI Local Heritage Discussion Paper".

We agree with his comments that the proposed reforms by the Department of Planning, Transport and Infrastructure to the ways we recognise heritage places in South Australia requires widespread consultation with councils, community organisations and the general public before this legislation proceeds.

We object that only a select number of organisations were asked to submit written comments, and also that they had less than 1 month to do so.
We believe that limiting who could submit comments was unfair, and for those community organisation and councils asked to submit comments, the short time frame given made it extremely difficult for them to comply.

One of Adelaide & South Australia's significant points of appeal and advantage over other cities and states in Australia is our relatively intact stock of historic character stone houses and commercial buildings, which are the envy of other states. Unfortunately we don't see anything in the proposed reforms that suggest they will enhance their heritage preservation.

We believe that the proposals, and the ways they have been presented without proper consultation, are unacceptable.

We would like to see the Department of Planning restart this process and produce a new discussion paper based on submissions from the public.

Regards

Strathalbyn Branch Management Committee
National Trust of South Australia
1 Rankine St
Strathalbyn SA 5255

P062

Vranat, Meredith (DPTI)

From: Elizabeth McLeay
Sent: Monday, 3 October 2016 5:18 PM
To: DPTI:Planning Reform
Subject: Local Heritage Reforms

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern

I have read the submission from the City of Norwood Payneham and St Peters and support the comments in relation to proposed changes to local heritage legislation.
I currently reside in Norwood where I have lived for 22 years. Prior to this I lived in Unley from infancy, apart from some years as an adult residing in Melbourne where I was born.
Both these areas have strong cultural and built heritage features which are supported by their respective Councils and residents.
In my opinion residents of a region, such as a council area, are extremely important to the preservation of local heritage. In some cases their connection to an area is multi –generational and they or their families have contributed to the fabric of the area and continue to do so.
I would not like to see local government sidelined further from development processes. State government policies pursuing aggressive in fill policies are progressively moving Adelaide from a congenial living space to a soul-less mishmash of buildings quite out of context with their surrounding dwellings. In addition much green space in the form of gardens and tree is being replaced by hard surfaces.
Nature is reminding us that we live on a flood plain. Any development should have this in mind. Our heritage includes the green-space and waterways of our state.

Yours sincerely
Elizabeth McLeay

P063

Vranat, Meredith (DPTI)

RECEIVED
04 Oct 2016
DPTI

From: stewart roper
Sent: Monday, 3 October 2016 9:56 PM
To: DPTI:Planning Reform
Subject: Proposed changes to heritage protection

Follow Up Flag: Follow up
Flag Status: Completed

It is a joke cloaking the proposed changes in a fuzzy wuzzy paper with lots of pictures of beautifully preserved buildings; these buildings are still here because of the existing heritage laws. Under your proposed "land grab" laws they would have been long gone.
I have lived in several cities around the world that are inundated with tourists because they have protected their heritage. I don't want to live in a city or suburb Because that's where you can really get your hands on developers' money) of square concrete blocks just like everywhere else in the world.
Please leave our heritage laws alone, they are the reason we still have a beautiful city.
Yours Sincerely, Stewart James Roper

P064

RECEIVED
04 Oct 2016
DPTI

NATIONAL TRUST SOUTH AUSTRALIA

Port of Adelaide Branch
PO Box 63 PORT ADELAIDE
SA 5015

His Excellency the Honourable
Hieu Van Le AO
Governor of South Australia
Patron-in-Chief

Submission on DPTI discussion paper 'Renewing our Planning System'

The Port of Adelaide branch of the National Trust (hereafter PoANT) of South Australia welcomes the opportunity to comment on the proposed amendments to the *Heritage Places Act 1993* (hereafter *the Act (1993)*). PoANT has a membership of around 90 people in the Port Adelaide area. Branch members have a wide diversity of backgrounds including professional boat builders, teachers, university lecturers, public servants, maritime architects, artists, design consultants, ex-wharfies and boiler–makers, to name a few.

PoANT believes that wider consultation with interested parties is needed before a final draft of the legislation is put forward to Parliament. This submission argues that it is difficult to comprehend what is actually being intended by the proposed changes to *the Act (1993)*. So far we only have the document titled *Renewing Our Planning System: Placing Local Heritage on Renewed Foundations* to go on. The document does not adequately explain why there should be a focus on local heritage except to say that the current *Act (1993)* is "not as compatible with these criteria [as is, presumably, the national model heritage criteria (HERCON)]" (p.2). The document does not examine where these criteria diverge from the HERCON criteria nor provide an argument for making the proposed changes. It elsewhere states that there are inconsistencies "with the commonly used heritage criteria interstate" (p.3) but does not state what these inconsistences are.

The document's authors then note that "local heritage criteria – as derived from the *Heritage Places Act 1993"* might include a number of the former definitions included in *the Act* (1993). But they do not specify what changes will be made. There is some discussion of "a framework document and 'practice direction'" (p.4) which is aimed to evaluate objects, places and events "in the context of broad historical themes rather than as separate local heritage nominations" (p.4). As stated in the discussion paper this proposal is aimed at reducing the number of places, events and objects on the register (p.4). The question is why?

One of the major issues the discussion paper raises for PoANT is 'Who decides on the local evaluation of heritage objects, places and events?' Will it be the locals who have lived this heritage and perhaps, also include those who have been frequent visitors to a particular place or site in a given area or will it be left to a panel of experts who are often not directly connected to a particular place, event or object in say, the Port Adelaide region?

PoANT has some more thoughts and comments to offer on the proposed changes and these are presented below. Note that our understandings of 'heritage' and 'character' are not treated as mutually exclusive entities as the DPTI discussion paper seems to imply. Rather both entities are necessary for a more complete understanding of each.

We are particularly interested to acknowledge the intangible and tangible qualities of place and space. Our focus is not only on the inherent values in a site or property but also associated with social aspects that locals believe are important to the retention of the fabric of their community. Such values play an important role in the meaningful construction of their lives. 'Heritage' for us refers to a lived and living heritage, and as such references vibrant and dynamic concepts of community practices in 'cultural landscapes'. We argue that such landscapes are constantly being constructed, disturbed and transformed by everyday understandings, meanings and human actions of citizens as well as by the visions, disciplines and products of planners and regulators. For us, positions on heritage and development are not antithetical; the two can be reconciled through good and imaginative planning, architecture and regulation, as for example in thoughtful adaptive re-use of buildings.

In our submission to the proposed changes to the *South Australian Heritage Places Act (1993),* the Port of Adelaide National Trust argue for

- An inclusive heritage where not only elite views of heritage items are considered but also those relating to the vernacular, quotidian and recent as well as distant past
- This inclusive view of heritage is needed to sustain meaningful environments
- Meaningful environments are those associated with the character and social significance that communities associate with place
- In an inclusive heritage practice, decisions of heritage do not reside solely with upper socio-economic classes and their control over cultural capital
- Instead what is sought is a common view of history and heritage that relates to a broader population
- The inclusive view of heritage does not overlook or undervalue the type of places that the 'common man' holds as significant. These things of significance are in fact intrinsic to a sense of common identity
- Without cultural heritage with which people can identify there is a corresponding lack of well-being in communities. Feelings of exclusion lead to powerlessness and unhappiness. As Hawkes points out, what is regarded as good for the economy is not necessarily good for society (John Hawkes, 1991).
- The Government's stated aims to create a 'sense of place' in areas like Port Adelaide are needed in order for people to feel included; it is part of one's familiarity and continuity in a place and provides a sense of community sustainability
- Meanings and associations with place are often intangible. They are not just related to the appearance and preservation or the fabric or façade of a building or its age
- A meaningful environment is one that, according to Petrie (2005)

> "encourages sustainable communities, with a strong sense of identity and self, community engagement, social cohesion and inclusion and helps stave off cultural and psychological poverty" (Petrie 2005: 181).

Further, intangible values are critical for social inclusion and hence general feelings of happiness.

- The purpose of heritage protection as Petrie points out is "the inclusive purpose of the creation of meaningful environments" (2005: 191)
- It is both important and sound for communities to define what is of value to them; at present there are mechanisms for public consultation but these mechanisms do not employ a community-led definition of heritage. That is a significant problem when ideas of what is heritage can be diverse and usually decided outside of a given community
- As it currently stands the South Australian Heritage legislation allows for an inclusionary concept of heritage (see s 15, 17 and 18). However, the wording of *the Act* (1993) presents a quite different picture. What is presented in *the Act* maybe assuages the public about decisions made rather than include them in the decision making process i.e. heritage decisions may appear as a matter after *the Act*. Moreover, consultation with the public is limited by the particular category assigned to development applications under s.38 of the *Development Act (1993)*. There are 4 categories assigned in this *Act*: Category 1, 2, 2A, or 3 and these categories are at present assigned by the South Australian Heritage Department. We believe that local councils would, in many instances, be better equipped to assign these categories
- As *the Act (1993)* states the relevant body for decisions made about a heritage place is the South Australian Heritage Council. The composition of the South Australian Heritage council is as defined under s.5.1 (a) of the *SA Heritage Places Act (1993)* : as consisting of:

> 'people chosen for their expertise in a the fields of history, archaeology, architecture, the natural sciences, heritage conservation, public administration, urban and regional planning or property development (or any combination of these fields, or some other relevant field'.

As Petrie indicates this provision does not

> "confer membership on an 'expert' in social value. The Council is therefore lacking any input concerning a value essential to the

creation of meaningful environments and social inclusion" (2005: 187).

It would seem logical that any determination of heritage significance of built forms or sites or places in a particular location would, of necessity, involve a relevant community or group in consultation.

- To this end there must be a local listing of heritage places

We reserve further criticism of the document to those with a greater depth of knowledge of heritage specifics. Suffice to say some of the reforms at least on the face of it appear unclear in their intent and to place a greater proportion of the decision making with those outside of local community.

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Petrie, Lesley-Anne 'An inherently exclusionary regime: Heritage Law – The South Australian Experience', *Macquarie Law Journal* 2005(5), pp. 177- 199.

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Vranat, Meredith (DPTI)

RECEIVED
04 Oct 2016
DPTI

From: DPTI:Planning
Sent: Tuesday, 4 October 2016 1:11 PM
To: DPTI:Planning Reform
Subject: FW: Local Heritage Planning Reform

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----
From: Jonathan Harry
Sent: Tuesday, 20 September 2016 6:04 PM
To: DPTI:Planning Reform <PlanningReform@sa.gov.au>; DPTI:Planning <DPTI.Planning@sa.gov.au>
Subject: Local Heritage Planning Reform

May we support the submission of the NPSP Council? We can see the objective of the reform both State wide and locally. However centralisation planning has not dealt with the implications of the reform nor dealt with the pressures of development. It seems that the containment of urban boundaries, which we support, brings into play a focus upon local infilling. That concept has been very poorly explained in relation to heritage zones within Council areas. Especially is this so with the centralisation of decision making. We can only assume that Government is moving to remove any impediment in its path to ensure a Statewide perspective as contemplated by a centralised and remote Department rather than the local considerations promoted generally by its elected Council representatives. We realise our submission will end up in the waste bin as it would appear the decision has been already made and recommended to the Minister. As community members we feel totally disenfranchised.
Yours sincerely
Jonathan and Carolyn Harry

P066

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RECEIVED
04 Oct 2016
DPTI

4 October 2016

The Hon. John Rau
Minister for the Planning, Transport and Infrastructure
Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide SA 5000

Email: c/o - planningreform@sa.gov.au

Dear Minister Rau

RE: LOCAL HERITAGE DISCUSSION PAPER – AUSTRALIA ICOMOS RESPONSE

Thank you for the opportunity to comment on the South Australian Local Heritage Discussion Paper. I provide this letter as a submission on behalf of Australia ICOMOS.

ICOMOS is the International Council on Monuments and Sites. We are a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees comprising ICOMOS. Australia ICOMOS has over 600 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees and Australian expert committees, heritage councils and boards. We are the author and custodian of "*The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013,* a world renowned charter promoting best practice heritage assessment and management.

Australia ICOMOS supports the need to review and amend heritage management in South Australia through the planning reform process. We provide the following feedback on matters addressed in the Local Heritage Discussion Paper. We welcome the opportunity for further involvement in this process.

Expert Panel Recommendations
The State Government commissioned Expert Panel on Planning Reform recommendations of 2014, which included many policy recommendations and several recommendations focusing on heritage management. In particular, it was recommended that State and Local Heritage be managed under a single legislative system, to provide clarity and consistency for the community, consolidate expert resources and to cut red tape. The current discussion paper assumes that local heritage is to be managed under the Planning Development and Infrastructure Act and state heritage is to be managed under the *Heritage Places Act*.

Australia ICOMOS would support the management of both state and local heritage places under a revised Heritage Act, removing heritage assessment and management from the sometimes-divergent influences of state planning policy, and ensuring the public interests of heritage management are considered under the appropriate legislation and Minister. Further, this would simplify heritage management within the State, as local and state heritage places could be administered with the same policy, but under different value thresholds, providing clarity to the community and reducing red tape and assessment timelines.

Another Expert Panel recommendation was funding opportunities, which was excluded from the Discussion Paper. This is considered a crucial point for heritage management with low cost funding and financial opportunities providing a large difference for heritage place owners.

Updating of Local Heritage Listing Criteria
The current Local Heritage criteria (section 23(4), SA Development Act) are unique in Australia and have provided a basis for the assessment of the potential local heritage value of places since 1993. The criteria do not match those initially agreed, but not implemented by States as a part of early HERCON discussions. The re-worded criteria in the Discussion Paper also do not reflect the wording of HERCON criteria. South Australia's current State Heritage Place criteria generally reflect HERCON criteria and hence allow defendable evaluation of the national or state value of a heritage place, with only the threshold, rather than the interpretation of relative criteria to be determined.

Australia ICOMOS supports the alignment of South Australia's Local Heritage criteria with its State Heritage criteria. This alignment will allow easy, defensible assessment of the heritage value of a place against streamlined heritage criteria, with local, state and national thresholds. This is a common approach in other Australian states and would reduce contestation of heritage value by opponents based on 'word play' between the current mixed sets of State and Local criteria.

Interstate Reforms and Lessons
Australia ICOMOS supports the identification of significance thresholds and elements of heritage value for potential heritage places, as a best-practice approach to heritage assessment. We also support consideration of potential 'exemptions' to development control for Local Heritage places, in a manner similar to the Victorian Planning Scheme Schedule 43 tables, as this would provide clarity for heritage place owners and be good heritage practice.

Practice Direction and Historic Thematic Framework
Australia ICOMOS supports the development of a revised Historic Thematic Framework as sound heritage practice in the understanding and interpretation of the unique heritage values of South Australia. This approach has been previously promoted by the Australian Heritage Commission (Australian Historic Themes, 2001) and of course through the earlier 1980 Sue Marsden authored, South Australian 'Historical Guidelines' document.

A structured state and then local thematic framework would be a valuable tool in the testing and validation of heritage value of a potential heritage place against the criteria. The Discussion Paper questions weather there can be 'too many' heritage places. Australia ICOMOS argues that such an evaluation is not valid. Best practice heritage assessment would not consider if the number of heritage places was too many, but would rather consider if a group of such places were more appropriately protected for the community as a heritage area or precinct.

We support the use of a historic thematic framework as a 'second check' of heritage value, for the consideration of gaps in heritage lists, and as a means of adapting heritage listing to reflect changing community values over time.

Streamlining the Local Heritage Listing Process
Australia ICOMOS considers that appropriate heritage assessment involves the views of the community, the custodians of heritage value. Greater involvement in the development of historic themes and heritage assessment is encouraged. A Local Heritage Place nomination system that allows individual community driven nominations would remove political pressure and influence by local councils from the process. Furthermore the opportunity to have community consultation as part of local heritage studies should be mandatory. Heritage Development Plan Amendments are a cumbersome mechanism for Local Heritage identification. A system mirroring the current State Heritage nomination and assessment process would allow a more transparent, community focused process to occur, which is better heritage practice.

We support the review and updating of statements of heritage value and description of the listed elements of a place, however we are also cautious in relation to the outcome of having an element included or excluded from the listing. When a local heritage place or conservation area is designated, it is undertaken through the assessment process at that time. The assessment of what is significant and what change is appropriate for a local heritage place should be considered on balance as part of proposed change. New listings may have a greater amount of detail, however older listings may just have an address and single name (e.g. house) and not stipulate significant landscape fabric or setting (e.g. fence, vegetation). There is also danger that in listing all the significant components of a place for a new listing or as part of any review, that if significant fabric is not mentioned then it is not of any value and therefore change can occur without due assessment and consideration. An example may be a front

fence that is of heritage fabric and was constructed at the time of a dwelling. Another example may be significant archaeological remains.

In terms of heritage studies, we recommend that there is a standard brief available for all councils that provide clarity and consistency for heritage practitioners. Furthermore, where new local heritage listings are considered, heritage studies should be appropriately updated. The State Government should make funding available to local councils to sufficiently and effectively complete local heritage studies and reviews.

Expert Heritage Committee and Accredited Professionals

Australia ICOMOS recommends that expert heritage committees be based upon a clearly defined, best heritage practice Terms of Reference that needs to be developed. Australia ICOMOS has recently developed policy to facilitate the future accreditation and recognition of heritage professionals in Australia. Our members pledge to follow the principles of the Australia ICOMOS *Burra Charter*, the ICOMOS Ethical Principles and annually reaffirm our Code of Ethics in heritage practice. We are well placed as Australia's peak professional heritage NGO to provide guidelines for accreditation of heritage professionals. We are also developing a Heritage Quality Framework for sustainable outcomes in heritage conservation, a benchmark of best conservation practice. We are happy to provide further details to assist in determining minimum accreditation requirements.

Heritage vs Character and Historic Conservation Areas/ Zones/ Policy Areas

Australia ICOMOS believes that the Discussion Paper does not address local community concerns regarding the future management of 'contributory items' in Historic Conservation Areas/ Zone/ Policy Area. These items and areas comprise the majority of South Australia's heritage and directly affect the community's perception of local heritage values. We suggest that such areas be exempt in a similar way to the proposed treatment of existing Local Heritage Places in the new PDI Act. Such areas could be considered 'Local Heritage Areas', with heritage criteria and statements of heritage value reflecting the State Heritage Area criteria. A name change would eliminate the current confusion with nomenclature in the Development Act and would align Local Heritage Areas with established State Heritage Area management practices. Furthermore, we do not support the use of the term 'landmark' for heritage places as part of legislation or policy.

Area protection is one of the most effective ways of retaining historic character, where certainty across an area about anticipated retention of heritage qualities and expectation of appropriate infill development is outlined in planning policy.

Streamlining Development Assessment Processes

Australia ICOMOS supports the efficient management of Australia's heritage places, to minimise owner and government expense and to ensure heritage is considered an asset, rather than obstacle within the community. We support the consideration of scheduled exemptions for owners of heritage places, to reduce financial burden and bureaucratic red tape. Any exemptions and establishment of codes of practice should consider how works might have an impact on a place's heritage values.

Assessment of demolition of a local heritage place on merit is a provision in a vast majority of current Council Development Plans in South Australia. We have no concern with this initiative, subject to the development of clear criteria of loss of heritage value to support demolition, such as structural failure, incorrect address or property, loss by fire etc. An accredited heritage professional should undertake the assessment of demolition on merit to ensure adherence to best-practice heritage management principles.

There are currently no controls over internal alterations to local heritage places other than building Act requirements. We strongly support inclusion of the *Burra Charter* in planning policy to ensure best practice heritage outcomes. These points should be considered as part of any policy review.

Community Forum

On Monday 26 September 2016, Deborah Lindsay, our South Australian Representative on the Executive Committee of Australia ICOMOS, participated in a community forum at Adelaide Town Hall along with other experts from Adelaide City Council and the National Trust of South Australia to allow the community to comment on the Local Heritage Discussion Paper. The following issues were raised on the night in addition to the above comments.

How development occurs around heritage places is important. Australia ICOMOS supports the development of planning provisions applicable to local, state and national heritage places that consider the setting and context of a heritage place as part of any new development. This may include aspects such as scale, setback, materials and landscaping, and should be undertaken by a suitably qualified heritage consultant.

The adaptive reuse of heritage buildings (and other structures) is important. We support the adaptive reuse of heritage places, including planning provisions that consider impacts on the heritage value of the place. Heritage places can be adapted in sensitive ways with new uses, new fabric and new additions. However, a sense of its former use and retention of its heritage values is also essential. Compliance with building code regulations to heritage buildings can sometimes be seen as a barrier to adaptive reuse, however, in our experience, there is always a solution that can ensure the retention of heritage values, as defined in the Statement of Significance of a heritage place.

Heritage buildings deliver environmental benefits. There are measurable environmental sustainability benefits in the adaptive reuse and conservation of heritage listed buildings. Heritage buildings have a low embodied energy score, as building fabric is being reused, not constructed, saving primary resources and the energy to manufacture building products. Repair methods utilise traditional, low-tech methods, reducing carbon footprints. The environmental performance of many heritage buildings is also effective, as they were designed to suit the environment before the advent of mechanical air conditioning. There are opportunities to work with the Department of Environment Water and Natural Resources (DEWNR) and Department of Planning (DPTI) on this matter.

Heritage places are valued. There are numerous reports prepared that assess and consider the value of heritage places, such as The Allen Consulting Group (2005) *Valuing The Priceless: The Value of Historic Heritage in Australia*. These reports show that heritage listing does not generally devalue a place. Heritage is part of our identity. In South Australia 'heritage' often has a negative connotation in the development sphere, which needs correction. Heritage is not about retaining all places of a certain age or style and not allowing any change. Heritage places, not just buildings, contribute to our sense of place and can be conserved and adapted, and contribute to the vibrancy and economic development of our state.

Heritage jobs are important. The planning system and its current reform has the opportunity to utilise the expertise of a range of heritage professionals in South Australia. Heritage jobs, whether architects, conservators, historians, archaeologists and the like, are just as important to support as contractors and developers.

Heritage tourism is big business in South Australia. DEWNR recently published (2015) a paper titled 'Exploring heritage-tourism opportunities in South Australia: Discussion paper'. The paper outlines the important role of heritage tourism. Australia ICOMOS supports the 'next steps' outlined in the paper and welcomes involvement in this process.

Summary
In summary we support development of the issues discussed in the Discussion Paper, including planning policy, heritage expertise and heritage assessment. We consider the exclusion of the Expert Panel's recommendations pertaining to a single heritage management system in South Australia is a missed opportunity to truly achieve greater efficiencies in the planning process and to clarify the value of heritage in the community. As Australia's peak NGO for heritage management, Australia ICOMOS would appreciate the opportunity to continue to provide advice as the Discussion Paper is developed into heritage policy.

Thank you again for your consideration of the views of Australia ICOMOS in this process.

Yours faithfully

KERIME DANIS
President, Australia ICOMOS

P067

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29 September 2016

RECEIVED
04 Oct 2016
DPTI

Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide SA 5000

By email:
planningreform@sa.gov.au

Dear Sir / Madam

Local Heritage Discussion Paper

Thank you for the opportunity to respond to the above discussion paper. The matters raised in the discussion paper are of particular interest to the City of Charles Sturt (CCS). Council has had recent and current experiences with two Local Heritage Place Development Plan Amendments (DPA) - one authorised in May 2013, and the other currently seeking the Minister's agreement to release the draft DPA for consultation. Many of the following comments are based on those experiences.

Council accepts the need for a general review of the matters addressed in the discussion paper. We note that the Planning Bulletin – Heritage was released in October 2001, and therefore provides outdated guidance on these matters. However, our recent experiences with the current system have generally been positive, as outlined below.

The following comments are made under the subject headings as they appear in the discussion paper.

Updating local heritage listing criteria

We agree that there is a need to review and update the criteria for identifying Local Heritage Places. The current criteria can be criticised for being open ended. The proposed criteria would appear to be reasonable, however, we would encourage the Department of Planning, Transport and Infrastructure (DPTI) to consult closely with Council and heritage professionals in finalising the criteria.

We note that the discussion paper suggests that "(t)he listing of local heritage places will also need to be considered in balance with the broad strategic objectives of the State." *The 30-Year Plan for Greater Adelaide* (2016 Update) was recently released for consultation, post the release of the Discussion Paper. We note that 'Heritage and Character Protection' is still referenced as a Principle of the Plan and is further reinforced as a Policy Theme. Therefore, it is clear that heritage protection is one of the State's broad strategic objectives, and therefore should be given equal weight to other, sometimes competing, strategic objectives.

Council recommends the following:

1 Further direct consultation on the proposed local heritage criteria takes place with specialist heritage professionals.

Implementing a framework document and 'practice direction'

The discussion under this heading refers to the benefits of a thematic framework in assessing the suitability of additional (and existing) local heritage places. The CCS adopted such a process in identifying proposed local heritage places in its current Heritage Places DPA. This thematic framework was determined with specific reference to the historical development of the CCS.

The approach proved useful in framing the DPA nominations and, more particularly, in identifying gaps in representation in the current list. Therefore, we support the broad notion of establishing a thematic framework to assist the listing process. However, any framework will need to acknowledge and allow for local adaptation, in recognising that some historical themes can be endemic to a particular area or region. For example, in Council's current DPA, State industrialisation in the 1930s and 1940s was seen to be a particularly important period in the Council's and State's historical development (eg Hendon and Finsbury former munitions factories). This particular historical theme may not be relevant to other parts of Adelaide and South Australia.

Council recommends the following:

2 That the proposed 'practice direction' include a generic State-wide thematic framework, with provision for local adaptation to reflect local circumstances.

Streamlining our listing process

We agree that the DPA process may not be the best vehicle for listing local heritage places. However, any moves to adopt a system similar to the current State heritage listing process needs to first acknowledge that that system can also be cumbersome and time consuming.

The concerns regarding the number of objections to nominations (sometimes over 70% according to the discussion paper) are not borne out by our recent experience. In the 2013 Heritage Places DPA, Council received 11 objections out of the 82 nominations (ie 13%). Importantly, as part of that process, Council allowed all nominated property owners the opportunity to meet 'one-on-one' with a Senior Policy Planner and Council's Heritage Advisor to discuss their particular property nomination. This provided the forum to elaborate on the reasons behind the nomination, the implications for future development (should it proceed to listing), and the process for objecting to the nomination. We believe that this process resolved a number of concerns and misconceptions, resulting in a relatively low objection rate.

We are not convinced that early engagement will remove the need for 'interim operation'. As you know, the interim operation process discourages demolition prior to resolution of the listing process. This risk remains, regardless if early engagement takes place or not. A property owner may decide to make an application under the current Development Plan, thus gaining support for replacement of the building with new development and potentially negating any ability to recognise its historic value, once they know it may be listed but the provisions for protecting the building are not in place.

We also have some misgivings about the suggestion to extend the role of the expert heritage committee (currently the Local Heritage Advisory Committee (LHAC)) to more broadly consider proposed listings earlier in the process. Council was compelled by DPTI to adopt this approach with its current Heritage Places DPA (ie LHAC has been involved in advising on the draft nominations for listing prior to release of the DPA for consultation). Accordingly, LHAC will have been involved in both identifying the proposed listings and, ultimately, in advising the Minister on the final proposed listings, post consultation. This suggests the potential for conflicted roles – can the same body have both roles at different points in the listing process? Will LHAC, having been party to the initial proposed listings, still qualify as an independent arbiter later in the listing process?

Our preference is that LHAC (or its future equivalent) retain its current role in advising on proposed listings at the end of the process (ie essentially the final arbiter on proposed listings, excluding the Minister, of course).

Council recommends the following:

3 That some form of 'interim operation' still applies to proposed local heritage places during the course of resolving the listing process.

4 That the future role of LHAC (or its equivalent body) be limited to arbitrating at the end of the listing process only.

Streamlining our development assessment processes

Council concurs that there may be opportunities to streamline minor, low-risk works to heritage places. This will require reconsideration of current arrangements, as enshrined in the *Development Regulations 2008*, and be suitably reflected in the future regulations to be prepared in support of the *Planning, Development and Infrastructure Act 2016*.

The discussion paper refers to the importance of a 'current statement of significance' and a 'description of the elements' that link significance with the physical fabric of the place. Currently, Table ChSt/6 – Local Heritage Places in the Charles Sturt Council Development Plan achieves both these expectations. We acknowledge, however, that the original assessment sheets prepared to support nominations provided an even higher level of detailed information, which may be of value to the development assessment process. For example, the assessment sheets contained in our current Heritage Places DPA even identifies the relevant historic theme and sub-theme, as pertaining to Council's thematic framework. If possible, the forthcoming planning portal may offer opportunities to digitally link each listed heritage place with its original assessment sheet to better articulate the basis for listing.

We note the suggestion in the discussion paper to classify proposals to demolish a local heritage place as 'on merit' applications. This is currently the arrangement within the Charles Sturt Council Development Plan, and we are of the view that this approach achieves a reasonable balance between preserving heritage fabric and allowing redevelopment in justifiable cases.

Council recommends the following:

5 That minor works, unlikely to compromise the heritage integrity of local heritage places, be removed from the ambit of 'development'.

6 That DPTI, in its forthcoming work on the proposed planning portal, considers providing links between local heritage places and their associated assessment sheets.

Clarifying the Difference between 'Character' and 'Heritage'

We note and generally concur with the comments made in the discussion paper regarding confusion between 'character' and 'heritage' (although the provided 'definition' of heritage requires simplification to improve understanding.) More importantly, however, the discussion paper chooses to consider the issue of Historic Conservation Zones and Policy Areas within this context and fails to address the broader issue of the historic legitimacy and basis of these existing zones/policy areas.

The CCS has a number of Historic Conservation Areas, some of which are contained in the Residential Character Zone and some of which apply to other zones. One of the policy mechanisms we use to manage change within these areas is through the use of 'Contributory Items'. This is consistent with the Planning Bulletin – Heritage (2001). We note that the discussion paper makes no reference to 'Contributory Items' and, indeed, makes no suggestions regarding the future governance of Historic Conservation Zones / Policy Areas.

We do not accept the argument that our existing Historic Conservation Areas are akin to 'character' areas. Without going into any detail regarding the background to their original identification, there is significant information which confirms the historical basis of delineating these areas. Accordingly, Council is of the view that the discussion paper should consider these areas in the context of 'retaining cultural value' - in other words, the local heritage equivalent to State Heritage Areas.

Council recommends the following:

7 That a clearer definition of 'heritage' be developed.

8 That the forthcoming response to the discussion paper includes governance arrangements for the heritage protection and enhancement of existing (and future) Historic Conservation Areas.

Other Matters

Financial incentives

A topic not addressed in the discussion paper is financial incentives to entice property owners to undertake conservation works to listed places.

The CCS has had a modest Heritage Conservation Program in place for several years. Its main objective is to assist and encourage owners of local heritage places (and contributory items) to retain and conserve these places of local significance. The program offers a free heritage advisory service, development application lodgement fee concessions and heritage conservation grants. While the recurrent budget for the heritage conservation grants is small in comparison to the number of listed places in the City, the program has nevertheless been successful in encouraging conservation work to a significant number of buildings over time.

While reflective of their local area, local heritage places are identified and administered through State policies and legislation. Consideration should be given to financial incentives for conservation work to local heritage places at a State level, whether through a grant program or other means, such as subsidies on property related taxes. A recommendation to this effect was identified by the Expert Panel under reform 8, *The Planning System We Want* (2014).

Council recommends the following:

9 That the State Government further considers a range of financial mechanisms to provide a sustainable funding basis for the future management of heritage buildings. Ideally, these mechanisms should not involve de-funding Councils, who already allocate considerable financial and other resources to this public policy area.

Adaptability

While the discussion paper identifies potential reforms on demolition policy, consideration should also be made to general policy reform and/or the development of guidelines to address the adaptability of local heritage places. Adaptation provides a way to conserve the important heritage fabric of the built form while providing opportunities for sustainable long-term uses.

Council recommends the following:

10 That the forthcoming practice note address the important policy issue of adaptive re-use of heritage buildings.

Further consultation

The discussion paper raises a number of important questions regarding the future management (legislative and otherwise) of local heritage resources in South Australia. It is not clear, however, how future responses to the discussion paper, either in the form of draft legislation or a practice note, will be consulted upon. As mentioned previously, we are also concerned about the timing of the discussion paper prior to the release of the revised 30-Year Plan.

Council recommends the following:

11 That the State Government undertakes further consultation with stakeholders on the proposed legislative and other responses to the discussion paper.

Council looks forward to working with the State Government on this important matter as part of the ongoing reforms to the planning system.

If you have any questions in relation to Council's submission or require clarification, please do not hesitate to contact Craig Daniel, Manager Urban Projects on 84081130 or email: cdaniel@charlessturt.sa.gov.au

Yours sincerely

Paul Sutton
Chief Executive Officer

cc Local Government Association

Our ref. 16/288205

P069

Vranat, Meredith (DPTI)

RECEIVED
04 Oct 2016
DPTI

From: MCKAY, Sue
Sent: Tuesday, 4 October 2016 1:33 PM
To: DPTI:Planning Reform
Subject: Local heritage reform [SEC=UNOFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

Hello

This reform process almost slipped under the radar but thankfully the Adelaide City Council organised a forum to outline the issues and facilitate discussion. I am concerned that your department has not organised public consultation sessions nor extended the date for submissions to enable adequate time for a more considered response.

My main concerns are:

- "inadequate hierarchy of heritage values (national, state, local)"
  - A hierarchy should not apply as local heritage is often more important to communities than state or national heritage (which may seem more removed from our daily lives)
- "expert heritage committee"
  - Planning decisions should remain with local government
- "demolition of local heritage places 'on merit'"
  - Local heritage places currently comprise less than 1 per cent of the state's building stock however heritage buildings continue to be demolished due to structural damage or to be replaced by multi-storey apartments. As a city resident and urban explorer photographer I have seen the rooves of heritage buildings removed to hasten damage and enable demolition. I have also observed scant regard for streetscapes with heritage buildings overshadowed by multi-storey apartments (e.g. Murrays Lane and Wright Court, Adelaide). Will the reform address these issues?

Regards

Sue McKay

P070

DPTI:Planning Reform

From: Margaret Patkin
Sent: Tuesday, 4 October 2016 2:17 PM
To: DPTI:Planning Reform
Subject: Comments on Local Heritage Discussion Paper
Attachments: local Heritage.odt

Follow Up Flag: Follow up
Flag Status: Completed

I attach some comments about the above-mentioned Discussion paper.
I would appreciate an acknowledgement of receipt as I am not sure I have the correct e-mail address.

Many thanks
Margaret Patkin

COMMENTS ON STATE GOVERNMENT'S LOCAL HERITAGE DISCUSSION PAPER

- We do not want, or trust, the State Government (however "committed") to be the body to improve "the ways we recognise and manage local heritage places in South Australia".

- The emphasis should be on Local decision-making – Local government, Local groups, Local people.

- A faceless "Expert Panel" is a poor substitute for frank and open discussion about heritage matters.

- The State Government surely has enough state-wide challenges to improve the lives of South Australians and should delegate heritage decisions to people who know and care about such a valuable state asset.

- If, as the Discussion Paper says in its second paragraph, the State Government truly wishes to engage and seek feedback from experts and practitioners involved in local heritage, then why is it talking about trashing existing consultation arrangements, ignoring existing heritage wisdom and knowledge, and re-defining "on-merit" conditions?

- I am not against reform and review as long as Local Government and Citizens are not locked out of decisions about heritage issues.

- The concern is that the alternative risks unfairness, untimely removal of valuable heritage buildings and unwelcome infra-structure development.

Margaret Patkin

P071

Pearce, Penny (DPTI)

From:	Fiona Barr <fbarr@goyder.sa.gov.au>
Sent:	Tuesday, 4 October 2016 3:23 PM
To:	DPTI:Planning Reform
Subject:	Local Heritage Reform Discussion Paper Feedback
Attachments:	3296_001.pdf

Dear Sir/Madam

Please find attached a copy of the Regional Council of Goyder's response regarding the Local Heritage Reform Discussion Paper Feedback.

If you have any questions in relation to Council's submission or require clarification, please do not hesitate to contact the undersigned.

Yours sincerely

Fiona E Barr MPIA
Development Officer Planning
Regional Council of Goyder
1 Market Square
Burra SA 5417
Phone: 8892 0100

GOYDER
South Australia's Heartland

Regional Council of Goyder
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Regional Council of Goyder

ABN 44 460 359 537
1 Market Square, Burra. South Australia, 5417
Telephone (08) 8892 0100 Facsimile (08) 8892 2467
Email: council@goyder.sa.gov.au Website: www.goyder.sa.gov.au

In reply please quote:

Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide SA 5000

By email: planningreform@sa.gov.au

Dear Sir/Madam

Local Heritage Discussion Paper

Thank you for the opportunity to respond to the above discussion paper. The matters raised in the discussion paper are of particular interest to the Regional Council of Goyder. The Council has had significant experience in the preparation of heritage policy through a number of Development Plan Amendments and being a State Heritage Place.

In terms of process, the Council raises significant concerns with the limited consultation process associated with the Local Heritage Discussion Paper.

The Council strongly objects to the strategic direction which is being pursued in respect to Local Heritage and associated planning policy and processes for the reasons detailed in this submission.

Whilst several aspects of the heritage reform ideas are supported, there are a number of suggested reforms with potential for significant impact. There is a risk of dismantling of controls which will have a significant and irreversible impact on South Australia's built form history can be managed if the Government undertakes a more comprehensive and holistic review of local heritage, rather than taking a piecemeal approach.

The Discussion Paper generally paints a negative picture of the current state of South Australia's heritage conservation framework and its application across the State. There is no discussion around the positive contribution that heritage makes to our society in terms of lifestyle, economy, tourism, sustainability, "sense of place" etc. Nor is there any narrative or justification about why the current system is faulty and needs to be replaced. Discussions with staff from other Councils, suggests that the current heritage framework, whilst not perfect, has generally been positive and effective and is not as inadequate as the Discussion Paper suggests.

There are no positive references to heritage as a valued component of the State's broader planning system contained in the Discussion Paper. This presents a skewed argument that the system is 'broken' (without any data), causing rising conflict and leading to poor decision making. The Discussion Paper at the very least should provide a balanced discussion of the challenges of the

system with the positive messages that heritage conservation is a largely well-regarded foundation of public decision making.

The method of releasing a Discussion Paper with targeted consultation to heritage experts and practitioners as the only level of discourse and debate prior to the release of a Heritage Related Bill, is frankly inadequate, is not 'best practice' and not in keeping with the intent of a Community Engagement Charter that seeks to foster input 'early on' in the process.

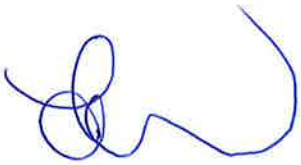
Conclusion

In conclusion, the scope, strategic intent and extent of community engagement associated with the current reform process raises significant concerns for this Council. While there are several aspects of the proposed changes to heritage policy that would provide greater clarity and understanding for all parties, many of these are administrative and could be made within the current framework.

Long term changes to the way heritage is recognised and valued in South Australia must be approached more cautiously and comprehensively to ensure that the positive aspects of the current system are not undermined or lost.

If you have any questions in relation to Council's submission or require clarification, please do not hesitate to contact Ms Fiona Barr, Development Officer - Planning on 8892 0100.

Yours sincerely



Fiona E Barr MPIA

History Council of South Australia (HCSA)
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ABN 80 979 742 192

P072

RECEIVED
05 Oct 2016
DPTI

History Council of South Australia (HCSA)
Response to DPTI discussion paper
'Renewing our planning system: placing local heritage on renewed foundations'
prepared by Susan Marsden, HCSA, 3 October 2016

1. Background

This is a response by the History Council of South Australia, the State's peak history body, to the Local Heritage 'Reform Discussion Paper, Renewing our planning system: placing local heritage on renewed foundations'. The 'Local Heritage Discussion Paper' was drafted by the Department of Planning, Transport and Infrastructure (DPTI) and released on 9 August 2016.

On 31 August 2016, Professor Peter Monteath, HCSA President, wrote to Mr John Rau, Minister for Planning, pointing out 'that these are indeed issues of great importance to the state. Whatever their merits, future local heritage policies and the proposed new Bill will have profound consequences for the future of built heritage'.

Professor Monteath noted the paper's release to a limited readership and for a short consultation period. He asked for a broadening of consultation and for a six-month extension of time to facilitate a proper discussion. The period was extended by a month to 7 October.

At further request, the HCSA's Immediate past president Susan Marsden was invited to attend a DPTI workshop on historic themes held on 21 September. There, Dr Marsden was invited to describe the hitherto-unacknowledged SA thematic framework used by SA's Department for Environment, Water and Natural Resources to identify local and state heritage places.[1]

The chief aim of South Australian heritage policy is to protect cultural heritage values with a system that that is comprehensive (reflecting South Australia's cultural diversity and an array of historical themes over time and across each region) and representative (encompassing a range of historic places). This will ensure that our heritage is valued and maintained for the benefit of South Australians today and for future generations.

The HCSA repeats the request to extend the consultation period. In the meantime, a brief set of responses is offered as follow.

2. Responses

Although the Discussion paper does not consider general heritage governance, this is intrinsic to local heritage management, and the HCSA wishes to include this issue in future consultation.

- Local heritage (and other SA heritage matters) should be managed by an appropriately

[1] Susan Marsden, *Historical Guidelines: South Australian State Historic Preservation Plan* 1980, 1983). For lack of resources, DENR has failed to publish online the *Guidelines* or any of regional and local heritage surveys, but the Professional Historians Association SA has published the *Guidelines* thematic framework as well as several related local and state heritage overview histories at: http://www.sahistorians.org.au/175/.

dedicated Cultural Heritage Department rather than by DPTI, in partnership with local government and cultural institutions.

Heritage reform indeed offers major opportunities to manage local heritage as a cultural and economic asset, not simply a planning issue, but planning-related heritage issues should be streamlined, and in particular the delays caused by DPTI should be eliminated.

There is a need to act innovatively by placing all heritage places dating from SA's first century of European settlement (1836-1936) under protection as local heritage places.[2]

- This will simplify and strengthen the heritage system, and means that listing can be focused on post-1936 places.
- This reverses the discussion paper's endorsement of demolishing local heritage places 'on merit' to placing the onus on those who wish to demolish to determine the age of the property and to provide evidence for the greater benefits of demolition.[3]
- As currently occurs with local and regional heritage surveys, future heritage studies can refer to this listing for consideration as national and state heritage places.

The use of clearly-stated criteria and a hierarchy of national, state and local places is endorsed.

- The criteria and the hierarchy of places require regular reassessment and the involvement of local communities and voluntary organisations such as the National Trust and the HCSA as well as government agencies and historical and other heritage professionals.

The use of historic themes is indeed a valuable tool, and the first step should be to build on an updated SA historic thematic framework (including time periods and regions), which has guided the survey and assessment of state and local heritage places since 1980.[4]

- These Guidelines should be updated and more widely publicised by the relevant department.[5] Sample studies should also be more widely promoted.[6]

In conclusion, the HCSA reiterates its concern about the wide cultural implications of the Discussion Paper, and emphasises the need for further consultation over a longer period.

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[2] There are comparative policies elsewhere, eg Brisbane City Council's *Temporary Local Planning Instrument 01/*13 protects all pre-1911 buildings with demolition controls for pre-1946 houses.

[3] Brisbane's *Temporary Local Planning Instrument 01/13* advises that 'residential buildings constructed prior to 1911 can only be demolished if they are found to be structurally unsound. .. in recognition of their architectural characteristics and the limited number of properties that remain in Brisbane. The existing Demolition Control Precinct (DCP) is intended to retain Brisbane's traditional housing stock … to protect those residential buildings that contribute to the traditional character and amenity within older suburbs of Brisbane. The demolition controls applied to houses constructed in and prior to 1946 are broader and allow greater flexibility in assessing applications for demolition'.

[4] Since 1980 *Historical Guidelines* has been used as the framework for government-funded heritage surveys in SA, including regional surveys (as defined in the *Guidelines*) of all incorporated areas, local heritage surveys, and time-period surveys (as also defined in the *Guidelines*). The first two of those are *Twentieth century heritage*...for the periods 1928-1945 and 1946-1959, both online. The Department's model planning brief supplied to councils also requires an overview history that takes into account the framework set out in *Historical Guidelines*.

[5] SA Heritage Council plans to update the *Guidelines* taking into account national historic themes, as done in the recent SA twentieth century studies (cited above), as well as in Victoria and NSW.

[6] For example, see Kingston Heritage Survey (2009), at: https://www.academia.edu/23071739/Kingston_Heritage_Survey.

P073

RECEIVED
05 Oct 2016
DPTI

LOCAL HERITAGE REFORM DISCUSSION PAPER FEEDBACK

To: planningreform@sa.gov.au

From: MS LUCY MACDONALD
Address:
E:
Tuesday October 4th, 2016

Resident of North Adelaide for 38 years
Dwelling is part of a row of Local Heritage cottages
Member of the following community groups;
* Founder Tynte Place Residents Group;
* Founder North Adelaide Community Centre
* North Adelaide Society
* National Trust of South Australia

The protection of our Heritage is vital for our economy and our sense of community.

I want to see DPTI increase and strengthen its protection of our Heritage, not diminish its presence or make its protection inaccessible it to the community.

I want to see DPTI develop an understanding of the dollar value of Heritage for the State Economy ($365million in cultural tourism in 2014).

I want to see DPTI develop a policy for protecting MORE of our Heritage.

While I appreciate the South Australian Government through the DPTI is wanting to tidy up loose ends they claim to exist in management of the State`s heritage, I believe their August 2016 DPTI discussion paper raises serious concerns for the future of Local Heritage in this State.

1 Statement of Intent or a Discussion Paper ?

DPTI initiated community `discussion` with the release of your August 2016 Discussion Paper.

- DPTI initiated the `discussion`. However I want assurance that DPTI will actually engage in proper discussion, in order to understand and accommodate community concerns.
- Many experts outside your department have already engaged in your discussion paper and are concerned about the proposals.
- DPTI has a duty to allay the concerns and questions of the community, including the Local Government and Heritage communities.
- Despite what your document says about `discussion` you have rushed your own process, thereby curtailing the engagement you say you want. **It is this that raises mistrust of your real intentions.**

- DPTI owes it to the community to properly consult, perhaps over several months to enable involved groups to properly contribute. Our community, who are your employers, must not be left out of matters that concern them.
- DPTI must be seen to actually understand community concerns over Heritage Portection. To do otherwise indicates this paper is not a discussion paper but a Statement of Intent.

2. Whose Experts ?

Since you initiated the discussion by releasing your Discussion Paper to a (limited) range of community organizations, it is incumbent on you to listen to these groups and expert bodies to whom you released the paper.

- DPTI must recognise, and listen to, existing community expertise in the community, Including South Australians who are well experienced in heritage protection, historians, heritage architects, non government planners and members of the community.

- I assume that, given that DPTI intiated this discussion, that DPTI staff, perhaps the Minister, attended a recent meeting at the Town Hall on Monday 26th September, 2016, to understand better the concerns of some of these community experts?

3. Timeline for Ongoing Consultation

This is mentioned in `The Local heritage Discussion Paper Fact Sheet`, page 3, 15 September 2016.

- As DPTI will have a time line for drafting the new Heritage Bill, when will the community be given some sense of your timeline and its role in the consultation, for genuine and better input to this process?

4. Community must retain and increase its role in Criteria Development, Assessment, Listing and protection of Local Heritage properties

- Local heritage must remain in the hands of Local Government agencies, employing Heritage Professionals and Repurposing Experts by taking into account local Historical interests.
- The Government MUST NOT transfer the Identifying of Local Heritage to a `expert committee`.
- I want community professionals, protection experts and local Historical knowledge to be part of developing criteria, listing properties and sites.
- Local Councils already have criteria and community based experience and knowledge of the history of properties in their regions.

5. Does Criteria for Local heritage Listing need more discussion ?

- I suggest listing by period, style and type as listing criteria, as recently outlined by Adelaide City Councillor and Heritage Architect, Mr Alexander Wilkinson
- A Government Committee of Experts process will be too arms length from Local Heritage interests of local communities.
- A Government department is unlikely to have the resources to take over this role with the thoroughness required.

6. Character and Heritage

Local Councils are best to assess Character and Local Heritage.
No I don't believe there is confusion over these terms, particularly if they are explained.
Protection of Local Heritage contributes to Local Character

7. Merit demolitions

This suggestion on page 7 of the Discussion paper proposes that Local Heritage Listings be able to be overridden by developer interests.

I strongly disagree that this be allowed in any legislation.

- Who would decide this ? How will the Act prevent poor decisions made to benefit developers, something we have seen far too much of in this State.
- Developers must be required to work Local Heritage Places into their projects.
- To legislate for Merit Based Demolition is NOT protecting Local Heritage.
- At what point would any Protection be overridden? Such legislation is easily open to bad practice as it looks like it is to benefit a small section of society.
- Who judges the Merit …the community ?

8. Suggestions

- A Pro Heritage Policy is required, rather than a process of closing Local Heritage Protection to community involvement.
- DPTI could assist Local Government Authorities to use world best practices in protecting their Local heritage
- No Demolition on Merit should be considered. This will reduce our Local Heritage, not protect it. It will be open to worst world`s practice in interpretation of what is to be demolished.
- Our various histories are State assets requiring world best practice Protection.
- The SA Government, via DPTI, could make itself aware of the financial benefit to the state of its heritage and cultural tourism history. I understand this has been calculated to be over $365m in 2014. Heritage contributes to the tourism revenue of cities everywhere.

Lucy Macdonald

P075

Pearce, Penny (DPTI)

RECEIVED
05 Oct 2016
DPTI

From: Jo Gebhardt
Sent: Tuesday, 4 October 2016 9:22 PM
To: DPTI:Planning Reform
Subject: DO NOT INTERFER WITH ADELAIDE HERITAGE

Follow Up Flag: Follow up
Flag Status: Completed

Adelaide is one of the very few planned cities in the world. It has its own special character with its parks and very own colonial buildings completely peculiar to Australia. Most European and English cities seem to be able to keep their character by preserving their history. Ours being a very young history is even more important to preserve. To change the set rules of heritage conservation in any way is incomprehensible and total vandalism. You think by calling yourselves experts it makes you right and persuasive.

I TOTALLY object to these subversive changes to the heritage rules and support the Norwood Council's objections

DONT INTERFERE WITH ADELAIDES HERITAGE

Jo Gebhardt

P076

WALKERVILLE RESIDENTS' ASSOCIATION INC

PO BOX 466 WALKERVILLE SA 5081

RECEIVED
05 Oct 2016
DPTI

The Hon. John Rau MP
Minister for Planning
GPO Box 464
Adelaide
SA 5001

3 October 2016

Dear Minister

THE WALKERVILLE RESIDENTS' ASSOCIATION (WRA) is a not-for-profit community based organisation concerned with issues that affect residents in the Town of Walkerville. It aims to preserve and enhance places of historic and environmental significance and supports appropriate development, which is sympathetic to the streetscapes and character of our area. The WRA has an advocacy role for local residents and promotes open, responsive and responsible government with genuine community consultation by State and Local Government.

The WRA held a public meeting on the Local Heritage Discussion Paper for its members and residents and members also attended the public meeting convened by the Lord Mayor of Adelaide last week. Concerns were raised at the lack of information provided to the wider community and the inadequate time for preparing a submission on the Local Heritage Discussion Paper.

The WRA rejects the State Government's Local Heritage Discussion Paper as a vague and flawed document that fails to recognise the social value of South Australia's unique heritage and its contribution to the cultural life and economy of present and future South Australians. Our unique heritage assets add value to the State's economy and create employment through tourism and through conservation works which are labour intensive. The adaptive reuse of South Australia's heritage buildings conserves embodied financial and energy resources while the installation of new services and equipment ensures that they will meet current expectations of performance.

There is no information on how Local Heritage Places (LHPs) will be transferred to a 'new design code', how this will interface with the SA Heritage Register and whether the 'audits' will be used as a means of delisting and demolishing LHPs. The WRA opposes delisting LHPs and does not support demolition of LHPs 'on merit' as it contends that this will lead to widespread destruction of our local heritage. The WRA considers that Councils should determine what is local heritage not a Government appointed Planning Commission. The Discussion Paper does not establish a clear role for Councils in assessment, listing, conservation and management of its local heritage. It is also silent on areas of local heritage and the historic buildings that contribute to that hstoric character (Contributory Items). Heritage is not just about landmark buildings but also about the groups of buildings that contribute to the historic character of an area.

The proposal to allow individuals to nominate potential local heritage places is supported providing they are dealt with expeditiously by councils. The WRA is concerned at the reference to objections to nominations being dealt with by the ERD Court, which is definitely not supported. We consider that there should be an interim operation period of at least six weeks to allow representations, including any objections to listing, and these should all be considered by the local council..

The paper mentions the number of SHPs and LHPs as though it is a problem. The 7000+ LHPs and 2200 SHPs are a small fraction of SA's total building stock and our valuable heritage places warrant protection.

Simplifying the development application process for heritage places for minor works is supported, as long as their cultural heritage values are respected and protected through clear statements of heritage value and identification of the important features and elements of heritage value.

> *At its broadest, heritage should be about the meanings and values we inherit from previous South Australians and which evolve with each generation. … In the context of planning and development however, heritage is seen as a source of friction and polarising debates. Rather than as host of meaning, values and stories to be told, heritage has become hostage to perceptions of it as a problem (Expert Panel on Planning Reform 2014).*

It appears that this Government is ignoring the recommendations of the Expert Panel Minister Rau appointed in 2013 to advise on Planning Reform, in pursuit of its own agenda. This seems to be a developer driven agenda that threatens the history, cultural heritage and amenity of our cities, suburbs and towns, by destroying heritage assets that are much valued by the citizens of South Australia.

The Expert Panel recognised the need to "place heritage on new foundations" by developing an integrated system, instead of the current fragmented processes for heritage listing under two statutes, two Ministers and two government agencies.

It is imperative that any future change to the statutory system for the recognition and protection of South Australia's heritage places must also recognise their cultural, social, environmental and economic value to communities and the State.

The WRA hopes that this submission will receive due consideration and that it will be kept informed of any future proposals on Heritage reform.

Walkerville Residents' Association Inc.

P077

RECEIVED
05 Oct 2016
DPTI

MOUNT BARKER
DISTRICT COUNCIL

5th October 2016

To: John Rau
Minister for Planning
C/ Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide SA 5000

RE: Local Heritage Discussion Paper

Dear Minister,

The Mount Barker District Council has listed the following in the current version of its Development Plan:

- 415 Local Heritage Places
- 18 Historic Conservation Areas
- 209 Contributory Items.

The Local Heritage Places are distributed throughout the rural areas and within the District's 11 townships and 4 settlements. The Historic Conservation Areas are located within both the District's commercial and residential areas. Of utmost importance is that the Historic Conservation Areas cover and include the historic main streets of the majority of the District's towns as follows:

- Callington
- Echunga
- Kanmantoo
- Littlehampton
- Macclesfield
- Meadows
- Mount Barker
- Nairne

The integrity of the Local Heritage Places, their overriding contribution to the streetscape and hence character of the main streets are viewed by Councils as integral to maximizing the economic potential of townships and to the health of the local small business community.

Council in both the Regional Town Centre and Nairne and Environs Development Plan Amendments have introduced polices that intend to utilize the retention and enhancement of the Historic Conservation Area, Local Heritage Places and Contributory Items as drivers for economic activity.

These policy directions have been supported by Council undertaking concurrent Main Street activation programs for Gawler Street Mount Barker and Main Road (old Princes Highway), Nairne. In addition Council has expanded its Heritage Incentive Scheme to conserve and enhance the facades of historic buildings that are located both within the Historic Conservation Area and the commercially zoned areas of the main streets.

Aside from the economic imperative, Council views the suite of Heritage Places, Historic Conservation Areas and Contributory items as integral to the identity of the District and hence a point of difference within the wider Adelaide Hills Region.

As the Mount Barker area is currently undergoing unprecedented residential growth and expects to grow to a size unprecedented in the Adelaide Hills, the number of Heritage Places and Historic Conservation Areas will diminish in number and in area in relation to, and as a proportion of total urban area. In this context any diminution of the integrity and character afforded the Historic Conservation Areas is considered to be detrimental to the identity of the District as a whole.

Council is strongly and unequivocally supportive of the LGA's response to the Local Heritage Discussion Paper. Further Council wishes to draw attention to the following Concerns:

- The separation of character as an element or factor in the assessment of heritage values in the development process. This appears to demonstrate a lack of understanding by the authors of the discussion paper of the visual and historic decorative, spatial or material attributes of a Local Heritage place, or Contributory item in determining the immediate setting and or character of the locality. Your attention is drawn to the following provisions in the Heritage Overlay, Victorian Planning Provisions:
    - *Whether the location, bulk, form and appearance of the proposed building is in keeping with the **character** and appearance of adjacent buildings and the heritage place.*
    - *Whether the proposed works will adversely affect the significance, **character** or appearance of the heritage place.*
    - *Whether the proposed subdivision may result in development which will adversely affect the significance, **character** or appearance of the heritage place.*
    - *Whether the proposed sign will adversely affect the significance, **character** or appearance of the heritage place.*

  Note that in the review of the 2015 Victorian Heritage Act Review this was not raised as an issue. Additionally any confusion between "heritage" and "character" could easily be managed through guide notes and education.
- Thematic studies and comparative analysis can be useful, although flexibility and community input is more desirable than rigid and arbitrarily prescribed themes. Any amendment to the criteria should be consistent with the State Heritage Criteria.
- Two separate Ministers and State Government Departments manage non-indigenous heritage. This arrangement could be improved.
- Centralisation of planning decisions for Local Heritage divorces the process further from the community.
- Streamlining the Local Heritage listing process could be as simple as having a schedule to the Heritage Overlay which, with appropriate checks and balances, could be an independent process to update, separate from any amendment to the proposed Planning Code.
- Accrediting heritage professionals is a sound idea. However, the criteria for accreditation is not clear, and neither is the remit of their decisions.
- While early engagement and consultation is desirable when listing heritage properties, this should not facilitate an opportunity for demolition.

- Regarding the demolition of Local Heritage Places on Merit. Demolition of State and Local Heritage Places as non-complying are only listed in the Regional Town Centre and Township Zones. Any discussion regarding non-complying and its further equivalent would have to be considered with regard to the robustness of the Objectives and Principles of Development Control with regard to the retention of Local Heritage Places.

Yours Sincerely

Andrew Stuart

Chief Executive Officer

P078

Pearce, Penny (DPTI)

RECEIVED
05 Oct 2016
DPTI

From: Bob Ritchie
Sent: Wednesday, 5 October 2016 9:55 AM
To: DPTI:Planning Reform
Subject: Local Heritage Reform Discussion Paper

Follow Up Flag: Follow up
Flag Status: Completed

While I agree with most of the changes proposed in the discussion paper, I hold a differing view on one of them, listed as the first point below. And I hold a strong view on a related issue which is not included; my comment listed as the second point below.

1. Reducing the time set for community consultation. Having been involved in community consultation on a few occasions, I appreciate the amount and extent of time required for engagement with neighbours, especially in an extended area as for consideration of conservation zone proposals.

2. The levels of control over Historic Conservation Zone (HCZ) are not much different from Local Heritage Place (LHP). Therefore it is common sense and courtesy for the same considerations and appeal rights, and some authorities agree. Please give the owners of a Historic Conservation Zone property, not just Local Heritage Place, the right to appeal to the Local Heritage Advisory Committee
   .
   In 2015 Prospect Council created the new HCZ of HC8 Prospect Lanes, which DPTI described as not historically intact. The resident group Local Streets confirmed this in a detailed survey. A majority of households signed an objecting petition, which was tabled in parliament in Dec-2015. However, the affected property owners had no right of appeal.

I am available for further consultation and to answer questions.

If members of the public are to be allowed to make oral presentations, then I request to be included in that part of the process.

Yours faithfully,

Robert K Ritchie

P079

Pearce, Penny (DPTI)

From:	R Chenoweth <R.Chenoweth@prospect.sa.gov.au>
Sent:	Wednesday, 5 October 2016 1:01 PM
To:	DPTI:Planning Reform
Cc:	Nathan Cunningham; Scott McLuskey
Subject:	Local Heritage Reform Discussion Paper Feedback
Attachments:	Heritage Reform - Attachments 44-45.docx
Follow Up Flag:	Follow up
Flag Status:	Completed

Hi

City of Prospect at its September Meeting endorsed the feedback as contained in the above attachment and wishes it to be favourably considered as part of the planning reform process on Local Heritage. Council would like to have further involvement and input as this matter continues to take shape, as it is an important issue for our local community.

Should you have any queries please contact me as detailed below.

Regards

Rick Chenoweth
Senior Policy Planner
City of Prospect

T 08 8269 5355
F 08 8269 5834
128 Prospect Road | PO Box 171, Prospect SA 5082
r.chenoweth@prospect.sa.gov.au

Council Feedback to Local Heritage Reforms

City of Prospect's response to the Discussion Paper, including its support for the LGA Position Paper, includes the following:

- Council recognises and supports local heritage reform and working toward a framework that balances the community's desire to retain and protect and the interests of those seeking to renew and develop. In general, however, the discussion paper lacks reference to a strategic framework, clarity of detail and reference to governance and funding arrangements

- the information provided and consultation process offered is insufficient for Councils to effectively contribute on behalf of their communities

- there is a need for a holistic discussion on heritage issues (at all levels in the heritage hierarchy and including Aboriginal heritage) and not just to confine it to local heritage place listings (in accord with Expert Panels recommendation for an integrated heritage process). Context and historical character zones/areas are also important local area considerations

- why do the currently proposed reforms differ from the suite of recommendations of the expert panel on planning reform

- the whole discussion on why local heritage is important is missing from the discussion

- new heritage listing criteria, particularly on the methodology for selection of themes, and issues of thresholds and over- and under-representation, is not clearly articulated. Seems to be targeted toward 'one-off' listings rather than supporting heritage groupings or multiple sites where justified

- review of listings should be available, but with justification and scrutiny and acknowledgement that existing listings were part of previous exhaustive reviews

- opportunities for economic benefits of heritage conservation need to be acknowledged, including funding opportunities and incentives for economic use and adaptive re-use

- policy clarity, effective guideline documents, and clear decision making roles in development assessment are necessary

- further clarity on 'Accredited Heritage Professionals', including the role of tradies & contractors, and preventing situations like 'advice trading' of 'expert versus expert' (eg similar to arborists advice for significant trees)

- interim operation should be kept as it is an important preventative measure for demolition. Owners have a vested interest and heritage provides a wider community benefit. Instead, explore avenues of appeal and funding compensation

- contributory items have been added to Development Plans in large numbers and sets up a system of quasi-protection. Their value to policy has become unclear as new items have not recently been added to/accepted into Development Plans

- Prospect has demolition of heritage items as merit development, but it is supported by strong policy for justification of removal or buildings, which should be used as model policy by others

- simplify the heritage process and make it more streamlined and understandable to achieve greater acceptance and ‘buy-in’

- consideration toward removing the gap that exists toward protection of contemporary heritage, with recent development also worthy of some protection.

7 October 2016 (Revised)

P080A

ALEXANDER WILKINSON

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Local Heritage Reform Discussion Paper
GPO Box 1815
ADELAIDE SA 5000

per email: planningreform@sa.gov.au

Local Heritage Reform Discussion Paper
Response from Sandy Wilkinson

Minister John Rau,

Deputy Premier
Planning Minister

PART 1: MY OBSERVATIONS ON HERITAGE OVER LAST 25 YEARS

SANDY WILKINSON – BACKGROUND (WHERE I AM COMING FROM)

1. I am probably most known as an Adelaide City Area Councillor and heritage supporter. I was first elected in 2007 and again in 2010 & 2014, on heritage and better planning platforms, so clearly my views are shared by those that supported me.
2. I am qualified in both Town Planning and Architecture with honours in Conservation.
3. Professionally I have worked as a heritage advisor for the City of Adelaide and been engaged as a Consultant by other Councils including the Unley and Burnside Councils on Development Plan reform pertaining to heritage and character whilst enabling growth.
4. I established ALEXANDER WILKINSON DESIGN Pty Ltd in 1999.
5. 60% of my work, through my firm, is residential property development, (townhouses and apartments) in established, primarily historic, inner areas. 25% of my work is private residential and 15% is heritage restoration.

CONTRIBUTION OF HERITAGE TO STATE'S PROSPERITY & EMPLOYMENT

1. One of Adelaide & South Australia's significant points of appeal and advantage over other cities and states in Australia is our relatively intact stock of historic character stone houses and commercial buildings, which are the envy of the eastern states.
2. The building/house renovation market constitutes a larger portion of the state's GDP than the new home market, however it is comprised mainly of SME's (small-medium enterprise businesses) who do not generally have the ear of Government.
3. Whilst it is true that one could often build a new house for what it cost to renovate and add on to an old one, the end result is no comparison.
4. Old turn of the century stone houses such as Adelaide's cottages and villas would conservatively cost upwards of $\$5,000/m^2$ to build today, due to their quality, ceiling heights, materials, detailing and workmanship.
   I am advised that the late David Cheney' reproduction homes were in the $\$8,000$-$\$10,000/m^2$.

5. New townhouse developments, which I design, typically cost $2-2,500/m² to build and this is at the upper end of the residential development spectrum. Project homes typically cost half that again, only $1200-$1500/m².
6. Yet the cost of renovating the existing houses is typically $1000-$1500/m², which yields a building that would cost upwards of $5,000/m² to build.
7. For a new build 60-70% of the project cost is materials, (and not necessarily from SA or even Australia)
8. For a renovation this ratio is reversed, such that 60-70% of the dollar-spend, is employing South Australians.
9. So **for every house that is not demolished, and so renovated instead, the employment generated is <u>doubled</u>.**
10. For a heritage restoration the labour content can be >80% and so the employment generated is nearly tripled.
11. Conversely for every historic house that is **demolished** for a new build, the **employment generated is halved**.
12. A new house might typically take 6 months to build, compared to 12 months for a renovation, this is a very good indicator of the amount of employment involved in these two types of building project.

PLANNING & DEVELOPMENT EQUITY & FAIRNESS

1. The most important thing that Town Planning as a discipline can and should achieve is to protect that which is good and sought by the community to be maintained about a given place, town or city. Determining how that place is subsequently managed and allowed to change follows that.
2. It is imperative that demolition protection is **absolute** and that it is not 'on merit'. Developers and other bidders for any property need to know whether a building on a site can be demolished or must be retained and incorporated into any new development when they bid for a property.
   It would be profoundly unfair if a purchaser could purchase a property and then demolish it, having bid against others bidding on a different premise.
   The proposal to make demolition 'on merit' would be to open up a proverbial 'can of worms' and would create massive uncertainty and confusion for property purchasers and would be profoundly unfair to people who have already purchased next door to a Local Heritage or character place, on the basis that the adjacent house cannot be demolished.
   The same goes for Planning Controls generally, and is the reason why any planning control needs to be applied consistently and fairly so as not to give unfair advantage to one who goes against or exceeds the planning controls.
   The development and valuation industry base land values on what can or cannot be done with a given piece of land.

This house in Elizabeth Street Norwood is not listed/protected from demolition and was recently marketed as a potential development site!

A developer client of mine couldn't believe that it wasn't heritage listed!
Yet he felt it should be!

CONSISTENCY OF HERITAGE ASSESSMENT/DESIGNATION

1. There is currently inconsistency in heritage/demolition protection for what is intended to achieve the same objective, ie protection of historic houses/buildings from demolition.
2. However this is not an indicator that the current situation provides too much protection, but rather that the existing situation provides intermittent protection for what most would assume was all listed/protected, as illustrated in this perverse outcome below.

NOT LISTED LISTED LISTED NOT LISTED NOT LISTED

3. This is due to a couple of factors, firstly some Council's, particularly in country areas, have not implemented heritage protection for political reasons, even after having had heritage surveys undertaken, secondly (as was the case above) because some very purist reviewing consultants have decided to 'not recommend' the listing of buildings, which the public would assume or hope would be listed and so protected, like the ones above.
4. Even developers expect historic stone houses to be listed and not able to be demolished.
5. The inconsistency results in once originally identical houses having different rules applying to them.
6. Currently, as the Local Heritage Criteria are assessed by some very purist heritage consultants, buildings that are often quite superficially adulterated, through unsympathetic alterations in the 1960's for example, are not listed. This results in perverse outcomes, where there may be a street of identical Victorian era houses, yet one or two of them are then not listed because of such alterations. It needs to be recognized that such alterations, even if quite severe, such as widening of original front windows, or even additions in front of the original façade can be quite readily reversed and usually for significantly less cost than a new building.

Typically heritage consultants who take a purist line are engaged by objecting property owners to make such a case.
The example on this page shows how one such building was successfully restored, despite starting out in a condition, which some purists consultants would have not listed.

Compare this house at 345 Halifax Street, Adelaide BEFORE (above) and AFTER (below) which demonstrates how successfully and readily unsympathetically modified properties can be restored and therefore why they should be listed.

7. Heritage listing should not just protect the perfect original condition houses, and leave the run down or unsympathetically ones unprotected, as it is the run down and adulterated historic houses which are the ones which need the heritage protection the most, from people who cannot or do not appreciate how readily they can be restored.
8. Incidentally it is these run down historic houses that have the most potential to generate employment in their renovation.

College Park has consistently had the highest average real estate value and it is because its stock of historic character villas which are all currently protected as Contributory Items, such that even run down houses like this one can only be restored, and not demolished.

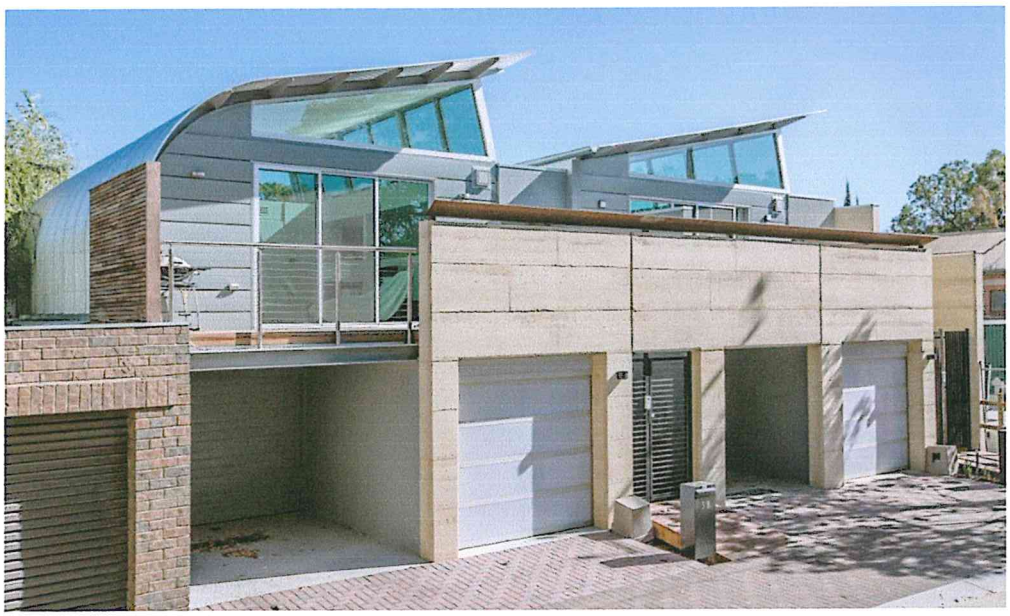
9. Structural integrity is rarely irreparable for stone load-bearing buildings in Adelaide. Currently many Council Development Plans, perhaps at the insistence of Planning SA (now DPTI), having clauses allowing for the demolition of listed or contributory places on the basis of them being beyond reasonable structural repair. Such provisions as this are open to abuse. Typically an engineer is engaged by the person seeking to demolish on this basis, puts forward arguments that could be applied to any pre WWII building, which does not have modern concrete footings.
10. Structural repair by way of underpinning and the like, whilst costly are still very inexpensive compared to the cost of building a whole new house.
11. Even a house requiring complete underpinning is more cost effective to restore than to rebuild.
12. It is imperative that listing of buildings in an area not only is done consistently including all buildings of a given era, regardless of superficial alterations or condition. It is only when such altered or neglected buildings are <u>not listed</u> that inconsistency comes about, which results in inequitable controls for different property owners and if these buildings are demolished an ultimately fragmented streetscape in place of an intact historic streetscape. It is these buildings that need the heritage protection most as opposed to pristine examples.

13. For reasons of equity and good planning outcomes, the development potential of unlisted sites in an area or streetscape should achieve consistency in scale and development potential between listed and unlisted properties. This is a achieved through such planning tools as requiring matching setback, number of storeys and setbacks to higher development behind, such that all properties have consistent development opportunity as opposed to a planning system that gives advantage to unlisted properties, and as a consequence disadvantages listed property owners, which gives rise to reasonable objection.

Grenfell Street offices with tower set back behind historic face/podium and adjacent development with comparable human scale podium, such that both sites have equal development potential.

14. Breach of the faith, which the Government has with the Community. Because people have purchased buildings since 1993 on the basis that they **are local heritage listed buildings or contributory buildings in HCZ's** and paid good money for such buildings surrounded by other similarly and listed buildings.
15. It could only be volume home building companies that must be pushing for these reforms to the local heritage and character areas, because the general public and developers that I know are not crying out for such reforms.

16. Local Heritage Items and Character items currently on constitute only a fraction of the developable land in and around Adelaide. In the city of Adelaide, less than 20% of the 10,000 properties in the city are listed, if all of the unlisted properties in the city, which should be listed were listed, it would still only amount to 25%. Listed buildings, which would represent less than 15% of the land area.
17. If the population of SA is taken as 1.7m with an average household size of about 2 people per household, the 8000 existing Local Heritage Listed buildings represents less than 1% of the states' houses, allowing for a relatively small amount of commercial buildings.
18. The Economic value of these buildings is invaluable to SA's tourism and would be future resident appeal.
19. There is ample scope to retain and restore heritage, which creates jobs and develop behind as I have done with my own property below in Norwood.

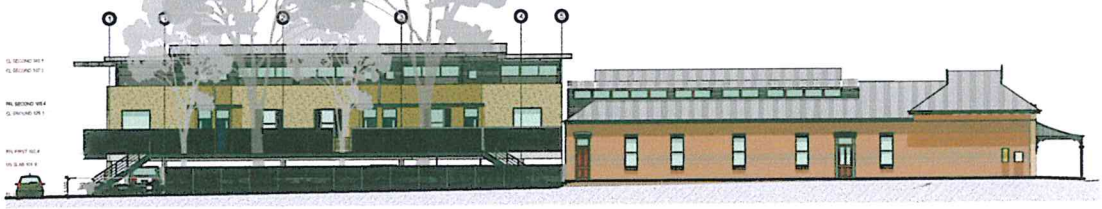


The examples on the next pages are projects, which I have done for clients, that illustrate how even the most 'bastardised' buildings can successfully be restored and how 3-storey development behind retained and restored historic along transport corridors can be viably achieved and accommodate growth.

MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT

former MILTRONIX site
125 PAYNEHAM ROAD ST. PETERS

AERIAL VIEW FROM EAST



SOUTH WEST ELEVATION

WILKINSON ALEXANDER

Daniel Jordan Homes

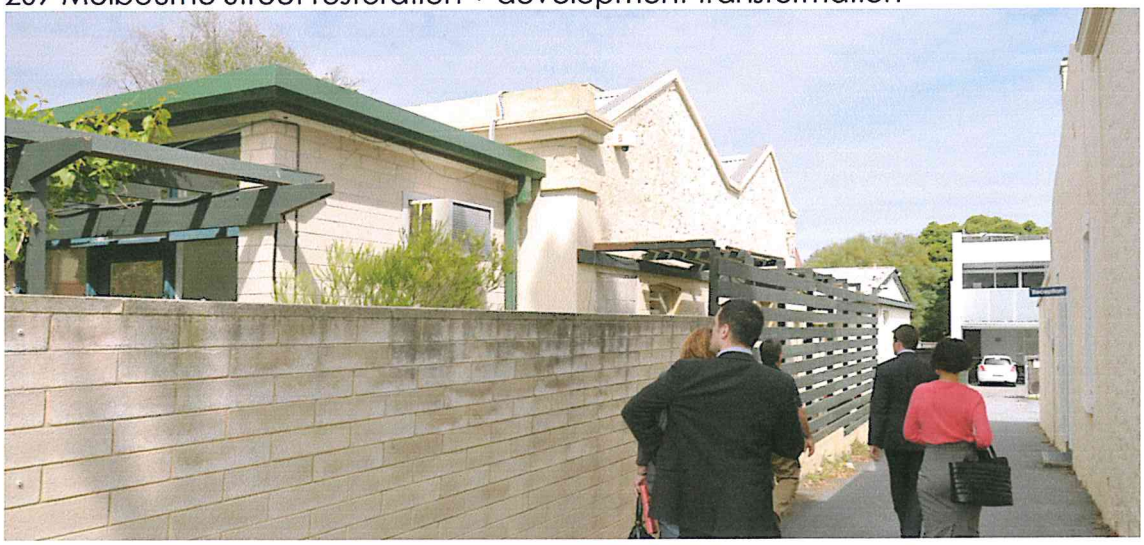
MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT

former MILTRONIX site
125 PAYNEHAM ROAD ST. PETERS

WILKINSON ALEXANDER

Daniel Jordan Homes

209 Melbourne Street restoration + development transformation



PART 2: EVALUATION OF HERITAGE REFORM DISCUSSION PAPER

Applying Lessons from similar reforms interstate

Tasmania recently undertook reforms, which resulted in a 'rationalising' of heritage places, ie a reduction in the number of listed items. This was a foolish move from a state, which has its heritage and its environment as its greatest assets from a tourism and 'reason to live there' perspective. Guidance should be taken from overseas practices. In Knightsbridge, London 95% of the building stock is heritage listed.

Updating the Local Heritage Criteria

Being very familiar with the current criteria, the proposed changes add threshold type adjectives, which ostensibly make it harder to meet the criteria for Local Heritage listing.
Some improvements could be made to the existing Local Heritage Criteria, for example the criteria (d) that refers to a buildings **'displaying'** historic construction techniques, has been used by some purist heritage consultants to 'not list' historic buildings that have been rendered like the before photo of the villa in Halifax Street because the original stone cannot be seen. The word 'displaying' should be replaced with the word **'has'**.
Similarly historic buildings concealed by aluminium cladding such as the Adelaide Central Markets, Beehive Corner and 61 Hindley Street, which have all had the cladding since removed have not even been recommended on account of 'not displaying' .....
If any changes to the criteria are to be made they should be intended to reduce inconstancy in assessment by different Heritage Consultants rather than to raise the bar further.
If the bar is to be raised for Local Heritage Listing in the manner proposed, then an additional level of demolition protection needs to be formalised, vis a vis Historic Character protection in Historic Conservation Zones, based on buildings being of a particular era in historic subdivisions as was proposed for the Unley Council.

SUGGESTED CHANGES TO CRITERIA

(4) A Development Plan may designate a place of local heritage value if-

(a) it ~~displays~~ has historical, economic or social themes that are of important to the local area; or
(b) it represents customs of ways of life that are characteristic of the local area; or
(c) it has played an important part in the lives of local residents; or
(d) it ~~displays~~ has aesthetic merit, design characteristics or construction techniques of significance to the local area; or
(e) it is associated with a notable local personality or event; or
(f) it is a notable landmark in the area.

Most of the **inconsistency** in current listings, in my observations since the Development Act 1993, has come about because buildings, which form part of original historic building stock of an area, have been **not listed** on account of '**not displaying**....design characteristics or construction techniques because they are rendered (345 Halifax Street) or concealed by front additions (like 209 Melbourne Street).

What is important is whether a building is one that does have or represent these themes and attributes.
It should not hinge on whether such a building has undergone superficial alterations or modifications in the 1960's or whenever.
My examples illustrate, that any such building can invariably be readily restored to its original appearance and as such should not be reason to condemn a building to potential demolition through not listing.

Implementing a framework document and 'practice direction'

The use of themes..... to help answer questions such as 'How many are too many?' indicates to me that the discussion paper is coming from a Noah's Ark approach where there is some imperative to keep a lid on the number of properties that become local heritage items.
A historic suburb is not a boat with limited capacity, if every building in a particular street is part of the historic makeup of the area, surely it is only fair that all of them are included.
Over representation is not a problem, it's an indication of a high degree of intactness, which is surely a positive thing.
What would be a problem is if a Noah's ark approach as being touted is adopted:
How would one choose which select ones are to be protected?
How would it be fair to the owners of the selected few if those unselected around them are allowed to be redeveloped?
If themes are to be used; they could be used to add understanding for the benefit of owners to new listing for example:
Theme: original nineteenth century workers cottages
Theme: houses that form part of the original 1905 farm subdivision.

Streamlining our listing process

The listing process is made long-winded currently by two main issues:
Firstly the Minister sitting indefinitely on Heritage DPA's as has occurred in the City of Adelaide since 2009.
Secondly the ability for some properties to get left off the list if argued strenuously enough that a building no longer displays.... or is so structurally beyond repair etc. Most people who hear these submissions know these are invariably spurious yet much time is wasted giving credence to such arguments. What is problematic is when some identical properties are subsequently not listed whilst others are due to this process.
A lot of time could be saved by having **historic character listing**, which is based simply upon the age of a period building within a context of similar aged period houses/buildings in a clearly and comprehensively demarked HCZ.
Interim effect is absolutely necessary to stop owners prematurely demolishing, which would be profoundly unfair to other property owners and subverts the process and puts buildings into needless jaopardy.
However I agree that better concurrent advice to owners of proposed listing is imperative.
Owners need to have it clearly explained that, for residential areas, there property values are likely to actually go up, that they CAN still do a modern addition, even 2-storeys at the back and that if their house perhaps, does

not look as original as others in the street, how readily it could be restored, and how such work would enhance their property value.
There would be benefit to establishing what can and can't typically be done for a given type of property.
It does not need to be done for each and every house, rather for each type of scenario and special consideration given just to corner properties, which can be seen from two street frontages.
Street boundary fences should always be covered, either to protect original fences, or to ensure appropriate new fences and consistency between original and new fences.
Commercial property owners should be provided building envelope diagrams that illustrate how they can build up behind a designated setback behind the historic façade of their commercial building.

Improving how we record Local Heritage places

State Heritage, Local Heritage and Historic Character Contributory Items should be clearly shown on all Development Plan maps as well as on lists/schedules. It is imperative that this is done thoroughly so that incorrect-mapping is not used as an excuse to demolish.
Any buildings listed should be considered listed period. The notion of periodic review is an anathema to heritage, which is for all time and for future generations.

Clarifying the difference between 'Character' and 'Heritage'

Because various instrument of planning and heritage protection have come into being at varying times since the 1980's there are discrepancies to the terminology applied.
However, putting the semantics aside, the intention of all of these measures has been to protect the buildings identified in such areas from demolition.
Buildings should not have to be of Local Heritage significance, ie meet the current or proposed criteria, to warrant protection from demolition, which is what the public want and what developers anticipate in any event.
My suggestion is that Historic Conservation Zones be formalised and that **Historic Character** buildings within that zone, which is predominated by such buildings, be identified and afforded protection. As such a zone would afford protection to all buildings within an HCZ that were built as part of the original subdivision, ie pre 1915 or pre 1940.
That way all properties would receive equal treatment as opposed to the current situation where some are listed and some are not or some are permitted to be demolished on the basis of being replaced by a building that is argued to be of equal or greater contribution, which is missing the point of what is intended for such zones.

Simplifying our Development Assessment Process

It is absolutely imperative that demolition protection is **absolute** and that it is not **'on merit'**. Developers and other bidders for any property need to know whether a building on a site can be demolished or must be retained and incorporated into any new development when they bid for a property.
It would be profoundly unfair if a purchaser could purchase a property and then demolish it, having bid against others bidding on a different premise.

The proposal to make demolition 'on merit' would be to open up a proverbial 'can of worms' and would create massive uncertainty and confusion for property purchasers and would be profoundly unfair to people who have already purchased next door to a Local Heritage or character place, on the basis that the adjacent house cannot be demolished.

Partial demolition of rear additions or rear portions of a local heritage item is presently provided for and is not non-complying and hence is not at issue.

I understand that some Council areas have demolition on merit now. This is where the problem lies. Demolition of a local heritage item should generally be Non-Complying in all Council areas for reasons of certainty, equity and consistency.
Heritage assessment is not like Building Rules Consent and should be continued to be undertaken by Heritage Consultants/staff employed by Council. It is fine privately engaged heritage consultants to present arguments on behalf of their client, but if that consultant were allowed to make the decision, those few Consultants who have a reputation for saying 'yes' to doing the 'wrong' thing by a heritage building, will tend to be engaged extensively whilst those more discerning consultants will not be consulted, period.

CONCLUSION

The whole review in this Local Heritage discussion paper appears to come from a premise that heritage is regarded as a handbrake on economic activity, whereas the converse is true.

For every house or historic building that is not demolished, due to heritage protection, it will be renovated instead, and while the dollar spend may be about the same compared to a new build, the amount of employment generated will ostensibly be doubled.

Yours Faithfully

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Appendix:
Illustration of relative construction between typical heritage + new build