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Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
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With compliments





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29 September 2016

Ms Anita Allen
Manager, Planning Reform
Development Division
Department of Planning, Transport and Infrastructure
211 Victoria Square
ADELAIDE SA 5000

Dear Ms Allen

Renewing the Planning System, Heritage Reform - Local Heritage Discussion Paper

Thank you for providing Council with an opportunity to provide comment on the Local Heritage Discussion Paper received by Council on 16 August 2016.

We understand that the State Government is considering the way that local heritage is recognised and managed as part of considering opportunities for reform through the recently introduced *Planning Development and Infrastructure Act 2016* (the PDI Act).

The City of Holdfast Bay has played an important role in the evolution of South Australia and is rich in heritage. Glenelg in particular has played an important role in European settlement on the South Australian mainland, with Governor John Hindmarsh proclaiming the Province of South Australia in Glenelg on 28 December 1836. Council values its significant heritage as South Australia's 'birthplace' and as an early focus for coastal tourism at both Glenelg and Brighton.

Consequently, the City's Development Plan includes a number of recognised heritage places of State-wide significance and a considerable number of places identified as having local heritage importance, along with areas that have long been recognised as having historic value.

Local government is the level of government closest to the community and we experience firsthand the great extent to which our community values its local heritage, and the value that our heritage places contribute to our streets and suburbs and help tell the story of our City. Further, as a Council we invest in local heritage in a number of ways, including through a Council rate rebate program, a heritage advisory service for development matters and general promotion and education around heritage throughout the Council area. Indeed, studies have demonstrated the economic significance of cultural heritage and its important role in tourism attraction and expenditure.

We acknowledge that there are opportunities to further streamline and improve the listing process for Local Heritage Places to provide greater consistency of application across the State, and improve community and landowner engagement in this process.



Council is, however, significantly concerned that the Discussion Paper appears to be premised on local heritage listing being an impediment to development rather than an opportunity, with an implicit goal to reduce the number and extent of local heritage places across the State and Greater Adelaide. Further, the Paper itself and suggested reforms lack a comprehensive, or even basic strategic framework and limited detail is provided regarding the intended actions and outcomes of the review or any governance arrangements for their implementation. This significantly limits our ability to make any informed comment on the proposed reforms on behalf of our community.

Notwithstanding this, the following more specific comments are made in relation to the Paper and limited information provided at this time:

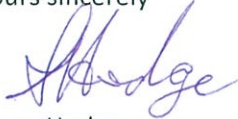
- The Paper fails to clarify the intended status and role of historic conservation areas. Indeed, the City of Holdfast Bay has a number of these areas and several residential character areas identified in its Development Plan. Changes to the boundaries, or the loss of these areas altogether would require significant review and justification despite the retention of Local Heritage Places within them. These areas are highly valued by our local community and significantly add to the City's character.
- While we note the Fact Sheet supporting the Discussion Paper highlights that existing Local Heritage Places are to be transitioned into the new Planning and Design Code as Local Heritage Places, it appears that all existing places identified as 'Contributory Items' are not recognised in the new PDI Act. Council currently has some 579 places identified as such and would seek assurance that these items would be afforded a similar level of protection in the new Planning and Design Code – possibly via a suitable heritage overlay.
- While the use of historical themes at either a Council level or regional level may have some merit, identifying the 'themes' that are relevant to the specific areas requires a greater level of detail and investigation.
- We support proposals for early engagement and better communication with land owners for local heritage listing and review. However, we would seek the retention, and strengthening of, interim demolition control to protect identified buildings from demolition during consultation and engagement.
- We are particularly cautious about proposals in the Paper to change the criteria for local heritage listing to more closely align with criteria for State Heritage listing the *Heritage Places Act 1993*. Specifically, these criteria appear to have much higher threshold values, meaning undoubtedly that many existing Local Heritage Places may not 'make the cut' under a new system. Eroding the number of properties currently listed would do little to enhance the value of our existing heritage areas. Again, we would seek assurance that those properties that may not be listed under new local heritage listing criteria would be afforded a level of protection by way of policy controls under the new Planning and Design Code.
- Further details are needed around heritage accreditation to ensure objectivity and to minimise risks of potential conflicts of interest. While proposals to expand the role of qualified professionals and maintaining expertise within councils may have some merit, the manner and capacity in which private professionals can act needs careful consideration. Any reforms must enable greater policy clarity, effective guidance and clear roles and transparency in the decision making process.
- While we acknowledge that there are discrepancies across council Development Plans with regard to demolition controls, current controls pertaining to the demolition of existing Local Heritage Places should not be further eroded through transition to the Planning and Design Code.

In addition to Council's concerns above, a number of our staff have also attended and actively participated in forums and workshops held by both the Department of Planning, Transport and Infrastructure (DPTI) and the Local Government Association (LGA) on the Discussion Paper. We note that the LGA will be making a submission on behalf of its members and trust that this will be carefully considered by DPTI prior to the drafting of a future Bill.

Indeed, given the limited direction and detail provided in the Discussion Paper, further consultation and engagement must occur with local government and the wider community on more detailed directions arising from the review prior to any legislative reform.

We therefore look forward to remaining engaged in this review process to ensure any future changes appropriately reflect the aspiration, priorities and values of our community.

Yours sincerely



Steve Hodge
Acting Chief Executive Officer

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

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05 Oct 2016

DPTI

29/9/16

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

Dear Sir/Madam,

Thank you for the opportunity to comment on the Local Heritage Reform Discussion paper.

However, I would like to express disappointment at the somewhat peremptory consultation process being undertaken and suggest that a much more detailed and democratic exercise be undertaken for such an important area.

It is also disappointing that the paper makes a considerable number of assertions without any detailed argument or substantiation.

Specific comments on the paper are as follows:

1. The importance of local heritage listings

The fact that there are some 8,000 local heritage listings compared with some 2200 State and that the former is increasing is quoted in the discussion paper as if it is somehow questionable.

The local heritage listings should be a matter for expansion and celebration. It is evident many local communities are valuing their built heritage and seeking its preservation. Moving even further in this direction will ensure SA remains a unique place that people want to visit and live in, rather than Adelaide becoming another global city just like hundreds of others. Overseas cities with unique (and mostly 19th century) heritage such as Paris or Vienna, show that Australian cities can ultimately be more successful if they strive to retain unique heritage qualities alongside other contemporary developments and growth. Cities like Brisbane with poor heritage conservation show how easy it is to become an anonymous growth centre which could be anywhere in the world.

Preservation of heritage is desirable from the perspective of economics, jobs and environment.

Heritage in SA generates tourism wealth¹, and the preservation of the embodied wealth of heritage buildings is far more desirable than creation of waste to landfill as is often the case with their demolition (intrinsically a loss of wealth).

Overseas experience shows millions of jobs and local wealth are generated by heritage preservation².

Greenhouse gases and energy are embodied in heritage building stock, providing strong environmental reasons for its preservation³.

Restoration of heritage buildings has been found to be less energy intensive than new construction, giving additional environmental reasons for preferring heritage retention⁴.

The State heritage register focuses on matters of state-wide importance, and it has been my experience that nominations of places of local significance will be rejected and referred to the local council.

However there is not always a local heritage list and the local council is not always prepared to update or add to its local heritage list. In any case, items of local significance are often arguably also of state significance and the distinction can be somewhat specious. By way of example, a schoolroom built at South Hummocks in 1881 is arguably a local heritage item, but also a state heritage item since it was built for the state government and reflects a state policy of promoting education in rural areas. The State heritage authority refers such a nomination to the local council (even though it may meet at least one criterion under the Heritage Places Act), but the District Council of West Barrunga does not have the resources or will to update local heritage listings.

In the case of some local councils, there is a good heritage list, but no ongoing heritage committee to deal with new nominations. For example, the City of Mitcham no longer has such a committee, and although a recent Development Plan Amendment has added important aspects to its local heritage list, other unrepresented aspects remain.

One solution to the above would be a central heritage authority with the resources to deal with both local and state heritage. However, that would only work if local interests were also involved and represented and ways of doing this need to be widely canvassed.

2. Local Heritage criteria

While the suggested new criteria to deal with local heritage and bring them in line with State criteria may seem attractive, they seem to fail badly in terms of protecting the character of precincts.

The proposed criteria seem to focus on representation, speciality and particularity, and indeed that has been a failing of the State heritage administration in my view.

While “character” and “heritage” is discussed elsewhere, how will the proposed criteria address “contributory” items that exist in some local heritage areas/conservation zones? Although contributory items are not that well protected, current provisions provide at least some opportunity to maintain the character and general interest of heritage precincts. For example the City of Charles Sturt historic conservation zoning in Drayton St Bowden has allowed redevelopment of sites occupied by contributory items with new housing of sympathetic scale and design, and the precinct retains heritage value that it may not otherwise have. It is important to note that local conservation zoning has not impeded very major building redevelopment in the western section of Bowden anyhow.

Any new criteria need to be redrafted to embrace protection of heritage precincts and neighbourhoods and their character more effectively.

3. Character and Heritage

The discussion of these two terms is highly contentious in my view and achieves little. Words hardly ever have a single meaning as seems to be the argument in the paper. The suggestion that “character” is less about a value and more a tool to recognise physical attributes is not borne out by consideration of dictionary meanings – indeed the *Australian Oxford Dictionary* suggests “heritage” relates to physical buildings or landscapes, while character is about qualities, and values are defined as qualities upon which worth depends!

Character and heritage are closely allied and the paper appears to be trying to demean the significance of the former as part of a thinly disguised attempt to demean local heritage generally, and weaken its protection.

4. Streamlining

The discussion paper focuses on development and fails to mention that currently very substantial delay in local heritage listings occurs after local council preparation of development plan amendments, when DPTI seeks changes to proposals. This not only promotes uncertainty for property holders, but is a subversion of the democratic process.

Streamlining the process of listing whereby DPTI and the Minister play a much smaller role and local government is given more power (perhaps within general legislative guidelines) would seem desirable, subject to the caveat that the state government may intervene to protect local heritage where local councils abrogate this role.

5. Accreditation of heritage professionals

The discussion paper places some emphasis on this proposal, and in doing so neglects the importance of local public knowledge.

Some heritage professionals are already well know publicly as “guns for hire” to support actions including demolition of heritage buildings. Inclusion of accreditation in legislation could entrench this further.

It is suggested that inclusion of a role for independent public experts such as academics, and voluntary organisations such as the National Trust of SA and historical societies may be appropriate in this area.

6. Conclusion

There are many ways in which the heritage protection process could be reformed discussed in the NTSA paper *Living Heritage 175* (2011)⁵, none of which have been taken up, and all of which should take priority over the poorly argued reforms of the discussion paper.

Yours faithfully,



Marcus Beresford LLB, MEnv Law

¹ SA Tourism Commission survey results have shown a majority of tourists in SA are attracted by heritage.

² Klostermann A *Forum News* May 2010, Vol 16 no 9 “Preservation = Jobs: Findings from Groundbreaking Rutgers University Report” National Trust for Historic Preservation <http://www.preservation.org./forum/resource-center/forum-library/public-articles/preservation-jobs-finding.html>

³ Crawford R “Greenhouse Gas Emissions Embodied in Re-inforced Concrete and Timber Railway Sleepers” 43 *Environment Science and Technology* (Journal) pp3885-90; Professor Ralph Hercu, see also Lamb G “Concrete evidence of Gains” in www.insidewaste.com.au, May/June 2009

⁴ H Bennetts & S Pullen *Historic Dwelling and Improvement Design and Resources Audit* (Sustainability House Edwardstown 2010)

⁵ Copy attached, refer particularly pp10-15



NATIONAL TRUST
SOUTH AUSTRALIA

DISCUSSION PAPER

LIVING HERITAGE VISION 175



**IDEAS FOR BUILDING ON 175 YEARS OF SA HERITAGE
TO CREATE A RICHER, MORE DIVERSE AND
SUSTAINABLE BUILT ENVIRONMENT**

A contribution to celebrate the 175th anniversary of European settlement in SA

The National Trust of SA (NTSA) owns 56 built heritage places, 18 natural heritage and open space reserves, and manages (mostly through its 46 Branches) a further 55 private and government owned heritage places. Its other primary activity has long been public advocacy on heritage matters, the principal purpose of this document.

The document is issued by the NTSA as part of a seminar *Activating Our Built Heritage*, on 5 October 2011. It is intended solely as a polemic, to promote wide public discussion in finding new approaches to built heritage. It has been collated by the Cultural Heritage Advisory Committee of the NTSA but is not necessarily NTSA policy.

Your comments and suggestions are welcome

– send them to 631 Glynburn Rd Beaumont SA 5066, admin@nationaltrustsa.org.au

Foreword

Changing understandings of heritage

A dictionary definition of "heritage" is "*anything that is or may be inherited, inherited circumstances, benefits etc.*"¹ Heritage has also come to mean more narrowly "a nation's historic buildings, countryside etc. especially when regarded as worthy of preservation"², a meaning which became particularly current in post-war Australia, with the foundation of bodies such as the NTSA.

By the 1980s this had come to include areas of native vegetation, with the introduction of heritage agreements over them under the *Native Vegetation Act 1991 (SA)*. The *Heritage Places Act 1993 (SA)* defines heritage through ten detailed criteria³ including cultural, technical, spiritual aspects, and archaeological, palaeontological, geological or speleological places.

Now the meaning of heritage is moving to an even wider sense, as the community values heritage in the form of wider phenomena, including landscapes; perceived "character"; and a range of human crafted materials.

The NTSA "Vision" and "Mission" refer to "conservation of Natural and Cultural Heritage". The *National Trust of South Australia Act 1955-75 (SA)* does not define heritage. Its preamble states that the legislation is to "provide for the preservation and maintenance of places and of chattels of any description of national historical artistic or scientific interest or natural beauty, and *for purposes incidental thereto*". This rider leaves the prospective operations of the Trust wide open. Section 5 sets down four purposes for the Trust, to promote:

1. *the preservation and maintenance for the benefit of the people of South Australia of land and buildings of beauty or historic, scientific, artistic or architectural interest and as regards lands, the preservation (so far as practicable) of their natural aspect features and animal and plant life;*
2. *the protection and augmentation of the amenities of such lands and buildings and their surroundings;*
3. *the preservation of furniture, pictures and chattels of national, historic, artistic or scientific interest;*
4. *the access to and enjoyment of such lands, building and chattels by the public.*

Words in the Act such as *beauty, historic, scientific, artistic, national, land, surroundings, interest, natural aspect* and *features* indicate an intention to give the Trust a wide choice in its concerns.

There seem grounds for the National Trust adopting wider contemporary understandings of heritage. However, some new concepts of heritage might be insufficient on their own, rather forming part of a mix of reasons, which together justify conservation.

While a great deal has been achieved and learnt about heritage since 1955 when the NTSA was founded, two matters are central in the future of heritage conservation – *adequate funding and other resources for heritage conservation, and appropriate adaptive re-use of heritage places*. The by now significant lists of heritage buildings for conservation must not go into suspension due to lack of resources, lack of commitment to an adequate heritage assessment and implementation process or other inability to meet preservation expectations.

Cover: State Heritage listed Beaumont House (1851) and garden, adaptively re-used as state office of the NTSA while maintaining the historic House and its museum collection available for public access (photo MB)

NEW APPROACHES TO HERITAGE AND THE BUILT ENVIRONMENT

Introduction and executive summary

Colonel William Light created the first planning vision for Adelaide (and indeed SA), but the SA environment 175 years later is radically different, and exciting new visions are needed.

While an aim could be to build upon the rich heritage of the past, heritage conservation must also empower contemporary life, being open to new interpretations, and making old buildings relevant to present-day living. Heritage conservation must not be perceived as a roadblock.

A new vision of Living Heritage is proposed, in which there is development *with* heritage, rather than development *versus* heritage (through demolition). The government's *30-Year Plan for Greater Adelaide*⁴ refers to heritage, but clear actions and initiatives are needed to translate its aims in practice

South Australia could become The Heritage State, exploiting the fact that a majority of tourists are attracted by SA heritage⁵, and exporting SA heritage conservation skills, techniques and approaches.

Bodies representing the building construction industry regularly put forward views, which currently dominate the public discourse on what happens to built heritage

in SA. This document attempts to address this perceived imbalance.

SA has a *Heritage Places Act 1993* (which embodies concepts dating from decades ago) to protect *State* heritage, and provisions in the *Development Act 1993* to protect *Local* heritage. Both can now be seen to have shortcomings, and their administration and enforcement are (increasingly) under-funded, allowing some heritage places to suffer demolition⁶ or fall in to a state of disrepair⁷.

If financial resources are a key issue, skills development and training in heritage conservation are also inadequate.

The following pages seek to identify:

- A possible new vision for the built environment (page 5) including:
 1. *Preservation of the unique character of SA with heritage buildings forming a prominent part of the mix;*
 2. *An economically prudent and environmentally sustainable building and construction economy involving the four Rs: Restoration, Re-use, Re-locating, and Recording of built heritage;*
 3. *Contemporary buildings of high architectural merit, long projected life and low environmental impact.*

- Potential guidelines for adaptive re-use of heritage buildings backed up by legislation (page 8), requiring optimum adherence to the Burra Charter for places of cultural significance, including:
 1. *Minimal feasible change to the building, site and environment, with a similar use or one compatible with its character, careful design and planning, and consideration of intangibles (associations, spirit) related to the building;*
 2. *Alterations or additions that do not destroy aspects that characterise the historic building, that are compatible in mass/scale and architectural features, but legibly differentiated from the old, and capable of removal without impairment of essential form and integrity.*
- Weaknesses in existing legislation controlling heritage and redevelopment and possibilities for legislative reform (page 11) including:
 1. *Either removal of power of Ministerial intervention to prevent registration as a State Heritage Place, or creating a right of either House of Parliament to disallow such Ministerial intervention;*
 2. *New listing criteria to reflect contemporary heritage concepts (e.g. 20th century architecture);*
 3. *Automatic interim protection upon nomination of heritage places/items while consultation processes occur;*
 4. *Requirement of Conservation Management Plans or Strategies for listed places/items with provision of funding;*

5. *A public complaint process where heritage is deteriorating;*
 6. *A single authority to consider State and Local nominations and a formal process for public nominations of local heritage*
- A possible Public process for optimum use or disposal of public land and buildings through (for example) a *Public Lands Disposal Act* (page 17) which includes:
 1. *Regular reporting upon the status and mandatory maintenance of unoccupied public buildings;*
 2. *Distinction between Public land (with a presumption for retention) and Government land (potentially available for disposal) as under Local Government legislation;*
 3. *Assessment of non-financial public values of land being considered for disposal;*
 4. *Full and transparent investigation of options for future use with public participation.*
 - Other new initiatives (page 19) including:
 1. *Development of a system of **Commonwealth taxation benefits** for expenditure by owners on properties containing places of documented historic or other heritage importance;*
 2. ***Voluntary Private Heritage Agreements** (registered on the titles as binding covenants) over properties containing such places;*
 3. ***Voluntary Private Conservation Management Plans** over such places;*
 4. ***Voluntary Land Management Agreements** over properties containing such places as provided for under the Development Act.*

A new vision for the SA built environment

A vision for Adelaide and other built centres in SA could include:

1. A built environment reflecting the unique character of SA in which history and heritage form a prominent part of the mix. Beautiful cities of the world (such as Venice, Paris or Vienna) carefully manage new development in conjunction with heritage conservation, and this approach could become more firmly entrenched in SA, making it the Heritage State.

The unique character of SA includes:

- Above all **a government planned approach**⁸, beginning with Edward Gibbon Wakefield's systematic approach to colonisation and the settlement plan of 1834, Colonel Light's plan of 1837, government creation of over 370 townships from 1860s, the government-sponsored Charles Reade Garden Suburb at Colonel Light Gardens, Whyalla industrial township, Woomera township with its corridors of parkland, the satellite city of Elizabeth, Leigh Creek South with its arid zone pebble gardens, to newer government-partnered suburbs like West Lakes, Golden Grove or Mawson Lakes (all introducing new town planning elements).
- **Parkland belts** around urban centres such as the Adelaide Parklands and the Hills Face Zone, and parklands around many country/regional towns and centres.
- Urban centres characterised predominantly by a suite of **fine, mostly 19th century public buildings, corner hotels, and churches**, with mostly

unexceptional individual commercial contributions (but which often make a collective contribution when in similar styles).

- Extensive use of **local stone, and brickwork** from the late 19th century to about the 1970s (due to lack of native timber and durable stone) making SA arguably the brickwork capital of Australia⁹.
 - Relatively **low density suburbs, with very significant tree plantings** to beautify and help cope with the climate.
 - **Architecture tending to be conservative** and English influenced, while a less productive environment and fewer natural resources than other states has led to economical, stripped-down versions of new architectural movements right up to the present. There is less boom-style building in SA, with more consistency and frugality of decoration on nevertheless quality buildings.
 - A lower-gear economy has led to a less rampant building development industry, **a large stock of older buildings** and (partly by serendipity) more heritage conservation.
2. An economically prudent and environmentally sustainable building and construction economy, where the business case for retaining existing buildings is recognised and the wealth, energy and greenhouse gases/carbon they embody are dealt with according to the "four Rs" below. The latter could be embodied in the state-wide provisions of the Development Plan as guidelines for planning

authorities (and indeed the building development industry) to refer to in assessing or preparing development applications.

Over a decade ago the UK government agency *English Heritage* showed that:

- conservation-led regeneration encourages private-sector investment;
- most historic buildings are fully capable of economic use (the investment return on listed office property was 11.9%, compared with 11.4% for unlisted property);
- conservation creates long-term, sustainable jobs (more than new construction because the main input in conservation is labour (70%) rather than materials (30%); and
- conservation expenditure is paid into the local economy (while the situation for new construction is generally the reverse)¹⁰.

Other studies have shown it is 35% more efficient in terms of greenhouse gas use to retain, reuse and refit existing buildings, and 53% more energy efficient¹¹.

3. Following the “four Rs” of building resource conservation: (based on the Burra Charter mantras of Conservation, Preservation, Restoration, and Reconstruction)

- **Restoration:** Some buildings with particularly handcrafted elements (such as most 19th century buildings) are restored as precious human heritage, but may include new elements or additions to make them relevant to contemporary needs (*e.g. attached houses at 321-5 Wakefield St, and the 73 mostly*

residential properties recommended for listing in the southern City of Adelaide but not yet so protected).

A small proportion of historic buildings will be so important, exceptional or have so much original integrity as to warrant preservation as time capsules.

- **Re-use:**
 1. Adaptation of existing significant buildings to new uses, with sympathetic modifications where necessary (*e.g. modification of Eastwood Lodge the former Nurses' Home at Glenside to a boutique hotel or apartments*).
 2. Sensitive redevelopment of character sites that include heritage elements, with restoration and reconfiguration of existing buildings plus carefully situated and designed new buildings that complement pre-existing elements (*e.g. sympathetic redevelopment of Murray Bridge Road, Railway & Wharf precinct*).
 3. Retrofitting of significant pre-existing structures rather than complete demolition; since concrete embodies 5 gigajoules of energy per cubic metre, steel a staggering 85 gigajoules/cu m¹² (*e.g. gutting of buildings and reconstruction for a new use such as apartments as with the former ETSA building*)
- **Relocating:** As an absolute last resort, moving significant buildings to a new site rather than demolishing, a technique already widely used overseas¹³ (*e.g. moving La Eurana Convent at Naracoorte or Adelaide University Union Hall, both economic options*).
- **Recording:** Thorough documentation, photography, making film/video, taking oral histories of former

users, of any building before it is substantially modified, partially or wholly demolished, so that cultural values are not lost.

4. Contemporary buildings that have:

- **High architectural merit** that attempt to create and develop a regional style, rather than non-descript clones of northern hemisphere design that are ill-adapted to the SA climate. This will be the heritage of the future. The Government's *Integrated Design Commission* initiative could play a major role here.
- **Long projected life** with materials used able to be readily recycled if eventually demolished. The existing *Development Act 1993* could play a role here through a Ministerial Development Plan Amendment.
- **Low environmental impact** in both their construction (*e.g. sustainably produced materials*) and ongoing operation (*e.g. passive solar design, energy and water efficiency, stormwater and grey water re-cycling*). Again, the *Development Act 1993* could have a role here with a Ministerial Development Plan Amendment.

Adoption of guidelines for adaptive re-use of heritage buildings

Introduction

Adaptive re-use of buildings can empower owners of heritage buildings, but care must be taken about compromising building character or integrity and avoiding creation of what are essentially fakes, by following clear principles as outlined below.

Reasons why the community may wish to promote adaptive re-use of existing buildings include:

- Retaining community identity;
- Promoting quality built environment outcomes;
- Recognising "significance" – both as an artefact and as context
- Promoting environmental sustainability (including retention of existing materials and embodied energy)

It has been said "The predominant vision of a sustainable built future is of state of the art buildings utilising energy efficient design and materials. In reality, this vision should consider the 200 years of European built heritage that stands in tandem with the green structures we rightly seek to create."¹⁴

Key Adaptive Re-use Principles

- If a building is to be adapted, it is important to clearly understand the significance of the building through investigating its history and stating why it is significant (referring to the Burra Charter or state-based criteria).
- It is also important to understand whether the building is significant according to these criteria or whether it is of contextual (heritage area) significance.

- Another key principle for adapting and conserving places of significance is to "do as little as possible and as much as necessary."¹⁵

Planning

The preparation of a Conservation Management Plan is advised. Engaging a suitably qualified architect conversant with heritage principles can assist with the long-term development of the place through the preparation of a clear framework that understands the aims and objectives of the adaptive re-use and the implications for its significance.

Principles/policies

Continued use is one of the most important ways of conserving a significant or any other building. It is important that continued use is encouraged, and for this to occur, alteration may be required.

When considering new uses for the building, it is important that they are compatible with the existing spaces.

As a heritage item, a site or building should be considered as an artefact as well as a working space. Any alteration or intervention should be reversible.

Interpretation of the significance of the place should be included in the adaptation programme.

An assessment of the long-term impact of adaptation should be undertaken. This should form part of a conservation management plan. New work should be readily identifiable from existing fabric, but should remain sympathetic.

Likely issues

A number of issues commonly arise in relation to adapting heritage or older buildings that have potential implications for the significance of the place.

Updated services

Requirements for electrical and hydraulic (plumbing) services have changed dramatically and introducing wiring and other service runs related to things like computer networks and security systems and integrated controls often have major impact on existing fabric. Chasing of wiring runs within walls and new plumbing runs should be carefully considered in planning for adaptive re-use.

New openings and accessibility

In parallel with matching new uses to existing spaces, the introduction of new openings should be minimised and avoided where possible. Accessibility standards may require ramped or other complying modes of vertical access.

Building Code, regulatory and standards compliance

Regulations and standards governing the development of buildings and the built environment in relation to safety and amenity have changed dramatically leaving many older and heritage listed buildings in non-compliance. Aspects such as stairways, fire resistance and detection, handrail and balustrade design, lighting levels, glass thicknesses, earthquake resistance, vertical circulation (lifts) all form part of the current development framework. They also have potentially negative impacts on the significance of the place if not managed sensitively.

In some cases dispensation on heritage grounds could be considered. Again, it is necessary to establish the significance of the place as well as its intended use.

Proposals

Regulations under heritage legislation (the *Heritage Places Act* and *Development Act*), or in the case of the latter a Ministerial Development Plan Amendment, could set down clear guidelines for reconfiguration, redevelopment and reuse of heritage buildings and areas.

There could be objectives and principles of development control on preferred ways for adaptation of heritage buildings, redevelopment of heritage areas or precincts, and re-use of sites.

Subject to economic and technical feasibility, these could include:

- Optimum compliance with the Burra Charter (The Australia ICOMOS charter for places of cultural significance) 1979;
- Prior evaluation/assessment of the historic building, appraisal of its potential or suitability for re-use, diagnosis of possibilities, and preparation of a plan using high quality design skills and a carefully conceived design programme;
- Preference for a similar or parallel use to require lower levels of intervention;
- Careful consideration of intangible dimensions such as the historical associations, "spirit" or "feeling" of the building, and avoidance of manifestly clashing uses¹⁶;
- Minimal change to the defining characteristics of the historic building, its site and environment;
- Retention and preservation of historic character, and avoidance of removal of historic materials or alteration of features or spaces that characterise the building;
- Avoidance of changes that create a false sense of historical development (such as adding conjectural or architectural elements from other buildings);

- Retention and preservation of changes over time of historical significance;
- Preservation of distinctive features, finishes, construction techniques or examples of craftsmanship that characterise the building;
- Repair rather than replacement of deteriorated historic features, and where replacement is necessary, use of matching qualities (as supported by evidence);
- Avoidance of chemical or damaging physical treatments and preference for the gentlest means feasible;
- Protection of significant archaeological resources, and if disturbed, mitigation;
- New additions, alterations or construction should not destroy materials that characterise the historic building and new work should be differentiated from old, but compatible in massing, scale and architectural quality of the building and its environment;
- New work should be undertaken in a way that its removal will leave the essential form and integrity of the historic structure unimpaired¹⁷.

Legislative reform

State Heritage legislation issues

While current legislation (the *Heritage Places Act 1993(SA)*) has led to listing of a very impressive number and range of heritage places, some important places fall through the gaps and there are significant inadequacies.

- A key issue is the adequacy of funding for State Heritage and dissolution of the former Heritage Branch into a reduced unit with redirection of staff into other administrative areas. Loss of such a strong heritage focus and clear reduction of status and resources can only have negative outcomes overall.
- Registration of heritage places has tended to concentrate on individual buildings and failed to protect their context *e.g. The listing of Torrens Island Quarantine station includes most buildings but not the cemetery, original natural features or adequate curtilage. Torrens Park House (1853, now Scotch College) is listed but its context as an "estate" through its grounds, some outbuildings, boundary hedges and gardens is unprotected.*
- The integrity of registered places is poorly protected. *e.g. the State Heritage listed Bells Plumber's shop is falling down.*
- Existing criteria are dated and fail to take account of restorable heritage buildings which (subject to an owners consent) could satisfy criteria if inappropriate additions of modifications were removed; consideration of environmental heritage factors such as greenhouse gases and energy embodiment as part of a qualification for heritage listing; registration of landscapes of contributing items individually not sufficient, but together of overall heritage significance; or registration

of unprotected native vegetation remnants and other features of natural or biodiversity significance. *e.g. remnant native vegetation in the Adelaide Metropolitan area is excluded from protection under the Native Vegetation Act and significant tree provisions under the Development Plan are (increasingly) weak.*

- The Heritage Council established under the Act is subject to executive intervention *e.g. the Minister can and does order the Council not to confirm a heritage listing and remove any protective designation.*
- The lack of true independence of the Heritage Council and power of ministerial intervention means there may be an unavoidable conflict of interest where the government owns a property proposed to be registered.
- The provisions establishing the Heritage Council do not include any conflict of interest provisions, which could lead to serious issues in the listing process *e.g. the Chair or any member of the Registration Committee could be associated with the owner of a property recommended to be listed.*
- There is no timetable prescribed for consideration of a nomination, so a building nominated could be demolished or become degraded while listing is being determined, and years could pass before any decision is made. This is most likely a resources issue, but without any timetable government has no incentive to ensure adequate resources *e.g. Eastwood Lodge, the former Nurses' Home at Glenside was nominated in May 2009, provisionally listed in June 2010, yet to be confirmed in 2011.*

- Of itself nomination offers no protection even though a building may be under threat. There are powers to intervene, but this may tend to occur when damage is already underway, and is not necessarily preventative. Immediate protection could create an incentive to properly resource assessment.
- The registration process lacks other detailed prescription as to whether a nominator or owner should be heard by the Register Committee and under what circumstances. *e.g. the University of Adelaide and nominators were heard by the Register Committee in consideration of the external nomination of Union Hall, effectively the hearing process set down by statute to be conducted by the Heritage Council. The university was represented by legal counsel, but no argument on points was allowed at the hearing.*
- There is no right of appeal open to nominators on a decision not to confirm listing. However the owner of a place registered (rightly) does have a right of appeal. This is iniquitous and contrary to the principles of natural justice. *e.g. there is no statutory right of appeal against the Minister's direction to the Heritage Council not to confirm the registration of Union Hall.*
- There is no right of appeal for any administrative reconsideration available to either nominators or owners, again contrary to the principles of fair decision-making and natural justice. Although the Minister is supposed to furnish written reasons for a direction not to confirm in the public interest, there is no requirement for reasons for other decisions to be furnished. *e.g. nomination of the Nuriootpa Railway Station was rejected by the Heritage Council and nominators have no right to reasons or any administrative reconsideration.*
- When a place is listed there is no statutory process for preparation of any appropriate conservation management plan or strategy, mandatory or otherwise. *By contrast the NSW legislation provides for both, the former a detailed document the latter more general¹⁸.*
- There is no power of private intervention where a registered place is deteriorating other than through the courts (which is itself significantly curtailed). This lack allows inadequate government resources for policing to go unchecked *e.g. there could be a statutory administrative process for individual complaint which requires the government Heritage unit to investigate and act, or provide reasons for not so acting.*

Issues with Local heritage under the **Development Act**

Again the provisions have led to a large number of locally listed heritage places, but the pattern over the state is inconsistent and the effect of listing is open to question.

- A major issue with the provisions is adequacy of financial resources to implement them. Local government receives declining revenues from State government in this connection, with a trend nevertheless to devolve listings from State to Local. There are insufficient funds for Local heritage studies, preparation of costly Development Plan amendments, or on ground conservation at a Local heritage level.
- It appears completely inappropriate for legislation to facilitate building construction and re-development to also assess places for heritage protection. *e.g. Council staff in*

charge of preparation of local heritage lists are also in charge of promoting efficacious, orderly and economic development of their region, arguably responsibilities that are at cross-purposes.

- There is no timely and straightforward process prescribed for public nomination of local heritage places. Members of the public must contact the local government body and suggest listing, but in the absence of any study by the Council or decision to amend the Development Plan, there may be no action arising from such contact. In any case a local heritage Development Plan amendment is a costly process and may take 2-3 years in which period the place is lost. *e.g. an attempt to nominate the one teacher school at South Hummocks for heritage listing was referred to the local council who advised they had conducted a study some years ago and although that did not consider the school, it had no plans to do another study or Development Plan amendment*
- Existing criteria are dated and fail to take account of restorable heritage buildings which (subject to an owners consent) could satisfy criteria if inappropriate additions of modifications were removed; consideration of environmental heritage factors such as greenhouse gases and energy embodiment as part of a qualification for heritage listing; registration of landscapes of contributing items individually not sufficient, but together of overall heritage significance; or registration of unprotected native vegetation remnants and other features of natural or biodiversity significance. *e.g. remnant native vegetation in the Adelaide Metropolitan area is excluded from protection under the Native Vegetation Act*
- The provisions to protect local heritage lack in public accountability, are unclear, and too open to interpretation. This can lead to demolition of local heritage places on the decision of Council staff under delegated authority. *e.g. Bradey cottage (1840s), a quarry worker's residence, the oldest building in Mitcham Council area and local heritage listed was demolished following a decision by a staff member that it was unhealthy, termite and salt damp affected, (notwithstanding that these could be rectified and a local member of the public was interested in purchasing it to that end)*
- Councils are not mandated to conduct heritage studies nor related Development Plan amendments either initially or at regular intervals, and this can lead to failure to protect local heritage even if identified under State based studies. *e.g. some councils have no local heritage list, others have not updated them in 2-3 decades.*
- When a place is heritage listed there is again no statutory process for preparation of any appropriate conservation management plan or strategy, mandatory or otherwise.
- Local Heritage listed or contributory items in Historic Conservation Zones are subject to demolition control, but there is no requirement of public advertisement and comment. *e.g. the local listed Bradey's cottage in Mitcham was demolished without public notice or formal opportunity for comment.*
- There are no statutory details of what may constitute a contributory item in Historic Conservation Zones. This means it is a discretionary matter, leading to inconsistencies and anomalies.

- Many local heritage places are not listed for a range of reasons and this can mean demolition is uncontrolled *e.g. owner objection, failure by Council to update or even prepare a list*
- There are no provisions to avoid a conflict of interest between Council plans or proposals and listing or other treatment of a Local heritage place. *e.g. Nuriootpa Railway Station is Local heritage listed but under threat because the Council has other plans for the site.*

Options for legislative reform

The following suggestions seek to address the above issues and could be implemented by amendments to both the *Heritage Places Act* and *Development Act*.

- Amend the *Heritage Places Act* to include detailed prescription of how registered places are described, to include as appropriate the whole site of any building and its contextual elements, including ornamentation (interior or exterior, e.g. wallpaper, fountains) all structures (e.g. fences, rails, steps, paving, routes) and remnants (e.g. graves, archaeological deposits) and natural elements (planted exotic or indigenous vegetation, geology, landscape views).
- Amend both acts to allow the Heritage Council to determine registration of both State and Local heritage. However responsibility for management could remain with owners and administration remain divided between Local or State agencies. This could remove the conflict of interest between promotion of development and consideration of heritage at the local level, but there would need to be new levels of expertise appointed to the Heritage Council a more democratic process for nomination and registration to balance the loss of the local role.
- Amend the *Heritage Places Act* to make the power of ministerial intervention in registration subject to disallowance by Parliament. The Minister could be required to furnish a report to Parliament giving reasons for a proposed intervention to prevent registration of a heritage place, with opportunity for democratic oversight through disallowance by a majority of either House of Parliament. This already applies to other Executive actions such as the making of regulations under Acts.
- Include in the *Heritage Places Act* detailed conflict of interest provisions regarding decision-making and ownership or other vested interest.
- Amend the *Heritage Places Act* to prescribe a new registration process including immediate interim protection of the place upon nomination, a timetable within which nomination, research and consideration must be undertaken, and a detailed hearing process which encompasses Committee(s) and Council roles with rights of different parties to discuss perspectives presented and rights of reply to all parties.
- Amend the criteria for registration under *Heritage Places Act* to allow registration of restorable heritage buildings (subject to an owners consent) which could satisfy criteria if inappropriate additions of modifications were removed; to allow consideration of environmental heritage factors such as materials, carbon, greenhouse gases and energy embodiment as part of a qualification for heritage listing; to allow registration of landscapes of contributing items individually not sufficient but

- together of overall heritage significance; and to register unprotected native vegetation remnants and other features of natural or biodiversity significance.
- Amend the *Heritage Places Act* to provide two rights of appeal to either nominator(s) or owner(s) of a heritage place; one right to appeal to the administrators of the process based on reasons for registration/non-registration supplied by that administrative body with its decision, to be conducted by an independent mediator; a second right of appeal of parties to the Environment, Resources & Development Court.
 - Amend the *Heritage Places Act* to require preparation of a Conservation Management Plan or Strategy for each place registered with two years, with provision for grant assistance to be made where appropriate. What is to be included in such a plan or strategy should be prescribed to an effective level in the Act, with less complex plans required for some types of places than others.
 - Amend the *Heritage Places Act* to provide for a public notification/complaint process where registered places are being allowed to deteriorate, which sets down the requirement for a certain level of investigation, what is or is not required and furnishing of material reasons to both complainant and owner.
 - Put local and state heritage registration under one body, or amend the *Development Act* to include a process for public nomination of Local heritage places (including contributory items, Historic Conservation or Character Zones) with immediate interim protection of the place, a timetable within which nomination, research and consideration is to occur, and a detailed hearing process involving nominator(s) and owner(s).
 - Amend the criteria for Local heritage registration under the present *Development Act* to allow registration of restorable heritage buildings (subject to an owners consent) which could satisfy criteria if inappropriate additions or modifications were removed; to allow consideration of environmental heritage factors such as materials, carbon, greenhouse gases and energy embodiment as part of a qualification for heritage listing; to allow registration of landscapes of contributing items individually not sufficient but together of overall heritage significance; and to register unprotected native vegetation remnants and other features of natural or biodiversity significance.
 - Amend the *Development Act* to require local councils to establish a Local Heritage Committee following public advertisement for nominations. This committee to oversee consideration of nominations for Local heritage places, preparation of Development Plan amendments, conduct public hearings in connection with the above or any re-development proposals concerning to heritage items, and make advisory recommendations to Development Assessment Panels on applications to re-develop Local heritage places¹⁹.
 - Amend the *Development Act* to require public advertisement and opportunity for comment on any proposal to demolish a Local heritage place or contributory item, with a hearing before the Local Council Heritage Committee
 - Amend the *Development Act* to mandate preparation of studies and Development Plan Amendments on Local heritage every four years with a requirement

- of State government funding assistance.
- Amend the *Development Act* to require a Local heritage place Conservation Management Plan or Strategy to be prepared within two years of registration. This amendment could include requirement of a grant fund to assist needy proprietors in this process and implementation.
 - Amend the *Development Act* to define what may constitute contributory items in a Historic Conservation Zone or Character Zone.
 - Amend the *Development Act* limiting the capacity of a Council to make decisions on redevelopment or demolition of Local heritage items in which they have ownership, planning or other close interests (such as related or adjacent development proposals in which they have an interest), requiring such matters to be referred to the State Heritage Council (with power to make mandatory recommendations) and the Development Assessment Commission as Category 3 development.

A new process for optimum use or disposal of public land and buildings

As identified earlier, public buildings are often a key part of the heritage character of many SA urban centres.

However, government often has a conflict of interest in relation to preservation of these at the cost of re-development or other aims.

Currently the potential of many redundant public sites is being lost through short-term, largely financially driven decision-making, which is often lacking in rigor, logic and transparency²⁰ *e.g. most of the former Infectious Diseases Hospital at Northfield (Hampstead Centre) has been sold by public tender without public reconsideration of preservation of heritage buildings such as the Nurses Home or hospital wards, and their possible adaptive re-use.*

State government also has a long record of allowing unused public buildings to deteriorate, inviting vandalism, leading to lost value, wasting opportunities for adaptive re-use and sometimes ultimately leading to demolition *e.g. the Islington complex of railway workshops and former munitions factories*

There is a need for a defined and legislated public process for public asset maintenance and disposal at the State level of government *e.g. land at Glenside Hospital campus has been made available to the Chapley Retail Group without proper public scrutiny. The partly heritage listed public land at Torrens Island is subject to planned subdivision for industry redevelopment without a proper Conservation Management Plan in place.*

The existing *Crown Lands Management Act 2009 (SA)* gives the Minister

completely unfettered powers to dispose of the unwanted land of a public agency²¹.

In sharp contrast, a process already exists for public consultation and disposal of municipally held "community" land under the SA *Local Government Act 1999*²².

The benefits to government from adopting a more formal and appropriate disposal process are numerous:

- Such a process allows a genuine basis for disposal where public values are not significant.
- Poor property management by agencies exposes them to accusations of demolition by neglect, or creates a risk of graft and corruption.
- Current selective interference in the planning system damages the legitimacy of government by indicating its inability to abide by its own rules.
- Decisions made prior to assessment studies result in delays, cost blow-outs, wasted resources and lost goodwill for governments, consultants, planners, developers and the public.
- Blocking the access of the public to the decision-making process for the future use of public land assets is not only undemocratic but also increases conflict unnecessarily.
- Full public participation would result in increased credibility of government; better decision making from the uncovering of important local information; easier project implementation due to community involvement and commitment to agreed outcomes and potential government-

community partnerships which promote shared responsibility for public assets.

A new *Public Lands Maintenance and Disposal Act* is one option that could provide for the following:

- Adequate management and maintenance of both operational and surplus public assets;
- Annual reports to Parliament by all Departments and other government agencies which include an inventory of unused public land, structures and buildings, stating their present condition, reporting on actions for their maintenance in fair condition and outlining future plans for their maintenance, use or disposal;
- Full knowledge of the heritage significance of public assets;
- Full assessment of all non-financial public values (environmental, social/cultural, economic potential) of public sites. (Such assessment of buildings and places could occur partly through the process discussed later under tax benefits);
- A strategic approach to what should be retained;
- A categorisation system to distinguish between sites with significant public value (categorised for example as 'public land') and non significant public sites ('government land') which can be freely disposed of on the market;
- A comprehensive central register of all assets which flags the category, features and values of each site;
- Full investigation of all options for future use;
- A coordinated and centralised approach to disposal which incorporates the accommodation needs of other agencies balanced with any need for retention by the public and any constraints on future use because of heritage or other value;
- Full participation by the public in all these steps; and each of these steps must be taken in the appropriate order;
- Only after following all these steps should final decisions about the future use of surplus public sites occur.

Other possible new initiatives

Initiatives already exist overseas and in other areas in Australia which could be translated into the heritage area with very positive, cost-saving effects.

Tax benefits

The USA has a system of federal government Historic Tax Credits, which has created over 1.8 million jobs in 36,481 projects over 30 years²³. A Rutgers University study has found 60-70% of the costs go to labour, three quarters of the economic impacts remain local and in 2008 alone there were 58,000 jobs created. The tax credits scheme is concluded to be the richest source of historic preservation in the country - \$69.5 million in 2009 alone. Similar studies on tax credits at the state level have also produced such positive findings²⁴.

A system of Commonwealth tax benefits for conservation work on heritage places (including preparation of conservation management plans) could produce similar results in Australia and investigations could be undertaken to consider the range of benefits, a possible form and how it might be implemented.

Such a proposal is not without precedent in other environmental and cultural connections in Australia *e.g. there have been tax offsets available to primary producers in relation to Landcare and Water facility activities. Tax deductibility exists for private donation of works of art to museums.*

There is a Register of the National Estate established and collated through the former Australian Heritage Commission, the statutory effect of which was repealed by the Howard Government, but which remains as a source for information and research. This Register of the National Estate could be reinstated, and combined

with State, Territory and Local government lists as a basis for properties for which tax credits could be available.

The Register of the National Estate could be updated through future nominations as discussed below. One lower cost option for administration and management of this process could be through State and Territory National Trusts, which already exist but could form specific committees with federal funding to assist in such a new undertaking.

What **new** places might be registered under this scheme?

(1) Buildings, structures or locations not listed by state or local authorities despite heritage values identified in studies. (Based on State criteria listed in the *Heritage Places Act 1993(SA)* Local criteria under the *Development Act 1993 (SA)* and to a lesser extent National Criteria under the *Environment Protection and Biodiversity Conservation Act (Cw)*). *Examples* might *initially* include buildings identified in local council or regional heritage studies, but not listed because of the owner's objections, state government or local council reluctance to act. *Later* work could address buildings otherwise identified as of importance by community groups in published research or documentation. (Contributions could be actively solicited from community groups (e.g. the Institute of Engineers (SA)), building wider community support in the process).

(2) Buildings identified as original works of SA architects in books or articles.

The criteria here could be State or Local criteria overlaid by

- (a) Local authorship of designs;
- (b) Representative of the life's work of the architect;
- (c) An interesting degree of aesthetic or technical accomplishment.

Examples might include buildings by SA architects identified by the Australian Institute of Architects (SA), or in publications such as: M Page *Sculptors in Space*; the monographs on architects published by the Architecture Museum of University of SA; or other research projects.

(3) Structures, places, sites, landmarks, monuments, or significant trees identified as of heritage importance by appropriate community bodies
Items identified as of heritage significance in a systematic and authoritative manner by professional or other community bodies with appropriate knowledge, skills or expertise.

Examples might include industrial heritage identified by the Institute of Engineers or a University academic/faculty, natural landscapes identified by scientific or other professional associations, significant trees identified by the National Trust or local government committees or botanists associated with the Waite Arboretum.

(4) Restorable heritage places
Places which could fulfil criteria of the State or Local listing or be contributory to a heritage area or historic conservation zone or landscape, but which have

- (a) Been modified by construction of unsympathetic facades or additions, replacement of windows; or
- (b) Been modified by rendering or painting of original surfaces; or

- (c) Been modified by removal of original decorative elements (such as iron lace, decorative carpentry, finials, stucco ornament) or addition of unsympathetic elements; or
- (d) Deteriorated significantly through neglect or other processes such as vandalism, fire, water or wind damage, salt damp, wood rot or termites, rust, or cracking; and
- (d) Are capable of sympathetic restoration at an acceptable cost; and
- (e) Include a sufficient original component and otherwise meet the Burra Charter requirements.

It is felt that for this category to be workable, the *owner's agreement* is a necessary element.

(5) Unprotected cultural or natural heritage landscapes

Specific geographical locations or groups of buildings/structures, some of which have heritage values according to State or Local criteria, others that contribute to the overall value of the landscape. The context of heritage items may be an important part of their heritage value but currently unprotected by listing. *Contributory items* are currently designated in Historic Conservation Zones under the *Development Act 1993*. Criteria for these are not published but seem to include:

- (a) Sympathetic or complementary style or design (such as similar materials or gable roof design in 19th century precincts);
- (b) Approximation in time (e.g. same century/period);
- (c) Buildings themselves of aesthetic or historic interest if not qualifying for listing (e.g. a 19th building with art deco facade adjacent to other 19th century buildings).

Examples might include Intersections such North Tce/Payneham/Magill/Fullarton Rds; the Adelaide Hills Face, Brownhill Creek former market garden and quarrying area, Coastal areas such

as Semaphore foreshore, Murray Bridge Railway Precinct.

(6) Heritage landmarks

Specific locations or buildings/structures which are valuable landmarks are allowed for in the Local heritage criteria under the *Development Act*.

The landmarks may be

- (a) Natural; or
- (b) Human made; or
- (c) Otherwise resulting from human activities; and
- (d) Constitute a valued contribution to the locality for reasons relating to aesthetics, politics, history or association with individuals or groups

Examples might include lookout areas such as Brown Hill, or the sculptures on Port Wakefield Rd, Dublin.

(7) Unprotected native vegetation remnants and other features of natural or biodiversity significance

While many important remnants of native vegetation are protected as National Parks, Heritage Agreement areas and under other protective mechanisms, there are many unprotected areas that are of high natural heritage (biodiversity) significance. While there is some protection of such areas from active clearance under the Native Vegetation Act, the Act does not provide protection against ongoing degradation through weeds, pest animals, inappropriate fire regimes and, in many instances, grazing by stock. In addition, the Act does not apply in parts of Metropolitan Adelaide.

Examples might include remnant native vegetation patches in highly cleared landscapes, wetlands (eg Fleurieu Swamps, mound springs in the Far North) and coastal and other remnant native vegetation in the Metropolitan Adelaide area.

Private heritage agreements

Government could enter into voluntary agreements with private property holders for conservation management of places determined to be of heritage significance (an expanded National Register of the kind described above would form a good basis for these).

They would require an appropriate legal agreement to be prepared and upon signature, noting as a binding covenant upon the title.

Already government enters into heritage agreements for cultural heritage places and the *Heritage Places Act 1993* provides for it²⁵. However these provisions currently apply only to places on the State Heritage Register. By contrast under the *Native Vegetation Act 1991* a heritage agreement may be entered into over almost any area of native vegetation deemed appropriate by the Native Vegetation Council²⁶.

The *Heritage Places Act 1993* could be amended to allow more generically based heritage agreements based on properties meeting the sorts of criteria discussed above in relation to taxation.

Another option would be for the National Trust to undertake such a heritage agreement program with government funding assistance.

Private Conservation Management Plans

Again, voluntary Conservation Management Plans for properties in addition to those on the State Heritage Register could be widely promoted as a mechanism for protecting and enhancing properties of heritage

significance. These could be prepared through government, private or National Trust channels, preferably with government funding assistance in the case of the latter two.

Tax deductions or a grant scheme for the costs of preparation of such plans would be both reasonable and an effective way of promoting them

These Plans could include at least the following elements²⁷:

- Definition of the place in question;
- A thematic history based upon comprehensive investigation and analysis of the place and its context, identifying surviving physical fabric that demonstrates each theme, with documentary and oral sources;
- The physical evidence or identification of the existing fabric, internal and external materials, movable aspects, the plans, landscape, actual or potential archaeological sites and other elements.
- Analysis of the physical evidence including time periods, unusual or representative elements, repairs, styles, vernacular elements, archaeology, and comparable examples;
- Assessment of cultural significance through a statement of significance addressing any relevant criteria, the significance of the place as a whole as well as its individual aspects,

definition of the curtilage, and comparative analysis;

- Identification of constraints and opportunities including the owner's requirements, proposed continuing or new uses, any legislative requirements including from listing, and the Burra Charter guidelines;
- Development of conservation policies and guidelines that are appropriate to the range of conservation options, ranking them in terms of desirability (including reasons) and including policies or guidelines for significant elements and the site as a whole, for movable aspects, for the curtilage, for uses, interpretation, recording, and review of the plan itself.

Land Management Agreements

Section 57 of the *Development Act 1993* allows the relevant Minister or a local Council to enter into an agreement for the management, preservation or conservation of land with its owner. Such agreements become binding on present and future owners when noted on the title of the land.

This facility could be used to put conservation management plans into effect.

¹ B Moore (ed) Australian Oxford Dictionary (Oxford University Press South Melbourne 1999) p616

² As above

³ *Heritage Places Act 1993 (SA)* s16:

(1) A place is of heritage significance if it satisfies one or more of the following criteria:

(a) it demonstrates important aspects of the evolution or pattern of the State's history; or

(b) it has rare, uncommon or endangered qualities that are of cultural significance; or

(c) it may yield information that will contribute to an understanding of the State's history, including its natural history; or

(d) it is an outstanding representative of a particular class of places of cultural significance; or

(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics; or

(f) it has strong cultural or spiritual associations for the community or a group within it; or

(g) it has a special association with the life or work of a person or organisation or an event of historical importance.

(2) An object is of heritage significance if—

(a) it is an archaeological artefact, or any other form of artefact that satisfies 1 or more of the criteria set out in subsection (1); or

(b) it is a geological, palaeontological or speleological specimen that satisfies 1 or more of the criteria set out in subsection (1); or

(c) it is an object that is intrinsically related to the heritage significance of a State Heritage Place or a State Heritage Area.

⁴ www.plan4adelaide.sa.gov.au

⁵ SA Tourism Commission survey results

⁶ E.g. the local heritage listed Nuriootpa Railway station is to be demolished despite a community appeal to the Environment Resources & Development Court

⁷ E.g. Bells Plumber's Shop & Residence on Payneham Rd College Park or Knox Memorial Church (1856) and School (1870), Morphett Vale, which although State Heritage registered have lost all windows and doors, flooring, ceiling, and other fittings with the walls severely cracked and leaning, parapets falling down, large holes in one wall, and fire damage despite Heritage Branch expression of concern to the owner.

⁸ See Hutchings A & Bunker R *With Conscious Purpose* (Wakefield Press Adelaide 1986)

⁹ Brick production peaked at 188 million bricks p.a. in December 1976: see Iannou N *Ceramics in South Australia* (Wakefield Press Netley 1986) p226. See also Willington CM "The Brick Manufacturing Industry in south Australia" *Mining Review* no.94 Dept of Mines 1953 p100; Callen J *Forgotten Industries: The Brick-works of Eden Hills* (Butterfly Press Blackwood 2005)

¹⁰ English Heritage *Power of Place* 1998 www.english-heritage.org.uk/publications/power-of-place

¹¹ H Bennetts & S Pullen *Historic Dwelling and Improvement Design and Resources Audit* (Sustainability House Edwardstown 2010)p24-5

¹² Crawford R "Greenhouse Gas Emissions Embodied in Re-inforced Concrete and Timber Railway Sleepers" 43 *Environment Science and Technology* (Journal) pp3885-90; Professor Ralph Hercu, see also Lamb G "Concrete evidence of Gains" in www.insidewaste.com.au, May/June 2009

¹³ Refer Mathew Manifold, Mammoth Movers Pty Ltd, 4 page proposal for relocation of Union Hall which documents US examples. www.mammothmovers.com

¹⁴ Commonwealth of Australia, *Adaptive Reuse*, Heritage Division, Department of the Environment and Heritage Canberra 2004

¹⁵ Australia ICOMOS, The Burra Charter, 1999.

¹⁶ Points 3-4 drawn from Stella Maria Casal *The Adaptive Reuse of Buildings: Remembrance or Oblivion* at www.international.icomos.org/Victoriafalls2003/papers/B1

¹⁷ Points 5-14 based on US Department of Interior Standards for Rehabilitation (1977, revised 1990)

¹⁸ *Heritage Act 1977 (NSW)* s38A

¹⁹ In some instances Councils do not establish Heritage Committees despite community requests, e.g. City of Onkaparinga 2010

²⁰ Helen Gilbert's excellent discussion in "Public lands, process and public policy: The links between government asset disposal programs and planning for redeveloping urban areas - Is something missing" University of Technology, Sydney *Governance* 15 (email Helen.Gilbert@uts.edu.au) is drawn on heavily here and forms the basis for the points below.

²¹ *Crown Lands Management Act 2009 (SA)* Section 14

²² *Local Government Act 1999 (SA)* ss193-5 (community land and its revocation) ss196-9 (Management Plans) s200 (Business use) ss201-2 (Alienation of community land) s207 (Public register of community land)

²³ Klostermann A *Forum News* May 2010, Vol 16 no 9 "Preservation = Jobs: Findings from Groundbreaking Rutgers University Report" National Trust for Historic Preservation <http://www.preservation.org/forum/resource-center/forum-library/public-articles/preservation-jobs-finding.html>

²⁴ *First Annual Report on the Economic Impact of the Federal Historic Tax Credit* National Trust Community Investment Corporation, conducted by Rutgers University Center for Urban Policy Research www.preservationnation.org/issues/community-revitalisation/jobs

²⁵ *Heritage Places Act 1993* ss32-36

²⁶ *Native Vegetation Act 1991* ss23-23C

²⁷ Based on the suggested contents of a Conservation Management Plan issued by the NSW Heritage Council under its Act

5 October 2016

Department of Planning, Transport and Infrastructure
GPO Box 1533
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Sent via Email: planningreform@sa.gov.au

Dear Sir/Madam

RE: LOCAL HERITAGE PLANNING REFORM – PIA SUBMISSION ON LOCAL HERITAGE DISCUSSION PAPER

The Planning Institute of Australia (PIA) thanks the Department for Planning, Transport and Infrastructure for the opportunity to comment on the Local Heritage Discussion Paper.

PIA is the national body representing planning and the planning profession. Through education, communication and professional development, PIA is the pivotal organisation serving and guiding thousands of planning professionals in their role of creating better communities.

PIA agrees that the current planning system as it applies to heritage requires review and update in particular benchmarked against the National Heritage Convention.

PIA is disappointed that the Discussion Paper does not respond to all of the recommendations of the Expert Panel however it is supportive of the general directions for reform outlined in the paper as discussed below.

Links to recommendations of the Expert Panel on Planning Reforms

PIA considers that the paper only responds to part of the recommendations of the Expert Panel on Planning Reforms especially the following:

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

- Financing of heritage

PIA questions the decision to respond to part of the recommendations of heritage form and is concerned that the proposed reforms may further entrench separate State and Local systems.

PIA 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.

Updating Criteria

PIA supports the review and update of heritage criteria, and agrees with linking them back to the national Heritage Convention (HERCON).

PIA 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.

There will be a need for appropriate guidance on how to interpret the new criteria to ensure clarity and consistent application across listings.

Framework Document and Practice Direction

It is acknowledged that this detail has yet to be provided, and will likely form the basis for the proposed 'practice direction' document. We believe this is a positive step and will aid greater clarification and consistency.

Implementing a Thematic Framework

PIA 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, PIA considers that the framework will need to go hand in hand with the heritage criteria.

PIA 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 the Practice Direction will provide detailed guidance on this issue.

Streamlining our Listing Process

Public consultation and Interim Operation

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

PIA 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. PIA questions if four weeks is enough time for meaningful consultation. The timeframes would be dependent on the consultation undertaken prior to the formal process.

PIA also agrees with the proposal to undertake early engagement with affected property owners; however we consider 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, which includes triggers for provisional heritage listing (generally for places deemed to be 'at risk') while the heritage assessment is finalised. PIA would be comfortable with losing Interim Operation if early protection is dealt with in another way.

Notwithstanding the above, PIA does not agree with reducing the formal public consultation stage 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 stages. PIA therefore recommends that the consultation period remain at eight weeks.

Accredited Professionals

With regards the introduction of 'accredited heritage professionals', It is noted that there is already a system in place under the Heritage Places Act. PIA broadly agrees with the concept, however, 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). In particular, PIA questions who can become an 'accredited professional', and what process will be put in place to achieve accreditation.

Extended Role of an Expert Heritage Committee

PIA 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, Local Government etc moving forward, and will also enable the identification of information gaps within heritage surveys earlier in the process.

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

Periodical Review

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

- There is potential for conflicts depending on how often reviews can be undertaken, and on who is allowed to undertake the review and subsequently amend descriptions/extent of listing (i.e. there is a risk that reviews could be used as a means of manipulating development assessment processes).
- 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.

PIA 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, that 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

PIA considers that the inclusion of heritage places on the Planning Portal is a good idea and subsequent translations into a code.

Regardless a searchable list is required 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'

PIA agrees there is confusion between the terms character and heritage. Amongst the profession and the community

These require better definition this needs to be linked with education and policy 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 further refinement.

In particular, it is considered that the definition of heritage should extend beyond fabric and built form; often it is the storey 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, PIA 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. PIA also considers that the delineation of heritage in a separate Heritage Act (as recommended by the Expert Panel) could further assist in the drawing distinctions between 'heritage' and 'character', as character could be addressed separately in the *Planning, Development and Infrastructure Act 2016*.

Streamlining our Development Assessment Process

PIA considers local heritage is important locally just as state heritage items are significant at a state level hence to consider local heritage therefore questions the hierarchy.

Confusion of listing and development assessment upon application of development. Reconsidering the listing time and time again at the point of a development application is unnecessary and not correct. Listing should be considered once and once listed remains.

If revisiting was necessary perhaps there should be a state process for this to occur possibly linked to a periodical review.

Where a building is not a fit building and demolition is applied for then the assessment should be managed through DA and applying appropriate policy. This could be done through a panel decision and independent right of review in ERD court as per the normal process.

PIA does not agree that a 'hierarchy of heritage values (national, state and local heritage places and areas)' will give '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.

PIA 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

CONCLUSION

Fundamentally, PIA 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, PIA broadly supports the 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 key stakeholders is therefore encouraged as the reforms process moves forward.

Accredited professionals is supported but like any accredited professional system there need to be a high level of rigor and integrity to make it creditable. Accredited professionals should be used during 'deemed to satisfy' applications

Yours sincerely



Kym Pryde MPIA
PIA SA PRESIDENT



P084

Rachel Sanderson MP

Member for Adelaide



5 October 2016

RECEIVED

06 Oct 2016

DPTI

Re: LOCAL HERITAGE DISCUSSION PAPER

Heritage reform

Submission

Following my attendance at several forums relating to local heritage protection, I present the following submission on behalf of concerned constituents in the Adelaide Electorate.

The forums included presentations by a number of authorities in the field and attended by large numbers of residents, property owners and those interested in or who own heritage properties in Adelaide who were given the opportunity to comment and ask questions.

Discontent was conveyed by those attending regarding lack of engagement by the State Government with the community:-

- Limited time to meet, discuss and respond
- Letters were only received by some community groups – haphazard approach
- Disappointing to see a lack of State Government Members attend forums and that Minister Rau was not there to answer questions from the community

The following comments and information was stated:-

- Heritage is not just about iconic sites but also about the character of our city and suburbs. It has social, cultural and commercial significance.
- Stakeholders are open to genuine reform to streamline processes for listing local heritage places but cannot tolerate a 'development at all cost' approach
- Local heritage is not a shopping list
- Suggestion of reverse onus ie., developer to prove why a building should no longer be listed (also suggested all buildings prior to a certain date listed, then build a case to have a building/home removed)

- Mention of the Union building at Adelaide Uni where an interim provision was used to enable demolition rather than to protect heritage.
- Problems with looking at the state as a whole and saying "we have enough sandstone houses saved" *eg., plenty of Pyramids in Egypt doesn't mean you can just get rid of a few!*
 - 7800 listings to be transferred
 - Themes are a way of telling a story
 - Importance to the local community
- Already have a state heritage council – don't need another bureaucracy
- The good ideas in the government paper can be implemented without legislation
- The community has completely lost faith in the state government around planning and working in the best interests of the community, thus demolition of local heritage places 'on merit' is completely unacceptable
- Should not have the same department that handles development also dealing with heritage, '*this is like having the 'fox in charge of the hen house'* – a conflict of interest!
- Working with two Acts very challenging
 - State Heritage Act – quite simple
 - Local Heritage Act – much more complicated
 - Prefer one central Heritage Act

Additional Questions asked:-

- What about buildings built near heritage buildings *eg.,* obstructing their view *eg.,* Festival Plaza and new 30 storey building (Train Station & Parliament House)?
- Why replace areas that are already high density *eg.,* Prospect, Adelaide and North Adelaide?

For due consideration:-

- Concerns around the idea of any increase to the role of State Government in heritage planning and the suggestion of a Ministerial-appointed planning commission.
- Very clear that the community want the management of local heritage to stay at a local government level
- Terminology for heritage should be reviewed and updated as part of new statute

- Heritage Code of Practise to outline how listed properties should be described, maintained and adapted
- Allow accredited heritage professionals to provide advice and sign off on changes to listed properties consistent with the Code of Practise
- Existing heritage listings should be audited to accurately describe their heritage attributes

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R Sanderson', with a long horizontal flourish extending to the right.

Rachel Sanderson MP
State Member for Adelaide

P085

Engaging for Reform



Community Alliance SA Inc
PO Box 520
Goodwood, SA 5034
ABN: 56 505 508 381

RECEIVED

06 Oct 2016

DPTI

Community Alliance
South Australia

The Hon. John Rau MP
Minister for Planning
GPO Box 1815
Adelaide
SA 5001

5th October 2016

Dear Minister,

Re: Local Heritage Reform Discussion paper

The Community Alliance SA Inc. is an umbrella organisation for resident and community groups from across Adelaide and other areas of South Australia. Our goal is a planning and development process that is accountable, transparent and sustainable, and that guarantees genuine community consultation. The aim of the Community Alliance is to:

“Put the people back into planning and development in SA”

The Community Alliance appreciates the opportunity to make a written submission about the Local Heritage Discussion Paper (Discussion Paper), but asserts that the consultation period was far too short to allow proper consideration and feedback from all community groups. For this reason the Community Alliance submission reflects the considered views of its Committee, but unfortunately could not incorporate feedback from all our member groups.

Consultation Period

Apparently the Discussion Paper was released on August 9th 2016 on a limited basis to twenty three organisations, but not received by Community Alliance until nearly a week later. The original consultation period was to 9th September 2016 but later extended twice, to 7th October 2016.

The Community Alliance has distributed the document to all its member organisations but points out that these groups then have to disseminate information to all their individual members and seek their views. Committees of community organisations need to make arrangements to meet and share their comments and decide what action they propose to take after consulting their membership. This takes time as it is dependent on meeting cycles.

The Community Alliance general membership meets every three months, and with the next meeting scheduled for November there has been no opportunity for member groups to discuss their response to the Discussion Paper.

Place Local Heritage on Renewed Foundations

In South Australia, built form heritage is split between two pieces of legislation, with two ministers, two departments, two separate statutory committees and two separate listing processes served by two separate sets of statutory criteria (“The Planning System We Want - on Planning Reform” South Australia’s Expert Panel on Planning Reform, December 2014, SA Government. Adelaide).

The Community Alliance notes that many of the Expert Panel’s recommendations have not been adopted in the Discussion Paper. The Community Alliance made a number of submissions to the Expert Panel on Planning Reform and attended several community reference group workshops. It was therefore disappointing for Community Alliance representatives who attended the DPTI consultation in August to be informed that the Expert Panel’s recommendations were not relevant and the Department was working to the Government’s Response document, which was the basis of the Discussion Paper on Local Heritage. The Community Alliance also notes that there are some inconsistencies between the Government’s Response and the Discussion Paper.

The Expert Panel considered submissions on heritage and recommended in its final report that ‘heritage laws should be consolidated into one integrated statute’ and that ‘the new heritage framework will also include sustainable funding models’ (The Planning System We Want, 66-67)

Both of these important recommendations have been ignored and local heritage is being addressed without any reference to the existing provisions of, or processes under, the Heritage Places Act. The once in a generation opportunity to resolve existing deficiencies and inconsistencies in heritage listing and management has not been addressed. The current process of heritage listing through Development Plan amendments has been cumbersome, costly and slow. Local heritage listing should be the responsibility of Councils not State Government but there should be a simpler process, similar to that for State Heritage Places which allows public nominations and provisional listing.

The Community Alliance considers that heritage listing should be separate from the development process so that it cannot be compromised. Ideally the Heritage Places Act should contain provisions for assessment and listing for both State and local heritage places, entirely separate from development processes under the Development Act. The Heritage Register is established under the Heritage Places Act and the proposal to create a Register under the Planning Development and Infrastructure Act is not supported.

Rationale for change

The Issues ‘identified as warranting reform’ in the Discussion Paper are listed but with no supporting evidence to justify statements made. It is a major concern that we are asked to comment on vague principles without knowing what changes are actually proposed or the assumptions on which they are based, which seem to be that SA must copy other States. Why?

The Government’s lack of support for heritage

The Discussion Paper alleges that there is much inconsistency and confusion in the present system and states a need to streamline existing processes, but does not present any concrete examples of supposed problems. The Community Alliance is concerned that

this obfuscation is an exaggeration of a minor issue to distract attention from the real issue – the potential for heritage places to be delisted and demolished more easily in future. This anti-heritage attitude will destroy one of SA's competitive and economic advantages in the pursuit of more development. Jobs and growth can also be achieved through conservation and adaptive reuse of our existing buildings and the tourists they attract.

One of the main issues identified by our members has been the difficulty and delays in local heritage listing due to DPAs being blocked by the Minister or DPTI or even the refusal of the Minister to list all the recommended local heritage places (LHPs). A prime example was the City of Adelaide, where many of the recommended LHPs no longer exist and have been replaced by unremarkable new developments.

The Community Alliance is alarmed that 'the listing of local heritage places will also need to be considered in balance with the broad strategic objectives of the State'. This would potentially provide the Minister with discretionary powers to veto proposed or provisional listings and even to review and remove existing listings. The Union Theatre, Glenside Nurses Home and Maughan Church were victims of such discretionary powers and demolished, despite their cultural and social significance and potential for ongoing use and adaptation. Consistent with this alarming direction are the references to periodic review of listings and statements of significance and the need to keep the register up-to-date.

There may be 'over 8,000 local heritage places, almost four times as many as there are state heritage places' but this seems to be presented as a problem as 'the numbers of listings and objections is increasing'. The concerns are that this apparent problem is used as a justification for the focus on local heritage in isolation and under the Planning, Development and Infrastructure Act rather than the Heritage Places Act.

The Discussion Paper specifically avoids any consideration of funding for heritage or addressing the financial recommendations made by the Expert Panel, which was an essential element of their proposal to 'place heritage on new foundations'.

Contributory Items

The Discussion Paper is silent on Contributory Items (CIs) but the intention to remove them has been flagged previously and we understand that this will be addressed in the Design Code. If Councils have to review CIs against the new local heritage criteria, this will be a costly exercise. The removal of CIs would jeopardise the protection of local heritage areas or Historic Conservation Zones identified by Councils.

Demolition 'on merit'

Local Government argued for demolition control for listed properties and State and local heritage places are currently protected where demolition is 'non-complying' development. The Community Alliance does not support demolition of LHPs 'on merit' as this could occur on the recommendation of a planner and not be referred to the Council Development Assessment Panel (CDAP). The Councils who originally approved the listing and the community will be powerless as their heritage is destroyed for profit in the guise of 'progress'.

Accredited Heritage Professionals

The Community Alliance has concerns that 'accredited heritage professionals' will have decision-making powers and influence in heritage listing rather than the elected body of councils and the communities they represent. This seems at odds with findings by the Expert Panel.

The Expert Panel noted views that conservation has become an elite activity that ignores community views as it is based on architectural and historical criteria and assessed by heritage practitioners ("Our Ideas for Reform – on Planning Reform" South Australia's Expert Panel on Planning Reform, August 2014 p67).

Accreditation processes are costly to establish and costs are passed on to the professionals and their clients. There is also the potential for subjective assessments to be seen as a 'gun for hire' approach to heritage. Social significance is represented in the criteria, but best determined by those for whom a place has meaning.

Natural justice provisions and community engagement

Provisional listing is essential as it protects places from pre-emptive demolition while allowing owners and the community to support or object to listing. Councils should have a role in considering objections and deciding whether a local heritage listing is confirmed or rejected, not State Government or a Planning Commission. Objections to listing should not be a matter for the ERD Court as the costs and stress for owners can be considerable and a lawyer's picnic.

The Community Alliance is concerned at proposals to reduce timeframes for consultation and considers that the current timeframes should remain.

Thematic Framework for heritage listing

The State Heritage Register was developed following identification of a thematic framework that influenced both heritage surveys and individual listings to ensure that they were grounded in state or regional or local history when assessed against the criteria. South Australia was well ahead of the other States in this regard. Themes are useful in identifying gaps in the Register, but there is a danger in using them for 'comparative analysis' to identify 'over representation of listings within specific themes'. There are many nineteenth century residential buildings in the city because it had a large residential population. This should not be used as a reason not to list these early cottages if they meet the criteria.

Nominations for local listing

The Community Alliance supports the proposal to allow nomination of individual places and hopes the nominations will be dealt with by Councils with a simplified process for listing on the Heritage Register. The Register should remain under the Heritage Places Act and not be transferred to the Planning, Development and Infrastructure Act, although there could be a link to the Planning Portal. The reference to 'consideration of appeals to nominations' being considered by the ERD Court is a cause for concern, if this means they will be prevented from proceeding to assessment.

New Criteria

The Community Alliance supports introduction of uniform HERCON criteria with a threshold to distinguish between State and local significance, providing places do not fall between the cracks, and there are sensible guidelines to indicate how the thresholds can be applied. The introduction of new criteria should not be used to discredit existing listings or justify the re-assessment of listed heritage places against the new criteria. Removing heritage listings sets a dangerous precedent that discredits heritage surveys and past listings.

Conclusion

The Community Alliance rejects the State Government's Heritage Discussion Paper as a flawed document that fails to recognise:

1. the unique value of South Australia's heritage;
2. the economic and cultural contribution of heritage to the life of present and future South Australians;
3. the valuable contribution made on heritage by our local councils.

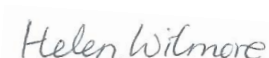
We demand:

1. that the people of South Australia and their elected representatives on council make decisions about South Australia's heritage and NOT a faceless, unelected, remote and unaccountable board appointed by Minister Rau;
2. that the present system for nominating state heritage places continue and be extended to local heritage nominations;
3. the retention of existing heritage places and contributory items as well as areas of heritage character;
4. that our heritage is conserved and protected and not destroyed by political or economic agendas.
5. that heritage impact statements that properly assess the social and environmental impacts are mandatory for redevelopment of heritage places

Heritage belongs to all of the citizens of South Australia. It is ours, Minister Rau, not yours.

The Discussion Paper confirms that the reform of local heritage processes is complex and the concerns expressed by the South Australian community, both individuals and groups, indicate that this is a topic of great importance for present and future South Australians. The Community Alliance hopes that the responses to the Discussion Paper will receive full consideration and that further consultation will occur before any legislation is drafted to address heritage listing and management in South Australia.

Yours sincerely



Dr Helen Wilmore
President
Community Alliance SA Inc.
Ph: 08 8522 3019
Email: helenp.wilmore@bigpond.com

P086

RECEIVED

06 Oct 2016

DPTI

The Hon John Rau
Deputy Premier
Minister for Planning
GPO Box 464
Adelaide SA 5001

Wednesday October 5th 2016

Dear Minister,

I am writing in relation to the publication “Heritage Reform – An Exploration of the Opportunities”. Thank you for the opportunity of responding to this issue which is dear to my heart.

I fully endorse the submission made to you by the Norwood, Payenham and St Peters Council dated 23rd September 2016 and signed by Mario Barone, File No.S/2802. Living in this Council’s district I think that overall they have achieved a reasonable balance between preservation and development.

I would not like to see decisions about Local Heritage taken out of their hands or weakened in anyway.

Local communities represented by Local Councils are surely the best agents to protect and enhance the areas over which they have control.

The importance of Local and State Heritage is a key factor in our attraction to visitors. I know this at first hand as I was owner /operator of Tourabout Adelaide for some years. Our company showed both international and interstate visitors from all walks of life the attractions of our State. Time and time again our team of guides would hear praise for the ambience that our lovingly preserved Heritage buildings, parks and gardens give to our city and its environs. And so often the question “How did you do it?”.

In reference to comments under the heading “Updating Our Local Heritage Listing Criteria” I would urge you not to change the guidelines that have served us so well.

We are recognised leaders in this field and have no need to follow other states in the way they handle this question of development versus heritage. As far as Heritage Management is concerned let us keep our standards high and trust our own judgement in these matters.

Yours sincerely
Janet Forbes (Mrs)

October 6th 2016

RECEIVED

06 Oct 2016

DPTI

Local Heritage Discussion Paper Feedback planningreform@sa.gov.au

The South East City Residents Association (SECRA) welcomes the opportunity to make a submission to the Local Heritage Discussion Paper but we note that the process of consultation has been poorly managed by DPTI: the Local Heritage Discussion Paper is a series of leading questions insufficiently supported by evidence; the deadline for submissions was ludicrously short and has had to be extended twice because of public outrage; the one-on-one meetings organised by DPTI did not, in SECRA's case, lead to our organisation being better informed about the issues involved or the need for such haste.

A new Bill should not be formulated until proper consultation with the community has taken place. Local heritage is exactly that – local; It is what a community considers worth conserving. There may well be improvements that can be made to the process of local heritage assessment and protection but citizens need to be properly consulted about these before a Bill is taken to Parliament.

As part of, what we hope, is a continuing conversation on local heritage reform we make the following points:

1. The discussion paper does not address all of the eight recommendations suggested by the Expert Panel and supported in-principle by the State Government. Any new Bill will therefore be limited. A new Bill should be seen as an opportunity to consider in detail all eight recommendations.
2. In particular, the new Bill should directly address the Expert Panel's recommendation that Heritage laws be consolidated into one integrated statute and that an integrated statutory body replace existing multiple bodies.
3. Local government is in the best position to identify and protect local heritage. It can take a larger view of heritage protection to include streetscapes and conservation zones, rather than just focussing on the assessment of individual properties, as would be what DPTI is likely to do.
4. Local government understands what makes its community unique and therefore what needs to be protected and valued. As elected members, local councillors are directly accountable to the community. A panel of experts, no matter how well-qualified, is not.
5. An attitude to heritage that says we have enough, say, 19th Century bluestone cottages, so we don't need to preserve any more, treats heritage places and streetscapes as if they were items in a museum. Heritage is intimately connected with how we live. We live in these buildings; we walk down these streets; we meet in these public and open spaces. That is why people get so upset when heritage buildings are demolished and open space is taken away. It impacts on our neighbourhood.
6. If it can be proved that local councils are not capable of identifying and protecting local heritage (and there are matters of cost, possible lack of heritage expertise and a perception by some councils that the Minister will not approve what they list, so why bother?) then local heritage assessment and protection could be integrated with State Heritage assessment and protection under the Minister responsible for Heritage. It has always seemed odd to SECRA that citizens can nominate a building or place for State Heritage listing but not for local heritage listing.

7. Developers can see heritage (State and local) protection as getting in their way, in the same way that miners can see environmental protection as getting in *their* way. No one would now accept that the same Minister or government department oversee both environmental protection and mining; the potential conflicts-of-interest are obvious. The same holds for development and heritage protection. Local heritage should not come under the Minister for Planning and DPTI.
8. Heritage places and precincts are important for the economic, cultural, social and spiritual health of a community and a State. This seems obvious but it also seems that it needs to be pointed out again and again. Tourists love our Park Lands and our heritage precincts and buildings. They are a point of difference with other Australian capitals.
9. SECRA supports the adaptive-reuse of heritage buildings that can no longer be used for their original purpose. The restoration of existing buildings provides jobs for many small businesses. Heritage buildings contain embodied energy.

SECRA has written a number of submissions to both the State Government and the Adelaide City Council on planning and heritage matters. We would be happy to forward these submissions to DPTI.

We have waited for over two years for Minister Rau to sign off on the Residential and Mainstreet DPA for our area – the south of the City of Adelaide, while attempts are being made for this new initiative, for which no rationale has been provided, to be inappropriately rushed through.

SECRA supports the Adelaide City Council's submission to the Local Heritage Discussion Paper.

Yours sincerely,

Heather Nimmo PhD
Secretary,
South East City Residents Association (SECRA)
PO Box 7107 Hutt Street,
Adelaide 5000

Pearce, Penny (DPTI)

From: Virginia Sheridan
Sent: Wednesday, 5 October 2016 8:35 PM
To: DPTI:Planning Reform
Subject: Proposed Changes to Heritage Legislation

RECEIVED
06 Oct 2016
DPTI

Follow Up Flag: Follow up
Flag Status: Completed

Department of Planning, Transport and Infrastructure

I urge you to take adequate time to carefully and completely consider every aspect of the proposed changes to legislation that protects our precious heritage.

Hasty, uninformed and decisions over the years has destroyed many of our fine buildings and surely we can learn from those mistakes. There is a book called *Lost Adelaide* and it is crammed full of photos of lovely old buildings now gone – heartbreaking to some of us which should be considered even by those who have no appreciation of fine architecture and heritage.

Its so easy to destroy our heritage and once gone, it cannot be replaced – ever!

Virginia Sheridan

Pearce, Penny (DPTI)

From: Hugh Orr
Sent: Wednesday, 5 October 2016 7:51 PM
To: DPTI:Planning Reform
Subject: SUBMISSION RE DISCUSSION PAPER ON LOCAL HERITAGE REFORM DPTI

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06 Oct 2016

Follow Up Flag: Follow up
Flag Status: Completed

5th October 2016

The Hon. John Rau
Deputy Premier
Minister for Planning
GPO Box 464
Adelaide SA 5001

Dear Minister

I write in relation to the publication “Heritage Reform- An Exploration of the Opportunities –Local Heritage Discussion Paper” and thank you for the opportunity to make a submission.

As a qualified town planner (MTP) I am well aware of the need to strike a balance between preservation and development. Having lived in the Norwood, Payneham, St Peters area for over 40 years I believe that this council has achieved a good balance in this regard.

I therefore fully endorse the submission made to you by the Norwood, Payneham and St Peters Council dated 23rd September 2016 and signed by Mario Barone file No.S/2802.

In addition I wish to make the following points:

1. Local government – and local communities - are best suited to make decisions about local heritage. I would not like to see this taken out of the hands of local government or their influence in this field weakened in any way.
2. Local heritage is important from many points of view not only aesthetic, cultural and historical but also economic both for tourism and also helping to attract people to live in this state.
3. Local heritage can help attract hi tech and innovative industries by appealing to workers in these areas. San Francisco is a good example. One does not preclude the other.
4. I do not think 8000 local heritage items is excessive considering the size of the state – ref. “Why Focus on Local Heritage?” Numbers are not as important as outcomes.
5. I refer now to ”Updating Our Local Heritage Listing Criteria”. I do not agree with the criticism that - “*South Australia’s local heritage criteria are unique as stated earlier and are inconsistent with the commonly used criteria used interstate*”. Perhaps we have it right and the interstaters have it wrong? I see it entirely appropriate that we should have local heritage criteria uniquely suited to our own history, geography and settlement experience.

Finally, in my opinion the changes to local heritage planning proposed warranted a discussion paper in greater depth and with much wider public consultation than allowed in this instance. I hope that you may extend the study accordingly as this is such an important subject to our community.

Sincerely
Hugh Orr

Pearce, Penny (DPTI)

From: Karin Nyfort-Hansen <knh@internode.on.net>
Sent: Wednesday, 5 October 2016 8:47 PM
To: DPTI:Planning Reform
Subject: Local heritage reforms

RECEIVED 06 Oct 2016 DPTI

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I wish to register my concerns about the proposed local heritage reforms. Any move to dilute public feedback on listings by shortening public consultation periods from 8 to 4 weeks should not proceed. Instead every effort should be made to strengthen the engagement of local residents as they are the ones affected by heritage listings. Planning decisions should be made by local communities and councils, not by remote government ministers or state government departments.

Local heritage buildings, and particularly historic conservation zones are important to maintain the character of our inner suburbs. Much of their value is lost if insensitive development occurs adjacent to these areas. In particular, the height of new buildings should be in scale and not exceed the height of nearby significant heritage buildings such as town halls and churches.

The proposed reforms do not adequately recognise the value of local heritage to our community and the state as a whole. Cities such as Amsterdam and Copenhagen are attractive because high rise has been kept out of historic inner city neighbourhoods, and development has been tightly controlled. Closer to home the value of heritage precincts can be seen by the popularity of Hahndorf.

Thank you for the opportunity to comment on these reforms.

Kind regards,

Karin Nyfort-Hansen
Norwood

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06 Oct 2016

DPTI

SUBMISSION FROM MT LOFTY BRANCH NATIONAL TRUST SOUTH AUSTRALIA (NTSA)

We, the undersigned, hereby submit the following points for consideration with regard to the Local Heritage Reform Discussion Paper.

1. The preservation of heritage is vitally important as it provides a sense of place, pride, identity and community, especially when so much else in our daily lives is constantly changing.
2. South Australia is renowned for its unique architectural styles and its conservation of such architecture where many other states have lost this vital part of their history. This applies to both the metropolitan and country areas. Our built and natural heritage are great cultural, social, educational and tourist assets, the latter worth many millions in income to all levels of the economy.
3. All Local Heritage places/properties currently on Local Heritage Registers must stay on these registers.
4. Local heritage belongs to the local community above all else so any decision on current or future listings must remain with the local community through their elected representatives, the Local Council.
5. The processes for listing or reviewing any place/property on any Heritage Register should be subject to review with consultation with all stakeholders, especially the community, and not be left to remote experts.
6. When considering any heritage place/property, consideration should be given to adaptive re-use policies before any decision is made to delist or grant demolition of such place/property.
 - a. An example of adaptive re-use are several National Trust properties which were all formerly private homes.
 - b. Mt Lofty Branch NTSA is responsible for the management of Stangate House, Aldgate, under the National Trust Property Policy Framework.
Mt Lofty Branch has managed the maintenance and restoration of Stangate House since 1970 when the final handover of the property from its owner, Mrs Cornish, occurred. In addition to preserving a place of great local heritage for the public benefit of the community, Stangate House provides employment and business opportunities to the local and wider community. Service providers such as electricians, plumbers, gardeners, painters, cleaners and other maintenance types are regularly employed at Stangate House. In addition, numerous events are held at Stangate House, which requires caterers, furniture and other hiring companies, printers, florists, decorators, musicians, local accommodation and many other services.
An arrangement with the Camellia Society Adelaide Hills since 1980 has added great value and significance to the property, which was made an International Camellia Society Garden of Excellence in 2012, at the time only one of three in Australia and thirty worldwide.

Submitted by committee members Mt Lofty Branch NTSA

Lyn Radzevicius	Chair
Jill Mitchell	Vice Chair
Chris Thompson	Treasurer
Barbara Brummitt	Committee Member
Kerry House	Committee Member
Jean Thomas	Committee Member

P093

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06 Oct 2016

DPTI

Dear Sir/Madam,

I have invested financially and emotionally in the Stepney and St Peters area because I absolutely love the amenity provided by the heritage places, the facades of the old buildings, and the greenery and space which has been kept by careful rules implemented by my council.

I would like as much local council control over planning and development as possible as members of the council live and work in the area, so are in a better position to understand why certain structures ought to be protected. Councillors are also the people that the population has elected and often chosen for their view on the protection of heritage structures.

I am in strong support of my councils system of historic conservation zoning so the heritage of whole areas can be conserved. I believe that there should **not** be any limits to the amount of heritage buildings that can be listed as important or significant, and I believe as much should be protected as possible. It would not bother me if I had to pay higher council rates in order to achieve this. I would like my local council to be responsible for deciding what needs to be protected as they are the people I vote for, the people I pay rates to, and the people that also live in the area.

If development is to occur, there are plenty of buildings and areas with no architectural merit that could be redeveloped without destroying heritage properties and areas. I find developments which use existing heritage facades and buildings very desirable, and this is often shown by the property values of such places.

I have experience in redeveloping a property in a historic conservation zone in Stepney, and we did not encounter any hurdles within the existing rules. In fact, the process was very quick right from the moment we submitted plans. It was easy to seek advice from the council's heritage advisor, and I believe we have ended up with a structure that is very sympathetic with its surroundings. The advice we received from the heritage advisor was very welcome, and I do not believe this process should be removed. It is likely those who experience trouble and time delays with the existing development rules are building something very out of character with the area, and it is right and proper that their plans are scrutinised so as not to impact greatly on the neighbourhood.

I believe if anything, laws protecting heritage buildings and local places should be strengthened and expanded, and people must be held to account if they let their building fall into a state of disrepair.

We must go to great lengths to protect our heritage buildings for ourselves and the future generations as once it is gone, it cannot be replaced.

Yours sincerely,

Charlotte Hutchesson
Stepney, South Australia

Pearce, Penny (DPTI)

From: Mark Gishen
Sent: Wednesday, 5 October 2016 9:24 PM
To: DPTI:Planning Reform
Cc: Lordmayor@adelaidecitycouncil.com; a.antic@adelaidecitycouncil.com; p.corbell@adelaidecitycouncil.com
Subject: Submission on the 'Local Heritage Discussion Paper'

Follow Up Flag: Follow up
Flag Status: Completed

We are pleased to provide feedback to the Local Heritage Discussion Paper, 'Heritage reform – An exploration of the opportunities' that was released for public comment on 9 August 2016 on the DPTI website (http://dpti.sa.gov.au/planning/planning_reform).

We are residents of the Adelaide central business district, owning two properties in the district, one of which is Heritage listed. We are concerned at a number of aspects of the reforms proposed in the discussion paper as outlined below.

1. We feel that the discussion paper does not appear to satisfactorily make the case for the need for reform. It is not clear to us what are the failings of the current system, and how the proposed reforms will address any such failings, or even improve local heritage. More information is required, and in the absence of a cogent argument for reform, we consider that the current system should remain.
2. Our observation of the streetscape in the Adelaide council area is that only small pockets and remnants of heritage buildings exist within or alongside otherwise contrasting and unsympathetic new developments. We might then conclude that too many heritage buildings and facades have been demolished in the past, and what remains is now in greater need of preservation. If anything, the controls over demolition of heritage buildings needs to be tightened.
3. Giving greater power over heritage listing decisions to a panel of experts is not necessarily an improvement. There is an equal risk that such a panel could be unduly influenced or stacked one way or another (i.e. in favour of preservation or development) at any given point in time. To avoid this, the process for such decisions must be clearly and transparently free of influence from any political or financial interests, and must also have adequate checks and balances in place to ensure that even potentially 'heritage-grade' buildings are not demolished. This aspect is clearly a difficult area, and we do not yet have any suggested solutions. This was not helped by the fact that the consultation period (even with the extensions) was very short for such a complex issue as evidenced by the large number of documents provided by DPTI along with the discussion paper.

In concluding, we suggest that the proposal for reform requires further detailed and genuine consultation with all interested parties over a longer time frame.

Regards,

Mark Gishen and Trish Egan

Australia

cc: Lord Mayor Martin Haese; South Ward Councillors: Alex Antic and Priscilla Corbell



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06 Oct 2016

DPTI

Local Heritage Reform Discussion Paper Feedback

The Tea Tree Gully Branch of the National Trust of South Australia (NTSA) is pleased to comment on the 2016 Local Heritage Discussion Paper 'Heritage reform – an exploration of the opportunities'.

It is unfortunate that this has had to be done in haste, given the limited publicity of the discussion paper's existence and limited timeframe for submissions. Our group is managing and maintaining a museum and presenting local heritage to the public, including school students. Our Management Committee meets formally only once a month. All members are volunteers.

The NTSA aims to protect and conserve natural and built places of heritage significance.

Local Heritage

The Tea Tree Gully Branch of the NTSA manages a property that is listed on the National and State Heritage Registers – originally used as the Highercombe Hotel, but with a wide range of subsequent uses. It is now the Tea Tree Gully Heritage Museum. Fortunately it is not an isolated bastion to heritage in our area. It is located within the 'Tea Tree Gully Township'. This is an important precinct within the City of Tea Tree Gully. It includes over 30 registered Local Heritage Places and Contributory items. This fortunate grouping of historic places enhances the National Heritage place. The continued existence and preservation of these places is vital to the understanding and appreciation of the National Heritage place.

The retention of heritage across the rest of the City of Tea Tree Gully is spread rather thin, with only another 30 registered Local Heritage Places across the remainder of the City.

Local community involvement

The direction of the discussion paper seems to reduce local community involvement in favour of 'accredited heritage professionals' and the 'expert heritage committee'. Local people are in the best position to identify places deserving protection. Local councils, given their closeness to the local community, including membership by locals, are normally in the best position to assess and protect local heritage. Unfortunately they are rarely in a position to contribute much funding.

The concern and involvement of local community members is demonstrated in the very formation of the Tea Tree Gully Branch of the NTSA. This was to save the Old Highercombe Hotel from further decay and likely destruction. From 1967, members of the local community have done that, and much more, in developing a museum to not only preserve, but present the lifestyles of people in the local area from the 1850s to 1950s. The museum is accredited in the Community Museums Program of History SA.

Framework document

The discussion paper suggests the creation of a 'framework document' defining historical themes. If, as suggested, this could be used to answer questions such as 'How many are too many', then it needs also to answer questions such as 'How many are too few'. That is, more places rather than fewer may be required to represent a theme. The existence of the former Highercombe Hotel as a bluestone building of the 1850s, does not mean that other buildings of similar vintage in the same vicinity are not required to be preserved. Buildings such as the former flour mill (now Fox and Firkin), the former Dunn's Cash Store (now Ruby Raja), Ellis Cottage and the original school complement the Highercombe Hotel in representing life in the village of Steventon (now Tea Tree Gully). It would be disastrous if one of these buildings were judged enough to represent the theme of early life in Steventon or the theme of stone buildings of the 1800s, and the others were allowed to be destroyed.

The discussion paper goes on to mention the use of a thematic framework by the City of Port Adelaide Enfield with support from the Department of Planning, Transport and Infrastructure. We are unfamiliar with this 'pilot local heritage review' and when it occurred. The broad destruction and clearance of historic properties around the inner harbour of Port Adelaide and the disregard for years of the few items left, such as Hart's Mill, does not bode well for the future of heritage places elsewhere in this State.

Streamlining listing

Much is made of owner consultation and community/public consultation 'consistent with the Community Engagement Charter'. An example presented in the discussion paper is to REDUCE public consultation from eight to four weeks! We hope that the Community Engagement Charter will be more positive in its direction than this! Unfortunately the consultation designed for the discussion paper seemed to follow that example.

Streamlining development assessment

The discussion paper suggests that a 'clear hierarchy of heritage values' is required, but goes on to suggest that this hierarchy starts with national, state and local. Although a place may be geographically of national, state or local significance, this does not mean that it deserves to be positioned differently within some hierarchy of importance of retention and preservation. Indeed, to a local community, it may well be that a Local Heritage Place should be afforded more importance than a property on the State or National Register.

The discussion paper proposes 'Demolition of local heritage places "on merit"'. This is NOT the streamlining that is required. Listing should prevent demolition, not allow it. The document states 'these provisions are inconsistent; sometimes demolition is listed as non-complying and subject to public notification, and sometimes not'. We reject that the resolution of this to make demolition easier - this increases uncertainty. The resolution is to prohibit demolition - thus reducing uncertainty.

Funding

The discussion paper specifically excludes any discussion of 'funding matters'. We look forward to the subsequent paper on this topic, outlining how and to what level the State Government intends to contribute to the retention and preservation of local heritage. Or, is the State Government intending to leave this entirely to the owners or to Local Government, which struggles already to offer incentives and support such as rate relief or minor grants? Indeed, when is the State Government going to contribute to the maintenance of the many properties, including State Heritage, which it currently owns and leaves to local volunteers to maintain and present to the public?

Mark C Taylor
Hon Branch Secretary
5 October 2016

Tea Tree Gully Branch
National Trust of South Australia
Tea Tree Gully Heritage Museum
3 Perseverance Road
TEA TREE GULLY SA 5091

secretary@ttgmuseum.on.net

P096

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06 Oct 2016

DPTI

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel 08 8416 6333
Fax 08 8443 5709
Email: csu@wtcc.sa.gov.au
Web: westtorrens.sa.gov.au



5 October 2016

The Hon John Rau MP
Minister for Planning
45 Pirie St
ADELAIDE SA 5000

Dear Minister

Feedback on Heritage reform - an exploration of the opportunities

Thank you for providing the opportunity to submit feedback on the *Local Heritage Discussion Paper: Heritage reform - an exploration of the opportunities* (the discussion paper). As you are aware the City of West Torrens recently undertook the Housing Diversity Development Plan Amendment (HD DPA) to identify areas suitable for infill development while preserving heritage and lower density character areas.

Feedback from the West Torrens community during this process indicated that heritage and character policies are emotive; consultation responses registered considerable engagement on these topics and an ardent keenness and demand to retain them within the City.

Council understands the intent of the discussion paper, released by the Department for Transport Planning and Infrastructure (DPTI), is to canvass feedback on the following key elements of the local heritage system:

1. Updating local heritage criteria;
2. Implementing a theme based framework for listings;
3. Streamlining the listing process;
4. Improving management and access to local heritage listings;
5. Clarification of 'character' and 'heritage'; and
6. Streamlining the development assessment process.

Council has accordingly structured its feedback against these key elements.

1. Updating Local Heritage Criteria

Summary

The discussion paper identifies that South Australian local heritage criteria is unique in Australia and inconsistent with criteria commonly used interstate. It presents an opportunity to develop new local heritage criteria for inclusion within the Planning, Development and Infrastructure Act (PDI Act), and proposes using state heritage criteria to inform the drafting of new local heritage criteria.

Response

Council welcomes the opportunity to shape local heritage criteria for inclusion in relevant instruments of the PDI Act. Council also looks forward to working with DPTI to develop scalable local heritage criteria, consistent with the national model criteria, while remaining relevant to the local history and evolution of local governments which are measured by events, or the contributions of people of historical significance, as much as they are by age or rarity.

2. Implementing a theme based framework for listings

Summary

The discussion paper identifies that updated criteria is not enough to provide a more assured local heritage listings process. A framework is proposed to provide a context of broad historical themes in which to understand the local heritage significance of places, rather than separate local heritage nominations.

The discussion paper also suggests that placing listings within themes will assist answering questions such as 'How many are too many?'

Response

The theme based framework should provide the relevant context in which to consistently consider places of local heritage significance. Council does not support the application of historical themes to assess over representation of a local heritage 'type' or as a comparative tool to assess the value of a listing in one location against the integrity of a similar listing elsewhere.

Local heritage listings are of place based importance as much as they are of theme based relevance, and the intrinsic value of a local heritage place is linked to the history of a community in which it is located.

Council supports the creation of themes for historical context in which to assess local heritage significance. Council will also be seeking to participate in the process of establishing themes that capture the natural history of the City of West Torrens, and the role of the City of West Torrens in the evolution of greater Adelaide and South Australia.

3. Streamlining the listing process

Summary

The discussion paper identifies the 'cumbersome' requirement of having to go through a full Development Plan Amendment in order to recognise a property for local heritage listing. It states there is potential to streamline this process under the future planning and design code of the PDI Act.

Such a process would involve the:

- Planning Commission;
- Expert Heritage Committee;
- Accredited heritage professionals; and
- Community.

While the paper (in this section) is primarily focussing on a streamlined process for assessing nominations and new listings it also states that:

- The composition of heritage registers have rarely been reviewed as a whole;
- There could be the opportunity to review existing statements of heritage value within a future set timeframe; and
- Listing of local heritage places will need to be, considered *in balance with the broad strategic objectives of the State*.

Response

Council is in favour of streamlining processes associated with amendments to the development plan and future planning and design code, particularly as it relates to the recognition of local heritage places.

The streamlined process however does not explicitly list councils as a participant. Councils are key stakeholders of local heritage listings, and councils are subject to the concerns and criticisms of communities that view local government as the responsible authority for all planning and development assessments.

Council notes that the streamlined process applied to the *inclusion* of local heritage listings also creates the potential for streamlined *removal* of listings from the planning and design code. With this in mind Council proposes DPTI further consider the following:

- Including councils in the streamlined removal of local heritage listings from the planning and design code;
- Assessing the heritage value of existing listings against the new criteria and themes retrospectively alters the basis on which the listing's heritage value was derived; and
- Assessing the heritage value of an existing listing against similarly themed listings in alternate locations does not recognise the contribution of the local heritage listing to the site it is located.

Council also recognises a conflict in balancing the assessment of heritage value against the broad strategic objectives of the state given the 'Object' of the PDI Act, which governs local heritage listings, is to enhance the state's prosperity by promoting and facilitating development.

Council supports DPTI's inclusion of councils as stakeholders and participants in the community engagement charter associated with the PDI Act and subsequent engagement and decision making processes affecting local heritage.

4. Improving management and access to local heritage listings

Summary

The discussion paper highlights that as a result of the proclamation of the PDI Act, local heritage listings will be made more accessible through the new e-planning portal. This will allow searches to be undertaken state wide and enable checking of heritage places for representation of heritage themes.

The planning portal will also allow accredited professionals to provide valuable advice to owners and proponents of development.

Feedback

Based on what is presented in the discussion paper it appears that improved access to heritage listings will facilitate development speculation with limited transparency, supported by heritage themes that measure representation, and a streamlined process that enables removal of listing in balance with the Object of the PDI Act.

Council is not opposed to the centralising of easily accessible information for the benefit of property owners. However, a robust governance arrangement inclusive of local government will be essential to providing assurance and building trust regarding the intent of accredited professionals accessing and using centralised heritage registers.

Council looks forward to working with DPTI on the establishment of a governance framework for secure and transparent centralised data access and use.

- 5. Clarification of 'character' and 'heritage'; and**
6. Streamlining the development assessment process.

Summary

The discussion paper draws a distinction between heritage conservation zones and heritage character areas. The difference being the preservation of cultural value (heritage) as compared with policy that seeks to continue, or alter, prevailing neighbourhood characteristics (character).

The discussion paper also canvasses a more streamlined development assessment process to allow minor, low risk works to heritage places. This would require a statement of significance and a description of the *elements* that link significance with the place.

In addition the discussion paper proposes demolition of local heritage places on 'merit'. The discussion paper positions this as a solution to the inconsistent application of provisions for heritage demolition within South Australia and the resulting confusion contributing to the belief that de-listing is the only path for owners.

Response

Council acknowledges that heritage and character elements are often misunderstood and confused however it is considered that both have merit in contributing to the identity of a location and are important in providing a sense of place.

Minor works and demolition may still be possible while retaining the '*elements that link significance with the heritage place.*' However despite the retention of heritage elements, any proposed redevelopment of a heritage place has the potential to impact its *character value*, not just its *cultural value*.

7. General Comment

Summary

The discussion paper could be taken as a framework for reform that places heritage in conflict with development. This conclusion is drawn from correlating the key elements:

- Creating criteria and themes that allow quantitative assessment of heritage;
- Streamlining processes for heritage amendments to the planning and design code;
- Centralising access to heritage data for accredited heritage professionals to advise proponents of development; and
- Development assessment limited to elements that contribute cultural value rather than its character contribution of the local heritage place.

This conclusion is also supported by cross referencing relevant targets within the recently released '*Consultation Draft of the Updated 30 Year Plan*' (the Plan). The version released contains no set target of dwelling numbers to be achieved. However the Plan is directing a significant focus on infill development to achieve forecast population growth, as identified in Target 1:

"85% of all new housing will be built in established urban areas by 2045."

If such targets are envisaged in a further iteration or update of the Plan or through supplementary documents such as proposed regional plans, recent changes to planning policy to allow for increased densities in the City of West Torrens Development Plan need to be considered.

Response

The City of West Torrens HD DPA approved mid 2015 sought to strike a careful balance between urban infill and the retention of character *and* heritage areas. Statistical modelling informing the HD DPA indicated that City of West Torrens would exceed the infill targets posed in the 2010 version of the 30 Year Plan.

This is despite the protection of designated heritage and character areas from infill development.


Furthermore, additional development opportunity has been created through the:

- Application of policy provisions that introduce increased density provisions in medium density residential policy areas within 400 metres of activity centres; and
- Minister's Inner Middle and Metropolitan Corridor Infill DPA.

In short, there is sufficient opportunity for infill development in City of West Torrens without impacting character *or* heritage areas, and the City of West Torrens looks forward to working collaboratively with DPTI on developing character policy areas and heritage overlays in the future planning and design code.

Should you require any further information please do not hesitate to contact Ben Cunningham on 8416 6333 or email bcunningham@wtcc.sa.gov.au.

Yours sincerely

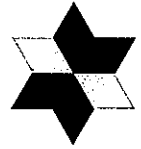
A handwritten signature in blue ink that reads "Terry Buss". The signature is written in a cursive, flowing style.

Terry Buss
Chief Executive Officer
City of West Torrens

P097

File Number: S/2802
Enquiries To: Carlos Buzzetti
Direct Telephone: 8366 4501

E-MAILED
23.09.2016



City of
Norwood
Payneham
& St Peters

23 September 2016

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ATTORNEY-GENERAL'S
OFFICE

RECEIVED
06 Oct 2016
DPTI

The Hon John Rau MP
Deputy Premier
Minister for Planning
GPO Box 464
Adelaide SA 5001

30 SEP 2016

PLN0079/16

Recd	
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YES NO

CHIEF
EXECUTIVE'S
OFFICE

And by email: planningreform@sa.gov.au

175 The Parade,
Norwood SA 5067

Dear Minister

PO Box 204
Kent Town SA 5071

LOCAL HERITAGE DISCUSSION PAPER

Telephone
8366 4555

Thank you for the opportunity to respond to the Local Heritage Discussion Paper titled 'Heritage Reform – An exploration of the opportunities'.

Facsimile
8332 6338

The matters raised in the Discussion Paper are of particular interest and importance to the City of Norwood Payneham & St Peters. This Council has significant experience and success in the preparation of heritage policies through a number of Local Heritage Place and other associated Development Plan Amendments and through the careful and practical application of policy through the Development Assessment process.

Email
townhall@npsp.sa.gov.au

Website
www.npsp.sa.gov.au

In terms of process, the Council wishes to raise significant concerns with the limited consultation process associated with the Discussion Paper, notwithstanding the fact that the consultation period was subsequently extended. In terms of background, initial advice which was received from Department staff, was that the Discussion Paper was not prepared for broad community consultation, but rather was released for targeted consultation with heritage experts and practitioners with an interest in heritage and it was disappointing that initial requests from the Council for an extension of time to enable the Council to consider and provide an informed submission, were denied by Department staff. Notwithstanding this, the Council is pleased that the consultation has since been broadened and that an extension of the consultation period has been agreed to.



In light of the consultation process which has been adopted at its meeting held on 5 September 2016, the Council resolved that a letter be sent to all property owners within the City, advising of the Discussion Paper and of the Council's key concerns regarding the proposed reforms.

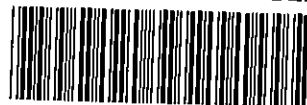
100% Australian Made
Recycled Paper

The Council has considered the Discussion Paper and has resolved to advise you that it 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.

The Council is supportive of a general review of the matters addressed in the Discussion Paper and in fact, reviews aimed at improving processes are always welcomed. Contrary to the negative issues highlighted in the Discussion Paper, this Council's experience with built heritage has been generally positive, with the current framework widely understood, accepted and valued by many citizens in our community, but most importantly by those owners of Local Heritage Places.

Community
Well-being is...
Social Equity
Cultural Vitality
Economic Prosperity

ATTORNEY-GENERAL'S DEPT.



AGD577968

Environmental
Sustainability

Whilst several aspects of the heritage reform ideas contained in the Discussion Paper are supported, there are a number of suggested reforms which have the potential for significant negative impacts on the ongoing protection of heritage buildings and Historic (Conservation) Zones within the City of Norwood Payneham & St Peters. Indeed, there is a risk that the dismantling of controls will have a significant and irreversible impact on South Australia's built form history. This can be managed however if the Government undertakes a more comprehensive and holistic review of local heritage, rather than taking a piecemeal approach which appears aimed at resolving issues which have not been clearly identified and articulated and removing what are perceived impediments to urban infill, development generally and adaptive re-use of buildings.

To this end, the rationale for the partial pursuit of reforms set out in the South Australia's *Expert Panel The Planning System We Want* (December 2014), is not articulated in the Discussion Paper and as such, it presents an unbalanced and incomplete review of the heritage policy regime. The reforms are addressed only in part as highlighted below:

- 8.1 *Heritage laws should be consolidated into one integrated statute (this reform is not addressed in the Discussion Paper)*
- 8.2 *Terminology for heritage should be reviewed and updated as part of this new statute (this reform is partially addressed in the Discussion Paper)*
- 8.3 *There should be an integrated body, replacing existing multiple bodies. It should include links to the state's cultural institutions (this reform is not addressed in the Discussion Paper)*
- 8.4 *The new body should administer 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 (this reform is not progressed in the Discussion Paper)*
- 8.5 *Legislation should provide for a heritage code of practice to outline how listed properties should be described, maintained and updated (this reform is addressed in the Discussion Paper)*
- 8.6 *The legislation should allow accredited heritage professionals (similar to private certifiers) to provide advice and sign-off on changes to listed properties that are consistent with the code of practice (this reform is addressed in the Discussion Paper)*
- 8.7 *Existing heritage listings should be audited to accurately describe their heritage attributes (this reform is addressed in the Discussion Paper)*
- 8.8 *Financing of heritage should be placed on a stable, long term footing, with discounts on property related taxes and a heritage lottery providing the basis for heritage grants. (this reform is not addressed in the Discussion Paper)*

This analysis reveals that the Discussion Paper has a very narrow focuss and does not align with the broader scope of the *Expert Panel's* recommendations. In addition, this does not reflect the State Government's response (made in March 2015) to the *Expert Panel's* Final Report, which outlined that the 'difficulty in coordinating heritage management across State and local jurisdictions' will be addressed with the 'closer integration of heritage listing and management regimes as an integral part of the planning system so that our important built heritage can be preserved for future generations'.

The reasons for not addressing all of the *Expert Panel's* recommendations has not be provided and is fundamental to progressing any reforms.

NPSP's Heritage and Historic Fabric

The City of Norwood Payneham & St Peters 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 City's built and natural 'inheritance'. The Council has worked hard and remained committed to these values over many decades, using a range of legislative and incentive measures to conserve and enhance these valued assets, whilst at the same time, providing substantial growth opportunities in

suitable locations across the Council area. The City of Norwood Payneham & St Peters Development Plan contains:

- 73 State Heritage Places;
- 664 Local Heritage Places;
- 2 Historic (Conservation) Zones with 26 differentiated Policy Areas based on Statements of Historical Significance; and
- 1475 Contributory Items.

These listings and policies have all been approved by successive Ministers.

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 State policy (administered by the State Government) which was applicable and sanctioned 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 position on proposed Development Plan amendments which has been taken by the Department, without explanation.

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 which heritage makes to our society in terms of culture, lifestyle, tourism, sustainability, "sense of place", economic development etc. Nor is there much narrative or justification about why the current system is faulty or deficient 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 or implies. Of course, the development industry may have different perceptions.

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 supporting 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 and objective message that heritage conservation is a largely well-regarded foundation of public decision making. In short, there is no evidence provided in the Discussion Paper and conclusions and strategies are not based on evidence.

Built heritage identification and management is at times, a sensitive issue and with a variety of experiences and understandings within levels of government, the development and design sectors, the community and property owners. As one of its key guiding tools, the *Expert Panel's* recommendation for the establishment of a Community Engagement Charter is being progressed by the State Government. The intent of such a Charter is to foster well considered engagement processes to enable different views to be aired and considered and potentially resolved.

The initial method of releasing the 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, was frankly inadequate, 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.

It is recommended that the current process be augmented with a further consultation process that fosters wider input on the issues and implications which needs to be canvassed, including all of the areas identified by the *Expert Panel*, prior to the drafting of legislation to enshrine the proposals set out in the Discussion Paper. Irrespective of the intentions which have been adopted in respect to the Discussion Paper, the consequences (either wittingly or unwittingly) are that the progression to a Bill appears to be a fait accompli.

Updating the current Local Heritage Listing Criteria

The rationale for reform of the Local Heritage Place listing criteria seems to be the inconsistent application of the criteria across the state and the fact that the South Australian criteria do not have consistency with interstate criteria.

A comparison of the (current) Section 23(4) criteria contained in the *Development Act 1993* and the proposed criteria is set out in Table 1 below.

TABLE 1: COMPARISON OF EXISTING AND PROPOSED LOCAL HERITAGE CRITERIA

Section 23 (4) Local Heritage Value criteria	Proposed Local Heritage criteria
(a) it displays historical, economic or social themes that are of importance to the local area	(a) it is important in demonstrating themes in the evolution or pattern of <u>local</u> history
(b) it represents customs or ways of life that are characteristic of the local area	(c) it may yield important information that will contribute to an understanding of <u>local</u> history, including its natural history
(c) it has played an important part in the lives of local residents	(g) it has a special association with the life or work of a person or organisation or an event of local historical importance
(d) it displays aesthetic merit, design characteristics or construction techniques of significance to the local area	(e) it displays particular creative, aesthetic or technical accomplishment, endemic construction techniques or particular design characteristics that are important to demonstrating local historical themes
(e) it is associated with a notable local personality or event	(g) it has a special association with the life or work of a person or organisation or an event of local historical importance
(f) it is a notable landmark in the area	No equivalent criteria
(g) in the case of a tree ... – it is of special historical or social significance within the local area	(b) it has qualities that are <u>locally</u> rare or endangered
No equivalent criteria	(d) it is comparatively significant in representing a class of places of local significance
No equivalent criteria	(f) it has strong cultural or spiritual association for a local community

The proposed new Local Heritage listing criteria have been adapted directly from the criteria applying to State Heritage Places contained in the *Heritage Places Act 1993*. The criteria generally replaces the words of State significance with local significance. The need for this uniformity has not been clearly articulated. Local Heritage is "Local" and State Heritage is of a higher order. This has always been the understanding. Whilst it remains unclear, pursuing uniformity in the form of the criteria could lead to many existing and proposed Local Heritage Places either being removed or potentially never being able to meet the criteria.

Whilst changes are always possible, the reason for this change has not been provided. Clearly, there is not an understanding of the hierarchy and why the hierarchy is necessary.

With the consistency in State criteria which is now proposed, it is not clear in the Discussion Paper why the recommendation to consolidate heritage laws into one integrated statute (Reform 8.1) and a single integrated register (Reform 8.4) have not been pursued. This is a deficiency in the scope of the Discussion Paper, which states as one of its objectives, the need to have clarity of criteria within a recognised hierarchy of heritage values (National, State, Local).

In addition to the criteria, it is recommended that the State Government should give consideration to other relevant definitions. For example, it is important that new legislation does not restrict Local

Heritage to just buildings or groups of buildings. The rich fabric of local heritage value in the City of Norwood Payneham & St Peters includes fences, bridges, objects, landmarks and structures. The items considered for inclusion should be consistent with the broader definition of "place" applying to State Heritage as set out in the *Heritage Places Act 1993*. Such consistency would be realised through a combined statute as recommended in Reform 8.1, which as the Council understands it, is not being advanced through this Discussion Paper.

A comparison shows a high degree of similarity in the language and scope between the current and the proposed criteria. Notable exceptions are that trees are not specifically referenced (although proposed criteria (b) recognises items that are locally rare or endangered) and the new criteria encompass the representation of a class of places (criteria (d)) and cultural and spiritual association (criteria (f)).

Both the existing and the draft new criteria require an assessment to be made which is both qualitative and subject to judgment and interpretation. As occurs in current practice, such interpretation would be based on the advice of qualified professionals. In considering the reforms, reliance should not be placed on the proposed new criteria alone in eliminating variation in interpretation, application or reducing conjecture around listing proposals. The use of accompanying practice notes in a Practice Direction that sets out, with examples, how the criteria are to be applied, is considered a useful tool of clarification.

The revised criteria are therefore supported with the caveat that proposed criteria (d), which states:

(d) it is comparatively significant in representing a class of places of local significance;

be of equal and optional status as the other criteria – rather than representation of a class of places being a "higher" test for each of the criteria. Representation of a class of places implies a "Noah's Ark" approach of accepting the listing of only limited examples of a class of places (eg "best" representative example of a 1890s symmetrical cottage) and should not become a further test, in conjunction with the threshold test that is proposed in legislative reforms (discussed further below).

The Council's support for new criteria being introduced, should not be at the future opportunity cost of fewer listings, than would otherwise be made under the application of existing criteria.

Implementing a framework document and 'practice direction'

As for any complex legislation, the use of complementary tools to assist in understanding and application of the legislation, is useful for both practitioners and the community. It is understood that under the new *Planning Development and Infrastructure Act*, Practice Directions will be produced by the State Government.

The Planning Bulletin – Heritage, last published by the Department for Transport, Urban Planning and the Arts in October 2001, performed a similar role. Whilst now dated, this Bulletin provided significant additional context for the listing of Local Heritage Places, the creation of Historic (Conservation) Zones and inclusion of Contributory Items within Development Plans. It is timely that such practice notes be updated, particularly given the shifting political landscape of heritage policy over the last decade.

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 application of the proposed framework has not been fully explained in the Discussion Paper, but refers to City of Port Adelaide Enfield and interstate usage of thematic frameworks. Generally speaking, a document which enhances the understanding of heritage listing processes and heritage attributes and themes in particular areas, is welcomed.

The use of threshold tests (or numeric quotas) within the criteria and listing process, needs to be more fully explained and understood as there is a risk that its application could be used to reduce the overall ability to list important places. The case for this approach has not been made. The concept of "how many" buildings are listed, has not been a criteria to date, however, it is clear that it has been used

over the last couple of years and based upon the Minister's comments, only buildings of State significance or the "odd building" in the suburbs, will be listed. Given that the *Planning Development and Infrastructure Act* claims to preserve the central role of Local Government in maintaining the planning rules for their boundaries, there should be autonomy given to Local Government in setting the relevant thresholds of representation, if this path is to be pursued. This is particularly so for those Councils such as the City of Norwood Payneham & St Peters, whose strategic objectives and community values, place a high value on heritage recognition and protection.

For example, if it were deemed that the housing patterns of early 1900s settlement were of particular thematic relevance to the City of Norwood Payneham & St Peters, it should follow that the Council could set the threshold number (or quota) compared to a later-settled area which may value a higher quota of examples of the theme of austerity building patterns. The arbitrary allocation of quotas based on a comparison to other Councils or within regions should not be supported. In short, the numeric threshold tests illustrate that the concept of heritage and its relevance to sensitive infill development is not clearly understood. Perhaps discussions with Local Government practitioners would provide valuable insight into how the balance between heritage infill and development generally, is being discussed.

The Council notes that the recent heritage listing process which it undertook, to address the underrepresentation of the theme of inter-war housing in the City was declined by the Minister for interim operation. The advice received from the Minister was that the current criteria had resulted in uncertainty with little justification and evidence for the listing process.

This appears inconsistent, given that the Inter-War Heritage Survey received approval from the Minister to proceed (through the Statement of Intent process) and with the recommended twelve (12) Local Heritage Places having been reviewed by the Council's Heritage Advisor, Mr David Brown, as having been the finest examples of this era of housing following an identification and initial review of 142 dwellings built between 1915-1945 across the City. This process shows the balanced approach this Council has taken with judicious and practicable use of the criteria, to put forward only those dwellings for listing, which clearly meet the criteria and which address a demonstrated under-representation of this era throughout the City.

The Discussion Paper's suggested notion of limiting the number of listed properties through use of terms such as 'over-representation' and posing the question 'how many are too many?' is pejorative and devalues the significant contribution that heritage conservation policy makes to our society, neighbourhoods and urban form. In short, this approach is not logical and displays a lack of understanding of the concept of built heritage and its contribution to character.

Whilst it is clear that the concept of over-representation could be applied to rationalise listings, the Discussion Paper should provide more context for themes found to have an under-representation (such as the Inter War example described above). For instance, a Local Government Area with a lack of recognition of the theme of early 20th Century industrial developments, could be provided with funding assistance to commission heritage surveys examining this. Equally, if a Council demonstrated that Italian migrants were important to its cultural identity, could support be offered to examine this cultural history theme?

Department staff have advised that while all existing Local Heritage Places will be "grandfathered" across in the new framework, future listing proposals for additional heritage places would be assessed in the context of existing lists – that is, thresholds and under/ over-representation tests would be applied to the relevant "themes" of listing. In other words, a rationalisation of existing heritage listings would be needed, in order to consider future listings. Such a rationalisation of existing heritage listings for a Council that has extensive heritage listings, which have already been surveyed and documented against statutory criteria, would be a costly and time consuming exercise and would erode the heritage and character value of suburbs. In short, the real objective of introducing arbitrary thresholds has not been clearly articulated by the *Expert Panel*, nor in the Discussion Paper.

It is understood that the proposed framework intends that a State-level theme 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.

The use of a Practice Direction document to provide a broader understanding, documentation and communication of the context of local heritage, is a positive addition to the decision making framework. Whilst different terminology is set out in the Discussion Paper, the review by heritage professionals of a certain type of building era of development or cultural association has been standard practice for most Councils for the past two (2) decades. 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 built history which provides long term cultural, social and economic benefits for the community and South Australia.

Streamlining the listing process

The notion of simplifying the listing process for Local Heritage Places is supported. 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.

The Discussion Paper envisages a streamlined process as part of the yet to be drafted, Planning and Design Code. It is suggested that this would enable more flexible listing processes to add to the Planning and Design Code heritage overlay without a DPA-type process. This means the process could become more responsive to requests, which do arise from time to time, (but are not common) for properties to be heritage listed. This aspect of the proposed system measures is supported, provided the streamlining is not at the expense of obtaining appropriate professional advice and community input into the listing process. Again, to be useful, the Discussion Paper could put forward some options in respect to how a new streamlined process, including the opportunity to object and challenge proposed Listings could be achieved. Aside from the process associated with the preparation of a Development Plan Amendment, the listing process and review by an "independent body" such as the proposed Commission, would still be required as part of any new process.

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 many buildings have been bought and sold based on those listings and owners have worked within grant opportunities and heritage advisory frameworks. A retrospective audit has the potential to undermine work that the Council 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 which 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.

The transparency of early consultation however, needs to be carefully balanced against not undermining the listing process through the risk of demolition applications being lodged whilst listing processes are under consideration.

The Discussion Paper's assertion that objection rates to proposed listings are as high as 70%, is questioned and is certainly not borne out in this Council's experience (with over 2,000 Local Heritage Places and Contributory Items). During the 2005 heritage listing process undertaken by the Council, the recorded rates of initial objection were 18% (St Peters Plan Amendment Report) and 30% (Payneham Plan Amendment Report). Subsequent clarifications and engagement with property owners, discussions, further independent review processes, were then able to resolve a significant number of those objections. Similarly, the stated 1% "objection rate" where early engagement processes are undertaken, is also questioned. In this respect, the Discussion Paper lacks details and the conclusions and assumptions are not substantiated with research or data. In short, it is not evidence based. A Discussion Paper should contain all of the supporting documentation so that the reader and the community can understand the reasons for any proposed strategies and changes to existing processes.

The question of heritage listing will always attract challenges, as with any process that seeks to act in the public interest, where individuals are affected. This in part, led to the Council's commitment of \$442,000.00 over the period 2006 – 2014 toward a Heritage Incentives Package (including a free Heritage Advisory Service, a generous grant scheme and the waiving of Development Application fees). This was undertaken at the time of progressing the 2005 Heritage Plan Amendment Reports to form part of a wider package of benefits of heritage listing.

The Council's grant funding generated approximately \$2.5million worth of building work, incorporating renovation to heritage listed buildings, including Contributory Items.

In addition, millions of dollars annually is spent in this City on purchasing heritage listed properties and in turn millions of dollars annually is spent on renovating and constructing alterations and additions to existing heritage listed buildings – including Contributory Items. The economic impacts of this part of the housing market cannot and should not be under exaggerated.

A significant shortcoming of the current reform agenda, is progressing heritage related legislative controls, without the corresponding foundation of funding support mechanisms recommended by the *Expert Panel* (property tax discounts and grants generated by a heritage lottery). The details of Reform 8.8, in terms of timing and responsibilities for these heritage funding measures, need to be outlined to current and future owners of Local Heritage Places and to the broader community before any legislation is progressed.

Omission from the Discussion Paper of key pillars of governance and funding, increase the chances of the proposed new system not being supported by the community. As recognised by the *Expert Panel* in its final report, these financial support measures would “*place heritage on a stable, long-term footing*”. To progress and release a Discussion Paper in the absence of the development of these concepts is clearly driven by legislative reform priorities and risks such stability and long-term foundations for broader heritage appreciation.

Improving how heritage places are recorded

The Discussion Paper advances the online accessibility of heritage information which is an excellent initiative. In 2006, Council staff worked with DPTI staff to spatially record and check all of the Local Heritage Places and Contributory Items in a digital database. Extending this concept further to include Heritage Identification Sheets would assist with the many requests which the Council receives for this information.

It is this Council's standard practice to include the “Description of Place of Value” of proposed Local Heritage Places in compliance with the template in the Heritage Bulletin (2001). It is considered essential during the subsequent Development Assessment processes, that the description is clearly documented to enable appropriate consideration of adaptive re-use of building extension proposals. Given the age of the Heritage Bulletin (2001), it is timely that the template for the description of Local Heritage Places be updated and listing sheets be made available electronically.

This proposed reform of online access and detailed description of the elements of listed heritage value is therefore supported.

Clarifying the difference between ‘Character’ and ‘Heritage’

In recent years, there has been increasing confusion amongst practitioners regarding the ability to introduce new Historic (Conservation) Zones and the status of Contributory Items within Council Development Plans. There has long been a call for a greater range of tools for character protection. This Discussion Paper does not clarify the policy options which are available. Nor does it provide the much needed detail upon which to make an assessment and informed comment on what is being proposed.

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 (akin to Contributory Items) will be lost and character based policy will guide replacement infill development in such locations.

It is not the expectation of this Council that Historic (Conservation) Zones become "watered down" to layers of character policy, as implied in the Discussion Paper. Through the 2015 *Residential Development (Zones and Policy Areas) DPA*, the Council introduced the Residential Character Zone and the Residential Character (Norwood) Zone, based on the South Australian Planning Policy Library module and direction from the Department on behalf of the Minister. It was not the intention that this policy would become interchangeable with current Historic (Conservation) Zone policy which has current legislative applicability and identification of individual buildings (Contributory Items) as relevant at the time of inclusion.

As an inner-metropolitan Local Government area with two Historic (Conservation) Zones, 26 unique Policy Areas within those two Zones and 1475 Contributory Items, it is unclear how, when (and who) will determine how Contributory Items and Historic (Conservation) Zones will carry over into a new planning system.

The Discussion Paper does not recognise the importance and value of protecting areas, which through the quality of the historic building stock and public realm and their collective contribution to the amenity and "sense of place" of an area and warrant a stronger level of protection than can be provided by form-based character zones. As described in the 2001 Heritage Bulletin, Contributory Items are the "*surviving examples of a particular period and its character*", with policies to be aimed and preserving the historic elements including the retention of Contributory Items. Contributory Items therefore comprise the 'building blocks' of Historic (Conservation) Zones and if not treated in a policy sense as the surviving elements, it is difficult to determine how the policy can be reframed to support widespread replacement of building stock.

Amendments to the Planning Development and Infrastructure Act, which is not explained in the Discussion Paper, state that there will also be a majority landowner support test for such a transition process. As such, an area cannot be designated a heritage character or preservation zone or subzone unless, following consultation under the Community Engagement Charter, 51% of landowners within the relevant area agree. (*Planning Development & Infrastructure Act Preliminary Implementation Program 2016*).

The Council has noted the Minister's objection to this provision of the Act, as stated at the recent Local Government Heritage Forum and would support the Minister in pursuit of its removal.

The Final Report of the *Expert Panel* suggests that form-based zoning reforms and new tools to use design to enhance neighbourhood character, will partially address this concern. Without outlining these other transition processes, the Discussion Paper does not provide sufficient context to disentangle heritage and character.

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. 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 text 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 when these areas were established through Development Plan Amendments.

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.

Streamlining the 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 Local Heritage Places.

The Discussion Paper suggests re-classification of some minor works as 'exempt', or as needing Building Rules Consent only. This may be appropriate for some works, (similar to that for non-heritage properties), 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. Again, if this is an issue better articulation and data is needed before progressing to a solution.

The Paper suggests that demolition of Local Heritage Places be 'on merit'. There is some confusion in the community regarding the meaning of this statement. It is assumed that the term 'on merit' used in the Discussion Paper, refers to 'merit assessment', (as distinct from complying development or non-complying development) and is not a general reference to a subjective assessment of whether a property has merit or not (which would be subjective and open to potential abuse). 'On merit' assessment is already in place in many Councils, including the City of Norwood Payneham & St Peters and control of the demolition of Local Heritage Places, is governed by the strength of the accompanying Development Plan policy. It is therefore imperative that councils retain the ability to incorporate sufficiently strong policy into the Development Plan, coupled with a rigorous heritage assessment process, to prevent the unwarranted loss of listed items. If this is not in place, then the whole system of Heritage Listing would be undermined.

The Discussion 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 in the role of heritage professionals should not usurp the current authority of councils. Heritage professionals should however maintain an advisory role to councils, and not act as an authority in their own right. This is particularly important in relation to the question of demolition.

Conclusion

In conclusion, the scope, strategic intent and extent of community engagement associated with the current reform process, raises significant concerns for this Council and Local Government generally. While there are several aspects of the proposed changes to heritage policy that would provide better clarity and understanding for all parties, many of these are administrative and could be made within the existing framework without the need for whole sale change.

Long term changes to the way heritage is recognised and valued in South Australia, must be approached more cautiously, comprehensively and in a balanced manner to ensure that the positive aspects of the current system are not undermined or lost. To only partially progress the reforms set out in the *Expert Panel's* report does not assist with placing heritage on renewed foundations or on a "*stable, long-term footing.*"

The submission outlines a number of deficiencies of the proposed heritage reform process and calls upon the State Government to work collaboratively with Local Government and other stakeholders, to ensure a successful implementation of these reforms to the planning system.

Built heritage must be viewed and respected as part of South Australia's urban form. If viewed as an integral and important component of what makes South Australia unique then any new system or policy framework would take on a different form than what has been articulated in the Discussion Paper. If however, heritage is viewed as an impediment to development then any new system will significantly compromise what has been achieved over many decades.

The listing of buildings as Local Heritage Places and Contributory Items and the policy base of the Council's Development Plan, has not in the Council's experience, been a barrier to infill development or the re-development of heritage listed properties.

Together with a robust policy base, the Council has in place a very robust Development Assessment process, which incorporates professional advice from a substantially qualified Architect with heritage experience.

The outcomes and outputs of this Council's implementation of this strategic approach is clearly evident when driving through suburbs such as Norwood, Kensington, Kent Town, College Park, St Peters, Maylands, Stepney, Evandale and so on.

This Council agrees with other Councils on the need to get this issue right. However, the process of reviewing and progressing to a "better system", must be evidence based and must be founded on clear objectives, including what problems are being sought to be resolved.

As evidenced by its submission, the Council has a longstanding and successful history of delivering contemporary approaches to policy and importantly, the application of the policy in the Development Assessment process. As such, the Council would welcome the opportunity to work with you in ensuring that a well-founded and robust policy approach is put in place and looks forward to that opportunity.

If you have any questions in relation to Council's submission or require clarification, please do not hesitate to contact me on 8366 4539 or the Council's General Manager Urban Planning & Environment, Carlos Buzzetti on 8366 4501.

Yours sincerely



Mario Barone, PSM, FPIA
CHIEF EXECUTIVE OFFICER

cc. All State MP's
Matt Pinnegar, LGASA
Darren Peacock, National Trust SA
Helen Wilmore, Community Alliance SA
All Adelaide metropolitan councils

Pearce, Penny (DPTI)

From: Geoff Parsons <G.Parsons@murraybridge.sa.gov.au>
Sent: Thursday, 6 October 2016 11:19 AM
To: DPTI:Planning Reform
Subject: Local Heritage Reform Discussion Paper Feedback

RECEIVED 06 Oct 2016 DPTI

Dear Sir / Madam,

I write in reference to the Local Heritage Discussion Paper that has been released for comment. This email provides for the Council's feedback in relation to the matters raised in the Discussion Paper.

Please note this submission and the comments within it are provided at the Council administration level.

Supported Concepts

1. The idea of creating a standard, simplified process for the listing of local heritage items (which would include a standard set of criteria across the State – as noted on pages 3 and 4 of the Discussion Paper) is generally supported – subject to local government involvement in the development of the listing process.
2. The involvement of the community early in the listing process is also supported. Such involvement is likely to lessen the 'fear' surrounding local heritage – however removing interim operation may not be an outcome that can be reached by this measure alone.
3. The example provided for on page 7 of the Discussion Paper (Victoria's Y/N table with clear parameters as to what controls are in the place and the extent of the listing) is supported – this is considered to be a positive step which would streamline the assessment of development applications affecting heritage places.

Concepts Requiring Further Consideration

1. Private Certification – The Discussion Paper hints at the possibility of having accredited heritage professionals provide the equivalent of a 'building rules only assessment' and making decisions / recommendations on heritage listings. Such a scheme can possibly work where there is a standard set of criteria that a proposal can meet which means Development Approval must be issued (such as Schedule 1A) but the subjective nature of heritage and the potential for works to impact on the fabric and value of local heritage places makes this problematic.

For internal alterations there is an argument that this approach may be suitable. However for anything more substantial which would affect the external facades of a local heritage place an independent and unbiased assessment from a local government or Government professional is warranted.

2. Lack of Local Government Involvement – The Discussion Paper openly promotes a distinct lack of local government involvement in any future heritage process. The example of a possible listing process (outlined on page 5 of the Discussion Paper) does not include local government involvement in any part of the process.

Local government is the level of government closest to the community. The Rural City of Murray Bridge has a positive working relationship with the local historical society and an understanding of the local heritage within the district. It is best placed to make recommendations on local heritage items / listings, in conjunction with advice and reviews from heritage professionals.

Oversight and potentially management / approval of listings from the State Planning Commission is not disputed, but local government should maintain a role in the process.

3. Existing Local Heritage Places – The Discussion Paper suggests that all existing local heritage places will be recognised through the Planning & Design Code, but a separate part of the Discussion Paper suggests these could be reviewed at a future point.

A future review of existing local heritage places is not opposed but the criteria against which existing places are assessed requires detailed consideration, as does the process through which this review would occur.

If existing places are to be assessed against new and updated criteria, it would essentially represent a ‘shifting of the goal posts’ and that would necessitate the need for extensive consultation with stakeholders (including local government and the community). This process and the outcomes that are trying to be achieved require further consideration. The Council cannot support the concept without further detail being presented.

4. Future Listings – The Discussion Paper poses questions such as “How many are too many?” with respect to local heritage items and notes that a new framework (such as the development of historical themes) may help to answer those questions.

Again this concept isn’t necessarily opposed. Under the current system it is considered that there have been circumstances where numerous buildings have been listed because they meet the criteria, whereas a more beneficial approach may have been to list the ‘best examples’ of items which meet the relevant criteria. To list every example can undermine the importance of the relevant item and what the listing aimed to achieve.

However the problem with this approach is that it can be highly subjective and it becomes increasingly difficult to answer the question posed by the Discussion Paper – *how many is too many?* Unfortunately nothing in the Discussion Paper goes anyway to resolving that question. The Discussion Paper fails to describe how a new framework and the development of broad historical themes would actually assist in reaching an answer to that question.

Further consideration of this matter is required.

5. Removal of Interim Operation – The concept of engaging the community and stakeholders earlier in the assessment process is supported – however the removal of interim operation is unlikely to be an outcome that can be achieved by that approach alone.

The purpose of interim operation is to ensure that there are protection measures in place to prevent (or at least provide for a reasonable assessment of) the demolition of a proposed local heritage place. Such action is only likely to be taken by a person / developer who objects to the proposed local heritage listing.

Earlier engagement with owners of a proposed local heritage place (particularly if that engagement is meaningful) may reduce the risk of a person objecting to a local heritage listing, but it is unlikely to alleviate it entirely. Interim operation (or an amended version of it) will still be required in order to afford a level of protection to proposed local heritage listings.

6. Minor Works – Page 6 of the Discussion Paper states:

“there are opportunities to streamline minor, low-risk works to heritage places based on the assessment pathways of the Planning and Design Code of ‘exempt’, ‘accepted’ or ‘deemed to satisfy’.”

There is a risk with items of local heritage that the cumulative impacts of minor works over time may have a negative impact on the fabric and significance of a local heritage place. Having such works as *development* allows for an assessment to be undertaken which can assist in protecting the value of the local heritage place.

A potential compromise could be to allow internal works to be put through a system similar to ‘exempt’ or ‘complying’ as such works would be unlikely to damage the fabric and significance of a local heritage place.

However it is considered that all external works warrant an assessment in order to provide for the protection of a local heritage place.

7. Accredited Heritage Professionals – There is no detail in the Discussion Paper regarding the qualifications and working arrangements for accredited heritage professionals. It is accepted that such detail need not necessarily be finalised at this point, but local government (and potentially PIA) should have the ability to provide comments in relation to the establishment of accredited heritage professionals and their role in the future heritage / planning system.
8. Funding – The Discussion Paper clearly notes that issues of funding are not addressed at this stage. Unfortunately the Council is not able to support changes to the heritage system without further discussion relating to funding.

Funding is a critical part of the system. The Council needs to understand the financial impacts of changes to the heritage system to both the council and other users of the system (i.e. members of the community). There are possible additional changes to the system, which would require funding, that could be pursued. A key example is the further development of a significant grants scheme, potentially administered by the State Planning Commission or local government, that would enable and encourage owners and developers of local heritage places to undertake works which assist in the upgrade and enhancement of their heritage places. Contributions could be required to this fund as a result of development (similar to the open space scheme), or where an existing item is demolished. This and other possible ideas around funding should be explored as part of a review of the heritage system.

A discussion around funding may not be suitable at this point, but it is required before the design of any new system for heritage can be finalised. Discussion with local government surrounding funding and financial implications is considered critical.

9. Urban vs Regional – Consideration should be given to the difference between urban and regional areas in any new heritage system. The Discussion Paper talks about the difference between ‘heritage’ and ‘character’ and also highlights the possibility of standardising the listing and assessment criteria across the state. Standardising the system provides for a level of simplification but this should not be at the expense of the differences between urban and regional areas. The two areas display differences in their character, built form, nature of heritage and, in some circumstances, the connection of the community with those heritage items.

A simplified system across the state is a reasonable and worthwhile objective but there needs to be a capacity to recognise the differences between urban and regional areas.

10. Practice Directions – Practice Directions are listed at numerous points throughout the Discussion Paper. It is understood that Practice Directions will form part of the new planning system – it is suggested that the LGA, councils and PIA be consulted as part of the development of any new Practice Directions as they have the power to substantially affect the operation of the system.
11. Hierarchy of Decision Making – This requires further clarification. The interaction between the State Planning Commission, expert heritage committee, accredited heritage professionals, councils and the community is vague and would require clear set responsibilities for each entity in the development of the new system.

The nature and extent of any appeal rights would also require further consideration. The ability to appeal a proposed listing would seem reasonable, as would an appeal against a refusal for demolition of an existing local heritage place (perhaps in limited circumstances). Again consultation with local government on these matters would be appreciated.

12. Archival Recording System – An item not noted in the Discussion Paper is the possible development of an archival recording system. The Discussion Paper hints at a ‘tightening’ of the criteria for local heritage listed

places and a review of existing local heritage places. In addition the Discussion Paper proposes the possibility of the demolition of local heritage places 'on merit'.

A likely outcome of that approach is an increase in the demolition or significant redevelopment of local heritage places. The new system could consider the possibility of a requirement for an archival recording, by an accredited heritage professional, which would provide for a detailed report / summary of the history of the place, together with photographs and other material. This detail could be entered into an archive which would be readily available for inspection by the public.

Such a system would ensure that local heritage items are not completely lost to the community upon the completion of any demolition process. The funding for the production of archival recordings could be provided through fees associated with a development application for demolition.

The above comments are provided to assist the Government in the reform of the local heritage places processes of listing and assessment. The key concern for the Council is the lack of detail in the Discussion Paper regarding local government involvement. The Discussion Paper makes little reference to local government's involvement in any future processes and it is considered this would be detrimental to the heritage fabric of South Australia.

The Council requests these comments are given due consideration in the future reform of the heritage system.

Queries regarding this submission can be directed to Council's Manager Development & Regulation – Geoff Parsons, on 8539 1121 or g.parsons@murraybridge.sa.gov.au.

Kind regards,
Geoff Parsons

Geoff Parsons
Manager Development & Regulation

Tel: 08 8539 1121
Email: G.Parsons@murraybridge.sa.gov.au

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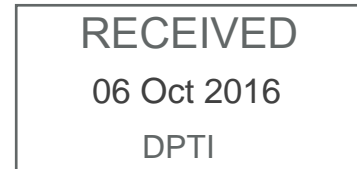


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We acknowledge the Ngarrindjeri people as the traditional owners of this land on which we meet and work. We respect and acknowledge their spiritual connection as the custodians of this land and that their cultural heritage beliefs are still important to the living people today.

Pearce, Penny (DPTI)

From: Christel Mex
Sent: Thursday, 6 October 2016 1:04 PM
To: DPTI:Planning Reform
Subject: Discussion Paper on Local Heritage Reform



Dear Ms Allen, Manager Planning Reform:

Thank you for extending the consultation period to provide feedback on the discussion paper on Local Heritage Reform.

In general, I found the tone of the paper largely anti-heritage with few positive references to local heritage, unlike the covering letter which did have positive statements. This was an important omission from the discussion paper.

The paper discusses what is wrong with the system but no individual examples are given which makes the assertion hard to conceptualise. There is no reference to what is right with the system. South Australia is a leader in this area and we should not forget this fact. Why do we want to model Victoria who has demolished most of its heritage in Melbourne?

Unfortunately, the paper just builds on the growing mistrust in the community, who increasingly feel that property developers are getting heard by the Government via their political donations, and the voice of citizens who vote and live in South Australia is being ignored.

An example of this includes declaring a new office building in Kensington a major state development, forcing the community to live with a very out-of-place seven story building with a proposed design that is totally out of character with the heritage conservation zone of Kensington. Why then aren't all the office buildings on Greenhill Road declared major developments? It doesn't make sense.

In addition, I understand that councils are experiencing extraordinary waiting periods for DPAs to be approved by the Minister - while at the same time the State Government is complaining about red tape and lengthy time periods regarding heritage listings.

My specific comments on the discussion paper are as follows:

- The retention of Historic (Conservation) Zones must be maintained and I strongly appose any weakening controls.
- Properties proposed for listing should continue to have interim orders against demolition. If this safeguard is removed, many owners would simply demolish or redevelop the buildings in fear of being listed. Early consultation is OK as long as interim orders remain.
- Four weeks is too short for public consultation. Most community groups are run solely by volunteers (unlike the Property Council) and meet monthly or bi-monthly. If there was only four weeks consultation, many would not be able to meet and consult with members in time.
- I strongly appose any demolition of local heritage places 'on merit'. They are listed on merit in the first place for good reasons. Property owners who purposefully do not maintain listed buildings should be prosecuted. Incentives would alleviate this.
- I support the introduction of heritage grans through discounts on property taxes or other means, as recommended by the Expert Panel on Planning Reform
- Local councils, with the support of professional experts, need to continue to manage local heritage, as they are accountable to their local communities who understand the value of their local heritage.
- I support the introduction of heritage grants through discounts on property taxes or other means, as recommended by the Expert Panel on Planning Reform

- I appose any cap on heritage listings - where are the caps on new buildings?

Thank you for considering my feedback.

Yours sincerely,

Christel Lorrain Mex
Councillor for Kensington Ward
City of Norwood, Payneham & St Peters

PS - The views expressed in this email are my own.

Pearce, Penny (DPTI)

From: Peter Duffy
Sent: Thursday, 6 October 2016 1:13 PM
To: DPTI:Planning Reform
Cc: leonie duffy
Subject: Submission regarding the Local Heritage Reforms

RECEIVED

06 Oct 2016

DPTI

To whom it may concern

I wish to register my concern with three matters in relation to the Proposal

1. I don't believe there should be a cap on the number of buildings listed and I see no valid case for changing the criteria which is used to identify heritage buildings, and
2. I don't want to see any softening of the controls that protect heritage buildings from demolition, and
3. I note there is no reference to the financing of heritage grants in the proposal and I firmly believe these grants (through discounts on property related taxes or other means) are a critical element in motivating owners to restore and maintain these important heritage properties.

May I suggest that the South Australian Expert Panel on Planning Reform's proposed heritage reforms are seriously considered in the context of this issue.

Regards

Peter Duffy

I wish to voice my concerns and questions re “Heritage reform – an exploration of the opportunities Local Heritage Discussion Paper”.

I can appreciate the need for continued improvement in the ways we recognise and manage local heritage places in South Australia. I think it will be extremely valuable to collate ideas and feedback from experts and practitioners involved in local heritage practice in this state. I also think, however, that it is imperative that State Government actually **absorb that feedback and incorporate those ideas into future planning.**

It makes sense that there are almost four times as many local heritage places as there are state heritage places, because local interest groups and councils have a better understanding of what is important to a local area. **Why** is State Government trying to take control of heritage from local councils? **It is unclear what benefit** to the people of South Australia such a change will have.

What does **demolition of local heritage items ‘on merit’** mean? It appears to imply that if the State wants to demolish buildings despite value to the local community it can do so.

There seems to be an underlying message that State Government is trying to free up developers. **Our heritage must not be exchanged for an injection of developer money and replacement buildings of questionable attractiveness.**

The buildings of 50, 100 and 150 years ago still look attractive today. Their history makes them interesting. Already more modern buildings of the 1970s and 1980s are thought to be unappealing. How will contemporary buildings be seen in a generation hence? That is impossible to know, but we do know that the gracious old buildings we have preserved still look attractive now and will continue to be appealing and a special part of Adelaide into the future.

The discussion paper describes the empowerment of **‘accredited heritage professionals’** without specifying what the “accreditation” is and without explaining who supplies the accreditation or how they assess the individual’s worthiness for that accreditation.

If the State determines the accreditation criteria, and the State assesses the heritage professional, and then the State pays the heritage professional to adjudicate on each building’s heritage value, there is clearly a massive conflict of interest. Should the State want a development to proceed for monetary gain, then it’s going to be impossible for the “accredited heritage professionals” in government employ to resist demolition for development.

The thought of our community losing historic buildings because a State employee with a planning overlay and a development-driven agenda sees a building in Kensington, Croydon, Port Adelaide, Dulwich, Hindmarsh, Moonta or wherever as less important than a developer’s cash is abhorrent. Local councillors who vote on local planning applications know the area in question. Local council planners are readily accessible to constituents.

My husband and I purchased a property in Kensington in early 2016. At the time of purchase we knew little about the area other than its proximity to our workplaces and to schools we wish to send our children to. The property we purchased is a 'contributory item' as it was built by one of the original European families who settled in the area and the house contributes to the streetscape of the area.

We did not purchase our property for its heritage but our understanding of the history and heritage of the building and the Kensington area commenced immediately. The title search provided with the contract of purchase showed the property to be in a Residential Historic Conservation Zone. I telephoned the Council of Norwood, Payneham and St Peters and was connected to their planning department and all my questions about the Historic Conservation Zone were answered.

We then became aware of the Kensington Residents Association. The KRA have enthusiastically campaigned to protect heritage and promote a sense of community in Kensington for decades, whilst maintaining open communication with the Council of Norwood, Payneham and St Peters.

We have found the Council to be extremely helpful. They provided us with a detailed history of our house (the council employs a dedicated archivist) and have facilitated meetings with an independent architect (sub-contracted to the Council one day per week) to explain what features it is important to preserve and where the Council will be flexible with our plans to extend the building to accommodate our family. The development planners at the Council have been readily available, helpful and communicative and we have not felt restricted in our plans for development of the site in sympathy with the building's heritage.

The combination of a local Historic Conservation Zone overlay, an accessible and practical Council and an enthusiastic residents group has educated us and inspired us regarding the heritage value of our new property. Why does scenario need to change? The Council of Norwood, Payneham and St Peters understands the importance of local heritage but have a progressive flexible outlook balancing the need to preserve heritage with the needs of the owners of the property.

Please listen to feedback from residents such as myself, residents groups such as the Kensington Residents Association and local councils such as the Council of Norwood, Payneham and St Peters and incorporate those ideas into future discussion and future planning.

Jane Godsmark

Pearce, Penny (DPTI)

From: George Hobbs
Sent: Thursday, 6 October 2016 1:34 PM
To: DPTI:Planning Reform
Subject: Discussion Paper on Local Heritage

RECEIVED 06 Oct 2016 DPTI

Dear Sirs,

below is comment on the South Australian State Government's nameless consultant's Discussion Paper on Local Heritage, who in my opinion was obviously so concerned about potential negative feedback that they did not append their name to the document.

What's wrong with the Discussion Paper on Local Heritage?

1. Consultation on the Government's Discussion Paper is a case study in how **to avoid** engaging the community. The Department apparently seems to have forgot how to consult.

There was no public forum to launch the discussion paper.

A select number of organisations were notified by letters posted 11 August with instructions to submit written comments on the paper by 9th Sept. What community organisation or council could possibly comply within even the slight extended timeframe to 7th October?

Not an encouraging start for a department charged with writing a Charter of Community Engagement.

2. The very definition of Local Heritage is 'heritage places that local communities believe deserve protection'. Without the general public's support, expressed through elected councils, there would be no local heritage. The Department's paper gives Local Heritage the lowest category of heritage protection.

And says it can be identified by experts.

Experts can tell you useful things about buildings & places, but in the end it is you alone who can say what deserves protection as Local Heritage.

3. The paper promotes the fallacious idea that heritage can be sorted out into a hierarchy of value: National, State and Local, with Local Heritage being the least important. To expose the fallacy, consider this:

The MCG, built mostly in the last 15 years is a National Heritage place.

Adelaide Oval, built mostly in the last 4 years is a State Heritage place.

Fos Williams Grandstand built in 1906 at Alberton Oval, & home of Port Adelaide footy team since time immemorial, is a Local heritage. Which most deserves protection? Obviously Alberton.

It is often Local Heritage that *most* deserves protection.

From a national and international perspective, it is our extensive groupings of 19th & early 20th buildings that stand out as unique. You can't find anything like them outside this state.

You don't need an expert to tell you. This is as well-understood in the Barossa as in Burnside, in Penola as in Parkside, in Millicent as in Mitcham.

4. The fallacy of over & under-representation. The DPTI paper suggests the use of thematic frameworks to determine what kinds of places are 'over-represented' on local heritage registers. This is heritage lunacy. Our heritage is not a museum collection of various species. It is what we recognize as our visual identity. Imagine applying the concept of over-representation to Egypt, Greece, Rome, Holland.

Egypt: pyramids over-represented.

Greece: Doric temples over-represented.

Rome: triumphal arches over-represented.

Holland: windmills grossly over-represented.

Imagine applying this concept to your local library where books are catalogued by the Dewey Decimal Classification system

Books in the 200s cover religion and philosophy

Books in the 800s cover fiction.

Would it be sensible for the library to stop buying crime novels ('over represented' in the 800s) and build up on Scientology ('under-represented' in the 200s)?

5. The Discussion Paper waves the red rag of 'demolition on merit'. The whole point of Local Heritage is to prevent demolition. What merit can there be? It undermines the certainty property owners and communities crave.

6. At every step the DPTI discussion paper ignores you in favour of unseen experts. It says South Australia follow 'best practice' in other states. How on earth would they know better than you how to identify and protect local heritage?

Phrases like 'expert panel' and 'best practice' are empty words designed to keep the general public from having their say.

7. What we need to do now is to demand that the Department of Planning pushes the reset button and produce a new discussion paper based on submissions from the public.

What would an ideal local heritage system look like?

1. It would put the identification, assessment and protection of local heritage entirely in the hands of your local council, anticipating that they would have to pay attention to your views. It would strongly encourage every council to make a comprehensive inventory of protected heritage places

2. It would acknowledge that heritage goes way beyond the realm of experts, rules, lists and frameworks. Heritage places arouse the senses and touch the heartstrings.

3. Places deemed worthy of protection would stay protected.

4. Any proposals to change the system would start in this public forum. Bureaucrats would ask for your opinion **before** they put out their discussion papers.

If we are not given the ideal system, rest assured that the National Trust will be on hand to chronicle what has been lost. The National Trust Cultural Heritage Advisory Committee is already well on the way to having a digital record of all heritage places, including national, state, local and our own Register of Classified Places provide comprehensive information on every place ever proposed for heritage recognition.

We may not be able to stop governments from giving the green light to demolition, but we can remind everyone what we have lost. So that children yet unborn may gaze in wonder upon the images of destruction and ask why the earth allowed that to happen as recommended by an unknown consultant.

Yours sincerely

George Hobbs

Pearce, Penny (DPTI)

From:
Sent: Thursday, 6 October 2016 1:54 PM
To: DPTI:Planning Reform
Subject: Please protect our heritage buildings!

RECEIVED
06 Oct 2016
DPTI

Our children and children's children will mourn the loss of their history and our cities unique beauty. Please reconsider this drastic reform.

FEEDBACK REGARDING THE LOCAL HERITAGE DISCUSSION PAPER 2016.

ANDREW STEVENS – STEVENS ARCHITECTS PTY LTD. 6 OCTOBER 2016.

RECEIVED

06 Oct 2016

DPTI

1. I think that it is logical to have new, more succinct, local heritage criteria based on the State (and HERCON) criteria. What is important is how the criteria are amended to suit application at a local level and how the criteria are applied. Both should be the subject of consultation with heritage practitioners, local Councils and interested parties. For instance, in the example given, is the word “comparatively” used in criteria (d) appropriate and, if so, how should it be interpreted? Is it appropriate to use the term “locally” in criteria (b) and, if so, how should it be applied? There is concern that the wording of the criteria may inappropriately influence the outcome of assessment for listing.
2. A thematic approach to heritage surveys and assessments has been common for some time and, of the Councils that I advise, that is the case as far as I am aware. I believe however that there remain local heritage listings based on surveys that did not adopt a thematic approach. The idea of consistency is good. The detail of how this is achieved is important and would benefit from input from heritage practitioners and Councils. The proposed framework document and practice direction should therefore be the subject of further consultation with heritage practitioners and Councils.
3. A thematic approach to heritage listing at the local level needs a local understanding to effectively represent the history of an area in a tangible way. It is important that local heritage places are not just a lower hierarchy of heritage place than State or National, (as the discussion paper places considerable emphasis on), but provide a meaningful representation of the origins and history of a local area.
4. The concept of applying thresholds to local heritage listing seems reasonable but the determination of thresholds and how they are to be applied is important and will influence the nature and number of local heritage places. It is important to set the thresholds at an appropriate level that ensures proper, legible and understandable representation of local heritage places.
5. The question of “how many is too many” should come later rather than earlier in the process, (if at all), and should follow comparative analysis against historic themes. Ultimately this is something that should be decided at a local community level.
6. It is agreed that the current listing process is time-consuming and cumbersome (as is the de-listing process). In the discussion around listing, the paper seems to assume that conflict and dis-agreement will largely be avoided if consultation is undertaken early in a process. I am sceptical about this and suspect that re-opening a listing process, even with early consultation, is likely to pave the way for new objections and disagreements. The paper does not go into detail about how dispute might be handled....presumably appeal to the ERD Court with the associated cost.
7. Discussion of the de-listing process is also warranted.
8. The reason for “interim operation” in the past was largely a result of places that were identified for heritage listing being demolished before being able to be listed. How would this be avoided under the new process?
9. Heritage practitioners should have input into the “heritage listing practice direction”.
10. I am aware that there is concern at the local level that broadening the role of the “expert heritage committee” could water-down local listings. The make-up of such a committee needs expert heritage representation.

11. Where necessary it is highly desirable to update existing heritage assessment sheets with a clear statement of significance and defined extent of listing. In my experience the Councils that I deal with have generally been doing this themselves over recent years. However implementing or re-visiting the process requires substantial resourcing and the paper makes no mention of where the necessary financial resources might come from.
12. While it is stated that all existing Local heritage Listings will be transitioned as Local Heritage Places into the new Planning and Design Code there appears to be an underlying assumption that all places will be reviewed against new criteria and a comprehensive description of the fabric and setting of each place will be prepared. Furthermore the discussion paper suggests that this may occur within a set timeframe. This is a substantial undertaking that requires equally substantial resourcing. If a timeframe is to be set it needs to be realistic and reasonable and the work needs to be properly resourced so that the process is rigorous and a reliable outcome is achieved.
13. The concept of heritage areas is mentioned on page 6 of the paper but is not fleshed out. This needs more discussion. For instance would there be Local Heritage Areas similar to State Heritage Areas?
14. The definitions of “heritage” and “character” put forward in the paper are not clear and hopefully can be improved. More discussion is needed on this and the reasons behind the need to differentiate. There may for instance be overlap where areas have historic character.
15. There is considerable mis-trust about what might happen to historic conservation zones, historic character areas and the like. There is a need for consistency in terminology and in policy. Whatever such areas might be called, it is the relevant policy including controls on demolition that ultimately influences development outcomes. Again, more discussion and consultation is needed.
16. As a consequence concern should perhaps be more about policy implications than terminology. The discussion paper suggests that the process could be substantially determined by current development Plan Policies. If this is the case it is important to allow Councils to develop and include specific policy that clearly relates to and reflects existing and desired character.
17. The statement on Page 6 of the paper that “all proposed development currently requires consent” appears to be mis-leading. It is acknowledged however that there are opportunities to streamline development in relation to local heritage places and that identifying “minor” and “low-risk” works is a logical way forward. Heritage practitioners and local Councils should have input into defining what might fit into these categories.
18. If work is to be defined as “exempt”, “accepted” or “deemed to satisfy” we need to be confident that heritage value will be maintained. Again heritage practitioners and Councils should have input into determining what works might fit such categories.
19. While demolition of local heritage places is already considered to be an “on merit” form of development in many Councils, the underlying policy speaks strongly about retention of local heritage places. Presumably this would not change?
20. How will heritage practitioners be certified? As a local heritage advisor with around 30 years in heritage architecture and 20 years as a heritage advisor with a business model that is based on heritage consultancy I have a strong interest in this and would appreciate early discussions about what course accreditation might take.
21. There is a cost to applicants that comes with private certification that needs to be carefully considered.
22. How will the quality of heritage certification be maintained?

23. How will the integrity of the accreditation system be maintained? I don't see a strong correlation between building rules certification and heritage assessment as has been suggested elsewhere. I am concerned about the possibility of certification of poor heritage outcomes if the quality of heritage consultants is not maintained.
24. I can see benefit in a closer alignment between State and local heritage as suggested in the initial planning reform document but this is not mentioned in the local heritage discussion paper.

RECEIVED

06 Oct 2016

DPTI

In reply please quote our reference: ECM 643750 SPS/DB

6 October 2016

Minister John Rau MP
Minister for Planning
GPO Box 464
ADELAIDE 5001 SA

Dear Minister

LGA of SA Submission on the Local Heritage Reform Discussion Paper

Please find attached the Local Government Association of South Australia submission on the Local Heritage Reform Discussion Paper. This submission was endorsed by the LGA Board at its meeting on 29 September 2016.

The State Government's invitation to engage in discussions on heritage reform before proceeding to introduce draft legislation into the Parliament of South Australia is welcomed.

The LGA recognises that there has been considerable interest from local government and the community in relation to the matters raised in the Discussion Paper. As the sphere of government closest to communities we have heard that while the Discussion Paper provides a starting point for discussion, there is much further work required to develop a strategic framework, and provide clarity of detail on the various ideas and questions canvassed.

In addition, the LGA would like the state government to give further consideration to the Expert Panel on Planning Reform's recommendations for an integrated state and local heritage system, statutory body and register. We're concerned that there may be missed opportunities in limiting the scope of the reforms to 'local heritage'.

The LGA's members look forward to genuine engagement as partners in government to further develop heritage reforms before a draft Bill is prepared. We also ask that the broader community continue to have the opportunity to provide input in this important social and economic issue.

Broad community participation could form an exemplary model of participatory engagement and demonstrate the principles of the Community Engagement Charter that will be developed under the *Planning, Development and Infrastructure Act 2016*.

Should you require further information please contact Stephen Smith, Director Policy at stephen.smith@lga.sa.gov.au or 8224 2055.

Yours sincerely

Mayor Dave Burgess
LGA President

Telephone: (08) 8224 2022

Email: lgapresident@lga.sa.gov.au

Attach: ECM 642929 Local Heritage Discussion Paper

Local Heritage and Character Position Paper

**Local Government
Association of South
Australia**

September 2016

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Local Heritage and Character Position Paper 8 September 2016

Prepared for the Local Government Association of South Australia by:

Concise

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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 some councils, significant concerns exist about the processes and levels of consideration and consultation to date. Local government is 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;
- Reaching an understanding between the relationship between heritage conservation and character preservation;
- The role of contributory items in heritage conservation areas;
- 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.
- Amendment of sections 67(4) and (5) of the PDI Act to require the removal of the requirement for 51% of owners to agree on a proposed conservation area.

Importantly, appropriate consideration of these issues requires a program of consultation with sufficient time and information for council administrations 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. 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. 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. Methodology

Development of this Position Paper has involved:

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

- 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 officers of 18 Councils over two facilitated workshops held in August 2016.
- Joint LGA and Adelaide City Council ,Local Government and Heritage Planning Forum held on 21 September
- Consultation with the Metropolitan Local Government Group and the local government sector on the draft position paper
- Submissions provided by councils

4. 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.

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.

It has been identified through reviewing the recommendations of the Expert Panels Report against the Local Heritage Discussion Paper that a number of the key recommendations as identified in Table 4.1 have not been considered. It is important to understand why the current proposed reforms as outlined in the discussion paper differ from the suite of recommendations made by the Expert Panel.

While the LGA’s subsequent consultation indicated general support amongst 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.

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>

Table 4.1: Summary of Expert Panel Heritage and Character Reforms⁵

<p><i>Our Ideas for Reform</i> August 2014 (Reform 10)</p>	<p><i>The Planning System We Want</i> December 2014 (Reform 8)</p>	
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 	<p>Not proposed or canvassed</p> <p>Identifies topic for discussion</p> <p>Not proposed or canvassed</p> <p>Not proposed or canvassed</p> <p>Identifies topic for discussion</p> <p>Identifies topic for discussion</p> <p>Identifies topic for discussion</p> <p>Not covered, comment made outside of planning system</p>

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

Legislative and strategic context

4.1 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

⁶ PDI Act Section 12 (1)

Theme	Summary of relevant principles	Links to local heritage management
High-quality design	Development that: <ul style="list-style-type: none"> - 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 be 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
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

4.2 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 of 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
<p>Adelaide City Centre</p> <p>Reinforce and enhance Adelaide’s reputation as a liveable and vibrant place</p>	<p>P13- 24</p> <p>Policies relating to character, streetscape, urban form and housing diversity</p> <p>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</p> <p>P22 seeks to sustain the heritage and character of North Adelaide and south west and south east residential precincts with appropriate well serviced development</p>
<p>Design quality</p> <p>Good design outcomes are necessary to ensure new development positively and sensitively contributes to existing neighbourhoods, their local identity, distinctive character, and valued heritage</p>	<p>P29 – 31</p> <p>Encourage development that is compatible and complementary of its context</p> <p>Support the characteristics and identities of different neighbourhoods, suburbs and precincts</p> <p>Recognise areas’ unique character by identifying valued physical attributes</p> <p>A 7, 9, 10</p> <p>Release guidelines for medium density urban development in local heritage and character areas</p> <p>Explore reviewing local heritage listing processes within an integrated strategic framework</p> <p>Ensure local area plans manage interface issues in the local context and identify appropriate locations for sensitive infill and areas of protection</p>

Policy theme	Policies/Actions
<p>Heritage</p> <p>Heritage is valued by communities and its conservation and adaptive reuse contributes to precinct revitalisation, energy efficiency and sustainability, and local economic development</p>	<p>P32 – 35</p> <p>Ensure new development is sensitive and respectful of the value of heritage</p> <p>Ensure local heritage places and areas of heritage value are identified and their conservation promoted</p> <p>Promote economic development through innovative reuse of heritage places and older buildings</p> <p>Explore reviewing local heritage listing processes within an integrated strategic framework</p>
<p>Housing mix, affordability and competitiveness</p> <p>Provision of diverse housing options within the existing urban footprint</p>	<p>P39/A15</p> <p>Explore flexibility for ancillary residences in local heritage areas for social benefit and heritage protection</p>
<p>The economy and jobs</p> <p>Linking people with jobs in employment centres and supporting new economic drivers such as services, information and communications technology, retail, and commercial sectors</p>	<p>P61</p> <p>Provide for sustainable tourism development by protecting, enhancing and promoting valuable qualities, providing appropriate infrastructure and facilitating value adding activities</p>

5. 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	<p>Statutory listing criteria with thresholds described in a practice direction</p> <p>Local heritage criteria based on thresholds similar to State heritage criteria under the <i>Heritage Places Act 1993</i>⁷</p> <p>Inclusion/exclusion guidance for professionals and the community on what is likely to meet thresholds for heritage value</p>	<p>Provides clear guidance as to what constitutes different levels of heritage value</p> <p>Contributes to greater certainty in assessments of heritage value</p> <p>Supports compliance with best practice</p>	<p>Achieving agreement amongst stakeholders of different levels of value and thresholds</p>

⁷ The Discussion Paper suggests:

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

- It is important to demonstrating themes in the evolution or pattern of local history; or*
- It has qualities that are locally rare or endangered; or*
- It may yield important information that will contribute to an understanding of local history, including natural history; or*
- It is comparatively significant in representing a class of places of local significance; or*
- It displays particular creative, aesthetic or technical accomplishment, endemic construction techniques or particular design characteristics that are important to demonstrating local historical themes; or*
- It has strong cultural or spiritual associations for a local community; or*
- 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
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	<p>Integrated rather than piecemeal approach to preserving heritage across the state</p> <p>Enables comparison of multiple similar nominations</p> <p>Allows understanding of over and under representation in listings</p>	Ensuring local values are incorporated in development of broader themes
L3	<p>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</p> <p>Reduce public consultation timeframe</p>	<p>Potential to reduce conflict</p> <p>Potential to reduce consultation and listing process timeframes</p> <p>Shorter process reduces the need for interim operation</p>	<p>Responsibility for and monitoring of compliance with the practice direction</p> <p>Responsibility for dispute resolution where early engagement does not remove conflict</p>
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	<p>Perceived or actual reduced community input</p> <p>Options for challenging a listing</p> <p>Mechanisms to resolve conflict arising within or from outside the Commission led process</p>
L5	<p>Require clear and comprehensive descriptions of listings, prepared by accredited professionals governed by a practice direction</p> <p>Review and update existing statements of heritage value and listed elements at some time in the future</p>	<p>Provides clarity for professionals and the community about the elements of a place that are important to heritage value</p> <p>Provides relevant information for any future development applications and appeals</p>	<p>May generate large quantities of material</p> <p>Requires monitoring and updating over time in relation to condition of places</p> <p>Providing descriptions for existing local heritage places may be time and cost prohibitive</p>

Ref	Reform opportunity	Benefits	Challenges/Risks
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 scheme⁹

Maribyrnong Planning Scheme									
<i>Example of a Heritage Overlay schedule</i>									
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

5.1 Local government response

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

These workshops were followed by broader consultation within the local government sector and culminated in the 'Local Government Heritage and Planning Forum on 21 September.

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 are supported, there are concerns with 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 during the local government consultation process.

Table 6.3: Reform areas and key messages from local governments

Reform area	Key messages from local governments
Reform context and process	<p>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.</p> <p>The basis put forward for the exclusive focus on local heritage is unclear, given the recommendations of the Expert Panel to consider State and local heritage on a holistic basis.</p>
Status of heritage areas	<p>The future of Historic Conservation Areas/Zones must be clarified. These areas are highly valued by local communities.</p>
Economic drivers for heritage protection	<p>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.</p>
Local heritage listings	<p>Clear and consistent local heritage criteria are supported. Significantly more discussion and detail is required around thresholds, selection of themes, and overrepresentation.</p>
Implementing a framework document and practice direction	<p>Uniform and clear guidance for consistent decision making is supported. The current system lacks the guidance material to promote consistent practice and evidence based decision making.</p>
Clarifying the difference between 'character' and 'heritage'	<p>Support the need for improved clarity in the use of these terms and also the role of contributory items.</p>

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 risk. Greater transparency, consistency, timeliness and quality of information as inputs into decision making and interpretation of criteria would be a positive outcome.
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. The methods used to accredit and review accreditation of professionals needs to be carefully considered with a well thought out accreditation framework.

With the current discussion relating to local heritage the opportunity also exists for the State Government to reconsider section 67 (4) and (5) of the Planning Development and Infrastructure Act :

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

(5) *In this section—*

prescribed percentage means 51% of relevant owners of allotments within a relevant area.

These sections of the Act require a plebiscite of property owners where a heritage character or preservation zone or sub zone is proposed and for 51% of property owners to be in agreement with the proposal. The LGA strongly opposed this provision when it was proposed as an amendment during the debate on the bill.

6. 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 There is also strong evidence to demonstrate that heritage has a strong employment multiplier and creates jobs.

¹⁰ Adelaide City Council (2015) *Economic Value of Heritage Tourism*; Commonwealth of Australia (2015) *Australian Heritage Strategy*; 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 Value of Heritage Protection in Australia, Research Report 2*, Heritage Chairs and Officials of Australia and New Zealand, Sydney.

The State Government must fully understand, appreciate and take into account the strong economic benefits of heritage in any further thinking about reforms.

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;
- Reaching an understanding between the relationship between heritage conservation and character preservation ;
- The role of contributory items in heritage conservation areas;
- 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.
- Amendment of sections 67(4) and (5) of the PDI Act to require the removal of the requirement for 51% of owners to agree on a proposed conservation area.

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.

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RECEIVED

06 Oct 2016

DPTI

File:
Doc:
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5 October 2016

Department of Planning, Transport & Infrastructure
GPO Box 1815
ADELAIDE SA 5001

via email - planningreform@sa.gov.au

Dear Sir / Madam

Response to Local Heritage Discussion Paper

At its meetings held on 19 September and 4 October 2016, Alexandrina Council resolved to provide the following submission on the draft Local Heritage Discussion Paper:

- J Overall the paper presents some sound ideas however without knowing fully the legislative framework that Councils will be working under makes it difficult to fully comment. Further consultation should be undertaken as the legislation develops.
- J Further explanation is required as to why the listing of local heritage places need to be considered in balance with the broad strategic objectives of the State.
- J The alignment of local heritage criteria with the state heritage criteria is supported along with the idea of "practice directions". More discussion is required around the detail of the thresholds and selection of themes.
- J "Practice directions" could also extend to providing details around the differences between heritage and character to assist with policy formulation and heritage listings.
- J Support the idea of early engagement with land owners and community when undertaking heritage listings.
- J Review of existing listings should only occur as opportunity arises with other code review processes due to resourcing limitations.
- J Support concept of more streamlined development assessment however this needs to be backed by very clear guidelines with respect to the heritage significance to ensure that each property can be dealt with on its merits.

- J Further discussion is needed around the assessment pathway for the demolition of local heritage items to ensure that there is a rigorous assessment opportunity prior to a decision being made.
- J Believe that there is a potential role for accredited professionals which could be aligned with Council's heritage advisors.
- J Greater clarity is required regarding the role and involvement of Local Government in Development Assessment and the listing of Local Heritage Properties.
- J Strenuously oppose demolition of Local Heritage Properties being an 'on-merit' form of development.

Furthermore, the Alexandrina Council Local Heritage Advisory Committee wishes to make the following comments:

- J No objections to Local Heritage being better aligned with the criteria required for State Heritage places, however, the Committee considers that Local Heritage Places should be assessed by local members at a local level.
- J The committee expresses disappointment with regard to having such a short period of time in which to respond to the Local Heritage Discussion Paper.
- J The committee considers that all Council's should have a full time qualified Local Heritage Advisor.

Should you require further clarification or assistance, please do not hesitate to contact me on 8555 7000.

Regards

Tom Gregory
Acting Coordinator Planning & Development

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Secretary: Anni Luur Fox

**SUBMISSION TO THE DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE
REGARDING 'THE LOCAL HERITAGE DISCUSSION PAPER: RENEWING OUR PLANNING
SYSTEM – PLACING LOCAL HERITAGE ON RENEWED FOUNDATIONS'**

Our submission is written with regard and thanks for the State Government's desire to protect local heritage.

We respectfully request that the Local Heritage Discussion Paper is publicized for the benefit of history societies and community members who are interested in preserving our heritage. We submit that they would be able to provide valuable feedback, and therefore should have the opportunity to be informed, and to then have time to consider and comment on the Local Heritage Discussion Paper. As most voluntary organisations meet no more than once a month, closing submissions on 7 October 2016 is an impossible imposition. We request, therefore, that a further six months be allowed.

SUBMISSION

- **Clarification of consultation**

The very brief discussion paper does not identify the 'expert' participants in its preparation. Experts can usually be found to support or oppose with their arguments the desired point of view of vested interests. Thus, without identification, we have no way of determining their ability to give considered and impartial advice.

Furthermore, there are a number of references to such things as 'best practice',

‘interstate reforms’ and ‘interstate heritage criteria’, with no explanation of what these are.

- **Best practice** is an especially important term as it indicates that some other body or person knows better than local communities what they need to protect. We contend that no-one knows better than community members what they value of their own heritage and history. The Proposal appears likely to remove local communities from the decision making process.
- **Local Heritage** and the laws governing its protection should reflect its meaning. That is to say that **local** heritage is of particular interest to **local** communities and the councils that they elect to represent them. An expert should not be able to override a local community’s belief in the heritage value of a building, a group of buildings, or indeed, an open space to which it is traditionally attached.
- **A hierarchy of importance** from national to state and finally to local heritage is to reverse the most appropriate level of importance. For example, Hahndorf is listed as a heritage area at state level primarily because of hard work and lobbying by the Hahndorf Branch of the National Trust in the 1970s and 1980s. However, this listing is precisely due to the incalculable value at the local community level of its heritage, history and culture.
- **Over-representation:** The idea that a style of building may be over-represented in heritage listings is at best quite bizarre, and at worst wrong and dangerous. The Discussion Paper asks the question: ‘How many are too many?’ To use Hahndorf as an example, if, like many other precincts and small towns it was listed at the local level, would we have to deduce from this idea that as long as there is one traditional *fachwerk* cottage in Hahndorf then all the others can be knocked down? Do we need only one nineteenth century stone dwelling, and perhaps only one church? We strongly recommend that every building, group of buildings, precinct or village should be judged to have local heritage value if the local community considers that they do indeed have that value.

- **Locally rare:** To use the term 'locally rare' as a criterion, rather than just 'rare', would also potentially allow the demolition of 'surplus stock'. However if, as the Discussion Paper frequently suggests, we are to look at overseas and interstate examples of 'best practice', we will see that whole precincts, villages, neighbourhoods and districts, not just individual buildings, have been heritage listed and preserved. These heritage areas exist, among other places, in Melbourne, Sydney, Napier in New Zealand, and most of Europe and North America.

- **Some examples of heritage precincts in Australia:**
 1. The Reid Housing Precinct, ACT.
 2. Bondi Beach Precinct, Sydney, New South Wales.
 3. 32 Heritage Precincts in the City of Yarra, Melbourne, Victoria; on their website <http://www.yarracity.vic.gov.au/Planning--Building/Heritage/Heritage-Precincts/> they suggest that 'considered together these inner suburbs form part of one of the great Colonial Victorian-era cities in the world'.
 4. Willunga, South Australia.

We believe that the strange notions of 'over-representation' and 'locally rare' should be removed from the proposed new Bill.

Demolition of local heritage place on merit: The idea of considering demolition of local heritage places 'on merit' is absolutely appalling and completely untenable. Canny developers will always find merit in demolishing and building new. They will be able to invest a great deal of money in employing 'experts' to prove that a building is too ruined, or too altered inside or outside to restore, or that there are better examples elsewhere.

Developers will also assert that the economy will benefit from new jobs created by new buildings. But time and again this belief has been proved to be incorrect. Early examples where great economic and employment benefits have ensued from retaining and restoring heritage are The Rocks in Sydney, the Fremantle Waterfront, and the precinct illustrating your own Discussion Paper, as well as Hahndorf itself.

Hahndorf, the most visited place in South Australia, achieved that status because it has something special to offer.

With destruction comes the loss of small businesses including those that operate within the buildings and the many trades and crafts required to restore and maintain them. If a heritage place is listed, therefore, that protection should be unequivocal and certain.

If we wish to continue to attract increasing numbers of tourists to our state we must preserve our heritage buildings and places and adapt them to contemporary uses. Adaptive re-use, supported where necessary by government funding, instead of knocking down old buildings, has proven its value in many locations in Adelaide itself, as well as in Hahndorf, where restaurants, cafés and shops have been created in nineteenth century dwellings. Each of these places has a history, a cultural value and a heritage for the future that could potentially be destroyed if 'demolition on merit' is permitted.

CONCLUSION

Precincts and towns of similar historical value to Hahndorf, their businesses, their economy and their heritage could be utterly destroyed if the proposed changes are made to Local Heritage. A bureaucracy of faceless, nameless 'experts' with their 'best practices' will make the decisions. Their knowledge of the wishes and issues of a local community may at best be minimal, and they will potentially be influenced more by the big end of town than by the people who live, work and welcome tourists to a heritage area.

We therefore respectfully ask the un-named sponsors of the Local Heritage Discussion Paper to re-consider the reforms that are proposed therein.

Finally, we consider that it would be appropriate for Heritage to be removed from the Department of Planning, Transport and Infrastructure. This Department, one of whose primary aims is to facilitate and approve developments, is open both to accusations of, and actual conflicts of interest when it is required to also protect and preserve our heritage.

Pearce, Penny (DPTI)

From: sosadelaide1@bigpond.com
Sent: Thursday, 6 October 2016 3:50 PM
To: DPTI:Planning Reform
Subject: Local Heritage Discussion Paper

RECEIVED
06 Oct 2016
DPTI

Local Heritage Reform Discussion Paper Feedback GPO Box 1815
ADELAIDE 5001 or planningreform@sa.gov.au

Dear Sir,

Our Association is concerned that this Discussion Paper has not been widely circulated to the public for feedback about proposed changes to the system of Local Heritage protection in this State. The Planning Review and the recently passed Planning Development and Infrastructure Act included provision for a Charter of Citizens Rights. Heritage listing is clearly important to the SA community and changes need community support for them to proceed.

We are disappointed that the Discussion Paper has a negative tone about the Local Heritage protection system in SA. It does not mention the high regard for SA's Local Heritage places nor for our collections of historic buildings in our Heritage and Historic Conservation Zones. No other capital city in Australia has such a stunning collection of 19th and early 20th century buildings as Adelaide does. These contribute much to Adelaide's quality of life and 'liveability'.

The negative attitude to our heritage in the Discussion Paper, as well as its failure to include any consideration of the role of local councils in protecting our heritage, has created much alarm in the general community.

The Discussion Paper fails to make a case for overturning our current system of protection Local Heritage places. However our Association does support improvements in the listing process of Local Heritage Places. At present this process is lengthy, bureaucratic and cumbersome due to legislative requirements imposed by your Department. Allowing individuals to nominate places for Local Heritage listing is welcome. Community input and professional heritage advice should be included in any listing process.

We submit that interim operation for heritage listings plays an important part in protecting our heritage. Interim protection is often vital to ensure that places proposed for heritage listing are not bull-dozed or approved for demolition before they gain formal protection.

The Discussion Paper makes much of the role of accredited heritage professionals in an ideal new system. However accredited heritage professionals are already strongly involved in the Local Heritage listing process. All SA councils take advice from such professionals before submitting for Ministerial approval proposed Local Heritage places. It is important, in our view, that local communities through their local councils retain control of Local Heritage protection. Heritage professionals can be employed by developers seeking to undermine heritage protection rather than to enhance it.

We are alarmed by the notion of "balance" floated in this Discussion Paper. This implies that heritage must somehow be "balanced" against development. But this is a false dichotomy. For example, built heritage contributes to economic activity in many ways. Built heritage is an important setting for cultural tourism activities. It is also now recognized that it provides an innovative stimulant for growth and employment in a wide range of traditional and new industries. Heritage restoration is also labour-intensive and provides many jobs, more than new construction on some estimates. Heritage protection also ensures infrastructure savings, landfill savings, civic identity, competitiveness and differentiation. Historic cities attract the creative class. All around the world, the wealthy and the middle class are concentrated in historic buildings.

The notion of “under” and “over” representation of heritage places mentioned in the Discussion Paper is a new one. A city or country town or country can never have too many heritage places. This is akin to saying a city or country has too much history.

South Australia has been a leader in heritage protection. The Burra Charter 2013, named after our own country town Burra, has now been adopted by the Chinese government. The Discussion Paper does not acknowledge our leading role but cites allegedly more efficient practices followed in other States in relation to Local Heritage protection. Just because heritage listing practices are different interstate does not automatically make them “best practice” and something for SA to slavishly follow.

As Professor Norm Etherington of the National Trust has pointed out, the test of success of any heritage protection system is measured “on the ground” and cannot be found in any document. Adelaide has provided protection for an excellent collection of heritage and historic places over the past 30 years. It is these groups, these streets of historic and heritage buildings, which add so much beauty and sense of place. The historic setting for many Local Heritage Places is important. The idea of having an odd Local Heritage Place here and there sunk in a sea of modern buildings is anathema to us, and, we suggest, the South Australian public.

Quotas for heritage places, based on certain social or historical themes, are strongly opposed by our Association. Local councils should be responsible for maintaining the planning rules for their areas and responsible for thresholds for heritage listed places.

In relation to the discussion on changing the criteria for Local Heritage Place listings to make it the same as the criteria for State Heritage Places with the word “local” replacing “State”, we are not sure why this standardization should be seen as an improvement on the current criteria. No argument has been provided to demonstrate that this would improve things. We are concerned that many Local Heritage Places will lose their protection if the new criteria are introduced in their current form.

A potentially expensive audit of existing Local Heritage Places to review statements of heritage value and descriptions of listed elements would seem to be a waste of taxpayers’ money. Such a retrospective audit may undermine the work which councils and their communities have done in protecting our built heritage and the historic fabric of our suburbs over the past 30-40 years.

Given the wide acceptance and support for heritage protection in this State, it is surprising that the Planning Review appeared to heed the voices of developer lobby groups much more than it heeded the voice of residents’ groups. This Heritage Discussion Paper makes some startling claims. For example the claim that objections to heritage listings can be as high as 70 per cent sounds like a Property Council ambit claim. In the 30 years we have operated we have never heard of this level of objections.

In regard to demolition “on merit”, there needs to be strong controls to protect Local Heritage Places, as there are currently in many council Development Plans. Any application for demolition approval needs to be assessed against such strong protection provisions. “On merit” assessment, is, we understand, a planning term. It is important that councils retain strong controls for protecting heritage places from demolition.

Finally it is alarming to our Association that the fate of Historic Conservation Zones and Contributory Items is so uncertain in the new planning regime. There is huge public concern over this issue. The wholesale removal of protection of Contributory Items from demolition will unleash a demolition frenzy as historic buildings are bulldozed. This may delight many developers but it will enrage many voters.

While alleging that there is widespread “confusion” between heritage and character, the Discussion Paper fails to acknowledge that the heritage, historic and cultural value of Local Heritage Places is enhanced when they are situated in an historical setting such as that provided by Historic Conservation Zones. Until the fate of these much-loved zones is made clear, there will be a public outcry. By not recognizing the importance of protecting our historic building stock, the Discussion Paper has exacerbated community outrage.

Thank you for the opportunity to comment on the Discussion Paper.

Yours faithfully,

Evonne Moore
(Secretary)

SAVE OUR SUBURBS – ADELAIDE Inc.

6th October 2016

sosadelaide1@highpond.com

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P109



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5 October 2016

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06 Oct 2016

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

via email: planinngreform@sa.gov.au

Attention: Minister John Rau

Dear Minister Rau, 

Local Heritage Discussion Paper (City of Marion Submission)

Thank you for providing the City of Marion with the opportunity to provide comment on the proposed local heritage reforms as outlined in the Local Heritage Discussion Paper released by the State Government in August 2016.

Council notes that the consultation on the document has been extended by a period of one month until 7 October 2016. Council generally concurs with sentiments raised by other stakeholders, namely that the original consultation period provided insufficient timeframes for responses, consultation on the document was targeted to a limited range of stakeholders and wider consultation with other stakeholders and the community was insufficiently promoted.

The City of Marion completed a Local Heritage Development Plan Amendment in 2015 which added 20 additional local heritage places to its local heritage list. Although much of the background work was undertaken during the term of the previous Council, I have been informed that the existing 'local heritage criteria' were open to wide and varied interpretation by local heritage experts, which provided uncertainty for property owners, other interested stakeholders and Council.

Council strongly supports updating the current Local Heritage Listing criteria such that the merits or otherwise of listing a potential property will not be subjected to individual viewpoints, nor open for varied and subjective interpretation by heritage consultants. The listing of a local heritage place should be based upon demonstrating that the item satisfies compelling criteria, with minimal scope for divergent viewpoints during the consultation process. Greater details with respect to listing criteria would be beneficial and warrant further feedback from stakeholders in due course.

Council notes the desires to streamline the heritage listing process and to engage with owners early in the process. However, it would be naïve to assume that early engagement will lessen the percentage of property owners who oppose their properties being placed on the Local Heritage List. Any proposal to streamline the listing process would need to ensure that property owners are given every opportunity to raise genuine concerns with a proposal to list their property, and in this respect, a four (4) week timeframe is considered less desirable than the existing eight (8) week time period. I am advised that many owners engage heritage consultants, structural engineers and the like in support of opposition to listing, and 4 weeks is unlikely to be

The City of Marion acknowledges it is part of Kaurna land and recognises the Kaurna people as the traditional and continuing custodians of the land.

adequate time to enable property owners to compile a submission with respect to the listing of a property.

Council supports consistency in decision-making, however, if there are definitive listing criteria, (which lessen the ability for the process to become political or for decisions to be based on emotive rationale), then the involvement of Council in the consideration of possible local heritage places can remain. In this respect Council would be concerned if its input in the local heritage listing process is diminished.

Council cautions the use of simplified assessment pathways for alterations to local heritage buildings through the 'exempt', 'deemed to satisfy' or 'accepted' pathways as this could be risky and lead to inappropriate interpretations of suitable additions or alterations to heritage places.

Council is perplexed at the alarm expressed in the media and among other stakeholders with respect to the suggestion that local heritage places could be demolished "on merit". This can already occur in the City of Marion. I am advised that this can also occur in 62 out of 68 'Council Development Plans' in South Australia (noting that an extremely compelling case needs to be mounted to demonstrate that demolition is appropriate).

Council's records indicate that in the past 10 years only one Local Heritage Place has been demolished. In that instance, two independent heritage consultants and the chairperson of the Marion Historical Society all supported its demolition as its heritage setting had been completely destroyed. Council is therefore capable of demonstrating that an "on-merit" assessment path does not result in the wanton destruction of local heritage places without any appropriate checks and balances. However, any changes to the legislation which make it easier to demolish local heritage items should be discouraged. Demolition of local heritage places should be an extremely rare occurrence.

Thank you again for this opportunity to comment on the Local Heritage Discussion Paper. Council would welcome being able to make more informed comments as the legislative framework develops.

Yours faithfully


Kris Hanna
Mayor

RECEIVED

06 Oct 2016

DPTI

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NATIONAL TRUST of South Australia

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Patron-in-Chief
His Excellency
The Honourable Hieu Van Le, AO
Governor of South Australia

6 October 2016

Ms Anita Allen
Manager, Planning Reform
Department of Planning, Transport and Infrastructure
211 Victoria Square
Adelaide, SA 5000

Dear Ms. Allen,

I attach the written response of the National Trust to the Discussion Paper, 'Renewing Our Planning System: Placing Local Heritage on Renewed Foundations', along with our earlier paper, 'Our Local Heritage Under Threat'.

Sincerely,

**Formal Response of the National Trust of South Australia to the DPTI Discussion Paper
on Local Heritage, issued August 2016**

1. We join with the Adelaide City Council and other bodies in calling for the consultation process to begin anew. A new DPTI paper on Local Heritage should arise from that process, not precede it. We were heartened by our discussions with Anita Allen and Chris Kwong on 20 September and express our willingness to work with the Department in a new consultation process.
2. The DPTI Discussion Paper does not give an adequate explanation of why major changes to the present Local Heritage system are required. It is not enough to say that the Expert Panel said so. The Expert Panel did not include anyone with recognised heritage expertise. Neither do we accept the undocumented assertion that 'best practice' in local heritage is to be found in other Australian states and municipalities. A reasoned case for change needs to be set out in a way that will command the assent of the people.
3. We do not believe that legislation is required to make improvements to the process of identifying and protecting Local Heritage places.
4. Identifying and protecting local heritage is best done by local councils. By definition, local heritage is what communities wish to see preserved and protected. This can only be determined by the constituted representatives of the electors. Heritage experts can measure, classify and describe places but only the people can make the final judgment on what they wish to keep.
It is a fallacy to rank heritage places hierarchically according to their national, state or local significance. Any place worthy of recognition as local heritage deserves as much protection as places selected as national or state heritage. Local heritage is not qualitatively less important than national or state heritage places.
From a national and international perspective, the stone buildings that give South Australian suburbs and towns a unique character are arguably more important than places such as Parliament House or the Adelaide Oval that figure in the national and state listings. This proposition is as well understood in Burnside and Parkside as it is in the Barossa and Penola.
5. Thematic frameworks can be used to classify and interpret places, but they cannot be used as a basis for choosing what is to be protected as local heritage. Local heritage places are not collections like those to be found in museums. Concepts of 'over-' and 'under-representation have no meaning in local heritage. It is often the case that what most deserves recognition as local heritage fits entirely within one or two classifications. The essence of any thematic framework is that it covers everything. For example the Dewey Decimal system of classifying books puts philosophy and religion in one category (the 200s), while literature falls entirely in the 800s. It would be patently absurd to say that a given library should give up buying crime fiction because it was over-

represented, while ordering more books on the under-represented subject of Scientology. We would not remove protection of Egyptian pyramids or Dutch windmills on the ground of their over-representation compared to other categories of heritage.

6. The DPTI discussion paper does not indicate how changes to the present system will improve the identification and protection of local heritage places.
7. Places currently protected as local heritage should stay protected. Any process of 'updating' or reassessing local heritage would be a waste of taxpayers' money. We must at all costs avoid introducing any new element of uncertainty in the protection of heritage places. Any suggestion of an 'audit' of existing local heritage sets alarm bells ringing.
8. There is no need to invent new criteria for classification specific to local heritage. The same criteria (rarity, aesthetic merit, representation of an important class of building, etc) that are used to identify places of state heritage are applicable to local heritage.
9. We see no value in the proposal to allow demolition of heritage places 'on merit'. This would introduce an additional element of uncertainty, which would unfairly advantage some property owners and penalise others.
10. Places currently subject to heritage control in historic conservation precincts or identified as 'contributory' items should continue to enjoy their current degree of protection.
11. The distinction between heritage and 'character' is well understood in South Australia. Discussion of character apart from that embodied in surviving historic fabric of buildings has no place in a discussion of local heritage. We fail to see why the question is raised in the DPTI discussion paper.
12. If the Department of Planning needs advice on heritage it should seek that advice from the State Heritage Council. Creation of a separate heritage unit within the Department would be wasteful and lead to anomalies in heritage assessments.

OUR LOCAL HERITAGE UNDER THREAT

Defending gains made in Local Heritage
protection over 40 years

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

Under the guise of reforming and 'improving the ways we recognise heritage places in South Australia', the Department of Planning, Transport and Infrastructure threatens to set our system back forty years.

The damage could not be undone. It would be a crime as well as a blunder to proceed without widespread consultation of councils, community organisations and the general public. This should include a series of public forums at which the proposed changes can be debated and recast.



*The changes proposed in the Government's discussion paper
will make demolition of heritage buildings much easier.*

A flawed process

A cover letter dated 9th August 2016 accompanying the paper posted on 11th August asks for oral consultation within 10-15 days and written responses within a month. If new legislation is so important there should be at least 6 months allowed for public debate.

Public consultation should have come ahead of this paper. Representatives of the National Trust and other groups were invited to a seminar on heritage planning reform at Roma Mitchell House 18th June 2015. Despite promises of further meetings, nothing happened. The result was a process fatally flawed by a lack of prior public consultation.

Why the rush?

No transparency

Who wrote this flimsy paper? Who identified the 'issues warranting reform'? Who made the judgments on 'best practice'? We are not told. Representatives of the National Trust who participated in community assessment of the Expert Panel on Planning Reform fiercely disagree that this list of bullet points bears any resemblance to the conclusions of those discussions. The most important – an end to interference in Local Heritage listings by the Minister – is not mentioned. Another big issue – failure to establish adequate historic conservation zones – is entirely absent.

What was the Port Adelaide Enfield study mentioned on page 4? Where are references to the interstate legislation mentioned on page 3? The relevant documents, including local heritage reviews and statutes from other states should be put up on the DPTI website so we can compare our analysis with yours.

Who says so?

In the absence of other information, we will hold the Minister for Planning responsible for the flawed process, the inadequate paper and the lack of transparency.

What's wrong with South Australia's Local Heritage protection?

This discussion paper fails to make a case for changing the system that has served our state well over many decades. Many of the problems set out in the bullet point 'key issues', such as the lengthy and unpredictable processes are the fault of a state department of planning that has failed over a long period to deal quickly and positively with recommendations from local government authorities. This problem can be dealt with by internal administrative reform. Others, such as the requirements for extensive study and documentation of proposed local heritage places, came from the property industry which steadfastly refused to recognise any place as worthy of protection until proved to be so beyond a shadow of any doubt.

Confusion between 'heritage and character' is the fault of a generation of planners who tried to evade responsibility for protecting heritage by insisting on protection of 'character' rather than the historic fabric valued by the community. Most of the public couldn't care less about what the planners call character. Nor do they care much about individual architectural achievement. The experience of the last 40 years shows decisively that the community wants legislation to protect the pre-colonial natural environment and buildings dating from before World War I – especially domestic architecture that makes so many suburbs and towns special.

What's your problem?

The paper cites no evidence that the public 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.



Demolishing heritage buildings to create car parks is not progress.

Best practice

There is a good deal of muddled talk in the paper about ‘best practice’ interstate and the alleged need for hierarchy and consistency in heritage listings across jurisdictions. Let’s be clear on one point: best practice is what you see on the ground, not what you read in the statutes. Looking around Australia we see best practice 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. Strange to say the City of Sydney’s fine-grained controls within designated historic conservation zones are not mentioned in the paper. In fact there is no mention of best practice conservation zones at all.

A comparison of Fremantle and Port Adelaide would be especially revealing. Instead the paper refers vaguely to ‘lessons learned from similar reforms’ in some jurisdictions. In fact the paper tells us nothing about lessons learned, only about legislative investigations and changes. The big lesson learned from the success of Fremantle and the abject failure of Port Adelaide is that rigorous control over redevelopment and demolition delivers big dividends in property values, community satisfaction, growth and jobs. Wholesale clearance at Port Adelaide killed the goose that formerly laid golden eggs.

Where you find a buzz in the air, gaiety on the streets and cash registers ringing is where the old buildings are (as shown by the pictures accompanying the discussion paper). Arguably until just a few years ago South Australia was best practice in local heritage. The rot set in when Ministers began to knock back community recommendations and approving demolition ‘in the public interest’.

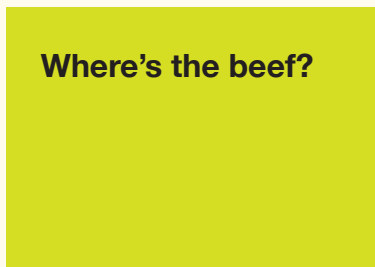
The paper makes a great fuss over consistency for reasons that are not altogether clear. Back in the 1970s and 1980s the purpose of local heritage regulation was to allow variation among councils, because historic environments vary and so does public opinion. Given what we now know about what Australians want to keep, it makes no sense to spend a lot of money on heritage surveys of vast areas comprised of 20th and 21st –century buildings. As Emerson remarked, ‘a foolish consistency is the hobgoblin of little minds’. Protection of local heritage should be absolute whatever the council area but the nature of local heritage is bound to differ widely.

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

It was abandoned in most places around the world precisely because developers invariably argued 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. As one heritage professional has remarked:

- The distinction made between items of supposed local, state and national importance has often rested upon a logical fallacy — namely the conflation of hierarchical issues (how important is this building?) with geographical ones (how closely does this item relate to the history of this locality, region or nation?).

Something deemed to be worth keeping is worth protecting. There is likewise no problem with overlap of national, state and local significance. Anything of national significance is going to be of state significance. State heritage places will also always be local heritage places, while the reverse is not the case.



Local Heritage listing criteria

We agree that the same criteria should 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.

On the other hand, some obvious absurdities arise when the words 'local' or 'locally' are mechanically inserted, as shown by the examples used in the paper. **To say that heritage places must prove they are 'locally rare' rather than just rare would devastate inner-city council areas** where very early buildings – rare in Australia and the world at large – are common. It is the rarity of these extraordinary collections as groups that is beyond question.

The absurdity of the proposal can be shown by applying it to well-known international examples. To require that to qualify for protection 17th-century waterside 4-storey buildings in Amsterdam be '**locally** rare' is as daft as applying the rule to Cotswold stone villages, half-timbered houses in Stratford-upon-Avon or medieval buildings in the Marais district of Paris.

How dumb is this?

If we allow our unique collections of pre-WW I buildings to go, we will have lost precisely what makes us special.

It is likewise stupid to apply the adjective to the understanding of history. There is absolutely no reason to limit heritage significance to places that merely 'contribute to our understanding of local history'. Almost all heritage places can contribute to our knowledge of history in a more general sense. Why insist their significance be limited to the subcategory of local history?

The same goes for demonstrating that a place is 'comparatively significant in representing a class of places of **local** significance'. Imagine a stone villa in St Peters picked out for representing a class of places of local significance, as is undoubtedly the case. If it were the only one accorded protection and others of that class were allowed to go, it would eventually no longer represent that class of significance.

There is not a single criterion on the list a. to g. that is not rendered meaningless or absurd by inserting the words local and locally.

Use and misuse of Historic thematic frameworks

As the lead author of the Australian Heritage Commission's pioneering Historic Themes study in 1995 I speak with some authority on the subject. The National Themes formed the basis for Victoria's historic themes which are cited in the paper. Historic themes are used to categorise heritage places in a way that allows better interpretation of the stories they tell. Thematic frameworks are emphatically not a shopping list or a template for a collection policy. They are stated in a way that allows themes to be applied to every building or place in Australia, not just heritage places. The themes categorise places according to the historical forces that brought them into being, rather than by style or typology.

It goes without saying that it is impossible to use thematic frameworks to determine the quantity of places it may be thought desirable to protect. 'Housing Australians' is a single theme but to illustrate it with a specified number of examples would be silly. Our heritage registers are not a Noah's Ark where each species is represented by a single pair.

The concept of 'over-representation' used in the DPTI paper is a novelty previously unknown to heritage practice in Australia and must be resisted. On the other hand, there is no harm in searching for themes unrepresented by any examples.

It would be a good idea to bring South Australian heritage themes into line with the national framework, but do not expect the process to help in establishing hierarchies of significance, quality or quantity. To quote from the Principal Australian Historic Themes report:

Thematic frameworks will never tell you how many places to protect.

"It is not readily apparent that the identification, delineation or elaboration of any number of historic themes can help determine what is 'important', 'outstanding', 'rare', 'special' or 'accomplished'."

"Can themes help to distinguish places of national significance from places of state, local or international importance? The overwhelming response from people we asked was, no, they cannot. Furthermore, most responses claimed that it was impossible to make such distinctions at all."

All these considerations lead us to conclude that the use of themes cannot help to sort heritage places into clearly delineated, non-overlapping local, state and national registers.



Residents are rightfully horrified by the demolition of local heritage icons.

Streamlining the listing process

We agree that the process involved in getting local heritage places listed has been unduly lengthy and cumbersome. The blame rests squarely with the Minister for Planning and the property industry. The Minister has sat on local council recommendations for years, only to reject them late in the day on flimsy, unsupported grounds. From the beginning the property industry has insisted on over-elaborate documentation.

Given the dilatory and slipshod processes within DPTI, we would certainly not entrust the process to that department. The reason for assigning local heritage to local government in decades past was to prioritise community feeling over experts or bureaucrats. It would be a grave mistake to exclude local councils from the assessment process.

Give DPTI a kick in the pants

What we urgently need is to give DPTI a kick in the pants to get them moving on recommendations from councils. We require the Minister to adhere to a clear set of agreed guidelines rather than whimsy and developer pressure. Heritage listing should proceed automatically in the event the Minister does not deal with council recommendations within 180 days.

DPTI as currently constituted lacks both the expertise and the personnel required to make good decisions. Moving the whole process of local heritage assessment to the department would most likely replicate the present under-resourced situation of the State Heritage Council where the listing process has slowed to a snail's pace.

Removal of interim heritage protection for properties under consideration for local heritage listing would, as universal experience demonstrates, spur many owners to demolish first and argue later. Interim protection must remain part of the process.

The paper asks whether 'recognition of the heritage value' should be consigned to 'accredited professionals'? The National Trust says no. Experience going back thirty years and more shows that accredited professionals do not agree. It is always possible to find an accredited hired gun to discredit the significance of a given place by saying things like

- There are better examples elsewhere
- The interior has been altered
- The exterior no longer reflects the original appearance
- Previous permission to upgrade has compromised its integrity

Regrettably, we fear with good reason that under the current government DPTI would fill its appointed panels with precisely that kind of accredited gun for hire.

Improving how we record local heritage places

We have for years been advocating the construction of a single internet portal that will provide access to documentation on all heritage places: national, state, local and National Trust listed. The sooner this is done the better. A DPTI portal on local heritage would be an inferior substitute.

Clarifying the difference between character and heritage

Believing as we do that the only character valued by the community is historic character, we support the substitution of the phrase historic character for character in legislation. Retention and expansion of historic conservation zones where demolition of historic fabric is tightly controlled is preferable to protection of selected individual buildings. Attempting to dictate character through style or materials promotes mediocrity without preserving what is truly heritage.

Streamlining our Development Assessment Processes

We agree that the handling of 'minor, low-risk works to heritage places' can be streamlined and the requirement for a full DA dropped. We do not agree that the documentation for existing local heritage places should be 'brought up to date'. That would be a foolish allocation of scarce resources.

The very worst recommendation in the little paper is that people should be able to argue for 'demolition of local heritage places on merit'. We can see no merit in demolition of a place that has been through our tough local heritage assessment process. This recommendation would insert a new and damaging uncertainty to the planning process. For years the property industry has been crying out for certainty. Why introduce uncertainty now? What possible 'merit' can be seen in demolition of irreplaceable community assets?

No more demolition of pre-WWI historic buildings

Windfall profits for some. Damage that can't be undone

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 manifestly unfair, both to the community and people who sold in good faith. Inevitably those with deep pockets would spend money arguing and litigating to reap those windfall profits. A demolition derby would ensue, as we have seen many times before, with people racing to clear allotments for speculative gain. Inevitably many of these lots would remain empty for years, scars on our cityscape like the notorious Makris site in North Adelaide.

'Demolition on merit' would deliver windfall profits at the community's expense.

Once certainty is removed from local heritage, it will be impossible to restore integrity to the system. The hard-won gains of the last forty years and all the money expended on local heritage will have been thrown away.

Jobs, growth and liveability

The paper is uni-directional. It suggests nothing that will enhance heritage preservation. All the suggestions point to heritage destruction and gains for one segment of the economy, the property industry, to the detriment of other sectors. 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. 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. Renovation of old buildings creates many more jobs than new building with industrialised components. Every renovation of historic fabric employs two people for every one involved in new construction. The economic benefits extend beyond construction to tourism and a lively café/small bar culture that has voted with its feet in favour of historic buildings. Once a big building is completed its capacity to generate new employment is finished. The benefits of retaining historic buildings are ongoing. The gains accrue to an ever more liveable city.



Inappropriate ministerial interventions in planning decision making has allowed heritage protections to be overridden to facilitate demolition. We need stronger protection for our heritage places, not less.

Where do we go from here?

The National Trust is appalled by a paper which in the name of 'reform' does nothing whatever to advance the cause of heritage preservation and opens the door for uncertainty and corruption of all kinds.

What needs to be done immediately is to extend the period of community consultation for at least six months. The consultation should be launched at a well advertised public forum with the Planning Minister in attendance.

In the longer term it is high time we moved towards best practice by following New South Wales in banning property developers from making donations to political parties and campaigns.

Lend your support

To show your support for protecting our local heritage contact us by emailing: heritagewatch@nationaltrustsa.org.au

Visit www.heritagewatch.net.au for more information and updates.

 Like and follow at facebook.com/love.your.local.heritage

P111

RECEIVED

06 Oct 2016

DPTI

ABN 71 773 285 274

Iris Iwanicki & Associates

Planning and Heritage services

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BELAIR SA 5052

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Email:

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5.9.2016

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

To whom it may concern,

Thank you for the opportunity to provide comment to the ideas and suggestions raised in the discussion paper. The document is welcomed as a positive step in formulating a better system for the recognition and management of local heritage.

My feedback follows the structure of the discussion paper accepting that the key local heritage issues summarised are expanded throughout the discussion paper. The Expert Panel's findings conveyed a common sense approach to streamline, clarify and enable less bureaucratic ways of listing and are fully supported. Much of course depends upon the content of the Minister's Code of Design and Planning.

Key issues identified by the discussion paper (and italicised) are commented upon in the following order:

1. Clarity of criteria and inadequate hierarchy of heritage values (national, state, local)

Consistent with best practice, the state heritage criteria are generally compatible with the national model heritage criteria (HERCON2). However, local heritage criteria, as described in the Development Act 1993 and their equivalent in the PDI Act, are not as compatible with these criteria.

Comment:

Why should local heritage as currently defined be brought into line with HERCON model criteria? Local heritage, if managed under the planning legislation as a lower order of significance than that of state or national criteria, should be able to reflect what is historically important to

local communities in response to how they value aspects of their way of life and culture. The preoccupation of defining criteria and standardizing different categories of heritage seems contradictory to the recognition that there are distinctions between national, state and local significance of a heritage place. If reference to one source of heritage listings at national, state and local levels is to be made available to the public, the criteria for each listing presumably would be included for reference? In other words, why reinvent the wheel?

One area that is urgently needed for heritage reform is the need to refer all development within a State Heritage Area to the state for comment. This results in delaying approvals needlessly, when the application involves a minor development, such as a shed or chook house structure in the garden or a paint scheme. While the discussion paper states it is only concerned about local heritage, all heritage developments within a State Heritage Area is caught under the development assessment processes. It is recommended that minor developments could be identified (including certain types and styles of signage) and be exempt from referral for state heritage areas in the Minister's pending Code of Design and Planning.

The effect of processing applications within a State Heritage Area works against good heritage management and community support when over bureaucratic processes involve referral to under-resourced state bodies to respond to. Exemptions to minor developments could also be enacted by regulation following a review of what constitutes the range of minor development. Discretion at the local level should then apply to determine whether an application is required or not.

2 Poorly/inconsistently applied local heritage criteria

Comment

The proposed process of local heritage listing recognizes the need to interrogate the criteria inclusively within the community. The process should involve a higher degree of consultation with owners of a proposed heritage place in order to identify significant fabric or aspects of the place for retention and clearer guidelines concerning future development. I submit that comprehensive documentation of significance should include equal attention to Adaptation and Interpretation as well as significance of the place to provide owners and planning authorities with clear guidelines for assessing applications for development.

Presumably future identification of local heritage should include an opportunity to review of existing local heritage listings, whilst respecting the fact that previous local heritage listings underwent a lengthy process involving statement of intent, investigations, agency and public consultation, consideration of submissions, public hearing, final review at both local and state levels and ultimately the Minister's endorsement prior to authorization. The costs of the process of review, not to mention the length of time involved, were considerable and should not be disregarded.

If the criteria is to be brought into line with HERCON standards, I suggest that there should not be a whole-scale review of existing local heritage, given the extensive resources that have been expended to date under due legislative process. Probably an application to demolish, alter or adapt an existing listed heritage place would include consideration of new criteria to address the perceived inadequacy of an existing listing on a case by case basis in a more practical manner in which to proceed.

3• *Uneven recognition of local heritage across the state*

The state encompasses a wide variety of environments resulting in differing natural, social and environmental attributes. For example, mining history has responded to local geology; coastal areas represent a different type of social and economic history to the pastoral areas of the state; the incidence of rivers and water resources have affected settlement patterns. In my previous experience as Register Historian with the State Heritage Branch and subsequently in planning both in policy and development assessment areas, it has become abundantly evident that there is 'uneven recognition' brought about by geographical differences and available resources. This is not a negative result, but reflective of regional and local differences. Standardization of the extent and content of local heritage recognition would belie the reality of history and the widely differing cultural responses that were inevitable in the state's history.

4 *Lack of comprehensive review*

Please refer to the point 2 response.

5 *Lengthy/unpredictable listing processes*

The proposed amendment by regulation is strongly supported as a more efficient and cost effective resolution of reviewing and recognizing local heritage. If the criteria are endorsed by the state, documentation is thorough and consultation comprehensive, listing by gazettal should be facilitated with a view to efficiency. Cherry picking to eliminate local places at a state level should be avoided to reinforce the commitment to efficiency.

6 *Consultation processes that rely too often on 'interim operation'*

There have been, and will continue to be, wilful destruction of buildings to circumvent the low level of protection that is afforded by local heritage listing. A different approach is needed, as contemplated by early engagement of owners in the process to define what is of heritage value, identify areas or aspects to be conserved and opportunities regarding land use, future adaptation, additions and alterations that are possible to provide guidance to owners and clarify the extent of demolition control. Planning authorities should reinforce the process by providing efficient processes and considering flexible incentives for heritage recognition, including flexible land use options, land division in certain circumstances and employment opportunities related to cultural tourism.

7 *Sensitive consultations occurring too late in the process*

Fully agree. Proper documentation should involve owners and provide opportunities to contribute historical fact, information regarding fabric and conservation/adaptation techniques and consideration of owner's needs.

8 *Confusion between 'heritage' and 'character'*

I do not consider that 'contributory items' should be retained for in practice the term has come to equate with local heritage listing in some council areas. For example, proposed alterations to the rear of contributory places have been opposed by heritage architects despite the building continuing to contribute to and maintain streetscape character. 'Character' issues should relate to public space and streetscapes only. Examples of confusing the two have contributed to heritage having an undeserved, negative reputation and demonstrates an ignorance of the difference between 'character' and 'heritage' by the professionals involved. It should be possible to identify character areas and define a 'character overlay' providing clear guidelines regarding siting, scale, landscaping, public infrastructure and setbacks that retain a defined character of the area. Councils should consider a public realm policy to manage streetscape character

consistent with the qualities identified by the character overlay designation. Guidelines regarding signage for both local heritage places and character areas can avoid much of the visual clutter resulting from badly designed and located advertising.

9 *Inconsistent Development Assessment procedures and policies*

Reference has been made to the fact that in some Development Plans, the proposed demolition of a heritage place varies between a 'consent' or 'non-complying' development. The non-complying application is a process of double jeopardy to an applicant proposing demolition of a listed heritage place, given there is no right of appeal to an applicant, but is possible to third parties who are notified pursuant to category 3 as part of the current assessment path for non-complying applications.

However, if the suggestions made above regarding the consultation process prior to local heritage listing were to occur, owners would be fully appraised of their opportunities, and be fully involved in the listing process. Once the process has been completed, and listing occur subsequently with guidelines and clear definitions of significance, demolition should be regarded as a last resort, and then only for reasons apart from capitalizing on investment. I suggest that a non-complying categorization for local listings in the future would reinforce a state commitment to heritage protection and recognition of the potential heritage clearly has for the cultural and economic well being of the state.

10 *Formalising a role for accredited heritage professionals-extracts from the discussion paper*

1)Victoria for example, associates each place with a table indicating whether or not paint controls, internal alterations, outbuildings/fences and tree controls apply. Such simple Y/N tables, in conjunction with a heritage overlay, will be essential to successful operation of the planning portal, in relation to local heritage places. They will assist anyone involved in the management of local heritage places, including accredited heritage professionals.

2)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.

Comment:

With regard to the first quote from the discussion paper above, the suggestion of a table is supported.

The second quote gives the wrong impression. Local heritage listing does not control internal alterations or painting – for this reason, local heritage does not impose the same controls as those of state heritage items. There is, or should be, greater emphasis on identified attributes of a heritage place where care should be taken to retain setting, fabric and historic features. Generally though, existing local places that are listed are able to be radically altered, added to and adapted – the only firm protection afforded by listing is demolition.

In view of existing internal alterations evident in many state heritage listed buildings including hotels, the Adelaide railway station and other listed buildings, there is already great flexibility evident in modernizing internal areas and adding to the existing fabric to maintain the usefulness of the building. Has the State Heritage Branch been involved in the preparation of this discussion paper?

Presumably heritage accreditation would require tertiary qualifications in the disciplines of history, or architecture, coupled with graduation in a town planning course with a major in heritage management, plus full membership of the Planning Institute of Australia and ICOMOS Australia. The latter provide a set of ethics and guidelines for the practice of heritage management.

Discussions are recommended with tertiary planning course providers to ascertain the extent of course work in heritage planning and management involved. There is room for improvement in the training of planning (and building) staff in the practical and theoretical aspects of working with owners of heritage places. This should include an understanding of the rationale for heritage listing, practical conservation techniques, heritage paint schemes and trades that can assist in adaptation or extensions.

A Practice Direction as suggested is fully supported to guide the process of reviewing past surveys, existing studies and documented historical evidence that should be utilised as a foundation for community and owner consultation. I suggest the process involve the following steps:

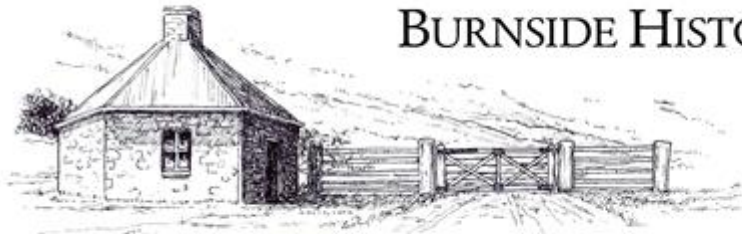
1. A review of existing heritage survey(s) and records in state and local libraries, Council, and publications.
2. Identification of local heritage places – mapping and photographs
3. Contacting owners, community groups, local history associations and residents to contribute and define what is important to them. Encourage information from the public and owners including photos, family histories, and private records. At this stage it would be a good idea to identify people in the community who could be a core group of local heroes. I anticipate this would remain a process at local government level, with support from the Minister for Planning.
4. Consultation at a state level between DPTI, DWNR, State Library, Oral History Association regarding resources and relevant DPTI modules for formulating local heritage policies and listings. It is essential that a *whole of government approach* include the State Heritage Branch regarding thematic criteria and *local government* to identify & coordinate opportunities for resourcing information and identifying efficiencies in the inclusion of local heritage as part of the planning system;
5. Preparation a list of places and spaces that contribute to an appreciation of local history's contribution to the way of life and sense of place.
6. Consultation regarding the list with owners firstly, then local residents, history associations and business groups to identify ways in which the collective heritage resource (including proposed local heritage places) could contribute to local economies and opportunities to benefit owners and the community.
7. Preparation of a Consultation report, together with recommendations for encouraging viable heritage management and promotion, and proposed entries to the local heritage list to be forwarded to the Heritage body anticipated by the discussion paper. Review by the Heritage body and instructions to prepare a state wide Practice Circular on local heritage matters. The matters for inclusion in a Local Heritage Practice circular would include:
 - a. Heritage Review Process and timeline report;
 - b. Preparation of a criteria based Local heritage list review for submission for regulatory recognition;
 - c. Identify links between celebrations of cultural heritage and economic and social processes involving tourism and promotion of heritage related employment opportunities.
 - d. Economic and cultural incentives to promote heritage and a knowledge of history.

The process should be consistent with ICOMOS Australia Burra Charter practise guidelines.

Thank you for the opportunity to comment on the need to improve the functioning of local heritage planning in South Australia. I would be happy to discuss or clarify any of the above, on the understanding that you have probably already consulted selected historians and architects on your suggestions. I believe I have experienced both heritage assessment processes, development assessment processes and planning management of heritage places in a practical hands on basis, to be of assistance should you desire same.

A handwritten signature in cursive script, appearing to read 'I. Iwanicki'.

Dr Iris Iwanicki, PhD, BA, GDTP, M.Env.Law, FPIA.



The Toll House at Glen Osmond 1841-1847

BURNSIDE HISTORICAL SOCIETY INC.

PO Box 152, Glenside, SA 5065

Submission - Local Heritage Discussion Paper

The Burnside Historical Society appreciates both an opportunity to make comment on the Government's Local Heritage Discussion Paper *Heritage reform – an exploration of the opportunities* and the extra time given for submission. Societies like ours, run by volunteers, usually meet monthly and need sufficient time to consider “the facts” provided.

Many of our Society's concerns have been stated in the widely accepted, well-developed, paper-in-reply by Professor Norman Etherington AM, President of the National Trust of South Australia. In particular we highlight the following:

- **Public consultation** is essential to genuinely engage the community in a subject that has been hard fought for over many years. Each area - Country, City and Metropolitan knows its community and the “heritage fabric”. Residents should be listened to. It is only fair and reasonable
- **Transparency** in the process is paramount – this is far from clear in the Discussion Paper. There are many questions left unanswered. Comments refer in passing to Local Heritage matters interstate - documents, reviews are only helpful to the reader if the comparable information is readily available to assist rather than hinder the reader
- **Expert Panel in Planning Reform** sounds like an exclusive club. Who will be the representatives in **Local Heritage**?
- Regarding **“best practice”**. Success in Fremantle versus disastrous failure for the Port Adelaide community. We're not talking AFL here but the effect on the very heart and soul of a community and future generations due to inappropriate housing - short-term gain decisions and destruction of old industries, such as a family owned boatyard
- Demolition approved **“in the public interest”** without community consultation and effective listening to locals is not in that community's interest
- “Another improvement could involve considering the **demolition of local heritage places ‘on merit’**”. The basis and criteria for this? Who will win?
- **Historic Conservation Zones and Contributory Items** aren't mentioned in the paper. Those zones and items must especially be adequately protected. They were hard fought for, for a

reason and listed to save items from demolition. If anything we should be adding to not deleting from the heritage stock we have

- **Protection of Local Heritage Places** is essential to prevent indiscriminate demolition both by developers (sometimes buying several or more properties) and owner - occupiers (opportunists) who construct inappropriate, “boxy” and multi-storied dwellings for profit. The latter is encouraged through the current State Government’s infill development policy. Local communities do value the historic nature of their community and want to retain it rather than see it torn down in a piecemeal way for the financial benefit of those who live elsewhere
- A **hierarchy of significance** as described for heritage, is not the answer
- **Local heritage places** obviously relate to the Local Council area and their significance should be considered in that context whether Adelaide City Council, Metropolitan and Country.

Burnside Historical Society members, the majority of whom reside in the City of Burnside and those members living in other Council areas, value special places of historic significance. They are most concerned about the retention of heritage items in their local neighbourhood. They have been made aware that local heritage could be under threat. They are also aware of places of heritage significance across our state.

The preservation of gardens is also a cause for concern. Demolition of housing on individual large blocks and various smaller blocks acquired for multi storey development with minimal green space destroys the leafy suburbs. Significant trees are also disappearing even with guidelines in place.

Will the historic buildings to be retained on the Glenside site be properly protected when there are now fewer employees in the Heritage Unit to oversee the preservation and maintenance of heritage items for the entire State? So how will other heritage matters be dealt with, within a reasonable timeframe?

There was a call at the meeting, 26 September initiated by the Adelaide City Council, for an integrated approach to heritage at both State and Local Government levels. Heritage protection is not best served by having two pieces of legislation and two ministers.

In undertaking another review, the State Government needs to seriously consider who owns Local Heritage it wants to reform. We contend that Local Heritage places in Historic Conservation Zones and Contributory Items in each Council area, belong to the communities within those Local Government boundaries.

Residents understandably get frustrated when Local is overtaken by State and they lose their say. This is not Democratic. The State Government needs to talk to communities, Councils and the general public before plans are instigated. That is how our shared built heritage will be protected across our State wide community.

Meredith Ide JP
President
Burnside Historical Society Inc.

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www.burnsidehistory.org.au

www.facebook.com/burnsidehistory

Pearce, Penny (DPTI)

From: Andrea Renton
Sent: Thursday, 6 October 2016 6:28 PM
To: DPTI:Planning Reform
Cc: 'mhaese@retailiq.com.au'
Subject: Heritage Reform

RECEIVED
06 Oct 2016
DPTI

We are residents of North Adelaide, and have lived in our house on Melbourne Street since 1981. Our house is on the local heritage register. We have been able to make improvements to the rear of the property without undue difficulty. We do not believe that demolishing our house and constructing a 6 or so storey apartment building would add charm to the local area, even if potentially very profitable for us.

We have witnessed removal/demolition of properties with stated significant historical interest in the City of Adelaide Plan, we believe to the detriment of the streetscape and ambience of the area. Sadly, these buildings have been destroyed under the supposed Adelaide City Council watch.

Having just returned from some 5 weeks touring Germany, we were impressed by the preservation of the older sections of cities – absolutely delightful areas in every town we visited. Many buildings were reproduced despite obliteration by bombs, to recapture their pre-war charm. Dollars have been/are being spent to ensure tourist interests are incorporated into planning to preserve the heritage of these areas. Almost all cities have university populations, and don't appear to need to build 'tall boxes' to attract students.

We welcome changes that might add to knowledge and preservation of historical buildings / areas / land.

We believe that leaving any 'final' decisions to one person – namely the Government Planning Minister of the day, exposes our city to potential destruction/corruption/individual whims. Visiting Nazi war memorial sites in Germany demonstrated the hideous results of dictatorship – shades of what appears to be happening with our current planning and infrastructure. We hope, but are yet to be convinced that there is purpose in expressing our views.

Hopefully, there will be improvement in processes and centralisation of knowledge – as a result of planning reform, as well as dedication to preservation of the local history and culture of our city – which can only be provided by locals - for future generations. Development of high rise precincts may be needed, such as the 'new Paris'.

We attended the recent forum at the Town Hall, and would be happy to contribute as necessary to facilitate the betterment of the liveability/management of our city.

Sincerely,
Ian and Andrea Renton

6 October 2016

RECEIVED

06 Oct 2016

DPTI

P114

HERITAGE IN SA - SOME COMMENTS BY MICHAEL PILKINGTON, ARCHITECT

We have a moral & ethical duty as custodians that have received previous built work from older generations, to protect and hand it on to future generations, as intact as we can, hopefully in better condition.

Heritage is not a negotiable commodity, once its pedigree has been established by learned analysis. It doesn't slide on or off lists, once its deemed to have value - there it sits. It cannot be by the whim of one person or committee to be persuaded, cajoled or bribed to change a heritage article's significance.

There are many reasons why a builtform may acquire heritage significance which I won't go into now, but its legislative listing has 6 very important and very positive implications for our society:

- 1) Cultural Artefacts: Australians are great consumers of other people's culture, especially built culture, but that material would just not be to enjoy unless it had been cherished and protected. It is up to us in our lifetimes to undertake the same acts of preservation for future generations.
- 2) Social Indicators: our historic built work exactly expresses our social priorities, our interests, our vision, and our creativity. That's an on-going obligation to be preserved and celebrated. Imagine if any record of some significant Australian music was suddenly just lost/burnt/eradicated and could *never ever* be heard again - what would our collective response actually be? I would suggest that the deepest anguish across the whole nation barely touches the feeling. It's the same for built places.
- 3) Memory Reservoirs: Buildings are a collective storehouse of historic endeavour. That they can't ever be completely re-built with any of the importance of the original makes them absolutely critical to telling our own story of ourselves to our children.
- 4) Environmental/Energy Stores: The raw materials that have been so carefully arranged in an historic place or building, have had their character changed to take the desired shape for a particular effect. Massive energy has been *embodied* in their creation and arrangement. There is a very strong environmental argument that they have now the right to simply just exist and be largely left alone. Why would we persevere in expending even more energy to tear them down, change them, effectively disrespect and de-face them? Upon what right or basis do we as only *the current occupiers* of this space on Earth, have a right to expend ultra valuable time, energy and intellectual effort in the destruction of a previous generation's cultural output? Apparently the right to create economic value out of any endeavour

- 5) History/Story Tellers: There it is - right in front of you - actually look at it, when you want to, savour it, let it engulf your senses, let culture surround and cherish it, let art flourish in it, let events be programmed amid it, let money be made from it, let owners swell with pride to tell our story, let it promote the vitality of the State, our patch of Australia - the one that we do really hold dear, that sustains us, that cares for us, that nurtures our kids, and has been a great place for our families to thrive at. All of this is dependent upon our special attention to historic built form, very much like has been undertaken in every corner of the world, often for our benefit, but mainly for purely as a culturally-rich and respectful endeavour.
- 6) Being Transported: Heritage has the intrinsic power to enable anyone to imagine a previous life in detail, to be transported to an earlier time, and if we don't value that benefit - we stand accused by future generations of being the ones who 'let it all slip away', tiny piece by tiny piece, until there's none of it, suddenly.

Broadly, developers want certainty and legislation should deliver it, by simply explaining that places of Heritage Significance, the certainty of which is that society truly values them, isn't going to change it's mind about them, give up on them, allow them to rot where they are. Similarly, property owners need certainty about how their particular asset can be preserved for all to enjoy - these are big issues and detailed policy needs to spell out a way forward that respects the significance of the place for all future benefit to enjoy.

The idea of heritage demolition allowed on an assessment of the merit of the replacement against the existing is just so totally ludicrous. The proposition imagines that a current (often aesthetic) opinion can outweigh a whole existing built form/place. Heritage simply has to be an incorporated, intrinsic, counterpoint to the newer work, not 'bowled over'. Those days have gone. Heritage retention certainly *changes* the nature of the development, but in no way hinders a very satisfactory built outcome and there are countless examples around Adelaide of very successful Heritage retention/redevelop strategies.

Lastly, I plead for a new dialogue between younger people and those in current positions of power here. There is a burning interest in all things 'mid-century' but, frequently, it seems that because there isn't any stone involved, or very little, those places are not worthy of listing consideration (or get de-listed! - a process which should not ever happen), or because industrialization occurred here in the 1950's, it's built form output can't have significance. These places are howling out for a policy of care and attribution, the interest is swelling - we need to culturally-value our own built endeavour - celebrate our own story and ascribe attribution to it. Shout our story - don't hide it under a bushel. Others will then begin to understand that Adelaide is so much more than Colonel Light's planned garden city or a 'City of Churches'.

Pearce, Penny (DPTI)

From: Michael Farrell
Sent: Thursday, 6 October 2016 8:41 PM
To: DPTI:Planning Reform
Subject: Local Heritage Reform Discussion Paper Feedback

RECEIVED 06 Oct 2016 DPTI

Dear Sirs,

Below is my comment on the South Australian State Government's Discussion Paper on Local Heritage.

What is wrong with the Local Heritage Discussion Paper

1. There was no public forum to launch the discussion paper.
2. The time frame for consultation /discussion and reply is too short.
3. The Department's paper gives Local Heritage the lowest category of heritage protection and says it can be identified by experts. The very definition of Local Heritage is 'heritage places that local communities believe deserve protection'.

Therefore it is the local community that are the experts and who should say what deserves protection as Local Heritage.

4. The Discussion Paper mentions 'demolition on merit'. The whole point of Local Heritage is to stop demolition.
5. At every step the DPTI discussion paper ignores the community in favour of faceless experts.
6. Local heritage should be entirely in the hands of our local council. The Council to make a comprehensive inventory of protected heritage places and be responsible for the identification, assessment and protection of places.
7. Places deemed worthy of protection should stay protected and not be removed from the list, particularly for reasons of "no longer of merit" or for "development".
8. Any proposals to change the system should start in the public forum.

It is now necessary now is for the Department of Planning to produce a new discussion paper based on public submissions from the public.

Yours Sincerely

Michael Farrell

LOCAL HERITAGE DISCUSSION PAPER**Submission from Colin Harris¹**

RECEIVED

06 Oct 2016

DPTI

Professional background

In addition to academic research and teaching in history and historical geography at the University of Adelaide, I spent almost thirty years of my professional career with the South Australian Environment Department (in its various incarnations). For 22 of those years I worked at the Divisional Director level and for many years I had executive-level responsibility for (among other things) the State Heritage function. The Manager for that function reported directly to me and as a result I gained an in-depth understanding of policy, legislative and operational aspects of State Heritage. Whilst the Environment agency at that time did not, and still does not, have responsibility for Local Heritage, I was quite familiar with the structural underpinnings of Local Heritage conservation and how it was functioning (or not) throughout the State.

I am a past President of the Royal Geographical Society of South Australia, a founding member of the Historical Society of South Australia and immediate Past President of the Burnside Historical Society. I am a recipient of the Public Service Medal for my work with South Australia's State Environment agency and, although retired, I have maintained a close relationship with those in Government responsible for the State Heritage function. Among other things, I continue to work (in a voluntary capacity) on the conservation and interpretation of a number of State Heritage places in the Outback of South Australia.

General comments

As the Discussion Paper states, there is a case for the reform of heritage protection in South Australia, particularly at the Local Heritage level. It is disappointing, therefore, that this Paper presents as a piecemeal approach to what is a much bigger issue. Leaving aside National level heritage protection, it is quite unhelpful to have heritage protection in South Australia divided between two pieces of legislation and two Ministers. It leads to community confusion, differing processes and differing outcomes.

Instead of a paper dealing only with heritage at the Local level, we should be considering a paper proposing an integrated approach to both State and Local levels. This is not too much to expect of a Government – it should be able to see the bigger picture and work towards it. As it stands, this Discussion Paper represents a lost opportunity. As a stand-alone reform process it should be terminated and recommenced at a later date with a much broader and properly integrated approach.

As the current Paper stands, a number of independent organisations and observers have commented on the fact that it is unduly negative in its approach and general tone, presenting Local Heritage as an impediment rather than a social and economic asset to our local communities. I concur with the criticism: there is a negative tone and flavour to the Paper, and it should not be there.

¹ Colin Harris PSM MA Dip Ed,

Specific comments

Having expressed the view that this current process should be terminated and a properly integrated approach developed in its place, I will make some specific comments. They can be considered in the context of any heritage reform process.

Local heritage listing process

The current process is cumbersome and does need streamlining. As a first step the Development Plan Amendment route should be discarded entirely. In considering any replacement process there are lessons to be learnt from the State Heritage listing process, including the use of accredited professionals in the assessment process and the use of an expert committee in the assessment/endorsement of listing recommendations. Of course, in a properly integrated system, both State and Local listing process, if not identical, would at the very least be complementary. The argument in the paper that there should be much better (and earlier) engagement with local communities and the owners of properties being looked at for listing is both logical and desirable, but the suggestion that this could reduce objection rates from as high as 70% to as low as 1% stretches the bounds of credibility. It is essential that interim operation remain.

Thematic approaches

I endorse the identification of themes in local history and their use in the listing process. As in national and state heritage listing around the country, they provide a structure and a useful discipline, but as a number of observers have argued (validly) that they should not be used to limit the number of listings. This raises the issue of how many is enough, and in this context it is disturbing to see the Discussion Paper implying that currently having around four times as many Local Heritage places as State Heritage places is a problem for South Australia. It is *not* a problem – it is exactly what would be expected: the criteria for heritage listings result in a pyramid – there are few World Heritage listings at the apex, somewhat more National listings a level down, more State listings than National and more Local listings at the base than any of the others.

Reviewing existing statements of heritage value

In a supplementary paper to the substantive Discussion Paper, DPTI has stated that existing Local Heritage places within the 68 Council Development Plans will be transitioned into the new Planning and Design Code as Local Heritage places, but this gives no assurance that they will be quarantined from future review (p. 5 Discussion paper). There may well be justifiable cases for the review of individual places – new research information may come to hand, for example – but the case for any review, and the review process itself, should be clearly justified and be totally transparent. If it is not there will inevitably be suspicion and accusations that vested interests are influencing the process and its outcomes.

Reducing time for public engagement

I am totally opposed to the argument (p. 5) that better community and property owner engagement at the pre-listing stage could justify reducing public consultation period from eight weeks to four weeks. By and large the community which engages in this sort of thing does it in a voluntary capacity in their own time and at their own expense. Few will have Local Heritage listings as their only extra-curricular interest; instead they will be balancing involvement in that against numerous other community interests and commitments. It is unreasonable for a Government and its paid bureaucracy to be placing community minded individuals and organisations under tighter time constraints than exist at the present.

Broad strategic objectives

At the bottom of page 5 is a single sentence stating that Local Heritage listing *will need to be considered in balance with the broad strategic objectives of the State*. There clearly is a need for balance in any heritage listing process, but there is no indication in the statement of what these *broad objectives* might be and no commitment to any transparent process. If a Minister, or a Government collectively, feels there is a need to intervene in a listing process this should be a matter of public knowledge and the reasons open to public debate. Anything less than this will inevitably raise suspicions of special pleading and lobbying from interests external to Government.

Streamlining of Development Assessment processes

There is a case to be made for simplifying the approval of minor, low-risk works on listed places, although the appropriateness of using 'accredited heritage professionals' for this is debatable. Inevitably, commissioned reports and recommendations in situations such as this carry with them the likelihood of the practitioner delivering the outcome the client is seeking. Cases of this are already known to occur in arboriculture throughout Metropolitan Adelaide where the first question posed by some arborists to clients is what outcome they want from the assessment process. All of which highlights the need for any use of 'accredited professionals' to be very tightly controlled.

Demolition of listed places 'on merit'

Although it is the case that most current Development Plans provide for demolition of individual places, it is unsurprising that canvassing it in the Discussion Paper as an 'on merit' option should have provoked a great deal of opposition. The undefined/unexplained 'on-merit' is patently open to community suspicion that vested interests will influence demolition decisions at both State and local Government levels. The only acceptable mechanism for demolition approvals would be one that is totally transparent and open to community discussion and debate.

Concluding remarks

The Discussion paper and its supplementary 'Fact Sheet' represent both a flawed process and a lost opportunity. To have heritage conservation in South Australia divided between two Acts and two Ministers is illogical and confusing to all. The current Reform process should be terminated and Government should initiate a much broader process aimed at integrating heritage conservation at both State and Local Levels. The outcome will be a clearer system of benefit to the community, individual owners of heritage places and the business sector more generally.

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

Submission on Local Heritage Reform Discussion Paper

I write as a policy planner with extensive experience in heritage Development Plan Amendments, plus the project management of heritage surveys, and advice on heritage policy and legislation to State and local government.

The comments herein are strictly mine, and do not purport to represent the interests of any organization I'm associated with.

I have read and endorse the ICOMOS submission.

The Discussion Paper is deeply disappointing, as is the poor consultation process associated with it. This is because the Paper fails to adequately reflect and respond to issues identified by a range of stakeholders and experts about the system of heritage management in South Australia over many years.

While South Australia has been recognized for pioneering sound heritage management practice in the past, it is clear that elements of the system have been failing, and that the system has suffered from financial and political neglect at State government level, and on the part of some Councils arguably.

By virtue of its narrow scope, the Paper supports a fragmented State-based heritage system for local and State levels. This makes it an inadequate starting point for legislative reform, with too limited and vague exploration of reform options.

The Planning, Development and Infrastructure Act already introduces some new provisions relating to local heritage, and though some are minor, there wasn't effective consultation.

The Paper ignores key findings and recommendations of the Expert Panel on Planning Reform. The composition of the Expert Panel on Planning Reform lacked heritage expertise, but certainly included people with a good understanding of the inter-relationships of heritage and the planning system.

In contrast to this Discussion Paper, the Panel was ambitious in its thinking about the place of heritage in the broader system, and considered both policy and financial instruments. It sought input from experts and diverse stakeholders over the 18 or so months of its review – a far more comprehensive exercise than then present one.

On heritage, the Expert Panel left the job 'half-finished' – which is not a complaint, merely a point I make to underline the need for further and better consultation and analysis.

The Expert Panel echoed the view of many that a single Act addressing assessment of matters for potential heritage designation at State and local levels solves systemic issues. It presented the opportunity to replace the cumbersome and inefficient Development Plan Amendment process as the sole means of designating places of local heritage value, cut back the unnecessary role of planning bureaucracies, and deal with State and local listings in a simpler integrated way. This reform idea is hard to argue with. Sadly, the Paper ignores it!

As a person who has managed several heritage survey and DPA processes, which suffer from several flaws including non-integration with State listing or delisting steps, I strongly

support the Expert Panel's finding on the need for a holistic Act and approach for assessment of heritage significance – with planning assessment logical to keep under the PDI Act.

As a planning professional ethically committed to efficient and effective public administration, I am painfully aware that the heritage DPA process, which was cumbersome' at the outset, has become progressively more dysfunctional, wasteful of scarce public resources, unpredictable, and prone to undue political influences, as well as interminable delays.

It is disappointing that the view of the Property Council is reflected in the Paper, in that a notion of an arbitrary limit on listings (couched in terms of 'representativeness') is countenanced. As expert bodies such as ICOMOS do not accept this approach, it is open to question whether the Paper reflects a sound appreciation of best practice, and if there is an intellectually rigorous basis for a limit based on representativeness?

Community Views and Values

How the community views and values heritage should be the bedrock of a local heritage system. If not founded on adequate consultation, especially in its formative stages, a local heritage system surely will lack legitimacy.

A poor consultation process has frustrated members of the South Australian community with a keen interest in heritage. Comprehending the 'DPTI agenda' was made difficult by language which was opaque, technocratic and portfolio-centric.

This was compounded by apparent incapacity of the Planning Portfolio to ever get out and explain heritage matters. I don't say this lightly, but I don't expect this will improve much, if at

all. As an experienced policy planner / project manager practiced at diagnosing external risks to projects like attempts to improve a local heritage list (here and interstate), my confidence in the Planning Portfolio to deliver good heritage management free of political influence and bureaucratic inertia is low.

The heritage-listing processes in the South Australian system have been by far the most fraught and inefficient to work with. Local heritage listing in WA and Queensland does not follow a long and torturous path through planning bureaucracies – this frees up planners to do the work they are most able to do.

The expert review stage (by LHAC) occurs far too late and is opaque, inconsistent over time and grounds for decisions are not well documented. The ACC estimated recently that it spent \$500,000 on consultancy fees alone to list only a few dozen Local Heritage Places in central Adelaide, having predicted, based on expert heritage advice, a far larger number. There were moving goal posts, culls behind closed doors, and the second stage of the DPA was dragged out until it lapsed.

It is absurd to expect Councils (or others) to make minor, 'house-keeping' type changes to maintain the integrity of a list via a DPA.

Unfortunately, the Discussion Paper offers few if any obvious remedies. Remedies exist in the integrated system advocated (in broad terms) by the Expert Panel on Planning Reform.

Because of the preliminary nature of the Expert Panel's work, and lack of follow up in the current paper, it is essential to undertake further consultation based on an options paper for further public discussion before proceeding to new legislation.

Capacity for Independent Review

The PDI Act inserts provision for ERD Court review of new local heritage places designations.

This amendment benefits members of the legal fraternity...and I wonder if it is a mistake.

I accept that the ERD Court may preside over a more intensive (and indeed open and well documented) expert review process than has existed for many years in the local heritage process. However, there have been few similar reviews of State heritage designation decisions, and it is possible that a highly individualized, yet expensive Court review system will do next to nothing to improve assessment of heritage significance overall (if and when that is needed). It is not clear, for instance, how it would avoid creating more inconsistency and uncertainty. How does a significant finding about practice flow through to general practice, as opposed to merely resolving an appeal on one matter...and what if a Practice Direction of say the Planning Commission (grounded in as yet unknown expert analysis) and the Court's view do not align?

The Victorian Planning Panel process is superior to the processes of DPA review using advisory committees in South Australia. Expertise is shared in a way that promotes better practice. VPP findings are articulated at length, effectively and logically, helping to inform and guide similar reviews by subsequent Panels, the work of heritage consultants, and decisions by Councils and the Minister. Releasing a public report of findings beforehand improves the chances a Council will heed VPP advice; and, if not, the Council's reasons must be published. VPP hearings and public reporting prior to decisions on proposed listings offers some disincentive to putting politics or sentiment before well considered and tested expert opinion.

I recommend this approach. It preserves the autonomy of local government as an arbiter in local heritage matters, embeds credible, open, timely expert review, and affords greater public scrutiny and accountability than the present SA system – where it has been possible for Council to receive LHAC advice half a year too late!

In my view, more holistic review by the VPP (which may conduct hearings not unlike a Court, and consider policy issues) is also preferable to intermittent appeals to a Court on an individual owner basis.

Role of Local Government

It would be unwarranted and highly counter-productive to remove local heritage management from the level of government closest to the community.

Many fear this would result in the decay of a system of local heritage protection that generally safeguards community interests. I share these concerns, especially bearing in mind the Planning Portfolio's jaundiced view of local heritage in recent times, which I hope will change, as it was certainly not true before.

Local governments in some States are obliged to introduce a local list or conduct an inventory. This may be worthy of further consideration here, but there should be reliable funding to support especially smaller Councils.

Jim Allen

Pearce, Penny (DPTI)

From: Philip Butterss
Sent: Thursday, 6 October 2016 10:17 PM
To: DPTI:Planning Reform
Cc: Lordmayor@adelaidecitycouncil.com; a.antic@adelaidecitycouncil.com;
p.corbell@adelaidecitycouncil.com
Subject: 'Local heritage reform discusson paper' feedback

We are very disturbed by the discussion paper.

We're concerned that its general direction is towards limiting and, in fact, reducing local heritage listings. The paper seems to express surprise at the number of local heritage buildings. Why not express pride, satisfaction, and a desire to build on what has already been achieved?

When we moved to Adelaide twenty-five years ago, we were delighted at the number of heritage buildings--not just the kind of building that might be on a national or a state register, but the collections of local heritage places. We knew from the moment we arrived that we wanted to settle in such a city. It took a while before we could move into a local heritage place, but we're now very pleased to have done so.

One of the most important elements of local heritage is density. What feels so good about Adelaide's relative success in keeping its local heritage is that people can move through streets, or even groups of streets, where all or virtually all the houses are heritage places. That is what makes Adelaide distinctive. That is what visitors are struck by, just as we were.

In the discussion paper, it seems odd to us that there is no emphasis on the desirability of density of local heritage places. To retain the existing density of heritage buildings we need to increase the number of buildings listed as local heritage places so that they might be protected. This document should be working towards doing that; it appears to be pointed in the opposite direction.

Adelaide's local heritage buildings are very precious. Once one is gone, it is gone forever. Many of the elements in this discussion paper appear likely to have the effect, over time, of diminishing one of Adelaide's most wonderful features.

We are also concerned by the short consultation period. Local heritage needs local discussion, which takes time.

Local heritage is a local issue. We believe it is very doubtful that a panel of 'experts' imposed from outside the local council will work to protect and increase the number of local heritage places in Adelaide. We would like to urge DPTI to leave the city of Adelaide's heritage matters in the hands of the elected members of the Adelaide city council.

Regards,

Phil Butterss and Jane Copeland

Pearce, Penny (DPTI)

From: shannon mcavoy
Sent: Thursday, 6 October 2016 11:42 PM
To: DPTI:Planning Reform
Subject: Heritage changes

RECEIVED 06 Oct 2016 DPTI

To whom it may concern,

As young Adelaide resident I am sickened by the changes that could potential change the way our beautiful old and historical buildings are viewed and protected. I can see only one reason for the changes that were going to go through without any consultation GREED!!! These changes are only to the benefit of government and developers. Its so easy just to smash down a historic building and take the money rather than preserve whats there, because there is no money in maintaining and preserving something old. What makes Adelaide beautiful is its old buildings and spaces that have a story. I have spoken to people from interstate and they comment on how gorgeous the city is and how lucky we are. Well we wont be if these new rules come through. Australians travel to countries all over the world and you know what is there that we don't have?? History! Yes we are a young country and an even younger state but knocking everything down to build an ugly glass steel eye sore also knocks out our history. Other countries respect their history, even when its not so good because it tells a story to everyone who visits. Buildings in Germany still have bullet holes in them. Why haven't they ripped them down or even plastered over? Because it would erase something that is of significance and that has meaning. What will we have if we have no history or stories to tell through our significant landmarks?? There is a reason that Australians want to see other beautiful historic places, so why not have people from overseas do the same here.

I vote NO to these changes. I want my children and grand-children to see our history and not another disgusting money hungry building where something beautiful once stood.

PLEASE DO NOT GO AHEAD WITH THE CHANGES THAT HAVE BEEN PROPOSED!!!!!!

Kind regards
Shannon McAvoy

Pearce, Penny (DPTI)

From: Margaret Dingle
Sent: Thursday, 6 October 2016 11:12 PM
To: DPTI:Planning Reform
Subject: Submsiion on proposed local heritage planning reforms

RECEIVED
07 Oct 2016
DPTI

Importance: High

Dear SA Planning

I have the following concerns and suggestions about amendments to local heritage regulations.

- I am not in favour of reducing the time for public consultation.
- However, the expert heritage committee should also be able to broadly consider proposed listings.
- Rows or groups of buildings should be able to be local heritage listed.
- I am concerned about proposed changes to Historic Conservation Zones. Their designation as character sub-zones or heritage overlays could possibly work. However, preserving the character of areas and the actual buildings in them is important, whether designated heritage or character.
- While demolition of local heritage buildings is justified if they are irretrievably damaged, or no longer able to represent heritage, there should be an option for councils to buy them from owners and restore/renovate them if the owner is unwilling or unable to do this even with council financial assistance, and either use, lease or sell them to prospective householders or groups (e.g. businesses, organisations, government agencies, etc) who are willing to maintain and use them. Consideration could be given to making these purchases compulsory where the owner was wilfully allowing the property to become unrepairable but sympathy should be shown to those in financial hardship or unable to renovate because of age or disability. In no case should redevelopment take place on the site of a repairable heritage building that was demolished less than five years ago. I am suggesting this as a means of preventing owners deliberately letting heritage buildings fall into desuetude with the motive of having them delisted so that they can re-develop the site. The length of time a before a site can be redeveloped is in my opinion open to consideration.
- Character sensitive extensions should be allowed for heritage buildings.
- There is merit in prescribing which alterations are exempt from control, such as paint controls, internal alterations, outbuildings/fences and tree controls.

Yours sincerely

Margaret Dingle

Pearce, Penny (DPTI)

From: Simon Gore
Sent: Friday, 7 October 2016 1:12 AM
To: DPTI:Planning Reform
Subject: Local Heritage Reform Discussion Paper Feedback

RECEIVED 07 Oct 2016 DPTI

Dear Sir/Madam

I am very concerned about the proposal of demolition of local heritage places on merit. This could become a loophole or invitation for removal of heritage protection of any building.

I am also concerned about extending the role of the Local Heritage Advisory Committee. This committee is not local and not elected and even if expert in their fields they may not fully understand or appreciate what it means to have local heritage significance as would come from the the local council involved.

Yours Truly

Simon Timothy Gore

Pearce, Penny (DPTI)

From: Karen
Sent: Friday, 7 October 2016 5:00 AM
To: DPTI:Planning Reform
Subject: proposed changes to local heritage protection

RECEIVED
07 Oct 2016
DPTI

Dear Sir/Madam,

We, the members and friends of the Renmark Branch of the National Trust of South Australia, are very concerned at the government's proposed changes to local heritage protection. The fact that the discussion paper was not launched in a public forum by the Planning Minister does not engender confidence in the government's transparency. The select number of organisations and councils invited to submit written comments were given an unrealistic time frame to do so.

We are concerned local heritage is given the lowest category of protection. Local heritage is often in need of the most protection. Experts are experts in their particular fields, not necessarily in local heritage.

The proposal that heritage is classified according to national, state and local value is wrong and an open invitation to disregard the protection of the least valued ie local heritage.

The proposal to use thematic frameworks to determine which kinds of places are "over represented" on local heritage registers is wrong too. Are we to have only so many Californian bungalows in Colonel Light Gardens or so many workers' cottages in the CBD? This is another attempt to disregard local heritage and to sanction its destruction.

We urge the government to rethink its discussion paper and invite submissions from the public.

Your sincerely,

Karen Trobbiani
Secetary Renmark Branch NTSA

RECEIVED

07 Oct 2016

DPTI

P123

Local Heritage Reform Discussion Paper
PO Box 1815
Adelaide
5000

Local Heritage Reform Discussion Paper
Feedback

5th October 2016

Dear Sir

I write in response to your request for comments from heritage experts and practitioners on the Heritage Reform Discussion Paper , based on my insights into and experience of the heritage consultation, assessment and implementation processes in the last 30 years in the Adelaide City Council area. I was a three term City Councillor as well as a two term Lord Mayor and was involved in the exhaustive processes to manage Local Heritage Listings within the area. In particular I sat on or chaired all of the relevant Council Committees , read all of the expert assessments by heritage consultants , attended all of the public meetings and visited all public exhibitions of proposals. Furthermore I own and live in a Local Heritage Listed property in the city.

Firstly I should express my surprise that there is no scene setting preamble in the Discussion Paper suggesting any support for or perceived value in heritage conservation. This issue is one that needs to be both explored and reiterated as our built heritage has distinct cultural, social and economic importance. There remains a cultural insecurity in Australia where all too often people say it isn't real heritage because it isn't like Paris or Rome or New York. Well no, it is unique , it is Australian and it is our story providing a site specific authentic narrative which helps us to

understand our place in history and allows us to interpret our culture. I also contend that it drives tourism.

It has been said many times that nobody travels to Adelaide to admire the Myer Centre or the Riverside Centre. The authenticity of Adelaide is not in the windswept micro-climates around recently built high-rises but in the human scale of our repurposed or preserved Victorian and Federation buildings. There is a clear opportunity to allow respectful Burra Charter style modifications to this fabric but the notion that any development or demolition might be "on merit" is the equivalent of saying there is inherent merit in any new application as well as that there is an intention to ignore the merit of previous analysis and decision making.

There is however merit in design innovation and the desire to have world class new buildings should not negate the inherent value of established historic architecture. I would welcome a clear statement of support for heritage conservation and protection, since currently the document fails to represent heritage status as an asset but infers it is only an inconvenience.

Overall the tone of the paper is managerial to the extent that it promotes a desire to harmonise the process locally and nationally and make State and Local listings more consistent or uniform. This is not a worthy goal for the reasons described below.

Furthermore this discussion document conflates the urge to create national consistency with the inference that the local system has failed to consult or been negligent. This does not reflect the high level of consultation, expert surveys, historical and streetscape analysis, repeated review, public exhibition and debate carried out by the Adelaide City Council.

I recognise that there are weaknesses in some regional or out of areas procedures but in my experience the quality of consultation, expert and documented assessment of buildings and level of scrutiny in Adelaide are exemplary. The problem of resources and capacity in the State's underperforming areas will not be solved by the proposed legislation. One option may be mentoring and training by larger, better resourced more experienced city council areas, but ultimately the issue relates to funding which this discussion intentionally excludes.

As Kristina Keneally said in a recent article "There are lots of good reasons to avoid harmonisation for its own sake. It stifles innovation. It disregards local solutions for local conditions. It reduces capacity to respond to changing circumstances. It creates red tape. It often adds cost." (Guardian October 6th :2016) These observations whilst relating to another issue are in my view germane and I would encourage the State to avoid the cost and futility of national harmonisation of such a peculiarly local process.

I am greatly concerned by the focus within the paper on an apparent intention to align State and Local Heritage assessment, by incorporating State Heritage criteria such as listings being required to represent a class or identify locally rare or endangered elements. This is a particularly unattractive notion because it suggests that like stamp collecting, we should only preserve one example of each form such as a Federation Villa or one Victorian mansion. This would destroy the very sense of place that citizens and tourists enjoy.

State Heritage listing is strict , results in a smaller number of listings and is unfortunately by virtue of these criteria, biased towards the single representation of a building type or a specific historical and unique association. This has several perhaps unintended consequences which are not as likely to occur by application of the current Local criteria. Firstly the stamp-collecting one-of-a-kind approach, can damage a streetscape where there might be a terrace of notable buildings, by only listing one of a type. Secondly they enforce an elite view of history being seen through the prism of the well documented records of elite property owners. Prior to the introduction of Local Heritage criteria, this approach resulted in the destruction of industrial and working class history as seen in workman's row cottages such as those in Lower North Adelaide and the south west corner of the city.

The purpose of local heritage as streetscape protection, was originally to give a sense of place, that is, the apparently discredited or confused notion of "character". Heritage conservation as "stamp collecting" should not be encouraged by conflating the criteria in state and heritage protocols

The one of a type , stamp collecting criterion would ,together with the proposal to allow development and thus demolition of currently listed property "on merit" , inevitably lead to disruption of streetscape vistas and inappropriate infill towers. This would occur since current property values reflect demolition controls and restricted development potential but the so-called reforms would encourage developers to maximize returns in the context of suddenly raised reversionary values.

The problem with allowing on merit developments in previously streetscape or heritage precincts is that the economic drivers will always demonstrate the "merit" of a 12 storey building over a single or two storey dwelling. With no meaningful heritage protection of our assets the land values will escalate since the reversionary value of the land will be predicated on the assumption that demolition will occur. Inevitably the inner city residential amenity will be further damaged by breaking up streetscapes.

Currently those buildings listed have values reflective of the site development potential . Lobbying might produce windfall profits for some but detract from our state treasures which might be in private ownership but are still part of our common wealth

The property values of those owning heritage property should not be ignored. In many cases these are owner occupiers who have invested in extensive renovations and would then see substantial loss of amenity by adjoining or attached property redevelopment resulting in overshadowing towers. The ongoing impact on inner city streetscapes and heritage would be irreversible and devastating.

There is also discussion of the high numbers of Local Heritage places compared with State Heritage buildings and a proposition related to how many might be too many. The limited number of State places reflects the difficulty in listing , and stamp collecting selection process . The ensuing management process for places on the State list results in overly bureaucratic regulation around internal building modifications. By contrast Local Heritage in the City of Adelaide still has extensive assessment , but effects inevitably larger numbers

related to the streetscape nature of the listing. There are already far fewer onerous restrictions to restoration and renovation.

At the time that the current large tranche of City of Adelaide Local Heritage listings were made in the 1990's, there were from memory around 1300 listed of, at the time 9000 buildings. For what was seen as a historic and significant landscape this represented a relatively small number and could have been larger and preserved more buildings as intact and continuous rows, without in any way reducing the opportunity for city development.

I would urge the Government to recognize the integrity and care taken within the Adelaide City Council listing process and avoid the repeated reviews and reexamination of decisions which have contributed to uncertainty and a sense that lobbying can always reverse decisions. Heritage Conservation should not be a matter of fashion or whim or an optional choice by property owners. Once a decision has been made in a transparent and uniform manner the notion of opting out or suggesting the merit of removing listing is as irrational as allowing a driver to opt out of parking regulations or a developer to opt out of building codes.

I therefore urge the State Government to express more explicit support for our built heritage, abandon harmonisation without a clear advantage to our State, halt the plan to allow "on merit" demolition and development of heritage places and avoid a detrimental intention to combine State and Local Heritage criteria.

Yours faithfully

Jane Lomax-Smith

RECEIVED

07 Oct 2016

DPTI

P124

Gawler



Contact: Mr Inat

Ref: HI:dp
CC16/610

7 October 2016

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

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Gawler SA 5118
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Dear Ms Allen

Re: Local Heritage Discussion Paper

Thank you for the opportunity to provide feedback on the Department's discussion paper into local heritage reform. We appreciate that these reforms stem from the recommendations of the 'Expert Panel' who suggested that current practices have become 'fragmented, inconsistent and out of date'. We wish to however highlight that the ongoing management of heritage places and processes plays a crucial role in the retention of Gawler's history and authenticity and the introduction of new complementary development, including the adaptive re-use of heritage places.

The Town of Gawler has a rich and proud heritage and our community remains committed in its desire to protect and reinforce this historic character. The vision of Colonel Light in planning Gawler is a lesson on how to make a town great indeed, the City of Adelaide and Gawler have much in common through this important work.

The town's historic past provides us with a unique sense of place and identity. Many of the buildings in Gawler were constructed in the late 19th and early 20th century, with significant portions of the Council area designated as State and Local historic precincts.

It is anticipated that as a result of Council's predicted population growth over the coming 10-20 years, pressure will be placed on Gawler's natural and built environments. We believe there is a need to strike a balance between providing the flexibility needed to attract and retain the type of investment required to meet the needs of modern lifestyles, while protecting historic character and charm. Local government has a critical role to play in advocating for the wider community in matters of heritage protection.

Local Government has been the custodians of preserving a communities historic past though the protection of its built heritage. This role is of paramount importance and needs to be protected as part of any heritage reform moving forward. Council is keen to see as part of the reforms, the processes of identification and listing of local heritage places made simpler. In particular the criteria more concise and aligned with best practice, including the descriptions for places made more accurate, relevant and current without unnecessarily weakening laws or diminishing the value of Gawler's Heritage.

Below I have provided commentary next to each of the questions posed in the paper.

Should our local heritage criteria be replaced to match national best practice?

Yes, the existing criteria is dated and should be replaced to match national best practice. However in stating this, it would be beneficial for DPTI to consult with relevant interstate government bodies who currently utilise best practices and determine how pertinent criteria can be further refined as timing is ideal. Furthermore it would be beneficial for DPTI to provide additional deliberations on national best practice and why such criteria is considered best practice, achieving agreement amongst stakeholders is likely to be challenging.

Should local heritage criteria be supported by the more sophisticated forms of guidance found interstate?

Simply expressed (and not necessarily sophisticated) guidance to the proper application of criteria is essential to the success of any reform.

However, the process of guidance should not just stop with the implementation of a guidance document but be reinforced with ongoing training of planning professionals and community information forums.

The notion of a 'Framework Document' appears logical and beneficial to not only planners but the wider community. Any guidance which provides readers with clear and easy to interpret information would be supported by the Town of Gawler.

However, I would expect DPTI to undertake extensive consultation with Local Government and the wider community on the content of this 'Framework Document'. The notion of introducing and utilising broad historical themes to assist with the listing process may have merit nevertheless requires serious deliberation.

'How many are too many?'

This is a provocative question and actually contradicts the notion of Local Heritage, which should really include all places of Local Heritage Value, rather than selecting isolated examples and thereby indirectly discriminating against the listed party. (For example: what happens if the expert panel decides that one Local Heritage Hotel is enough? Or one church is enough? This flies in the face of the nature of Local listing.

Local Heritage should not become limited by numbers, it is Council's desire to see collections of heritage buildings preserved; the original intent of the Local Heritage designation was to identify places that were considered to be of heritage value to the local community. The selection should be informed by the local community through the role of Councils. Gawler has been a significant demonstration of this process.

There are already examples around the State of where the owners of Local Heritage Places wonder why their property has been listed, yet a similar adjacent property is not. This is not simply a character confusion question. It could be that the owners of the unlisted property, at the time of listing, made successful vigorous representations not to be listed. With changes in ownership and staff this information can become lost.

This raises the important need for proper record keeping of objections raised during the Interim Operation phase. Years later, with changes in personnel, the response to the question of 'why me and not them' could avoid a purely speculative and frustrating response, if appropriate records are kept.

If there is a large collection of Local Heritage Places within a local area, the mechanism of the designated Local Heritage Area (not Historic Conservation Area, which is character based) could be considered to keep numbers low and listings simple, if that is the aim. A Local Heritage version of the Colonel Light Gardens or Church Hill State Heritage Areas, for example. It is also important to consider the role of Contributory Items in establishing the context in which State and Local Heritage Items are situated, this important consideration seems to have been missed.

The thematic framework is only part of the overall picture. It is absolutely vital that the physical descriptions of heritage places become much clearer and less ambiguous, particularly if part demolition is to be considered. Having confidence of what the community, professionals and owners have agreed as the description at a point in time is of paramount importance. Further, knowing that the description has been regularly monitored and can be relied upon is vital to managing change.

The listing process can give rise to conflict within communities, and between landowners and technical experts. Are there ways this can be improved?

The listing process is cumbersome and lengthy. It commences with a Heritage Survey, which is, unfortunately, generally undertaken with the minimum of consultation. It is only when a survey has become incorporated in a DRAFT DPA that owners find out about their listing and only then in a very formal and impersonal way. Interim operation can be a very acrimonious process. At public meetings the type of questions that get asked normally include questioning privacy, access to private property and taking photographs without owner's permission. Early engagement would assist.

Heritage Surveys should not be undertaken covertly. Early engagement with the local community is the key. Transparency decision-making is also of great importance.

Periodical review is essential. Local Government through consultation with accredited heritage professionals, should have the ability to correct or alter listings. This would apply to both inclusions and exclusions from lists and would also take into account incremental change.

As a case in point, Gawler's Development Plan adopts the Local Heritage recommendations from the 1998 Heritage Survey by Danvers Architects, the last heritage survey in Gawler. There has been significant change since then. The process for changes needs to be made much simpler.

The listing process is likely to remain a divisive issue particularly for people who do not wish for their property to be listed due to fears of property devaluation. This is only one of many reasons, but one that can be debated and disproven, particularly in Gawler.

Many people want to see the heritage value (as opposed to property value) of their properties protected and preserved, but resent 'being told what to do'. They see heritage listing generally as a loss of control. Control needs to be more balanced, empathetic, explained and consultative.

Early and thorough consultation with the local community is likely to remain the most powerful tool which government can use to reduce conflict. Furthermore it would be beneficial for the consultation process to also focus efforts on informing the public **about the positive effects which heritage listed properties have upon our society and built environment.**

This is a very important point! So often heritage is perceived as a negative. The positive benefits of heritage listing, good adaptive re-use as demonstrated by the Town of Gawler with its State Heritage assets and well-designed new development adjacent to heritage places, should be celebrated and promoted more frequently. There are many benefits to developing heritage buildings, but for some reason all parties around the table are defensive and negativity prevails. This has to change; otherwise the battle to retain our heritage will be lost and the heritage value of our cities and rural areas lost.

The community engagement charter or the Planning, Development and Infrastructure Act 2016 will need to provide clear guidance around how early directed community consultation is to take place and in line with national best practice. A likely challenge which requires forethought from the department is the probability of early engagement not removing all conflict and subsequent steps.

In addition the transparency of early consultation needs to be balanced and not undermine the listing process through the risk of demolition applications being lodged whilst listing processes are under consideration.

Should the recognition of heritage value be undertaken by accredited professionals? If so, who should have the final decision?

The recognition of heritage value should be undertaken by accredited professionals in consultation with the local community. The process of accreditation for professionals should be elaborated and pursued. What will it take to become an accredited heritage professional; will a Post graduate degree in architecture or planning be required?

Accreditation as a suitable local heritage professional is supported, particularly if it leads to improvements in the assessment of development affecting local heritage places and the development of local heritage policies within the Council area.

It could also assist with the speeding up of assessments involving local heritage places and a local streamlining of the assessments. Speeding up the time taken in heritage assessments will be appreciated by the local community.

The final decision in respect to heritage recognition should be undertaken by an impartial body with the relevant Council likely being the most suitable candidate.

The State Heritage Branch is unlikely to be an appropriate body as it is under resourced and has difficulty in keeping up with its State Heritage workload. The Local Heritage Expert Committee (LHAC) should be separate and comprise a broader section of the local community in order to achieve a balanced view: Council Development Assessment Panels being a possible example of how this can work. Currently LHAC has a reasonable balance of heritage expertise and planning professionals, but having legal, historical, and environmental, property and development expertise would also achieve a better balance.

Is a traditional local heritage register required?

A local heritage register would be beneficial to our planning staff and with the pending creation of the online portal, one would assume that it should be relatively easy to generate, as an online register would be linked to the portal. In addition it would be helpful for the register to contain greater detail than what is generally available through most Development Plans.

The Victorian system provides a very good example of heritage overlays, simple policies and mapping. The key parameters to the local register are:

- Accuracy of address;
- Clear unequivocal, up to date, description
- Clear description of exclusions
- Simple consistent and standardised criteria;
- Clear policies

Do you agree that there is confusion between heritage and character? If so, how can this be addressed?

There is some confusion between the two terms which is likely to be a result of lacking definitions in the current Development Act 1993. A clear and easy to read glossary could be an option for the department to explore to reduce confusion between the terms.

Clear definitions and clear policies that differentiate between heritage and character would be of great assistance however in many cases heritage and character are inherently intertwined and not easily separated. In the context of Gawler, there are locations where a number of state, local and contributory items are in close proximity to one another, combined they provide significant character "heritage character".

Do you agree that descriptions of heritage value and physical description of listed elements for each place should be kept up-to-date?

Yes, and as discussed above it would be relatively easy to keep all this information up to date as an online register is likely to be linked to the online portal and have direct access to such information.

Furthermore one would assume the most important aspect is to ensure the description is accurate in the first place; i.e. at the Heritage Survey stage. Also, what can sometimes happen is LHAC decides to alter or reduce the description in its deliberations or purely for simplicity. There have been situations where this process has led to ambiguity and confusion, through simple omission.

There should also be the ability to alter or amend (not through mischief or malice) the register, subject to a proper streamlined process being in place.

Subject to specified criteria, what types of minor works could become exempt, accepted or even 'deemed to satisfy'?

The Schedules in the Regulations to the Development Act 1993 require rewriting to more clearly define development and activities that are considered to be development (rather than not being development with exceptions being certain activities)

Understanding Heritage Value is the first step; this must occur before we can entertain considering what is low risk, streamline minor or exemption for activities. We also need an accurate and up to date description. Sometimes the local heritage listing does include the interior.

An accredited local heritage professional is the best placed to determine whether an activity falls into these categories; otherwise there could be errors.

Sometimes even the most apparently innocent activities can lead to an adverse impact on heritage value.

For example there are many pitfalls in salt damp repair, re-roofing, gutter replacement, post replacement, window replacement, which can be harmful to a Local Heritage Place. These are activities that seem fairly straight forward, but which, in the wrong hands could put a local heritage property at risk.

Ill-considered but well intentioned routine maintenance can sometimes lead to a deterioration in historic fabric and also heritage value. An accredited heritage professional is best consulted prior to embarking on this type of activity, but consultation on site with the accredited professional and thorough recording of agreements reached on materials and techniques would be sufficient to avoid the formality of a Development Application.

In addition and worth noting, 'Heritage Incentive Schemes' have proved beneficial in the past. Undertaken by some Councils these schemes provided advisory services and discounted fees to communities. Such schemes instigated significant building works and helped remove uncertainty from community members whilst promoting the benefits of conserving heritage items.

Should a demolition proposal be able to be more robustly argued for consideration on its merits?

As per our Development Plan, the Town of Gawler wishes to see the demolition of local heritage places remain as a non-complying or restricted form of development. The Procedural Matters are fairly clear on demolition in total or in part but the twist is the mention of being visible from a public place, which is a confusion with character.

Using accredited professionals to assist statutory functions is envisaged by provisions of the Planning, Development and Infrastructure Act. But to what extent could they provide advice or even heritage approvals?

Any development application which seeks approval to carry out works upon a heritage item should only be undertaken by a government body. The most consistent, streamlined and coordinated assessment system is one where accredited heritage professional work in a truly integrated manner with Council planning staff, and is known and trusted by the community at the local level.

In addition to the feedback provided above, we would like to advocate that through any planning/heritage reforms moving forward, the importance of contributory items forward are recognised and not simply forgotten.

If you have any questions or would like to discuss this letter in further depth, please don't hesitate to contact Ryan Viney, Acting Manager Economic Development, Regulatory Services and Communications on 85229 271.

Yours faithfully



Karen Redman
Mayor – Town of Gawler

Direct line: (08) 85229 294
Email: mayor@gawler.sa.gov.au

Response to the *Local Heritage Discussion Paper*

As the Member for Unley I have a strong interest in the preservation of heritage and character within the electorate. The City of Burnside and the City of Unley which service the communities within the electorate of Unley are custodians to of some of the most stunning built and natural local heritage environments within South Australia and the best community and urban character found in Australia.

The *Local Heritage Discussion Paper* established a context that perceives the heritage and conservation system in South Australia in a negative light. There is little mention the contribution that local heritage provides to the community and the sense of belonging it is able to establish, a strong attribute that makes up the picturesque charm that is found extensively within the close-knit communities that I proudly represent.

The proposed changes do not appear to understand the link between character and heritage and the effects caused by a shift of power from local communities to the state government and its growing bureaucracy. This shift of power has the potential to endanger the preservation of important historic attributes to the local area particularly those that are instinctively intertwined with neighbourhood character.

The Value of Heritage

I am concerned that the reforms set out by Minister Rau have the potential for significant changes to occur in protected areas currently under *Historic (Conservation) Zones* within the electorate of Unley.

Historic (Conservation) Zones are created to conserve a historical record of local development within the area. The transition to 'character sub-zones' will risk irreversible damage to the heritage, character and charm of these picturesque areas.

Under the current arrangements in the *Development Act 1993 – Section 23*, sites must fulfil one of the following criteria within a Council development plan to become a designated local heritage site.

- 4) A Development Plan may designate a place as a place of local heritage value if—
- a) it displays historical, economic or social themes that are of importance to the local area
 - b) represents customs or ways of life that are characteristic of the local area
 - c) has played an important part in the lives of local residents
 - d) displays aesthetic merit, design characteristics or construction techniques of significance to the local area
 - e) is associated with a notable local personality or event
 - f) is a notable landmark in the area
 - g) is a tree of special historical or social significance or importance within the local area.

Under the proposed changes highlighted in *Local Heritage Discussion Paper*, determination of a local heritage place would be transferred from local government to a yet to be specified Planning Commission heritage committee. This unspecified committee would rule on local heritage through the use of the state heritage criteria, which could see many local historic sites that would be protected under the current system become illegible for heritage protection.

Merit proposal

'On merit' assessment is currently used to facilitate the demolition of local heritage sites and is regulated through the relevant council Development Plan policy. There is confusion as to the *demolition of local heritage places 'on merit'* in the discussion paper and what changes would be established from the current process.

Changes that deviate from the current process to demolish local heritage should remain critical with a robust criteria to ensure loopholes are not exploited for new developments. I call on the minister to provide further clarification on the proposed changes to the demolition of local heritage places 'on merit.'

Exempt works

Reclassification of minor works exempt from council approvals needs further clarification. While I support the principle of less government interference, the reduced oversight has potential for abuse. Once a clarification on these changes is provided there should be a community discussion into the scope of works that can be deemed acceptable for an exemption.

System Modernisation

Modernisation of the planning system is important to keep up with current technological trends and I support the principle of a digitised planning system that is accessible and user friendly to the planning and local community.

Heritage Professionals

As mentioned earlier I question the shift of local heritage determination rulings from local governments that are custodians of local heritage and have established connections within the local community's to heritage professionals. *The Local Heritage Discussion Paper Fact Sheet* states local heritage sites 'demonstrate important local historical attributes or contribute **to the historical themes of a local area.**'

Details of the proposed 'accredited heritage professionals' that currently do not exist within the South Australia planning system is yet to be released and I ask the minister to further clarify the requirements, qualifications, experience and knowledge of South Australian local heritage these 'accredited heritage professionals' will need in order to qualify for the available positions.

Public consultation

The shortening of the public consultation window for new heritage listings from 8 to 4 weeks through the use of earlier engagement is unlikely to improve community feedback. In an increasingly time pressed society the reduction of time to comment or object on a proposal is likely lead to further confrontation and potential court action between local heritage land owners, community groups and the respective councils.

The *Local Heritage Discussion paper* originally opened with a 1 month consultation period that was subsequently extended a further month due to community complaints and increased interest in the proposed changes. The original 4 week consultation window for the discussion paper shows that local communities cannot be in a position to respond within such a short turn around time is an example of how the system is unlikely to work fairly within the reduced 4 week public consultation window.

In its current form the discussion paper presents a number of concepts that will potentially endanger the heritage and character that defines the beautiful electorate of Unley. I call on the minister to undertake further consultation with local government and local communities before proceeding with any changes to local heritage policy.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'David Pisoni', with a long horizontal flourish extending to the right.

David Pisoni MP | Member for Unley

Shadow Minister for Transport and Infrastructure
Shadow Minister for Road Safety
Shadow Minister for Skills and Training

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P126

South Australian
HERITAGE COUNCIL

Document ID: [D0001397888](#)

7 October 2016

Anita Allen
Manager, Planning Reform
Department of Planning, Transport and Infrastructure
Email: plannignreform@sa.gov.au

RECEIVED
07 Oct 2016
DPTI

Dear Ms Allen

Re: Local Heritage Discussion Paper

Thank you for providing the South Australian Heritage Council (Council) with an opportunity to comment on the local heritage discussion paper 'Heritage Reform – an exploration of the opportunities' (the Paper).

The Council wishes to make comment on certain aspects and details in the Paper, but first wishes to highlight a vital aspect of heritage and to recommend the context in which any local heritage reform should be implemented.

South Australia's heritage places: local, State, National, Commonwealth and World, are collectively an outstanding economic and social asset to South Australia. Council fully supports planning and development reform that recognises and celebrates the value and potential of **South Australia's heritage** portfolio to **contribute to the State's development**, and that makes its conservation and adaptive reuse a priority.

Council recommends that the Department of Planning, Transport and Infrastructure (DPTI) give consideration to framing reform such that new planning and development practice:

- harnesses the potential of the portfolio of South Australian heritage places to **contribute to South Australia's economic growth**;
- facilitates the value-add to the economic and job creation potential of the hospitality and cultural tourism sectors offered by sensitively developing and enlivening heritage places; and
- recognises the social value and community affection for heritage places and encourages development that integrates heritage with new, and promotes adaptive reuse in preference to demolition.

In regard to the detail in the discussion paper, Council agreed at its meeting of 7 September 2016 to provide the following comments for consideration.

Council:

1. supports simplifying the development application process by removing red tape provided that removal does not in any way diminish the economic and social value of the State's heritage asset portfolio or compromise its integrity;
2. provided a submission to the Expert Panel on Planning Reform in September 2014 and, whilst supportive of many of the proposed reforms in the discussion paper, it would like to reinforce key expert panel recommendations and government responses to those recommendations. In particular the Council is firm in its belief that there should be:
 - separate statutes for heritage listing and for heritage management; and
 - the *Heritage Places Act 1993* (the Act) or subsequent equivalent statute, should manage a single integrated heritage register facilitated by one set of criteria (with different thresholds for state and local heritage places) for place-based heritage assessment;

3. notes that the discussion paper questions the need for a register of heritage places. The existing South Australian Heritage Register (Register) under the Act records all state and local heritage places. Council strongly advocates retaining the Register as an integrated heritage register, a recommendation made by the Expert Panel on Planning Reform in reform 10.5.

Council is keen to explore expanding the Register to include regional places, in addition to state and local places. Regional listing would capture those places that are particularly significant to a region, such as the South East, but are not significant to the whole of the State. It would also be beneficial for the Register to record information on any World, National or Commonwealth listed places in South Australia, through linkages to those registers;

4. supports South Australia formally adopting the Australia ICOMOS *charter for the conservation of places of cultural significance* (the Burra Charter), noting that most other jurisdictions have, with some enshrining it in legislation. Adopting the Burra Charter will set a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians;
5. supports and encourages the use of criteria based on HERCON national criteria providing that the thresholds for each level, state and local, are clearly stated;
6. supports local heritage places being grandfathered in the Register;
7. notes the option, in the context of reviewing 'local heritage policy', to rationalise the use and practical consequences of Historic (Conservation)

Zones, the identification of contributory places and the varied application of demolition 'control' through Principles of Development Control. If this policy direction was to be pursued, Council would support a considered transition to any alternate framework that enables the appropriate identification and recognition of local heritage places within current zones, before the conservation preferences in the current Historic (Conservation) Zones policy are revised or removed;

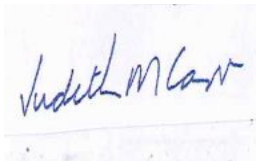
8. is in favour of a clarifying 'heritage' and 'character' and defining character in the *Planning, Development and Infrastructure Act 2016* (PDI Act);
9. is concerned that the discussion paper infers that the number of existing heritage places should be an influencing factor when assessing potential new heritage places. Council does not support an arbitrary cap on the number of heritage places. Each listing must be based on merit arising from expert **assessment of the place's heritage significance against criteria**. If a heritage significance threshold is met, the number of similar places or the total number of places on a heritage places register is not relevant;
10. supports a consistent coordinated approach between the State and local government in relation to the development and use of practice notes;
11. agrees that providing clear statements of significance and identifying elements of heritage value is important, noting that Council's or local governments' heritage assessment processes must determine the statements/identification, not a third party;
12. supports a Heritage Impact Statement as a useful tool to enable developers to consider social, cultural, environmental and economic matters pertaining to a heritage place;
13. supports a thematic approach provided there is recognition that it would not be valid to refuse to register a place merely because other places with the same theme are already represented on a register. Note that Council has asked the Department of Environment, Water and Natural Resources to investigate an update of the Council's 'Historic Guidelines' document to assist a thematic approach;
14. does not support the audit of existing heritage place listings against newly introduced criteria. Council is firm in its belief that if a place met the statutory criteria at the time of listing, then the listing is justified. (Note that if such an audit requirement was to be introduced, the Council does not believe there are sufficient expert resources at local government or state level to enable it to occur effectively);
15. notes that the discussion paper suggests that the PDI Act provides for the use of accredited professionals to assist statutory functions, and advises that a

mechanism already exists for accreditation of heritage professionals through section 5A (3) of the Act;

16. encourages including in the scope of the reform, concessions and/or incentives and/or resources to assist owners in the management, conservation and adaptive re-use of South Australia's heritage places.

Council looks forward to continuing to engage with planning for the reform of local heritage.

Yours sincerely

A handwritten signature in blue ink that reads "Judith Carr". The signature is written in a cursive style and is positioned above a horizontal line.

Judith Carr
Chair

cc Minister for Sustainability, Environment and Conservation

RECEIVED

07 Oct 2016

DPTI

Mr Jonathan Haslam

04 October 2016

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

Good morning,

Thank you for the opportunity to contribute. I offer the following comments.

The consultation process has been conducted poorly

- As a community member, as opposed to a planning or heritage practitioner, I say that the whole exercise has had much too little publicity. Too few people know that it is under way.
- The time lines are too short. Community groups with an interest in the topic need time for their committees to research the issues, consult with their members, draft a response, and get the endorsement of the members. Two months is unreasonable.
- And I note that the "Discussion Paper fact Sheet" is dated 15 September 2016..... three weeks before close of submissions.. That is at once ridiculous, and insulting to those you purport to consult.

The Discussion Paper is written in unapproachable language which is often intimidating to the layperson reader

- I note that the front page of the paper says it seeks "high level ideas and feedback from experts and professionals involved in local heritage practice in this state [State!]. What is the role envisaged for the man and woman in the community? None?
- In the middle of Page 6 one reads "Heritage ...generally involves conservation of the fabric of a place to help **reconcile its cultural value with its asset value.**" What on earth does that mean to a citizen?
- That quote is but one of many which could be put forward as examples of a haughty, remote, *planners-alone-need-to-understand-this* language that runs through the document. It is off-putting to the layperson reader. The sentence starting "to assist in the 'scaling' of development" in the second-last paragraph of Page 7 is another example.
- At the top of Page 3 you suggest that one can use insights such as "*Proposing comparative analysis against historic themes to understand over and under-representation of listings within specific themes.*" That is quite an awful, incomprehensible statement to most citizens but you put it forward as a lesson we might learn from elsewhere!

How could the language/communication be improved for the laity/community?

I do not seek to be critical at all times. One big improvement would be for the paper surely you will have to review and re-issue it.... would be to give concrete examples to make the meaning clearer, such as :-

- On Page 7, para 2 you discuss "demolition ... on merit". no, you actually **do not discuss it, you state it.** Can't you say something like " an owner can apply for demolition if it restricts her business, or the place is unsafe, or somesuch?, so that people like me can understand what issue you are addressing?
- In the last para on Page 6 you talk about "*minor, low risk works ...*" .. will you please give examples??? ... I haven't the faintest idea if you have in mind replacing gutters with like materials, or painting, or what?
- You make frequent reference to "*broad historical themes...*", but I do not know what this means. Why not give a few examples to aid our understanding?
- There is one place where you have set out things simply and clearly the three stages of engagement during the listing process at the foot of Page 4. This is good, clear stuff, but alas, all too rare in the paper, I say.

You appear to have prejudged some issues, even before consultation is under way.

It may be due to the writers of the paper being insensitive or a little careless in their use of English, but the following quotes suggest to me that decisions have been made, rather than contributions being sought:-

- At the very top of Page 2, you list many items as "*identified as warranting reform.*" Are you saying that the Government has determined that they must be reformed? **All of them?** Had you said "*possibly worthy of further study*" that would seem OK.
- At the top of Page 5, you state that "*early engagement and consultation processes would **throw into serious doubt** the need for 'interim operation'.*" This suggests to me that the Government has virtually decided that interim operation could be dispensed with. **I am particularly alarmed by this suggestion.**

I repeat my earlier statement that these examples may merely arise from careless use of language by those who drafted the Paper. But as they stand, it suggests that firm positions have already been undertaken.

Accredited Heritage Professionals

I am very uneasy about this suggestion, and I urge the Government to proceed cautiously with this idea.

- Local heritage is essentially **LOCAL**, and the notion that any "accredited professional" can adequately assess matters located possibly afar from his/her life experience or professional work is far from guaranteed.
- Such professionals are unelected, and may not always pay due regard to the interests and priorities of local communities
- What recourse would communities have in a case of unprofessional conduct by such a person in reporting, counselling or recommending which resulted in approval of a disastrous development?

Summary

- The consultation has been conducted poorly, in terms of timing and the quality of information material provided.. I call upon you to re-write the Discussion Paper in user-friendly language. I believe that you should re-start the whole process.
- There seems to be running throughout the proposal, a worrying degree of centralisation and standardisation of reference materials and processes, at the expense of full local involvement.
- I am alarmed at the suggestion to undermine or weaken the interim operation provisions.

Yours sincerely



Jonathan A Haslam



RECEIVED
07 Oct 2016
DPTI

P128

Your Ref: #10684984
Our Ref: 3624963

23 September 2016

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

Dear Ms Allen

Local Heritage Discussion Paper – ‘Heritage Reform - an exploration of the opportunities’

Thank you for providing us with an opportunity to comment on the Local Heritage Discussion Paper. We are pleased to be involved in the Heritage Reform process and provide in principle support for streamlining the process of local heritage listing in South Australia and what the discussion paper is setting out to achieve.

However, we would appreciate further local government, industry and community consultation and clarity on the matters highlighted in our letter and in the attached analysis table prior to providing our full support. The highlighted matters are of importance to our Council and also relate to our previous submission on Planning Reform generally.

Updating our current Local Heritage Listing criteria

We agree with the principle of alignment of local heritage criteria with national best practice. However, we note that there is no common understanding of what constitutes national best practice. Further conversations are needed to discuss the detail around thresholds, council’s involvement in the selection of themes and overrepresentation acknowledging that representative examples should be considered in the full context of their local setting.

The need for a local rather than state perspective on local heritage listings input cannot be emphasised enough. A thematic approach to heritage listing is a common approach but needs a local understanding to effectively represent the history of an area in a tangible way. Furthermore it is important that local heritage places are not just a lower hierarchy of heritage place than State or National, but provide a meaningful representation of the origins and history of a local area. The discussion paper does not provide sufficient detail to be confident that this will be achieved.

The listing criteria proposed appear to align towards European settlement and built heritage. We would like to understand how the state government intends to address



approaches to improve understanding of Aboriginal/pre-settlement history and better integrate Aboriginal heritage through the planning system.

Implementing a frameworks document and 'practice direction'

We agree that local heritage criteria need to be supported by a framework document that provides a broader context. However, we are concerned about how this framework document, along with the broad historical themes, will be developed and how the local heritage listing nominations will be compared. It is important that heritage is considered in a 'local' context so that important 'local' features are not lost when compared at a broader scale.

Streamlining our listing process

The discussion paper outlines the new listing process but the process for de-listing is not addressed.

We note the suggestion for considering the demolition of local heritage places 'on merit', given that some Development Plans list demolition as non-complying and subject to public notification. We support a consistent approach between council areas, noting that our Development Plan does not specifically list demolition as non-complying, so will generally be assessed through the merit process without public notification (category 1).

Council is not supportive of removing interim operation as it removes the ability to protect places identified for heritage listing and prevent demolition throughout the interim operation period.

The proposed listing process identifies the need for comprehensive descriptions of the fabric and the setting of heritage place which has its advantages but it is a resource intensive process. We would like further clarity on how the review of existing statements of heritage value will be funded as this could potentially be a very expensive exercise. We would like state government to note that council undertook extensive updates of local heritage items in 1997-98, 2003-2004 and in 2007 and would like to understand the timeframes / deadlines for completing another full review.

Improving how we record local heritage places

Currently, councils have their individual database of local heritage listed places that can be accessed by new owners. We are supportive of the state government providing a central database for local heritage listed places within South Australia. However, the discussion paper does not provide details about the potential implications to council of this in relation to the process of undertaking searches under Section 7 of the Lands Titles Act.

Clarifying the difference between 'Character' and 'Heritage'

Council is concerned that Historic Conservation Zones may be 'downgraded' to 'Character' subzones and be considered in the same way as Character Zones, removing some of the strength of the policy to protect these important historic areas. The future of Historic Conservation Areas needs to be clarified as they are highly valued by local communities.

Streamlining our development assessment processes

Council agrees that the descriptions of heritage value and physical description of listed elements for each place should be kept up-to-date and agrees with streamlining the Development Assessment processes by identifying minor and low-risk works to heritage places. However, we seek further clarity on what works will be deemed minor or low-risk in the proposed legislation.

Economic drivers for heritage protection

Funding and incentives to protect local heritage are essential to getting the balance right in heritage protection and we suggest the state government consider this holistically through heritage reform. We also consider it important to retain adaptive reuse policy and introduce policy incentives to promote the use of heritage buildings through the Planning and Design Code to ensure that heritage buildings are being valued and maintained.

While there are economic benefits from heritage, there are additional hurdles for the property owners. The costs to maintain local heritage assets and funding should be included in the reform discussion. We also suggest exploring the possibility of funding the conservation works through State Government's Building Upgrade Finance Scheme.

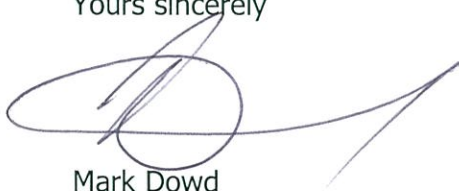
In closing

Council would like to again affirm support of the initiative by state government to review the planning system as it relates to heritage reform.

We hope that our contribution is of value and we welcome the opportunity to be involved further in the implementation of the Heritage Reform recommendations.

If you have any queries or would like to discuss our comments in relation to heritage reform, please contact our Planner Built Heritage, Divya Bali Dogra on 8384 0552 or email divbal@onkaparinga.sa.gov.au.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line and a sharp upward stroke.

Mark Dowd

Chief Executive Officer

Enc. Heritage Reform Discussion Paper Analysis Table

Heritage Reform Discussion Paper

Attachment 1: analysis table

LGA Position Paper Ref	Discussion Paper reference	Additional considerations
L1	Updating our current Local Heritage Listing Criteria	<p>Will there be any approaches to improve understanding of Aboriginal/pre-settlement history and better manage Aboriginal heritage through the planning system?</p> <p>Examples on how a place will be listed under the proposed criteria.</p> <p>Can trees be listed under this code?</p>
L2	Implementing a framework document and 'practice direction'	<p>Glossary of terms such as themes, values, thresholds.</p> <p>Who will develop the themes and at what level will they be compared (state, regional or local)? For example, how can we ensure locally significant items are still recognised where they may be represented elsewhere in the state? How can we ensure that the local history of an area is reflected in a tangible way?</p> <p>How the thresholds of significance will be determined?</p> <p>Need to ensure local values are incorporated into broader themes.</p> <p>Is the question "how many is too many" relevant and will it provide equity in local heritage listing?</p>
	Streamlining our listing process:	Does this also apply to de-listing?
L3	- Early engagement	In principle support early engagement. Note that interim listing control prevents a property to be demolished prior to finalisation of listing.
L4	- Expert heritage committee will have delegation to amend the Planning and Design Code	<p>Who are the community representatives and how are they selected?</p> <p>How will we ensure that a local representative is included in the committee?</p>

Heritage Reform Discussion Paper

Attachment 1: analysis table

LGA Position Paper Ref	Discussion Paper reference	Additional considerations
L5	- Comprehensive descriptions of the fabric and setting of the heritage place	<p>Who is responsible for the cost / resources and time associated with undertaking this work?</p> <p>Who is responsible for resourcing the review of nomination by individuals/members of community?</p>
L6	Improving how we record local heritage places	What are the implications to council in undertaking searches under Section 7 of the Land Titles Act when the information will be in the Planning and Design Code through the state government portal?
D1	Clarifying the difference between 'Character' and 'Heritage'	<p>What is the definition of character?</p> <p>Council is concerned that Historic Conservation Zones may be 'downgraded' to 'Character' subzones and be considered in the same way as Character Zones, removing some of the strength of the policy to protect these important historic areas.</p> <p>Will the councils be involved in development of policies relevant to the 'Character' subzones?</p> <p>What will happen to the status of 'contributory items' as they make a substantial contribution to the character of an area?</p>
	Streamlining our development assessment processes	Reforms must enable policy clarity, effective guidance and clear roles in decision making
D2	- Establish a clear hierarchy of heritage values (national, state and local heritage places and areas)	How can we ensure that the local history of an area is reflected in a tangible way?

LGA Position Paper Ref	Discussion Paper reference	Additional considerations
D3	<ul style="list-style-type: none"> - Review of activities that constitute 'development' of heritage places to reduce number of potential development applications 	<p>A process for exemption of certain works must include clear criteria for exempt works that planners can interpret.</p>
D4	<ul style="list-style-type: none"> - Streamline minor, low-risk works to heritage places based on assessment pathways of 'exempt', 'accepted' or 'deemed to satisfy' 	<p>What is the definition of 'minor and low-risk works'?</p> <p>How will we ensure that the heritage value is not affected by the works that are proposed to be 'exempt', 'accepted' or 'deemed to satisfy'?</p>
D5	<ul style="list-style-type: none"> - Introduce 'statements of significance' to ensure appropriate and timely decision making, 'descriptions of elements' that link significance to the physical fabric of the place and 'tables' that show which controls apply to the heritage place 	<p>How can Council be confident that, where a heritage professional undertakes an assessment, the assessment will be done properly?</p>

LGA Position Paper Ref	Discussion Paper reference	Additional considerations
D6	Consider demolition of local heritage places 'on merit'	<p>What are the criteria for on-merit assessments?</p> <p>The suggested listing process appears to assume that conflict won't occur or, if it does, it will be relatively minor and easily resolved. It doesn't address the issue of how dispute might be handled if it did occur (as is likely).</p> <p>It is unclear whether a local heritage listed property need to be de-listed first before it is demolished or whether it will be de-listed after the property has been demolished? Currently, interim demolition control saves heritage from demolition.</p> <p>Will there be strong policy speaking against demolition in the normal course of events?</p> <p>We have concerns about the strength of policies speaking against demolition and demolition being approved 'on merit' and occurring prior to delisting. Furthermore council is not supporting of removing interim operation as it removes the ability to protect places identified for heritage listing and prevent demolition throughout the interim operation period.</p> <p>Need to introduce controls to manage local heritage buildings, so they do not fall into a state of disrepair.</p>
D7	Opportunities for accredited professionals to provide heritage 'Building Rules Consent' in relation to internal alterations	<p>How heritage professionals will be accredited and what they might need to do in order to retain accreditation?</p>

THE BLACKWOOD/BELAIR AND DISTRICT COMMUNITY ASSOCIATION (Inc.)

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**Heritage reform - an exploration of the opportunities
Local Heritage Discussion Paper**

**Comments
by**

Blackwood/Belair and District Community Association Inc. (BBDCA)

We should be aware that Adelaide and South Australia are show cases for Heritage in Australia. In the past we have preserved our heritage, both European and Indigenous, to a far greater extent than other states, For this reason many tourists visit Adelaide and regional South Australia.

BBDCA is a locally based community association which covers the Mitcham Hills ie The Park and Craighburn wards of the City of Mitcham. The comments below, while raising points in regard to the discussion paper, come from the implementation by Mitcham Council to heritage sites (not all buildings) within the Mitcham Hills.

Listed within this Mitcham Hills area (containing the suburbs of Belair, Glenalta, Upper Sturt (part) Hawthorndene, Blackwood, Craighburn Farm, Coromandel Valley (part) Eden Hills and Bellevue Heights) are 12 State Heritage Places and 89 Local Heritage places. BBDCA believes that all the Local Heritage sites are important in defining the history of the Mitcham Hills.

The Local Heritage Discussion Paper tends to indicate a concern that there is not a uniform presentation of what is Local Heritage either across Adelaide or state wide. BBDCA considers that this is taking a limited vision of 'heritage'. Indeed we can see differences just within the Mitcham Council area with the plains section of Mitcham being more densely populated earlier in the European settlement of South Australia than in the section of Mitcham located in the hills.

It is only to be expected that 'heritage' within the hills is of a later date. While some may consider 'heritage' to be by 1900 we recognise more recent heritage. Of course this also applies to other suburbs in Adelaide eg. the suburb of Colonel Light Gardens which was established in the 1920s.

Indeed the concept of 'heritage' needs to be much more fluid or else in 100 years we are going to have lost many heritage factors across a whole range of building styles if we do not recognise 'character' as well.

Points of concern related to the Local Heritage Discussion Paper

1. There is general community concern that this discussion paper, with very little early consultation, has been promoted by Minister Rau. BBDCA has similar anxieties to other groups/associations.

Indeed originally there was an extremely limited opportunity for comment, this has now been extended to 7th October 2016 which is still not long enough to canvass the opinions of many residents.

Yes, it is a discussion paper only prior to any proposed Bill. However in recent times more and more items are being made available for community discussion on the Government's "Your Say" website. We have come to expect fuller discussion prior to any move for legislation similar to recent comments requested during and prior to the final Report by the Expert Panel..

Recommendation :

Any proposed Bill based on this discussion paper should be delayed so that wide consultation can take place - not just with associations / Property Council/ developers/ Councils but also with wider community forums.

Other concerns raised in the Discussion Paper -

Streamlining our listing process

2. Yes, it is agreed that the length of process could be reduced. At the same time BBDCA believes it is the role of the local Council to have more control over the process. It seems currently that the delay often comes from the Minister and the department in the final approval.

2.1 The process could be reduced. We believe that there should be earlier contact with the owners of proposed sites - particularly when it is not the owner who has suggested the listing.

However, it is important that owners should be given full prior knowledge in regard to the benefits of having a 'local heritage' listing on their property including the incentives available to them..

- There should be the availability for supported 'maintenance funding for the property /section which is listed.
- The availability to contribute to a plaque on site related to the history of the site.

2.2 The public consultation period could be reduced to six weeks as long as there is wide spread publicity given to the consultation.

2.3 BBDCA is concerned about the proposal to cease interim operation of proposed listings. We believe that there should be earlier contact with the owners of proposed sites - particularly when it is not the owner who has suggested the listing.

3. Discussion Paper - Demolition of Local Heritage Places on Merit.

3.1 While the paper indicates 'grandfathering' of current LHP's there is concern that in the future these will be included. The Paper needs to indicate just what is meant by this wording /proposal.

4. Discussion Paper - Improving how we record Local Heritage Places

4.1 The more access the better. It needs to be remembered that easy access by the community is important in having more transparency available - it should not be seen as only the province of the professional.

4.2 There is little information in this paper in regard to the continuation of these listings being the responsibility of the local council.

BBDCA considers that the closer the authority is to the grass roots the more likely it is that the 'local historical' evidence will be accepted as important. A general rule defined centrally is likely to lose the historical delineation/ flavour across the wide range of city, suburbs and rural towns.

5. What is Local Heritage?

This paper distances itself from 'localities' and makes no mention of indigenous heritage or for that matter that South Australia has a rich heritage of other than English immigration in the 1800s. Forgotten are the other Europeans, Chinese and Afghan cameleers who made South Australia their home in the 1800s. History is still being made today for future generations.

We should beware the trap of not realising that 'localities' often provide the Local Heritage background.

On behalf of the Blackwood/Belair and District Community Association and its Planning and Development sub-committee.



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President

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cc Minister Rau, Martin Hamilton-Smith MP, Sam Duluk MP, Mitcham City Council.

