

DRAFT PLANNING AND DESIGN CODE



HISTORIC AREA STATEMENTS PROPOSAL TO AMEND PHASE 2 (RURAL AREAS) PLANNING AND DESIGN CODE AMENDMENT

Kangaroo Island Council



Purpose

The State Planning Commission has released for public consultation the Rural Areas Planning and Design Code Amendment that applies to rural areas with small towns and settlements.

This new code is the cornerstone of South Australia's new planning system and will become the state's single source of all planning zones and rules for assessing development applications. It will replace all 72 Development Plans by 1 July 2020.

The Code aims to make the development application process quicker, simpler and more equitable, giving people greater access to planning information that is consistent and clear, and available online.

With the introduction of the Code, some changes are proposed to the way we manage heritage in this State. This documents sets out what's new, and seeks your feedback on new historic area statements that will help guide development in areas of historic or heritage importance in South Australia.

What is proposed?

The State Planning Commission is required by legislation to set up a new planning system that makes heritage policy and rules clearer, fairer and easier for all. Heritage in South Australia is protected by heritage specific legislation (the *Heritage Places Act 1993*) and through the planning legislation (the *Development Act 1993* and its successor, the *Planning, Development and Infrastructure Act 2016*). The *Heritage Places Act 1993* provides for a listing process for heritage that is judged to be of state significance. The planning legislation provides for a parallel system to list heritage that is deemed to be of local significance.

State Heritage Places and Areas

In the new planning system, all current State Heritage Areas (17) and State Heritage Places (approx. 2,300) will transfer directly into the new Planning and Design Code under a State Heritage Areas Overlay and a State Heritage Places Overlay. They will continue to be protected under the Heritage Places Act 1993 and continue to be listed in the South Australian Heritage Register.

State heritage protections have been further strengthened with the Minister for Heritage given greater authority to direct decisions (at present the Minister is only empowered to provide advice). Importantly, the Minister cannot direct approval of demolition.

Demolition controls will apply in both State Heritage Areas and State Heritage Places Overlays, with any proposal to demolish a building/structure to be assessed using a single set of criteria including:

- the building's existing heritage values
- the structural condition of the building and risk to safety.

The State Heritage Overlay could be complemented by Heritage Statements that assist in describing the historical themes and elements that are important considerations in development assessment.

Importantly, where a State Heritage Places Overlay applies, it takes precedence over any other planning requirements set out in the zone or Historic Area Overlays.

Local Heritage Places

In the new planning system, all Local Heritage Places (approx. 7,250) currently identified in council Development Plans will transfer directly into the new Planning and Design Code under a Local Heritage Places Overlay. They will continue to be listed in the South Australian Heritage Register, and will also be accurately mapped in the State Atlas.

Demolition controls will apply in the Local Heritage Places Overlay, with any proposal to demolish a building/structure to be assessed using a single set of criteria including:

- the building's existing heritage values
- the structural condition of the building and risk to safety.

The important elements of a local heritage place are to be included as part of the listing and assist in assessing any alterations or additions to these places.

Historic Areas

In the new planning system, all Historic Conservation Zones (over 140 are currently in development plans) and the like, plus the 11,810 contributory items within these zones will transition into the new Planning and Design Code under a new Historic Area Overlay. The overlay will apply to local areas that exhibit discernible historic character worthy of retention.

Historic Area Statements are proposed to be introduced in the Code to help clearly identify and articulate the key elements of historic importance in a particular area. These will replace Desired Character Statements in existing Development Plans and are based on existing policy content. Councils will be able to evolve these statements over time.

Demolition controls will apply in the Historic Area Overlay, with any proposal to demolish a building/structure to be assessed using a single set of criteria including:

- the building's historic characteristics and the ability to reasonably, economically restore it
- the contribution the building makes to the historic character of the streetscape
- the structural integrity/condition and the ability to economically restore it.

Some councils (25 of 68) have used 'contributory items' to identify specific buildings that contribute to the character of an area. However, not all councils with Historic Conservation Zones have included them, and there are vast differences in their demolition and public notification policies. No new contributory items have been listed since 2012.

In developing the Code, the Commission has proposed that contributory items not be individually identified in the new planning system because they have no statutory basis; have been applied inconsistently and processes to identify them have not afforded home owners the rights associated with the listing of state and local heritage.

The intention of the Historic Area Overlay is to ensure Historic Conservation Zones and the contributory items within them are subject to a consistent assessment process and the same level of protection. In this way, the Overlay will bring equality and fairness to land owners regardless of where they live.

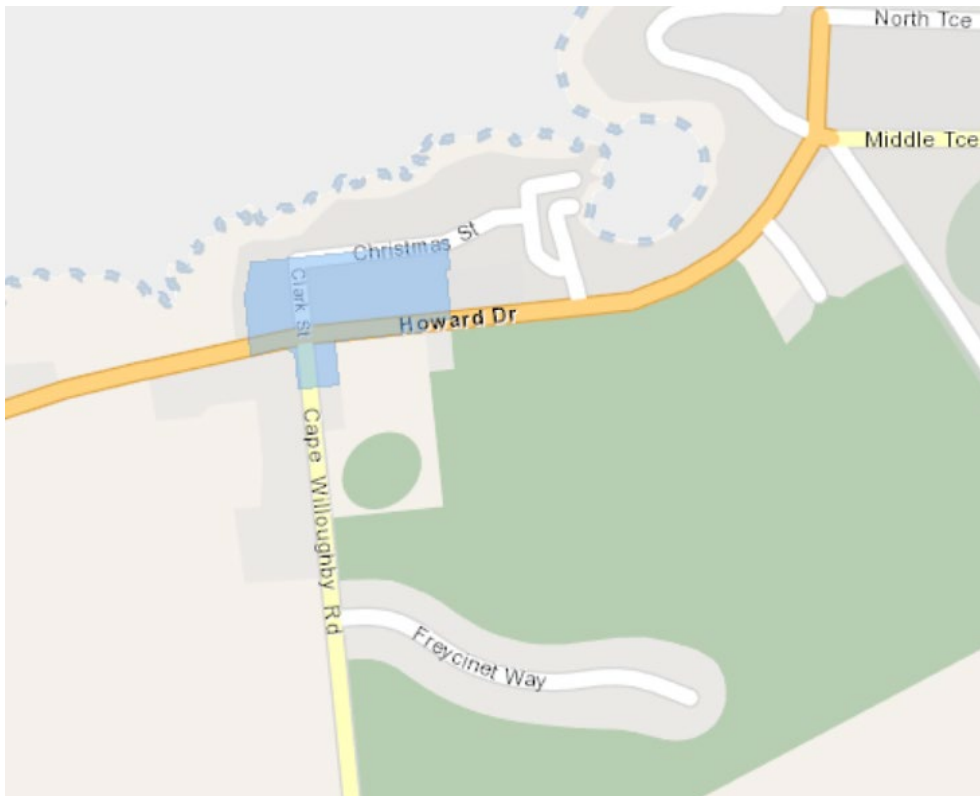
Historic Areas affecting Kangaroo Island Council

Penneshaw Historic Area Statement (KI1)

Historic Area Overlays identify areas that comprise unified, consistent streetscape characteristics of an identifiable historic, economic or social theme associated with an earlier era of development. They comprise built form characteristics, and at times natural features and sub-division patterns that provide a legible connection to the historic development of the local area. Development within the Overlay will preserve these attributes.

The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce, this unified, consistent historic streetscape character.

New development will be generally limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or towards the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.



Eras and themes	Coastal village.
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