

Pearce, Penny (DPTI)

From: DPTI:Planning
Sent: Friday, 7 October 2016 11:51 AM
To: DPTI:Planning Reform
Subject: FW: Planning Reform Contact Form

RECEIVED
07 Oct 2016
DPTI

FYI

From: dpti.noreply@sa.gov.au [mailto:dpti.noreply@sa.gov.au]
Sent: Wednesday, 5 October 2016 5:10 PM
To: DPTI:Planning <DPTI.Planning@sa.gov.au>
Subject: Planning Reform Contact Form

- Name: Maria
- Email:
- Subscribe to updates via email?: No

- Comments/Feedback/Questions: I do NOT want the State Government to change any laws as I do not believe that they will implement new laws FAIRLY, they will let developers have open slather (they have already allowed them too much), the SA Government is badly in debt and will do anything it can to sell property to be developed, demolished, double story warehouses with windows to be built everywhere, countries in Europe protect, encourage heritage to be retained, not HERE in SA SHAME SHAME SHAME NO NO NO

Pearce, Penny (DPTI)

From: DPTI:Planning
Sent: Friday, 7 October 2016 11:51 AM
To: DPTI:Planning Reform
Subject: FW: Planning Reform Contact Form

RECEIVED 07 Oct 2016 DPTI

FYI

From: dpti.noreply@sa.gov.au [mailto:dpti.noreply@sa.gov.au]
Sent: Friday, 7 October 2016 10:37 AM
To: DPTI:Planning <DPTI.Planning@sa.gov.au>
Subject: Planning Reform Contact Form

- Name: •
- Email:
- Subscribe to updates via email?: Yes
- Comments/Feedback/Questions: If only we still had the old S.A. Hotel, the Gresham Hotel, the ES&A Bank. What a better sight than the Rubbish now on these spots. Destroy HERITAGE at your Peril

Pearce, Penny (DPTI)

From: John Kemp
Sent: Friday, 7 October 2016 11:55 AM
To: DPTI:Planning Reform
Subject: Heritage Reform Feedback

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Hello

As a an Adelaide Hills Council Elected Member, I have some knowledge of Local Heritage issues. Some of my concerns about this proposed reform and separate Heritage Bill are:

Local Heritage listing must stay with Local Councils who can consult with owners and local history groups and National Trust branches

Interim listing must be retained and enforceable

The concept of "over representation" is contrary to the concept of "themes"

The demolition of any heritage listed building should not be on "Merit"

Community groups, historical societies etc, need to be directly contacted for input on this proposed reform

The public notification and consultation on the heritage reform has been entirely inadequate

There has been no real public consultation on this proposed reform and there needs to be – the consultation period although extended, is too short

Local Heritage should be the primary listing. This would be in a similar manner to development rules and assessment. In assessing a development application, Policy Area Objectives and Principles of Development Control (PDC) are the primary consideration, then Zone followed by Council Wide provisions.

Local Heritage means "local" and the assessment/listing of heritage places needs to remain local. In other words, with Local Government. In the past the extended time frames for local heritage listing has not been caused by Local Government but by State Government.

Heritage buildings are a major part of South Australia's tourism industry and generate significant income for local businesses. Heritage places should not be seen as an impediment to development, but rather a compliment to it. Heritage should not be under threat from developers or sacrificed to satisfy their ambitions for profit.

Regards

Cr John Kemp
Mt Lofty Ward
Adelaide Hills Council

THE NORTH ADELAIDE SOCIETY INC.
PO BOX 60
NORTH ADELAIDE SA 5006

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07 Oct 2016
DPTI

7 October 2016

Via – email pdf to <anita.allen@sa.gov.au> and <planningreform@sa.gov.au>

SA Planning Minister, John Rau (and)
Anita Allen,
Manager, Planning Reform
Government of SA

Dear Minister and Ms Allen,

The society responds to the call for submissions on the draft state document *Heritage reform – an exploration of the opportunities*.

On 22 August 2016 the society sent first response and this appears at Appendix 4. It noted that North Adelaide's residential Historic (Conservation) Zone contained many state- and local-heritage listed properties and places (232 and 790 respectively) and as such represented an inner city area of great relevance to this paper. The society's response highlighted dissatisfaction with both procedure and content. A government acknowledgement is reproduced at Appendix 3.

Further to that, and for the purposes of the public consultation phase, the society endorses the views of two sources of expert advice:

1. Comment from an expert consultant to the society on specific process and content issues in relation to assessment and management of Heritage places evident in the Heritage paper. This appears at Appendix 1.
2. Comment noted by the Corporation of the City of Adelaide, as a result of a meeting on 26 September (summary of key points related to content and procedure, as well as a thematic summary of the likely future heritage risk management issues facing communities such as North Adelaide). This appears in Appendix 2.

The society notes that about 300 people representing not only incorporated bodies but also individuals attended the 26 September city council meeting and many commented on the inadequacy of the consultation procedure and the vague propositions in the paper (apparently done so to 'stimulate discussion'). Moreover, the highly contentious nature of implied draft policy arising from that document (to inform a bill) has caused great concern. The society recommends that the state government acknowledge the significance of outcomes of that meeting as well as the likely feedback from communities to the Planning Reform team, and to proceed with great caution on this matter.

In the interests of full transparency, the society requests that DPTI make all submissions responding to this matter be made public.

Yours sincerely,

John Bridgland
Honorary Secretary
(Email:)

Appendix 1

Comments about the Heritage paper: advice from an expert consultant to the society

Re: specific process and content issues with respect to assessment and management of SA Heritage places evident in the Heritage paper.

- The first three points (**clarity of criteria, inconsistency and uneven recognition**) – these relate to assessment of heritage across the state and are the result of lack of direction and under resourcing by the State Government. No formal local heritage survey briefs are provided to councils from the Development Division of the Department and the changing requirements for surveys and documentation has created this confusion and inconsistency. The lack of comprehensive review is the result of lack of staff and expertise in the Department.
- **Lengthy and unpredictable listing processes** – changes to a development plan which involve heritage listings and designation of heritage conservation areas have been very slow to process by the Department. This again reinforces the lack of resources and lack of expertise in government department dealing with these issues.
- **The confusion between “heritage” and “character”** has for years been a frustrating construct of the Department. There should be no confusion. Areas with heritage character have that character because of heritage qualities (either of individual places or areas). Remove these historic qualities/ heritage assets/ local heritage places and you have no character. Character is a term requiring qualification – historic, modern, industrial etc. The review claims to have learned from interstate examples, but nowhere else in Australia has this preoccupation with character been so undermining to the retention of historic character and heritage assets. The use of heritage overlays is already in place and works well to retain historic character. The rationale and language for “character areas” (page 6) is confusing. It attempts to clarify the difference between “character” and “heritage”. It fails. The proposed watering down of heritage overlay provisions would fail to retain historic character.
- **Inconsistent Development Assessment procedures and policies** – local government provisions have become more consistent with the implementation of the Better Development Plan program, and perceived inconsistencies would appear to be local variations of development assessment processing, which is to be expected given different local context and historical development parameters. It is impossible to expect consistent procedures and policies given local variations and processing of local Development Assessment Panels.
- **Formalising a role for accredited heritage professionals** – this would appear to be a good idea if there were an appropriate course for accreditation in South Australia. No such accreditation is currently available in South Australia.

More support required for Local Heritage

- The paper talks of the need for reform in the area of local heritage. In reality, over the past 20 years, a logical system of local heritage protection has evolved, driven by local government, a tier pressured by local constituencies to protect the character of their historic areas. Heritage professionals have assisted this process, particularly through the provision of heritage advisors, which unfortunately are no longer supported financially by the State Government. Councils have been left to their own devices and when they have requested processing of heritage surveys to provide greater protection, the frustrating time delays have led to a perception that local heritage is not well managed. This is no fault of local councils. There is no need to reinvent a planning framework to protect local heritage but there is an urgent need for the State Government to be supportive and provide clear leadership, which has been so desperately lacking.
- **The lack of an ability to identify places which contribute to the historic character** in heritage conservation areas (as once was possible via schedules of contributory items) – this has led to lack of clarity and certainty about which places are proposed for retention. This system worked well in the past, but has been dismantled, relying on general Statement of Desired Character to determine if a place has historic character or not.
- **The recognition that protection of heritage areas is as important as protection of individual heritage places** in demonstrating local heritage values is not covered in the paper, except in a confused way in relation to the discussion on heritage and character. Area protection is well known to be one of the most effective ways of retaining historic character, where certainty across an area about anticipated retention of heritage qualities and expectation of appropriate infill development is outlined. Any planning reform must support the ongoing use of heritage conservation areas via heritage overlay mechanisms to afford this protection. This is not addressed in the issues paper.

Proposed Reforms (page 3 onwards)

- **Integrated/consistent heritage assessment criteria** might be an advantage, where a single set of criteria can be applied at both the state and local level. However, this would require a more integrated system than is currently in place and greater cooperation between heritage and planning departments. Significant additional proposals are necessary during this discussion phase.
- **Practice Direction and Framework** – this proposed framework appears to revolve around the creation of a set of a set of historical themes which would assist in assessing the heritage value of places and areas within local communities. However, this type of framework should not be used as a numerical measure for the number of places. The notion “How many are too many” demonstrates the complete lack of understanding of historical contexts and local variations. Proposing the question “How many are too many” is absurd.

- **Streamlining the listing process** – the need for early community consultation is supported. However, the rights of individual owners needs to be balanced against the overall community objective and desire to retain the heritage values of an area or individual place. The proposed role of an expert heritage committee is supported on the understanding that this committee would comprise experts. Would it? Significant additional proposals are necessary during this discussion phase.
- **Local heritage register** – a traditional local heritage register is required, in the form of a schedule in the Development Plan. This should not be watered down into a planning and design code.
- **Demolition of local heritage places ‘on merit’** – This is too vague. There is confusion about the degree of development that may be proposed to a local heritage place. Existing schedules, which clarify extent of listing, are included in all Development Plans, and heritage advisors and local government planners use these as a sensible framework for appropriate development and retention of significant fabric. ‘On merit’ suggests this assessment would become more subjective and therefore inconsistent.
- **There are currently no controls over internal alterations to local heritage places** other than Building Act requirements. The draft (bottom page 7) illustrates lack of understanding that internal elements are not included in the listing.

Summary

There is confusion in the paper about the assessment of local heritage places and their associated management. These are not dealt with as separate issues. There also is a lack of understanding of the importance of local heritage conservation area identification and management, which is essential to the protection of the important heritage qualities of a local government area. This is hardly mentioned. Why reinvent a system of heritage protection when the existing system has served SA well in protecting what is so important to our identity heritage in South Australia – our unique heritage character?

Appendix 2

The Corporation of the City of Adelaide, meeting 26 September (summary of key observations made about the Heritage paper (with which the society concurs):

- The basis put forward for the exclusive focus on local heritage is unclear.
- Closer integration between the current *Heritage Places Act 1993* and the *Development Act 1993* is inadequately canvassed in the Heritage paper.
- Any review of criteria (for listing) should not raise the threshold for statutory recognition.
- Introducing consideration against other non-heritage state strategic objectives as part of the local heritage listing process is not supported.
- Local values should be incorporated in the development of broader themes when examining future decision-making.
- Greater transparency, consistency, timeliness and quality of information should be incorporated in the development of broader themes when examining future decision-making.
- There are many unanswered questions (in the existing government draft policy discussions) around the effectiveness of proposals to protect heritage assets.
- The suggestion that early engagement with owners about proposed heritage listings would reduce objections to “as low as 1%” is questionable.
- The Heritage paper is not clear about the difference between ‘character’ and ‘heritage’ and much discussion is required.
- The precept of full demolition of a listed place should continue not to be encouraged.
- A planning application for demolition should continue to be subject to rigorous assessment and detailed checks and balances.
- The suggestion that some alteration to a Local Heritage place could be classed as not being development is questioned.

NB: This is a short-form summary of a longer doc. Source: ACC full council minutes, 27 September 2016, *Planning reform, invitation to comment*, item 14, pp 6–7.

“The proposition that freeing up heritage listing processes will assist the community to prosper by releasing development potential lacks any research base. The City is concerned that the changes to listing processes and demolition controls have the potential to result in economic uncertainty, by allowing a greater degree of speculation in the development industry. The lack of clarity around demolition controls could result in listed properties being subject to speculative development where land price is driven up by development as a result of demolition being of a merit assessment process. Such speculation not only destabilises heritage lists, but also erodes economic value of existing or planned projects on non-listed sites. The fiscal consequences of a deregulated heritage framework have been insufficiently understood by the Discussion Paper [of August 2016, ie “Heritage reform – an exploration of the opportunities”].

Source: ACC full council minutes, 27 September 2016, *Planning reform, invitation to comment*, item 14, pp 57.

Appendix 3

Response to society, from Anita Allen, Planning Reform

Dear Mr Bridgland,

Thank you for your email of the 22 August, 2016 which outlines the North Adelaide Society's comments with respect to local heritage reforms and in particular the recently release Local Heritage Discussion Paper.

Given the significant amount of feedback and level of interest to date, the time for submissions has been extended by 4 weeks until Friday, 7 October 2016.

A copy of the Local Heritage Discussion Paper is now attached for your consideration and we would welcome your valued written feedback before this date by email to planningreform@sa.gov.au.

I would also like to extend an invitation to two (2) of your members to meet with DPTI local heritage reform staff at the DPTI offices, Level 2, 211 Victoria Square, Adelaide. Please contact Zoe Delmenico to work out a suitable date and time (see contact details below).

Why heritage reform?

The need for local heritage reforms stems from the recommendations of the Expert Panel who found that practices around local heritage in South Australia have become 'fragmented, inconsistent and out-of-date'. To continue to explore the opportunities for reform, a Local Heritage Discussion Paper has been prepared which builds on the recommendations made by the South Australia's Expert Panel on Planning Reform in 2014. These recommendations sought to '*Place heritage on renewed foundations*' following extensive engagement with a range of interest groups through the Expert Panel's consultation.

The reform paper makes suggestions around improved criteria, greater independence of the heritage listing process, increased professionalism of advice on heritage matters, and increased guidance around how properties are described and listed. The paper also confirms that it is intended that all existing local heritage places will be transitioned to local heritage places under the new *Planning, Development and Infrastructure Act 2016*.

Consultation process

As a result of the consultation undertaken, we've been pleased to hear the significant interest in planning reform with respect to local heritage matters and have found collaboration with key experts and practitioners involved in heritage practice particularly useful in the past few weeks.

Submissions on the discussion paper will assist the State Government in formulating the new listing process and the drafting of a Bill, which will be available for further feedback.

Submissions that cover other concepts such as heritage and character policy within the new Planning and Design Code are separate to any legislative reform and consultation on these elements will occur as they are developed.

If you have any queries in the meantime please contact Ms Zoe Delmenico, Team Leader, Planning Reform, Governance and Frameworks on 7109 7682 or email zoe.delmenico@sa.gov.au.

Yours sincerely,

Anita Allen

Manager, Planning Reform

Investment Management, Development Division

Department of Planning, Transport and Infrastructure

T 08 7109 7099 • M 0407 705 220 • E anita.allen@sa.gov.au

Level 1, 211 Victoria Square, Adelaide SA 5000

GPO Box 1815 Adelaide SA 5001 • DX 967 • www.dpti.sa.gov.au

Appendix 4

First response letter from the society to the minister

22 August 2016

THE NORTH ADELAIDE SOCIETY INC
PO BOX 60
NORTH ADELAIDE 5006

To: Planning Minister, John Rau

and

Anita Allen,
Manager "Planning Reform"
Government of SA
Planning Minister's office

Dear Minister and Ms Allen,

Re: Doc: "Heritage reform -- and exploration of the opportunities"

The society notes the Local Heritage Discussion Paper circulated recently (but not to the society). It also notes the speed with which the minister's planning team are pursuing selective "consultation" about significant and controversial new policy discussion with regard to local heritage listing and management. We note the 11 August notification and the 9 September deadline for those who (formally) received this paper.

The society asks that proper due process be followed about this matter, such that full and comprehensive public consultation occur, including public meetings attended by Minister Rau, well before any draft bill is created. The contents of this paper flag profound change apparently driven by a need to create a "new local heritage bill". However, it is simply not accurate to suggest that this matter was fully resolved in the earlier 'planning reform' process, so the urgency for the creation of fresh legislation appears curious.

Given the extent of the change indicated, the state government's fast tracking of this crucial discussion phase would be politically very unwise. There is already significant alarm about the way your team has "introduced" this matter, and concern among some residents living in the policy zones of North Adelaide's Historic (Conservation) Zone (12 precincts). As you know, North Adelaide features a very large number of places in this category. Whether you intended it or not, there is a growing perception that the minister is seeking to have this matter quickly resolved, without involving the large number of property owners whose assets are listed, or adjacent property owners in streetscapes dominated by listed places.

The full and detailed public consultation stages that this and subsequent (update)

papers require should be informed by expert, independent advice and comment at each stage, which must be included in documentation circulated to the community. Please consider due process, consistent with government policy of the past.

Yours sincerely,

John Bridgland
Honorary Secretary
THE NORTH ADELAIDE SOCIETY INC.

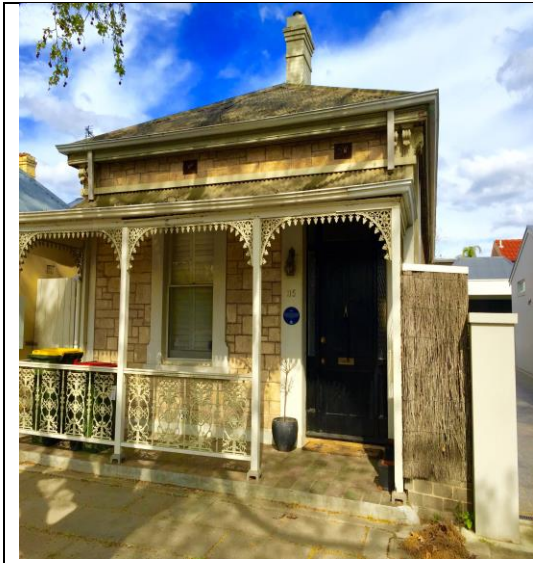

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P135

OUR HERITAGE IN SOUTH AUSTRALIA

HERITAGE DISCUSSION PAPER

**The Hon. John Rau MP
Minister for Planning
GPO Box 1815
Adelaide
SA 5000**

Dear Minister

I thank you for the opportunity to respond to the Heritage Discussion Paper.

I reject the State Government's Heritage Discussion Paper as a flawed document that fails to recognise the social value of South Australia's unique heritage and its contribution to the cultural life and economy of present and future South Australians.

There is no need for any change to the statutory system for the recognition and protection of South Australia's heritage places. The people of SA recognise the valuable contribution that Heritage buildings and places make to the cultural, social, environmental and economic value to our communities.

The Discussion Paper fails to recognize the

- **The social value of South Australia's unique Heritage**
 - **The contribution of Heritage to the economic and cultural life of present and future South Australians.**
 - **The valuable contribution made on Heritage by our local councils**
-

- **We want the people of SA to make decisions about South Australia's Heritage and NOT a faceless, remote and unaccountable board of so called experts appointed by Minister Rau.**
- **The present system for nominating for Heritage buildings to continue**
- **We want our Local Councils to make Heritage decisions**
- **We want the retention of Contributory items**
- **We want our Heritage preserved and not bulldozed for the benefit of developers**

Heritage belongs to all the people of South Australia. It is ours Minister and not just yours.

If you require any additional information about this submission please do not hesitate to contact myself.

I can be contacted as follows

Email

Telephone

Yours Faithfully

Tom Matthews

Past President Community Alliance SA

photographs by Tom Matthews

Pearce, Penny (DPTI)

From: Kay Leverett
Sent: Friday, 7 October 2016 12:20 PM
To: DPTI:Planning Reform
Subject: Re: Local Government Discussion Paper

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I have concerns with the attitudes to local heritage in the Local Government Discussion Paper. It read as though "Local" is to be subsumed into a State level directorate with members who may be experts in the theories but have no practical knowledge of the individual local areas in this State and are not accountable to the people who live in the local areas.

'Heritage' is the environment in which the individual lives, not just buildings with "official status"

I chose to go to Blackwood because of the 'differences'; such as the variety of housing styles and types; the large blocks, with trees; the variety of streets, widths, and pavements or not; transport by train; small shopping areas. Having lived there for many years, I find that my fellow residents have the same attitudes to our environment; our 'local' area. We know where we 'belong' and that we can make some impact on decisions at the local Council level.

So, please provide for consultation with the inhabitants of each local area, through their elected representatives at the Local Government level. This should happen, at least six months before any proposal is made at the State Government level.

Thank you,

Kay Leverett

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07 Oct 2016

DPTI

Department of Planning, Transport & Infrastructure
GPO Box 1815
Adelaide SA 5000

Sent via email: planningreform@sa.gov.au

To whom it may concern

Re: Local Heritage Reform Discussion Paper Feedback

The City of Port Adelaide Enfield hereby provides a draft submission on the aforementioned discussion paper. Due to the misalignment between Council's meeting schedule (next meeting to be held on 11 October 2016) and the submission deadline (7 October 2016), Council's administration will confirm if there are any subsequent changes to this draft submission.

Overall, Council considers that a review of the state's local heritage system is timely, due to the *Planning, Development and Infrastructure Act 2016*, and recent media interest for heritage listings in Port Adelaide.

The discussion paper's positive reference to the pilot heritage review (between Council and the Department) is appreciated, as is the Department's intent to start a conversation on local heritage, which is sometimes emotionally charged.

After considering the paper, some of its proposals are agreed with, although others would seem to warrant further consideration or elaboration. To this effect, specific comments are attached to this letter, along with the following general comments for your consideration:

- State Government's consultation framework – although a review of the local heritage system has previously been suggested by Minister Rau, it has not been explicitly specified how this discussion paper fits into an overall framework of consultation and engagement as regards heritage. This is in contrast to the more systematic consultation program for the draft *30-Year Plan for Greater Adelaide* update.
- Historic (Conservation) overlays – notwithstanding the paper's focus on Local Heritage Places, it was understood that all relevant parties had previously accepted the transition of Historic (Conservation) overlays into the Planning

and Design Code. It is unclear if existing overlays may be altered as a result of any local heritage reforms.

- Governance arrangements – although the paper avoids reference to general heritage governance, heritage listings seem directly rooted in the context of governance. It may be difficult to cleanly separate process from governance.
- Centralisation of decision making – the mooted expert heritage committee may lead to an increased top-down approach, in contrast to the locally-based nature of Council advocacy, significance to residents, and local representation by Elected Members.

Thank you for the opportunity to provide this draft submission. If you need any more information or would like to discuss this further, please contact Karen Cummings, City Development Manager on 8405 6727.

Yours faithfully

Sarah Philpott
Director Corporate Services

#	Topic	Response
1.	Status of existing Local Heritage Places (p. 2)	<p>The discussion paper advises that existing Local Heritage Places will be transitioned into the Planning and Design Code.</p> <p>Council welcomes this action.</p>
2.	New Local Heritage criteria (p. 3)	<p>The intent to consider revised heritage criteria (in line with national best practice) is generally consistent with the Port Adelaide Enfield Local Heritage Survey conducted in 2014.</p> <p>Council supports this proposal in principle.</p>
3.	Use of themes to guide future listings (p. 4)	<p>The intention for a theme-based approach is consistent with the Port Adelaide Enfield Local Heritage Survey conducted in 2014.</p> <p>Council supports this proposal in principle</p>
4.	Use of <i>Practice Directions</i> (p. 4)	<p>The paper indicates that <i>Practice Directions</i> are envisaged as a means of clarifying the more detailed aspects of the heritage evaluation and listing process.</p> <p>Provided that their content is clear and appropriate, <i>Practice Directions</i> could be useful for practitioners, as well as Local Government.</p> <p>However, as <i>Practice Directions</i> are not a designated instrument (under Section 70 of the <i>Planning, Development and Infrastructure Act 2016</i>) they would not be subject to Parliamentary scrutiny, despite being legally binding on Councils.</p> <p>Consistent with its past submissions on the state's planning reforms, Council seeks assurance that the drafting of <i>Practice Directions</i> will include an appropriate consultation process, with opportunities to challenge or review any given <i>Practice Direction</i>.</p>
5.	Heritage listing process (p. 4)	<p>The paper suggests that the listing process may be streamlined by simplifying the Planning and Design Code amendment process, along with new roles and relationships for the Planning Commission, its expert committee, accredited heritage professionals, and the community.</p> <p>Notwithstanding these suggestions, the listing process essentially still remains embedded within a planning and zoning system, rather than a dedicated heritage system (as used for State Heritage Places in the <i>Heritage Places Act 1993</i>). A new process that is genuine in its commitment to local heritage conservation needs to include emergency orders and the potential for immediate provisional listing, per the <i>Heritage Places Act 1993</i>.</p> <p>Council seeks that the new system for Local Heritage Places incorporates such features of the existing State Heritage listing system.</p>
6.	Interim operation (p. 5)	<p>The paper suggests that Interim Operation mechanisms may be inappropriate, especially if comprehensive consultation is undertaken in the very early stages of a listing process.</p>

#	Topic	Response
		Council is not entirely convinced of this, and seeks more details of a future heritage consultation framework (before forming a position on Interim Operation).
7.	Heritage registers (p. 5)	<p>The paper raises the question “Is a traditional local heritage register required?”</p> <p>It is unclear what specifically is meant by a ‘traditional’ register. With existing Local Heritage registers being reflected in Development Plans, the paper notes that listings will be reflected in future Planning and Design Codes (along with overlays and the electronic planning portal).</p> <p>If this is what was intended (as a supplement to traditional registers), Council does not object to the proposal. However, if some other alternative was intended, Council seeks this to be clarified.</p>
8.	Periodical review and updating of listed places (p. 5)	<p>The scope of any periodical review will require further explanation; it is unclear if this refers to a comprehensive review of existing listings (with a view to possible delisting), a technical updating of associated property data, or both.</p> <p>Should the proposal refer to a comprehensive review, the proposal is opposed, given that:</p> <ul style="list-style-type: none"> Existing Local Heritage Places transitioned in any case (even if they may not meet future criteria) New Local Heritage Places will be subject to a more rigorous process (envisaged by the paper) in any case. <p>Should the proposal refer to the updating of property data, the proposal is supported, provided that there is an efficient mechanism for such a process.</p> <p>Should a formal periodical review process be established, Council seeks that consideration is given to the resourcing demands that would be placed upon Councils; one example could be the costs of using accredited heritage professionals to review hundreds of existing listings.</p>
9.	Heritage character (p. 6) vs.	It is agreed that these concepts are subject to a degree of misunderstanding. However, the terms may not be as mutually exclusive as suggested by the paper. In some respects, the concepts overlap one another, and some localities are considered to demonstrate both concepts at the same time (which planning policy ought to accommodate). As such, further exploration and discussion of these terms is welcomed.
10.	Accreditation of heritage professionals (p. 7)	The paper proposes a number of functions that accredited professionals could perform, from being required to undertake the surveys, to making decisions on development applications. As Council’s experience with private certification has not been

#	Topic	Response
		<p>heartening, the expansion of this arrangement (even further into an area of greater subjectivity than Building Rules and Residential Code planning consent) would be an area of significant concern.</p> <p>Council therefore opposes the notion of accredited professionals being granted (additional) decision making power, including for private certification of development applications.</p>
11.	Demolition of Local Heritage Places (p. 7)	<p>The paper asks whether demolition of Local Heritage Places should be assessed through a merit development process (in contrast to a non-complying process).</p> <p>Demolition of Local Heritage Places is non-complying in the City of Port Adelaide Enfield, and has been so since 1999. This arrangement has worked satisfactorily, hence there is no Council desire to change this arrangement.</p> <p>As the non-complying process still allows for an assessment on merit (in effect), a non-complying status for demolition is not necessarily absolute. In this light, the non-complying process provides an appropriate level of protection for listed places.</p> <p>Council therefore opposes any change to the non-complying status of demolition for its Local Heritage Places.</p>



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07 Oct 2016

DPTI

State Office

30 Dequetteville Tce
Kent Town, SA 5067

Phone 08 8332 4166

Fax 08 8364 3050

Email sacwa@sacwa.org.au

Website www.sacwa.org.au

ABN 84 028 749 294

6/10/2016

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

Dear Minister

LOCAL HERITAGE DISCUSSION PAPER

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

The South Australian Country Women's Association with property located in the City of Norwood Payneham & St Peters submit the following concerns.

1. Concern that heritage decisions will be consolidated under one body ie the new South Australian Planning Commission. Although at present the final decision is with The Minister, Councils are still very much involved in the listing and protection process. There is a danger with the proposed 'reform' this involvement will be removed and very much decreased as to make the Councils input ineffective.
2. It is agreed that a single integrated register of heritage sites which would include state and local council sites, be administered by the new South Australian Planning Commission.
3. The Discussion Paper does not address the fact that there is no integrated statute for heritage laws, nor is updating terminology satisfactorily addressed
4. A proper, audited listings of existing heritage sites should be prepared, as in the Discussion Paper.

5. Concern that 'capping' the number of heritage sites in an area will have a negative and long lasting impact on the 'landscape' of an area. In the NPST area, there are State Heritage Places, 664 Local Heritage Places 2 Historic Zones, and 1754 Contributory Items. If reforms such as 'capping' was to be put in place, there is potential for significant negative impact on the protection of heritage buildings and zones.
6. The Discussion Paper has not taken into account the positive impact that heritage makes in our society-culture, lifestyle, tourism, etc. Is the current heritage framework as inadequate as the Discussion Paper suggests or implies?
7. There was no opportunity, with the targeted release of the Discussion Paper, for community engagement, which is disappointing.

Your consideration of the above is urgently requested.

Yours faithfully,

Linda Bertram
State President
The South Australian Country Women's Association Inc

Our Ref: MEH:JS

P139

7 October 2016

Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
ADELAIDE SA 5001

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07 Oct 2016

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ABN 89 209 759 568
Level 2, 15 Bentham Street
Adelaide, South Australia 5000
T +61 8 8231 0088
F +61 8 8231 0355
reception@gropehamiltonlawyers.com.au
www.gropehamiltonlawyers.com.au



Dear Sirs,

Discussion Paper: Renewing our Planning System – Placing Local Heritage on Renewed Foundation (“the discussion paper”)

I make submission on behalf of myself, my wife Deborah Hamilton and our children Alexandra and Airlie Hamilton.

I refer to the request for high level ideas and feedback from experts and practitioners involved in local heritage practice in South Australia. I have had extensive involvement in the listing, protection and management of local heritage in this State through the instrumental role which I play in the creation of the first local heritage list in the City of Adelaide (then known as “townscape” items) through my role as chairman of the 1989 City of Adelaide Development Plan Review.

This saw the introduction for the City of Adelaide of the first local heritage list of 1,300 buildings in the State which then spread through the State through the revised planning legislation in 1992. This has subsequently served as a model throughout Australia.

The discussion paper is predicated on the basis that the current excellent community based system is flawed and in need of reform.

That, in my opinion, is far from the truth. It is, I suspect, borne out of a political predetermination to limit and cull the number of local heritage buildings in South Australia on the assumption that they are a bar to development.

At present, there are only 8,000 or so local heritage buildings in the State which would represent less than 1% of the total building stock of the State. With all but a very small percentage of the listed buildings, there is, in any event, significant opportunity for infill development on site.

It would take a radical development at all costs enthusiast to accept the argument that these heritage listings are a bar to development on any cursory investigation of the underlying facts. The economic activity associated with maintaining and upgrading heritage items is to the contrary very significant.

The current criteria are excellent and properly reflect the community's expectation that all buildings of local architectural, historical and cultural significance will be eligible for listing.

The plan, expressed in the discussion papers, to “reform” the criteria in order that only “representative gem” examples of local heritage are listed discloses the real purpose of the review. This would result in a major cull of the existing listings, as is foreshadowed.

7/10

LAWYERS

Rino Marrone LL.B.
Peter Grope LL.B.
Mark Hamilton
LL.B., LL.M. (Comm.), MBA, PCMC
Theo Kadis LL.B.
John Danvers LL.B.
Lachlan Andrews LL.B., B.Ec
Anthony Kerin LL.B., GDLP
Nick Baldock LL.B.
Tonia Karagiannis LL.B., B.Ec, GDLP
Colin Dorrian B.A., LL.B. (Hons), GDLP
Lorenzo Mazzocchi
BEng (Hons) LL.B., GCLP
GradCertMgmtResLit
Alexandra Wright B.A., LL.B., GDLP
Erica Panagakos LL.B. (Hons), GDLP
Rohan Vardaro LL.B., GDLP

CONVEYANCERS

James Bidstrup
Jeni Branolt Adv. Dp. Conv.

NOTARY PUBLIC

Lorenzo Mazzocchi

ACCREDITED MEDIATOR

Mark Hamilton

AREAS OF PRACTICE

Business and Commercial Litigation
Business Transactions and Advice
Civil Litigation
Employment Law
Family Law
Personal Injury and Criminal Law
Property, Conveyancing and
Commercial Leasing
Wills and Estates
WorkCover

FIRM'S OBJECTIVE

To provide prompt, personalised,
cost efficient and commercially
relevant legal advice.

LIMITED LIABILITY

Liability limited by a scheme
approved under Professional
Standards Legislation.

The question of what is local heritage is a matter which should be determined, as it is now, by local communities through their local councils. This is as it should be and should remain. Local heritage is the "People's heritage" unlike state heritage.

State heritage is different in that it is an attempt to retain buildings of importance to the State. That system is administered by the State.

Beyond the contribution which local heritage buildings make to the character, liveability and desirability of local areas, they reflect the history of Australia and its regions. This cultural sense of place and belonging, is extraordinarily important to people in our community.

To allow demolition on merit of local heritage items is to deliberately invite the progressive demolition of local heritage. This must be well understood by the craftsmen of these proposals and by the Minister for Planning, Mr Rau.

In my observation, the Minister's intent is also very well understood by the National Trust of South Australia and also the general public. Just about everybody I know is aware of and talking of the Government's proposal to allow and encourage demolition of local heritage.

The only change which should be made at this point is to reinstate or instate the absolute prohibition against demolition of local heritage items across the State. For example, the Minister recently, without public knowledge, removed the absolute ban against prohibition in areas of the CBD. The response to the current proposals should inform the Minister that that move is clearly contrary to public sentiment.

I **enclose** herewith, as part of my submission, a copy of an opinion piece of mine entitled "Mark Hamilton: Planning Minister John Rau's push to change Heritage Laws could result in demolition of 7,500 buildings across SA", published by The Advertiser 6 September 2016.

I have also read the submission of Dr Jane Lomax-Smith which we adopt by way of general background.

Yours sincerely,



Mark Hamilton
Managing Partner
Mobile: 0412 842 359
Direct Email: mhamilton@gropehamiltonlawyers.com.au

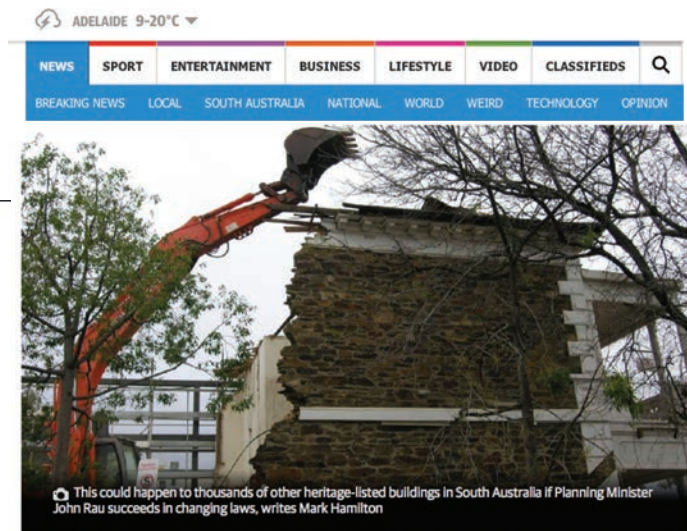
The Advertiser

Opinion

Mark Hamilton: Planning Minister John Rau's push to change heritage laws could result in demolition of 7500 buildings across SA

Mark Hamilton, The Advertiser

September 6, 2016 4:17pm



[Forum to save state's heritage buildings](#)

[Norman Etherington: National Trust 'appalled' by proposed changes](#)

THE State Government's anti-heritage position paper, Placing Local Heritage on Renewed Foundations, would result in the demolition of up to 7500 local heritage buildings across South Australia, leaving only 500 "rare" representative gems as a memento.

Make no mistake, a close examination of this policy document, by those who understand this policy area, shows that it is a wolf dressed up in sheep's clothing. It is shocking spin. Take no notice of the denials by the State Government without examining the paper.

[READ THE HERITAGE POSITION PAPER HERE](#)

Here is why the demolition derby would be on for young and old; and much faster than you think;

REMOVAL of demolition protection for South Australia's 8000 local heritage items.

DELISTING of the vast majority of the 8000 buildings following a foreshadowed state government review of their eligibility to remain listed. This is to be judged under the replacement criteria which will only allow "rare" representative gems to be listed.

This contrasts disastrously with the position, for the last generation of South Australians, where all buildings of local architectural, historical and cultural merit are eligible for listing at the request of local communities through their councils.

REMOVAL of the local heritage listing role from local communities to North Terrace bureaucrats, working at the direction of the State Government through the Minister of Planning. Judging by the reluctance of the current minister to list new local heritage, this would be the effective end of listing; when much local heritage remains to be listed around the state. Good luck to any local community wanting to list its' local heritage in the future.

This proposed retrospective change of the laws of the state, in relation to local heritage protection, would be an unconscionable breach of faith by the State of South Australia, and its parliament, towards its community, which will cause people actual economic, lifestyle and, also, emotional harm.

Tens of thousands of South Australians have purchased homes and invested money over the last generation on the basis that certain buildings, streetscapes, neighbouring buildings and areas are heritage protected. Will the State Government offer compensation to people who suffer loss or who wish to move?

Will the State Government give the Adelaide City Council and its community back the \$25 million or more that council and its ratepayers have granted to the owners of the 1500 or so local heritage items for heritage restoration in the square mile and North Adelaide over the last three decades? These grants would become thing of the past.

Get out and encourage your local councils to fight this tooth and nail.

Mark Hamilton is a former Deputy Lord Mayor of Adelaide who practices as lawyer in Adelaide.

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PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Submission on the Local Heritage Reform Discussion Paper

Adelaide Hills Council
11 October, 2016

Adelaide Hills Council's Position: Summary

Adelaide Hills Council (AHC) recognises that the Minister for Planning's Local Heritage Discussion Paper is the beginning of a conversation. Given the rather general and imprecise nature of the Discussion Paper, Council is keen to be a participant in the anticipated process of creating a Heritage System which reflects the heritage character of the State, in a beneficial social, environmental, aesthetic and economic context. Council is also keen to explore how the sensible and practical aspects of the Discussion Paper can be expanded to include some of the Paper's less precise and less considered aspects.

Council's staff and elected members have participated in the various workshops and discussion opportunities, and generally support the position outlined by the Local Government Association of South Australia.

Council is particularly keen to see recognition of the importance of maintaining the heritage character found within Adelaide and other towns and localities within South Australia. As other cities and regions follow the paths of modern and commercial architecture, the historic character of this State is considered to be a "**point of difference**" which can form a solid base for future tourism marketing, and the attraction of businesses seeking a less 'pointy' and 'modern edgy' place to establish their headquarters. Protecting this character is therefore of paramount importance whilst seeking ways to streamline the development assessment process involving such local heritage places.

The position outlined by the Local Government Association of SA forms the basis of our Council's position with regard to local heritage matters as detailed in comments below.

Introduction:

The Minister for Planning's Local Heritage 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.

Context:

As noted by the LGASA, the statutory and strategic framework, and objects and principles of the Planning Development and Infrastructure Act (PDI Act) values the ongoing protection of local heritage and recognise its social, cultural, and economic value. Similarly, the draft update of '*The 30-Year Plan for Greater Adelaide*' values an approach which seeks both increased urban infill and the preservation of existing heritage and character value.

The Local Heritage Discussion Paper:

Council is particularly keen to see recognition of the importance of the heritage character of South Australia. As other cities and regions follow the paths of modern and commercial architecture, the historic character of this State is a "**point of difference**" which can form a solid base for future

tourism marketing, and the attraction of businesses seeking a less ‘pointy’ and ‘modern edgy’ place to establish their headquarters.

The LGA further notes that “*while some specific reforms and policy directions suggested by the Local Heritage Discussion Paper are supported by local governments, significant concerns exist about the processes and levels of consideration and consultation to date*”. AHC shares the LGASA’s concerns and suggests that, prior to developing a draft Bill incorporating local heritage reforms, further consideration, clarification, and consultation is required in relation to:

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

“Importantly, appropriate consideration of these issues requires a program of consultation with sufficient time and information for 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.”

Context for heritage reform:

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 1** below.

Table 1: Summary of Expert Panel Heritage and Character Reforms¹	
<i>Our Ideas for Reform</i> August 2014 (Reform 10)	<i>The Planning System We Want</i> December 2014 (Reform 8)
10.1 Heritage recognised as relating to place, culture and community development, not simply physical structures	8.1 Heritage laws consolidated into one integrated statute
10.2 Heritage laws consolidated into one integrated statute	8.2 Heritage terminology reviewed and updated as part of new 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	8.3 An integrated statutory body replacing existing multiple heritage bodies, with links to the state's cultural institutions
10.4 Governance arrangements that embrace the capabilities and expertise of the state's key 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
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	8.5 A legislated heritage code of practice to outline how listed properties should be described, maintained and adapted
10.6 A legislated heritage code of practice to outline how listed properties can be 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
10.7 Legislative basis for accredited heritage professionals to undertake specified regulatory functions for private property owners on a similar basis to private certifiers	8.7 Audit of existing heritage listings to better describe their heritage attributes
	8.8 Stable, long term financing of heritage with

¹ *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

10.8 Audit of existing heritage listings to better describe their heritage attributes	discounts on property-related taxes and a heritage lottery providing the basis for heritage grants
10.9 Consideration of financial subsidies such as discounts on property-related taxes for private owners of listed properties	

While the LGA's subsequent consultation indicated general support amongst metropolitan Councils for the key planning reform ideas in this instance, 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. Council's position in this regard is that the Minister and DPTI must ensure that this does not become the case, and that any heritage controls are both pragmatic and efficient but do not result in the denigration of local heritage places or neighbourhoods.

Local Government's Position on local heritage in general terms:

The Adelaide Hills Council 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.

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, promotion 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.²

Local governments support the principles of good planning as 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.

² 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.

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 provide incentive for their restoration and use.

Conversely, urban infill 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 Local Heritage Bill incorporating local heritage reforms, local governments are of the view that further consideration, clarification, and consultation is required in relation to:

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

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

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

Local Government's response to the Discussion Paper:

The LGA's consultation process on the Discussion Paper clearly reflects the position of Council's which have been vitally involved, along with their communities, in identifying and retaining their

essential historic and heritage character and places. AHC agrees with the LGA's position as indicated in Tables 2 and 3 below.

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

Table 2: Reform areas and key messages from local governments – a summary of the main areas of concern and key messages communicated by LGA workshop participants

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

Legislative and strategic context

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.*³

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. 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 3**. What is of importance at this juncture is to ensure that these goals and objectives flow through to the proposed heritage controls to ensure the protection of existing heritage character.

³ PDI Act Section 12 (1)

Table 3: Principles of good planning under the Planning, Infrastructure & Development Act 2016

<i>Theme</i>	<i>Summary of relevant principles</i>	<i>Links to local heritage management</i>
Long-term focus	Informed and equitable long term planning to address current and future challenges and priorities	The role of heritage conservation as a long term priority for the benefit of current and future generations
Urban renewal	Accommodation of urban growth in existing urban areas through renewal activities that make best appropriate use of the latent potential of land, buildings and infrastructure	Opportunities for realising latent potential in heritage places through conservation, continued use and adaptive reuse
High-quality design	Development that: <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

The 30-Year Plan for Greater Adelaide

The draft update to The 30-Year Plan for Greater Adelaide released for community consultation by the Planning Minister on 25 August 2016 maintains the broad directions set out in The 30-Year Plan released in 2010, while 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 4** below. It is considered that the impacts of infill developments on existing heritage character could be significant if not managed correctly. Of note is the fact that “character” of neighbourhoods and localities is mentioned in many of these targets. What will therefore be crucial to achieving these targets is ensuring that there is good solid policy in place to guide development assessment processes involving local heritage places.

Table 4: Summary of heritage related content of the draft update of The 30-Year Plan for Greater Adelaide

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

Table 4: Summary of heritage related content of the draft update of The 30-Year Plan for Greater Adelaide

<i>Policy theme</i>	<i>Policies/Actions</i>
<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>
<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>

Addendum: Thoughts on the Local Heritage Discussion Paper 2016

As noted by the LGA:

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.

A distinct deficiency is that 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 5 and 6 below summarise the reform opportunities raised in the Discussion Paper, along with potential benefits and challenges/risks of the proposed approach as identified by the LGA. Reforms are grouped in relation to local heritage listing (L1 to L6) and development assessment (D1 to D7).

Table 5: Discussion Paper Reforms - Local Heritage Listing

<i>Ref</i>	<i>Reform opportunity</i>	<i>Benefits</i>	<i>Challenges/Risks</i>
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>⁴</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>
L2	<p>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>	<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>	<p>Ensuring local values are incorporated in development of broader themes</p>
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>

⁴ The Discussion Paper suggests:

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

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

Table 5: Discussion Paper Reforms - Local Heritage Listing

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

Table 6: Discussion Paper Reforms – Development Assessment

<i>Ref</i>	<i>Reform opportunity</i>	<i>Benefits</i>	<i>Challenges/Risks</i>
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 ⁵	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

⁵ In reference to reform opportunity D1, the Discussion Paper notes the following distinctions:

Table 6: Discussion Paper Reforms – Development Assessment

<i>Ref</i>	<i>Reform opportunity</i>	<i>Benefits</i>	<i>Challenges/Risks</i>
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
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

***“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**”.*

Table 6: Discussion Paper Reforms – Development Assessment

<i>Ref</i>	<i>Reform opportunity</i>	<i>Benefits</i>	<i>Challenges/Risks</i>
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

Lastly, below is an example from the Victoria planning system which shows how heritage places are listed in their planning schemes. This is considered to be a good approach which could be followed in our State in order to provide clarity around assessing developments involving heritage places.

Example table of controls from a Victorian planning scheme⁶

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	–	–

⁶ Excerpt from the *Heritage Overlay Guidelines* published by the Victorian Government Department of Sustainability and Environment, January 2007

Pearce, Penny (DPTI)

From: Peter Bosi
Sent: Friday, 7 October 2016 1:11 PM
To: DPTI:Planning Reform
Cc:
Subject: STATE GOVERNMENT PROPOSAL FOR LOCAL HERITAGE REFORMS
Importance: High

RECEIVED
07 Oct 2016
DPTI

From: Mr W Bosi & Mrs D.Bosi

To whom it may concern,

Our dwelling has been placed in the Conservation Zone in the Norwood Payneham & St Peters Council.

We were strongly against at the time our dwelling was put into this zone and are still strongly against it. We made a passionate submission to council when it was first proposed but the Council did not listen to our well-presented case at the time.

We have lived in the house for almost 40 years and do not intend to make any changes to the dwelling in the next few years but this could change in future years.

However having the house placed in this Zone we are restricted to make changes to the property.

As land owners who have poured our life savings into the property surely we deserve the right to be allowed to make decisions on the property without this obstacle hanging over us.

We have made improvements to the home and it is our Castle so we have invested heavily into making it the best house possible.

With this we have put money at the front of the property to make it well presentable.

We have made changes to the house both internally and externally to make more liveable and to bring it into 21st century.

Therefore our house does not deserved to be in this Zone

We look forward to the State Government intervening into this area and bringing back some sanity, common sense to this debate.

The NPSP Council in particular Mayor Bria has taken the pig headed approach to this matter and not willing to look at genuine individual cases.

We are all for Heritage buildings, building of significance, yes all should be done to protect these places.

However to put a whole area/street in a zone is not sensible or right. Our dwelling at _____ does not fit into this Zone.

We are willing to make another submission to re-present our case, state the facts that our dwelling at _____ does not constitute to be in Conservation Zone.

Please please please we beg State Government to take on this matter on our behalf and fight the NPSP all the way. We look forward to next step and contact from State authorities to hopefully change these unmanageable Conservation Zones.

Best regards

Peter Bosi on behalf of Mr. & Mrs Bosi

Import Export Planner **San Remo Macaroni Company Pty Ltd**

Pearce, Penny (DPTI)

From: Alison Wood
Sent: Friday, 7 October 2016 1:56 PM
To: DPTI:Planning Reform
Subject: Local Heritage Reforms

RECEIVED 07 Oct 2016 DPTI

Dear Sir

I would like to register that I am not happy with some of the proposals put forward by the State Government in the Local Heritage Discussion Paper. In particular what I can see as the potential taking away more and more control of heritage matters and putting it into the hands of fewer and fewer so called "experts".

I fear there will be less recognition of existing heritage buildings in order to make way for more dense "modern" apartment living which will in some cases completely change the character of some areas.

I know for a fact that tourists coming to South Australia are enchanted with the older style homes and suburbs and I think it would be a great pity if we, for the sake of expediency were to loose the old charm which, once taken away, can never be returned.

I totally support the concerns the Norwood, Payneham and St Peters Council raised in their letter dated 8 September 2016 circulated to local residents.

Yours faithfully

Alison Wood

Ms Anita Allan,
Manager, Planning Reform,
Development Division,
Department of Planning, Transport & Infrastructure,
Level 2,
211 Victoria Square,
Adelaide, 5000.

The Secretary,
Kensington Residents' Association Inc.,
Mr A Dyson,
42, Regent Street,
Kensington, 5068.
7th October 2016.

RECEIVED

07 Oct 2016

DPTI

Re: Local Heritage Discussion Paper

Dear Anita,

Kensington Residents' Association appreciates the opportunity to participate in the consultation process regarding the Local Heritage Discussion Paper. However, we wish to reinforce our comments around the timeframe given for consultation and review. We believe it is unreasonable to request feedback within such a short timeframe. We suggest that a minimum of six months should have been provided for public consultation and debate given the importance of this matter and request that the consultation be extended accordingly.

Our Association made a number of detailed submissions during the Expert Panel's review process and in response to the proposed legislation arising from the review. One of the most important matters raised in each of our discussions were comments and concerns in relation to heritage matters.

In response to the discussion paper, our Association provides the following comments:

Local Heritage Listing Process

A simple process is required for the listing of Local Heritage items. The current Development Plan Amendment (DPA) process is not only complex and time consuming but it also precludes individuals and organisations from nominating items. It is a serious anomaly that anyone can nominate an item for State Heritage listing but the public is unable to nominate an item for either Local Heritage or Contributory status.

Local government should retain responsibility for local heritage listing, in consultation with local communities. The determination of what constitutes local heritage is best decided by local communities.

It is vital that interim heritage protection remains for properties under consideration for local heritage listing. Failure to impose interim protection will result in the wholesale destruction of buildings proposed for heritage listing.

Local Heritage Listing Criteria

The suggested criteria in the discussion paper and the lack of detail regarding its execution risk the loss of local heritage items. We want more protection not less.

We have concerns over how local 'Themes' are produced, and subsequently maintained as accurate, and applied locally. Where do the resources come from, who has the expertise, who is charged with accrediting experts to undertake this work, and how do experts engage with the community if not directly associated with local government? Local heritage is what local people believe to be their heritage. Accordingly, different criteria are to be expected in different areas and between different councils. Diversity is important to local heritage. When it comes to local heritage, one size does not fit all. Protection of heritage should be absolute whatever the council area but the nature of local heritage is bound to differ widely.

In the documents released it was very unclear as to how this new process would assess existing heritage items. Do these themes override the existing criteria and are buildings currently listed now under threat of being removed from local or state registers? The justification for this new assessment process also suggested there are presently too many properties listed as having heritage significance. We do not believe local heritage listings should be determined based on the rarity of an example either within the local area or the broader area. To say that we have plenty of examples of a particular style of building within an area, and that they are over represented will eventually destroy the character of an area.

What is important in our inner suburbs in particular, such as Kensington, is that we have an extraordinary collection of early buildings. From an international perspective, it could easily be argued that our grand public buildings that are given state and national heritage recognition are not particularly important examples compared to those that exist elsewhere. What is more important, is our collection of early stone buildings demonstrating the building techniques of the time in an emerging nation. It is imperative that all examples are retained.

Demolition on Merit

The suggestion to allow "demolition on merit" is dangerous. On what basis would it be allowed and who would determine the merit? Would the merit of the proposed development be more important than the merit of local heritage listing as determined by the community?

Local heritage listing provides stability and certainty, the introduction of "demolition on merit" would in turn introduce heritage uncertainty. Those in the development industry like uncertainty as it introduces the possibility of windfall profits for developers. Such windfall profits are grossly unfair to the community and people that have sold their properties in good faith based on their heritage status.

Historic Conservation Zones

Kensington was designated an Historic Conservation Zone in 1994 following recognition of the built heritage and history of the former colonial village. The designation was fully supported by Council and was championed by a former mayor.

There is no mention regarding the future of Historic Conservation Zones (HCZ) in the discussion paper. Such zones are the foundation for preserving what we love and appreciate. Heritage is not just about landmark buildings but, more importantly, about groups of buildings that contribute to the character of an area. This grouping of buildings is at the core of Historic Conservation Zones.

The loss of Historic Conservation Zones would weaken the existing controls that protect buildings from demolition and will see inappropriate infill development within historic areas.

Contributory Items

The existence of Contributory Items within Historic Conservation Zones enables us to keep whole blocks intact. Unless Contributory Items are to be upgraded to Local Heritage items it is critical that Contributory Items are retained and continue to receive at least the same level of protection that they currently have under the Norwood Payneham & St Peters Development Plan.

In the Kensington Historic (Conservation) Zones we have 7 buildings, a bridge and a drinking fountain listed as State Heritage Items (highlighted in blue on the attached map), approximately 80 Local Heritage Items (highlighted in pink) and approximately 210 Contributory Items (highlighted in green).

The distinction between Local Heritage and Contributory status is difficult to understand and at times somewhat arbitrary. If a building contributes to the character of the streetscape it should be preserved, for to allow its destruction reduces that character. There are very significant inconsistencies in the classification of items as Local Heritage or Contributory within Kensington. By way of example:

- one of the few remaining 1850s settlers' cottages is only classified as a Contributory Item;
- two identical adjacent 1870s dwellings built by the same builder: one is a Local Heritage Item, the other a Contributory Item.

There are other examples of serious inconsistencies and also a number of buildings that should have some sort of listing but for some reason do not. These buildings demand attention so as to protect and preserve them from demolition or inappropriate development.

Without all its Contributory Items the Kensington HCZs would not have any integrity. In reality all Contributory Items in an Historic Conservation Zone should be reclassified as Local Heritage Items.

If Contributory Item status is to be retained it needs a simple process to review the appropriateness of Contributory Item listing and to upgrade from Contributory to Local Heritage without going through the complex and time consuming Development Plan Amendment (DPA) process. The same applies for the nomination of items for either Local Heritage or Contributory status. We need a simple nomination process that any member of the public or organisation can use. The existing process precludes other than nomination through a DPA that must be initiated by Council. It is a serious anomaly that anyone can nominate an item for State Heritage listing but the public is unable to nominate an item for either Local Heritage or Contributory status.

Streamlining Development Assessment Processes

There is an opportunity to streamline minor, low risk works to heritage places. They could be reviewed by a Council's heritage architect/advisor and if deemed to be:

- minor in nature;

- not damaging the heritage fabric as viewed from the street; or
- minor upgrades such as re-roofing in an appropriate style or the replacement of a fence with that of an appropriate style,

they could be approved without the need for formal assessment through the development assessment panel and either without cost or at minimal cost as an encouragement to the owners of local heritage properties.

Executing the Plan

The Kensington Residents Association was fortunate enough to be invited to two sessions with DPTI staff and other local government groups as part of the consultation process. While these sessions gave a better understanding of the intent of the discussion paper they also raised some serious concerns. While the discussion paper introduces interesting concepts regarding heritage being viewed through themes and the engagement of experts to improve understanding around heritage, there was no understanding, either within the paper or from any staff we met, as to how any of these ideas would or even could be executed.

It is our understanding there is presently no authority that could regulate the certification for heritage experts to undertake the work proposed. Feedback in discussion groups also confirmed the expertise does not presently reside within local government. The task of preparing these theme documents for the entire state is an enormous undertaking and we would question if the expertise even exists within the state to undertake this. Without this expertise how is it possible to ensure any of the proposals in the discussion paper are executed appropriately? There is no mention of how any of this work is funded and there are other comments in this paper around additional resourcing for existing authorities, an opinion confirmed at the presentation to local government and community representatives.

As mentioned earlier, understanding local context is vital when developing appropriate heritage assessment criteria. We are concerned that the state government's broader agenda to remove decisions around planning away from local government implies these changes to heritage assessment will also be shifted away from local government and the communities they represent. This would seriously compromise the integrity of all the proposed changes raised in the discussion paper. The lack of clarity around these issues simply reinforces the need for extended consultation and further development of the discussion paper before any further steps are taken.

Improving the Recording of Local Heritage Places

An integrated heritage register should list all State and Local Heritage Places. It should be managed under a Heritage Act by an appropriate heritage authority, such as the Heritage Council, not by the Department of Planning, Transport & Infrastructure. The heritage authority should be allocated sufficient resources. This point was reinforced by DPTI staff during our consultation sessions, however there seemed to be no understanding as to where this resourcing would come from. Such an authority should work with local councils and communities on matters of local heritage. It should ensure that heritage status cannot be removed on invalid or spurious grounds. As an example, Local Heritage status was removed from one of Kensington's most significant

corner buildings (296 The Parade) because the owner objected on financial grounds. This is not a valid reason.

The heritage authority should have the final say on heritage listing not the Minister of Planning.

Broad Strategic Objectives of the State

The discussion paper suggests that the “listing of local heritage places will need to be considered in balance with the broad strategic objectives of the State”. This is a dangerous suggestion. If a building or some other feature is considered to be of local heritage significance, that significance does not change because the current government would like to see some sort of development. In such a case heritage listing and preservation becomes a matter of importance only if it is convenient.

Adaptive Reuse

The adaptive reuse of heritage properties should be encouraged and it should not be necessary for the appropriate redevelopment of heritage properties to meet all modern building code requirements.

Intentional Neglect of Heritage Properties

There is a need to address the long term neglect of Local Heritage and Contributory Items by owners in an attempt to gain demolition approval as they argue that they are beyond repair at a reasonable cost.

Heritage Listing & Property Values

The discussion documents released seem to suggest properties which are identified as having heritage significance are somehow at a disadvantage. Within Kensington it is quite clear that heritage properties that are restored in an appropriate fashion in keeping with their heritage character command very large resale values. The heritage character of the Kensington village has transformed Kensington from a neglected run down low value suburb in the 1970s to a highly desirable and quite expensive area today. The value and character has been created by many of the existing residents and the efforts of our Association in fighting for the preservation of our heritage. Developers then come in and profit from the value created by residents and attempt to destroy the heritage character for their own gain, at the expense of existing residents.

Jobs & Growth

The discussion paper suggests nothing to enhance heritage protection. All suggestions point to heritage destruction and gains for only one segment of the economy, the property industry, to the detriment of other sectors.

The renovation industry constitutes a larger portion of the state's GDP than the new home market, but it is comprised of small or medium businesses that do not have the ear of Government. The renovation of old buildings creates more jobs than new building using industrialised components.

Conclusion

Fundamentally the discussion paper shows no evidence that the proposed changes will advance the cause of heritage and heritage protection. It appears, instead, that it aims to water down protection of our built heritage for the benefit of the development industry. It claims that the local heritage system is “broken” in order to justify reforms, but provides no evidence to support the claim.

There is no discussion around the positive contribution that heritage makes to our society, in terms of lifestyle; the economy; tourism; and a “sense of place”.

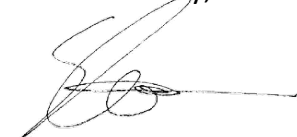
It threatens to cause significant and irreversible damage to the character of Adelaide’s older suburbs and that of the older towns or older parts of towns throughout the state.

Our Association sees this discussion paper as the most serious attack on the heritage of the City of Norwood, Payneham & St Peters in the past forty years. In particular it is a serious threat to the integrity of the Kensington Historic Conservation Zone and its heritage that residents have fought so hard to preserve and protect.

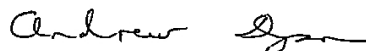
As suggested above we request that in order to allow for proper public consultation, that the consultation period should be extended to six months and that DPTI should begin a proper and genuine consultation process.

In conclusion our Association seeks the strengthening, not the weakening of heritage protection in South Australia and we would be happy to discuss the issues raised in this submission.

Yours sincerely,



Stewart Caldwell
President (0402 044 118)



Andrew Dyson
Secretary (8331 9654)

cc Mr John Rau, Minister of Planning
Mr Steven Marshall, Member for Dunstan
All Members of Parliament
City of Norwood, Payneham & St Peters
Community Alliance South Australia
National Trust





Fig Her/24 ADJOINS

- State Heritage Place
- Local Heritage Place
- ▲ Contributory Item

Mixed Use Historic (Conservation) Zone
11.3 Kensington

Residential Historic (Conservation) Zone
12.8 Kensington 1
12.9 Kensington 2
12.10 Kensington 3

———— Policy Area Boundary
- - - - - Development Plan Boundary



Scale 1:5000

0 200metres

NORWOOD PAYNEHAM AND ST PETERS (CITY) STATE AND LOCAL HERITAGE PLACES AND CONTRIBUTORY ITEMS

Fig Her/23

Consolidated - 31 October 2013

RECEIVED
07 Oct 2016
DPTI

Carol Faulkner

7 October 2016

Planning Reform Team
Department of Planning, Transport and Infrastructure
Government of South Australia
via email: planningreform@sa.gov.au

RE: Local Heritage Discussion Paper

To whom it may concern,

Please accept this letter as my submission on the Local Heritage Discussion Paper.

I fear the impetus for proposed changes to local heritage is to free up further areas of metropolitan Adelaide for urban infill to achieve the population and housing targets of the 30-Year Plan for Greater Adelaide.

As someone who cares about the environment, I agree with the South Australian Government's imposition of an Urban Growth Boundary. With regards to urban infill, I also agree with sustainable development of disused hard-top areas such as former industrial sites. Bowden Village is a good example.

Where urban infill becomes unsustainable and indeed detrimental to the health and wellbeing of the population is when it encroaches on green open spaces and natural landscapes which includes the back yards and gardens of thousands of properties across suburban Adelaide.

It is well known that large-scale replacement of trees and green spaces with hard-top development has adverse impacts due to:-

- Increasing the heat-island effect
- Increasing stormwater run-off and associated flood risk
- Loss of biodiversity
- Loss of spaces for formal and informal physical activity
- Reduced capacity for people to fulfil an innate human need for connecting with nature, resulting in loss of wellbeing and quality of life

As well as protecting the natural elements of our urban environment, it is just as important to protect the features that reflect our social history. The preservation of buildings and areas that contribute to the historical fabric of a city's evolution is the hallmark of good planning. Such buildings and areas are worthy of protection not only in a historical sense, but also in their own right as things of beauty, character, interest or functionality for future generations to enjoy.

For these reasons, I am very concerned about any proposal that threatens Heritage Items or Historic Conservation Areas.

In terms of providing housing choice, Historic Conservation Areas are important to maintain ample stock of older-style homes on larger blocks which many people still prefer.

There is rising awareness of the importance of outdoor play for children in a natural setting to provide much-needed diversion from indoor activity dominated by electronic devices. Growing one's own produce in the back yard is also experiencing renewed popularity. People want housing choice, and for many families that means a house on a decent-sized block with a yard for their children to play in and perhaps to grow vegetables and keep chickens.

I very much agree with statements made by the Minister for Planning, Deputy Premier Hon John Rau, about the importance of protecting and preserving character areas:-

*"I am opposed to 'two for one' infill in character areas, and the only way we will stop this is to **protect character suburbs** and allow medium to high density in other places."*

- ABC 891 radio 18 February 2013

*"We want to create vibrant communities, housing choice, thriving main streets, reduced transport costs and emissions while **protecting character areas**."*

- News Release by Deputy Premier John Rau 5 May 2015

"Our character suburbs need to be preserved. The current patchwork approach of subdividing random blocks of land in two-for-one development needs to be refined."

- *The Advertiser*, 8 September 2015

*"What we want to offer to communities is yin and yang. One side of the equation is **(protecting) the classic character areas**."*

- *The Advertiser*, 25 August 2016

It is imperative that Historic Conservation Areas and Residential Character Zones are protected to provide housing choice and to preserve historic areas in their own right. This aligns perfectly with state government policy, as evidenced by Mr Rau's comments.

I urge the South Australian Government to put the health and wellbeing of its citizens first, ahead of trying to achieve arbitrary housing and population targets in the 30-Year Plan. No good can come from achieving a target when the end result is a reduction in quality of life that impacts on the physical and mental health of the population, which in turn adversely impacts the economy.

Adelaide consistently rates among the most liveable cities in the world and I think everyone would agree we don't want to jeopardise that enviable title.

Please preserve what makes Adelaide a great place to live and keep the existing local heritage arrangements in place.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carol Faulkner', written in a cursive style.

Carol Faulkner, concerned citizen.

Pearce, Penny (DPTI)

From: Alison Bowman
Sent: Friday, 7 October 2016 2:49 PM
To: DPTI:Planning Reform
Subject: Local Heritage Reform Discussion Paper Feedback

RECEIVED
07 Oct 2016
DPTI

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

From: Alison Bowman

Funding of Heritage training in Vocational Education

- I am a lecturer in the the School for Building and Furnishing at the Tonsley School of TAFE. Currently there is little focus on heritage skills in design or construction.
- As part of this discussion it is important to recognise the design and trade skills required to preserve and strengthen our heritage and character.
- Note Artlab's submission to the Productivity Commission regarding CONSERVATION OF HISTORIC HERITAGE PLACES
- *"The Commission should realize that critical skills shortage are occurring within the heritage industry and this situation is likely to become worse over the next decade. We see a clear need for further tertiary training courses and apprenticeships in appropriate areas."* <http://www.pc.gov.au/inquiries/completed/heritage/report>

It is my belief that the current providers of heritage skills in construction, though experts in their field, are bespoke, expensive and not widely accessible .

Try and search public providers of Heritage Course for Construction in SA ..dificult to find <http://training.gov.au/Search/Training?SearchTitleOrCode=heritage&IncludeSupersededData=true&IncludeSupersededData=false&TypeAllTrainingComponents=true&TypeAllTrainingComponents=false&TypeTrainingPackages=true&TypeTrainingPackages=false&TypeQualifications=true&TypeQualifications=false&TypeAccreditedCourses=true&TypeAccreditedCourses=false&TypeModule=true&TypeModule=false&TypeUnitsOfCompetency=true&TypeUnitsOfCompetency=false&TypeUnitContextualisations=true&TypeUnitContextualisations=false&TypeSkillSets=true&TypeSkillSets=false&nrtSearchSubmit=Search&AdvancedSearch=False&JavaScriptEnabled=true&educationLevel=-99&TaxonomyOccupation=&TaxonomyIndustrySector=&recognisedby=-99>

Protecting and promotion of heritage and character , however this is defined, leads to greater investment in jobs and skilled trades.

Please consider this feedback as part of of the Discussion Paper Feedback.

Your sincerely,

Alison Bowman

7th October 2016

RECEIVED

07 Oct 2016

DPTI

John Rau
Minister for Planning
C/O Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide
SA 5000

RE: Local Heritage Discussion Paper

Dear Minister,

Thank you for the opportunity to make a submission in regard to Local Heritage Reform

I am writing as someone who has had an interest and concern in matters of heritage for many years. I own several locally listed buildings, as well as one which in my opinion should be. Most of these are within a Conservation area, while one is not as it falls within a different Council, an area where heritage matters are very poorly addressed in spite of ongoing attempts by residents to have this addressed. The entire township was at one stage listed on the register of the National Estate at Commonwealth level but, as this listing was significantly altered during the Howard Government years, this is no longer the case. This was done with no reference nor any input by the local community. There are a number of State listed structures within the township whilst the remains of a nationally significant industrial site, the first commercial smelter in the country, lie un-remarked and unprotected. From this background I have approached the current proposed reforms with some trepidation.

The changes envisaged by the reform of the Planning and Development Act generally seem to reduce community input and involvement into the process, with public consultation and notification significantly reduced at the operational end of the process, where most people are involved. The proposition that the community has ample opportunity to have input at the planning amendment or strategic review stage flies entirely in the face of

established practice, reality and experience. Similarly the Local heritage Discussion Paper suggests reducing public consultation periods, as well as reducing the input and capacity of Local Government to act in this area. I fear these changes and the trend they reflect will lead to a significant loss of engagement with and by the local community. They will become increasingly disenfranchised and alienated from the process, which will be perceived as being delivered remotely and by poorly informed processes which lack the more intimate knowledge and nuanced detail that local input can provide. While community involvement can be obstructionary and reek of nimby-ism given the irreversibility of alterations to or demolition of heritage fabric the precautionary principle must apply. Few would now argue that the 1970's approval to demolish Edmond Wright house was a mistake: it was the community that saved it, not the planning process or professionals. Arguments that only regional processes or accredited professionals can provide objectivity are not reflected in the lived experience of local communities whose knowledge is too often overlooked to the detriment of all.

I agree that the processes that currently exist are cumbersome, slow and perhaps onerous. Reforms intended to simplify and expedite process will be welcome by most however it is important that changes do not become a means where the protection from demolition currently provided by interim listings is lost. The idea of early notification and engagement with owners is of great merit provided this includes protection for that being considered. Ideally this can overcome many of the issues which lead to time delaying objections and such is indicated by your own paper. I similarly would be very cautious about *on merit* applications, especially when linked to the concept of private certification. The loss of an oversight process clearly independent of those interests who most stand to benefit risks both our heritage and the credibility of the process.

An area of particular concern is the seeming development of the concept of *over-representation*. This is quite alarming as it infers that heritage values (currently undefined) can be simply represented by a few type-specimens, perhaps akin to the contents of the herbarium. Is the intent to

allow the de-listing of what is deemed to be a surplus of “heritage” in certain cases or areas, thereby clearing the way for development in both a literal and metaphoric sense? Either buildings or material fabric have value or they don't. Surely it cannot be defined away to reflect the self interest of the current owner or administration. The arguments that the retaining a representative of a class is sufficient, as opposed to retaining structures of the class itself, is morally bankrupt. London has over 90 % of its buildings covered by some form of heritage protection the so arguments that this level somehow prevents economic activity or development cannot be sustained. It may not be as convenient or in the eyes of some as efficient but this view reflects self interest. The true costs to the community of the alternative is to see its historic context is slowly destroyed for the fleeting convenience of entities as likely not even persist in even the short term.

Evidence clearly shows that constructing new buildings generates far less local economic activity during their lifetime than maintaining historic buildings, which typically use more highly skilled labour on site compared to mass production prefabricated solutions imported from elsewhere. From a sustainability viewpoint the embedded energy of older buildings can be significant. These historic areas are typically more socially active and are preferentially used for creative, artistic and cultural activities across the country, and beyond. All of these characteristics represent valuable aspects of past practices and provide a foil to the often overblown claims as to the advantage of the latest , greatest new fashion or trend.

Within the discussion paper there is an attempt to create a distinction seemingly in value and kind between the idea of Heritage and Character, as if these are matters of polarity rather than a continuum. I fail to understand this, which seems to be contrary to the intent of the Burra Charter, associated Practice Notes and to common sense. Historic structures and other heritage fabric is intimately related to and informed by its context both physically and socially. Somehow discounting portions of the historic context as lesser, merely contributory landscape elements is surely missing the point. The relationship is continuous and ongoing and each aspect of the numerous

values attributed is diminished by the slow piecemeal destruction of the parts. This is not something which is frozen in time but an active relationship, capable of adaptation and reuse mindful of the values of each part. To somehow separate each component and analyze in isolation is bound to undermine the integrity of the whole.

Over the forty years I have lived in south Australia I have seen the inexorable destruction of the stone built city which so clearly marked and distinguished it both in its core and throughout its surrounding suburbs. Large sections of metropolitan Adelaide could now be anywhere, indistinguishable from the largely lowest common denominator concrete glass and steel construction delivered so efficiently across urban landscapes on an international scale. The danger with this reform is that it will allow and even enable this trajectory to continue and accelerate until the few representative structures retained become the architectural equivalents of the embalmed specimens cluttering our museums: empty lifeless shells devoid of meaning and contributing nothing.

I hope this submission in its small way helps move the consideration of these matters towards retaining the capacity and involvement of local community and Government in Local Heritage reform.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'H. Seager', written on a light-colored background.

Harry Seager

Pearce, Penny (DPTI)

From: Paul Johnston & Rose Ashton
Sent: Friday, 7 October 2016 2:57 PM
To: DPTI:Planning Reform
Subject: Local Heritage Reform feedback

RECEIVED

07 Oct 2016

DPTI

7th October 2016

Dear Minister,

Re Local Heritage Discussion Paper

We believe the State Government has made some poor planning decisions in the past & has placed too much emphasis on development at the expense of local character & opinion. Why should we trust the Government on this extremely important issue?

The paper seems to propose a reduction of community involvement & public consultation periods. It also reduces the role of local government. Instead it relies on a faceless, remote body that encourages the feeling of powerlessness and a lack of transparency. The accreditation of heritage professionals is also concerning in that they tend to serve the interests of their employer.

We are also concerned about the concept of 'on merit' applications especially in combination with private certification.

Why do we need 'National Benchmarks'? Adelaide is unique & requires unique policy.

Streetscape is important. The character of an area is part of the heritage and should not be differentiated. We are concerned about the concept of over-representation. This infers that we only need a limited number of examples of each heritage value. This is absurd and seems like a museum approach.

Thank you for the opportunity to give feedback on the Local Heritage Reform Paper.

Yours sincerely,

Paul Johnston & Rose Ashton

P149

RECEIVED

07 Oct 2016

DPTI



7 October 2016

FF/2011/3612

Ms Anita Allen
Manager, Planning Reform Development Division
Department of Planning, Transport and Infrastructure
211 Victoria Square
ADELAIDE SA 5000
Email planningreform@sa.gov.au

Dear Ms Allen

Local Heritage Discussion Paper

I refer to your letter dated 9 August 2016 seeking Council's views on the discussion paper, which you advise has been prepared to encourage high-level ideas and feedback from experts and practitioners involved in local heritage practice and to inform the preparation of a future local heritage bill.

I also refer to subsequent correspondence extending the date to provide feedback from the 9 September 2016 to 7 October 2016.

Council Planning representatives have attended the recent workshops undertaken both by and in conjunction with the Local Government Association and the Department of Planning, Transport and Infrastructure and have from a Local Government perspective identified a number of concerns.

Council is aware that the LGA is submitting a Position Paper. As mentioned Council's Administration has attended and provided input to the submission and are fully supportive of the comments made in the LGA Position Paper.

A number of these are alluded to in Council's submission.

I wish to advise that Council considered the Discussion paper on the 27 September 2016 and resolved that *Council's Administration provides a response to the Department of Planning, Transport and Infrastructure's (DPTI) on the discussion paper "Renewing our Planning System: Placing Local Heritage on Renewed Foundations" (The Discussion Paper) prior to 7 October 2016.*

Street Address:
131 Belair Road
Torrens Park SA 5062

Postal Address:
PO Box 21
Mitcham Shopping Centre
Torrens Park SA 5062

Phone: (08) 8372 8888
Fax: (08) 8372 8101
mitcham@mitchamcouncil.sa.gov.au
www.mitchamcouncil.sa.gov.au

Council's position in this matter is as follows:

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. Consequently seeks further advice from the Minister for Planning and/or provides comments on the following:

- The Planning Development and Infrastructure Act 2016 (the Act) contemplates the establishment of a Community Engagement Charter. The purpose of this new section is to raise the level of community involvement in planning decisions with an emphasis on early engagement in planning decisions. Of concern is the consultation process does not follow these principles namely to enable reasonable, timely and meaningful opportunities to gain access to information about reform ideas. Consequently Council considers that the consultation period should be extended to 31 January 2017 to enable communities, their representatives and other stakeholders to consider the proposals in detail and to respond following consultation with their constituent groups.
- How and why currently proposed reforms differ from the suite of recommendations of the Expert Panel on Planning Reform. In particular the following recommendations are not addressed in the Discussion Paper:
 - (8.1) *Heritage laws consolidated into one integrated statute*
 - (8.3) *An Integrated statutory body, replacing existing multiple heritage bodies, with links to 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*
 - (8.8) *Stable, long term financing of heritage with discounts on property-related taxes and a heritage lottery providing the basis for heritage grants*
- Any changes to legislation/regulation affecting local heritage sites should provide for and protect community engagement and consultation in all processes, including assessment, listing and management by local government.

- 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. These are not mentioned in the Discussion Paper.
- Reforms must enable policy clarity, effective guidance and clear roles in decision making.
- More detailed explanations in support of the need to change the way local heritage sites are assessed, listed and managed to enable informed community discussion and feedback.

Why focus on Local Heritage?

- The Expert Panel's recommendations for an integrated heritage system, statutory body and register and the State Government's flagged intent for closer integration between the current *Heritage Places Act 1993* and the *Development Act 1993* is not canvassed in the Discussion Paper.
- Further information should be provided and discussion enabled to consider the full range of options around the scope of reform to heritage legislation and practice.

Updating current local heritage listing criteria

- Clear and consistent local heritage criteria are supported. Significantly more discussion and detail is required around new heritage listing criteria, particularly on the methodology for selection of themes, and issues of thresholds and over- and under-representation. However the review of criteria should not raise the threshold for statutory recognition.

Implementing a framework document and practice direction

- Clear and consistent local heritage criteria are supported. Again however significantly more discussion and detail is required around new heritage listing criteria, particularly on the methodology for selection of themes, and issues of thresholds and over- and under-representation. Furthermore the review of criteria should not raise the threshold for statutory recognition.

Clarifying the difference between 'character' and 'heritage'

- The need for improved clarity in the use of these terms is supported; however the discussion paper does not assist in clarifying the distinction and further dialog is necessary.
- It is not clear as to how existing Historic Conservation Areas/Zones will be identified and protected in the future and significantly more discussion and detail is required.

Streamlining our development assessment processes

- The operation and implementation of reforms, in particular governance and roles and responsibilities for decision making, are not clearly detailed in the discussion paper and should be further considered.
- 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.
- Effective and early engagement of the community in development and implementation of reforms must be considered. This approach is consistent with the Community Engagement Charter's principles to enable reasonable, timely and meaningful opportunities to gain access to information about reform ideas.
- The scaling of development assessment pathways to the impact of a development on a heritage place is supported. Full demolition of a listed item however is not appropriate. A development application for demolition should continue to be subject to rigorous assessment, and supported by detailed checks and balances (at the same level as the current noncomplying process). This provides assurance about the protection of the heritage value and like other planning controls, provides certainty for investment.
- Any 'streamlining' of processes and procedures should not amount to a reduction of protections for existing or future heritage places.
- Systems of interim protection for properties that may be recognised as having local heritage values should be retained, such as interim demolition control for proposed local heritage listings.

- Of concern to Council and the LGA is the issue of Section 67 (4) and (5) of the Act. This Section requires a plebiscite of property owners where a heritage character or preservation zone or sub zone is proposed. The Act requires that 51% of property owners are in agreement with the proposal. The Discussion Paper provides an ideal opportunity to revisit this provision as part of the current discussions.
- The Planning Commission should act independently when assessing heritage and should comprise heritage professionals only. E.g. heritage architects & planners, and have access to other professional bodies such as ICOMOS representatives, and other organisations such as the National Trust.
- Heritage accreditation is supported to expand the pool of qualified.

If you seek any further information please feel free to contact me at Council's Offices on 8372 8885.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Harrison', with a stylized flourish at the end.

CRAIG HARRISON
DIRECTOR DEVELOPMENT AND COMPLIANCE

Submission on the Discussion Paper on Local Heritage Reform

Thank you for the invitation to comment on the proposed reforms to local heritage listing. While I welcome the opportunity to address long-standing issues with local heritage and support the proposals to introduce a process for public nominations and assessment criteria that will be consistent with State and National HERCON criteria, I also have reservations about some other proposals.

As an architect and planner, I have had extensive experience, in both State and Local Government, in the assessment and listing of State and Local Heritage Places, as well as their conservation, funding and management. I also have considerable experience in the development of heritage policy and legislation and have served on both the Local Heritage Advisory Committee and State Heritage Council.

It is disappointing that the Discussion Paper proposes to further entrench local heritage in the new PDI Act 2016 rather than exploring the opportunity to introduce a coordinated process for assessment and listing under the Heritage Places Act 1993. I am aware that the State Heritage Branch was preparing drafting instructions to amend the Heritage Act 1978 to include provisions for listing local heritage when the decision was made to incorporate local heritage listing under the new Development Act 1993, also being drafted at the time. This is contrary to a fundamental principle that heritage listing and management processes should be separate and independent of each other (Pearson & Sullivan 1995)¹. As a result, local heritage listing has been confusing, compromised and costly for councils and frustrating for the general public when historic buildings are threatened but cannot be nominated as local heritage.

Including provisions for listing local heritage under the Heritage Act 1993 would address recommendations by the Expert Panel (2014) to integrate heritage processes. Provisions for the development of all heritage places would continue under the PDI Act 2016 when implemented. Councils should continue to have a role in the assessment and listing of Local Heritage, possibly establishing Local or Regional Register Committees.

Amendments since the Heritage Act 1978 was introduced nearly 40 years ago and policies introduced by the Heritage Council have ensured that the processes for nomination, listing and consultation are transparent and accountable and include provisional listing and natural justice provisions. The SA Register was established under the Heritage Act 1978 and a thematic framework introduced (Marsden 1979) that has guided heritage surveys and assessment. It would be unfortunate if these were to be duplicated under the local heritage changes as proposed in the Discussion Paper.

It was disappointing to read in the Discussion Paper that SA must fall into line with other States, mainly it seems NSW and Victoria. SA was once a leader in Heritage

¹ Pearson, M & Sullivan, S 1995, *Looking after heritage places: The basics of heritage planning for managers, landowners and administrators*, Melbourne University Press.

legislation and I would hope SA could show leadership again by developing an innovative Heritage system.

A radical suggestion perhaps, but possibly it is time for the distinction between State and Local Heritage to be challenged as a false construct. All listed places have attributed cultural heritage values, and are arguably of State or Local significance (or even Regional significance) depending on the threshold applied in meeting the criteria. The main difference between 'State' and 'Local' heritage places, however, is in the way they are managed. If all heritage places were to be listed on the SA Register as simply an 'SA Heritage Place' (SAHP), the 'statement of cultural significance' and 'elements of heritage value' attributed when listed should then be used to determine the processes of conservation and development, to be considered under the PDI Act 2016. Provisions under that Act would determine whether red tape is removed for certain types of development and when professional input from heritage professionals or a heritage impact statement is required or even if the State Heritage Unit needs to be involved. These considerations would obviously depend on the statement of cultural significance and identified elements of heritage value for each SAHP on the SA Heritage Register.

I do not propose to comment on all the matters raised the Discussion Paper, but the other topic that deserves further attention is that of adaptation of heritage places (and other existing buildings). For a State that promotes low energy or zero carbon developments, retention and adaptation of existing buildings (whether or not they are heritage listed) should be a priority. The energy savings through conserving embodied energy in existing buildings, avoiding energy costs of demolition and new construction are considerable. It has been calculated that the payback period for new buildings is at least 30 years and sometimes as much as 80 years.

The introduction of guidelines to assist owners in navigating planning and building requirements for existing buildings and the introduction of concessions or incentives should be considered. The introduction of requirements for heritage impact statements to consider the cultural, social environmental and economic costs and benefits of development proposals that could significantly affect heritage places of State importance could also be considered. This could also apply where demolition of heritage places of local importance is proposed.

Finally, it was disappointing that the need for financial support for heritage was not raised in the Discussion Paper as it was certainly noted by the Expert Panel on Planning Reform.

I hope these comments and other submissions received will be of some assistance to DPTI in revisiting the matter of local heritage listing.

Carolyn Wigg FRAIA BArch MAppSc MRUP GDPProjMgt GCPubSecMgt.

Pearce, Penny (DPTI)

From: Lionel Edwards
Sent: Friday, 7 October 2016 3:36 PM
To: DPTI:Planning Reform
Subject: submission on "Placing Local Heritage on Renewed Foundations" (the Local Heritage Reform Discussion paper.

Hello,

Please accept and consider this as a submission on "Placing Local Heritage on Renewed Foundations" (the Local Heritage Reform Discussion paper. The time allowed for consultation has been ridiculously short, even after a couple of extensions of time. To get things right takes time and this exercise in so-called consultation seems more concerned about appearance than reality.

The paper shows no logical progression from the Expert Panel's report. The paper is lacking in detail or evidence for assertions it contains. We fear this will lead to a tick in a box for consultation followed by top-down / ad hoc decision making about what is worth saving, and rarely enhancing in S.A.'s heritage. It may create jobs for people working in building and construction, but so could renovation and tourism. The fear is that local knowledge and understanding will be completely bypassed and/or overridden by decisions thrust upon residents and councils.

RINWAI has no confidence in this ridiculously rushed process, nor similar processes such as for the 30-year plan.

Regards,

Lionel Edwards, President
Residents of Inner North-West Adelaide Incorporated ([RINWAI](#))

Ref: 3.85.1/5, (OCR56297)
LJM:HLM

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07 Oct 2016

DPTI

District Council of

Grant

Principal Office

324 Commercial Street West, Mount Gambier
PO Box 724, Mount Gambier SA 5290
Telephone (08) 8721 0444
Facsimile (08) 8721 0410
Email info@dcgrant.sa.gov.au
Website www.dcgrant.sa.gov.au

Branch Office

5 Charles Street
Port MacDonnell SA 5291

7 October 2016

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

Email: planningreform@sa.gov.au

Dear Sir/Madam,

Local Heritage Discussion Paper

Reference is made to the State Government's Local Heritage Discussion Paper which has been released and been on consultation.

Please be advised that Council at its meeting held on 5 October 2016 considered the Local Heritage Discussion Paper, and resolved to make the following submission:

1. Council thanks the State Government for the opportunity to make this submission on the Discussion Paper.
2. Council makes the following submission on the Local Heritage Discussion Paper:
 - (1) The Local Heritage Discussion Paper is a timely and needed review of local heritage issues in South Australia, which forms part of the various planning reforms being implemented by the State Government.
 - (2) Council reaffirms its previous comments to the Expert Panel on Planning Reform concerning 'Reform 10 - Place heritage on renewed foundations' which stated:
 - Council generally supports this reform, and believes that it is a fair and reasonable approach;
 - Councils should be able to prepare Heritage Development Plan Amendments (DPA's), identifying local heritage places and zones, without the need to firstly prepare a costly and time consuming Heritage Survey/Review. Under this proposal, the preparation of such Heritage DPA's would involve a recognised Heritage Architect to support the document; and,
 - Council would strongly support the re-establishment of the State Government's Heritage Advisory Service, which was an excellent service that was well used and appreciated by property owners and local communities.
 - (3) Any new Heritage legislation should incorporate provisions for both State Heritage and Local Heritage.
 - (4) The need to establish new local heritage criteria similar to the state heritage criteria is supported.
 - (5) The implementation of a framework document and 'practice direction' is generally supported, providing the overall processes are not made more cumbersome.

- (6) Streamlining of the listing process is strongly supported, particularly with respect to engagement and the approval process.
- (7) The Planning Commission and/or the expert heritage committee, should be responsible for assessing and approving all local heritage listings proposed by Councils.
- (8) The new listing process should be streamlined to reduce timeframes and processes to identify and list local heritage places, and to minimise the costs associated with the overall process.
- (9) Local heritage listings do need to be kept up-to-date by way of an occasional review and updating, providing the process is not overly cumbersome and costly.
- (10) The proposals as to how local heritage places are recorded is generally supported.
- (11) The need to better clarify the difference between 'Character' and 'Heritage' is generally supported.
- (12) It is assumed that Contributory Places will no longer exist?
- (13) The use of heritage overlays in the Planning and Design Code is generally supported.
- (14) The proposals to better streamline the Development Assessment Processes are generally supported.
- (15) The possible improvement as to whether or not the demolition of local heritage places should be 'on merit' requires careful consideration, and may if implemented place significant pressure on Council Officers and/or Council Development Assessment Panels. If demolition is listed as non-complying, then perhaps there needs to be a separate, slightly more simplified decision making process for such demolition. Council believes that there needs to be a consistent approach concerning the demolition process across all Councils.
- (16) The use of accredited heritage professionals where required is generally supported, providing they are accountable in some way to the Council, and that costs are reasonable.

Council hopes that the comments made in this submission are of assistance in progressing local heritage reform in South Australia.

Should you wish to discuss this submission further, and/or require any additional information or details, please do not hesitate to contact me.

Yours sincerely,



LEITH MCEVOY
DIRECTOR OF ENVIRONMENTAL SERVICES

cc Local Government Association of South Australia

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

6th October 2016

Dear Minister,

Re: Local Heritage Reform Discussion Paper Feedback

The Prospect Residents Association Inc (PRA) is a not-for-profit local community organisation with a strong interest in the present and future development of the City of Prospect. We aim to provide residents and ratepayers with an informed membership and a voice in civic activities.

The PRA appreciates the invitation to submit suggestions and comments on the Local Heritage Discussion Paper.

However we see this opportunity as only the first stage in the public consultation process, and we anticipate further consultation on more detailed recommendations as they are developed in the course of preparing a new Bill.

Our more specific comments on a number of issues in the Discussion Paper follow.

1. Updating our current Local Heritage Listing Criteria

Local Heritage criteria need not be as stringent as State or National criteria yet need to be consistent across the state. We presently support keeping the current Local Heritage criteria.

While the Local Heritage criteria suggested in the discussion paper are based on the South Australian State Heritage criteria, the paper gives no indication of how these criteria compare with national best practice, so it is difficult to comment in this area. We observe that the criteria listed are perhaps too focussed on local relevance only.

2. Implementing a framework document and 'practice direction'

The discussion paper suggests that Local Heritage listing could be supported by the more sophisticated forms of guidance found interstate. It is hard for us to comment when these are only alluded to.

Practice directions need to be written and put out for consultation so that the community can comment on them. We can't support a document that does not list the content of criteria and practice directions.

In relation to over-representation of listings, we do not believe that heritage can be over-represented, particularly in relation to the impact on character. We are concerned by the focus of

“How many are too many?”. This is somewhat like saying that there are too many thatched cottages in the Cotswolds in England, for example.

Decisions should not be limited to historic themes. Themes are a tool to identify under-representation of history, not to identify over-representation. Applying over-representation is a Noah's Ark policy and is not supported.

3. Streamlining our listing process

Public consultation times for new Local Heritage listings need to be increased from 8 weeks to 12 weeks. Community people need to write submissions on top of their work and home life, and need to educate themselves on topical issues with limited time available, versus developers who pay consultants to do the work for them. The community need time to develop relevant expertise.

We believe interim operation is critical and must be maintained for all new Local Heritage place nominations. Early demolition must be prevented, and interim operation is the only reliable method.

With regard to the listing process giving rise to conflict within communities and between landowners and technical experts, we need to have clear criteria and processes which everyone has to follow. We must stop favouring developers to the detriment of heritage.

Independence of heritage consultants is an ongoing problem, particularly where a consultant may have a mix of heritage conservation and developer clients. Clarity is required on how professionals will be accredited and how impartiality will be managed.

If the recognition of heritage value is to be undertaken by accredited professionals, local councils should have the right to have the final decision. Local Heritage decisions need to stay with local councils and must not be overruled by the Minister.

We also support individuals being able to initiate Local Heritage nominations in addition to the nominations raised during periodic heritage surveys. We do not support court-based reviews.

We do not believe that the Expert Heritage Committee will be independent from the Minister and developers. An independent body like the State Heritage Council is a better option.

4. Improving how we record local heritage places

A central portal and local council list are supported provided the central portal is independent of government and developers. Developers must not be able to use it to argue overrepresentation. We believe that a traditional local heritage register is still required.

5. Clarifying the difference between ‘Character’ and ‘Heritage’

Character needs to be as strongly protected in legislation as Heritage.

Contributory items are critical to maintaining character and must be part of the criteria for heritage listing. Examples of particular forms of development representing a defined period and its built-form character must be maintained in order to preserve local heritage. One example of a heritage

building type is not enough — 8000 is a good number of examples to maintain the integrity of the inner suburbs. This is more interesting for tourism.

Historic conservation zones are very important to preserve particular local streets of significance. Houses need to be individually listed. As well as buildings from the pre-First World War era, we also need to place more emphasis on preserving buildings and areas from the Inter-War period.

6. Streamlining our Development Assessment Processes

We do NOT support the demolition of local heritage places on merit. This favours those with more money to fund legal action and disadvantages those who have less money to fund a defence. The community has no confidence in the merit approach as it has been so misused by the development industry.

The descriptions of heritage value and physical description of listed elements of each Local Heritage place should be kept up-to-date but this is supported only if there is an increase of staffing and budget to do it. We know, by way of comparison, that State Heritage have a processing backlog due to staff cuts and an increase in funding is needed.

7. Where to from here?

We have not had time to prepare an exhaustive list of comments. As previously mentioned, we trust that this consultation on the content of this Discussion Paper is only the start of the process, and that further consultation will occur prior to future legislation being tabled.

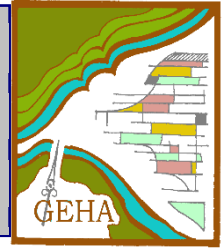
Yours faithfully,

Elizabeth Crisp,
President

Peter Langhans,
Treasurer

**Gawler Environment and Heritage Association Inc.**Email: geha1@bigpond.com

Tel: 08 8522 4363 C/- 42 Finnis St Gawler SA 5118

**6 October 2016****Minister for Planning****Hon John Rau****Dear Mr Rau****Local Heritage Discussion Paper**

Thank you for the opportunity to comment. Gawler Environment and Heritage Association (GEHA) is a community group which supports the environment, built heritage and environmentally sustainable living. GEHA has been in operation since 1980.

Over the last 36 years we have been strong supporters of protecting local heritage. In fact GEHA's first big project in 1980 was to assist in the protection of Hemingby, a large historic building in King St Gawler that was threatened with demolition. Thankfully the building was able to be purchased by a keen group of local supporters and resold to interested buyers who restored the group of buildings involved. Eventually Hemingby became a State Heritage listed property.

For many years heritage was a contentious issue in Gawler as demolition of historic properties occurred at very regular intervals. Changes were gradually made. Looking at this week's edition of The Bunyip, Gawler's local paper, the 25 years ago (i.e. 1991) item says:

"Historic Zone declared. The Edith and Blanch Streets area of Gawler East will be listed by Gawler Council as an historic conservation zone.

This follows lengthy debate at council's September 24 meeting, and will enable control of demolition of buildings within the zone.

It comes after a strong lobbying from local residents, including the forwarding of a petition."

GEHA was involved at the time and supported this initial historic conservation zone for Gawler along with many other community members.

With buildings, the overwhelming use of local materials for building – particularly local stone is a core part of Gawler's character. The earthy character and colours derived from local limestone, bluestone and sandstone as well as the local clay used for most bricks are a legacy which needs to be celebrated, conserved and used as an inspiration for future building. This is part of the soul of Gawler and its ongoing role is significant in terms of individual and community well-being. Gawler also has some 300 old stone walls which are vital to Gawler's character.

In 2000 after many more years of debate and various expert reports, Gawler Council adopted Development Plan changes for Local Heritage listings and additional historic conservation zones with

comprehensive lists of contributory buildings. This has provided a development approval process which means that demolition can only occur after proper assessment for the majority of historic buildings and many structures such as old stone walls.

Many of the owners of these buildings are now different to those who owned them in the late 1990s when consultation took place. Many old and new owners have invested significant sums to conserve their historic buildings. The Gawler community paid a lot of money to fund the process. Since then through the Council, a heritage grants scheme and historic walls grant scheme has invested significant sums to conserve Gawler's heritage.

For the State Government to be suggesting a process that has the potential to undo a lot of the heritage protection work of the last 40 years is of great concern. While we can see some benefits from the Discussion Paper, it needs to be made clear that this will strengthen heritage protection – many people are concerned that the opposite is either intended or the logical outcome of the push which has been on from minority development interests related to heritage protection. A few people would benefit and the majority would lose.

One example where we do support change is to have a much simpler process for adding places to a Local Heritage Register or as contributory places in conservation zones. The present requirement for a DPA is expensive and cumbersome. Having basic procedural rights for landholders should be sufficient for a fair process.

We have studied submissions from the National Trust of SA, Community Alliance SA and a number of local councils that are active in heritage conservation. We express general approval for the concerns that these bodies have raised and their suggestions for the future.

There are still historic buildings and walls in Gawler not protected from basically automatic demolition rights. **Our view has always been that demolition of older pre-World War 2 (or pre-1930 as a choice of cut-off dates) buildings and structures such as stone walls should require development approval with an adequate assessment process.** That is the only way to ensure adequate consideration of the merits of demolition. If the State Government is looking for more consistency this is also an ideal method of achieving this.

Given that the vast majority of the buildings and structures have been built in the last 80 years, there is no shortage of places where demolition and rebuilding would be permitted even if all older buildings and walls required development approval for demolition.

Heritage is a key to both community well-being and economic development through tourism and conservation works. Maintaining the embedded materials and energy in old buildings assists in reducing our carbon footprint.

There are many reasons to promote Local Heritage and we urge the State Government to use this opportunity to increase rather than decrease local heritage protection and to celebrate Local Heritage for the benefit of the State.

Thank you for the opportunity to comment. We look forward to the results.

Yours faithfully

David Ferguson, GEHA Convenor

Pearce, Penny (DPTI)

From:
Sent: Friday, 7 October 2016 4:20 PM
To: DPTI:Planning Reform
Subject: Local Heritage Discussion Paper

<p>RECEIVED</p> <p>07 Oct 2016</p> <p>DPTI</p>
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After reading the DPTI Local Heritage Discussion Paper thoroughly, I wish to make the following submission in response to it.

It is my opinion that the Discussion Paper is flawed throughout and not a suitable basis for any discussion or consultation. The consultations that have been performed by DPTI were wholly inadequate, and the time permitted for consultation was far too short. Local Heritage is a matter for the local communities, and DPTI made no attempt to consult with them.

Furthermore the Discussion Paper

- * lacked balance and intellectual rigour in its analysis
- * relied on assumptions, rather than drawing conclusions from the available facts
- * overlooked the fact that Local Heritage is a reflection of the local community, which must be consulted at all times as well as "experts and practitioners"
- * incorrectly implied that there are too many Local Heritage places. How many is "too many"?
- * suggested formalising "a role for accredited heritage professionals". Should heritage legislation really be about employment creation?
- * mistakenly assumed that selected "insights" from interstate are somehow relevant to the SA model
- * confused current interstate criteria with "national best practice"
- * suggested that Local Heritage places should be "rare or endangered". Does this mean we should cull some of the 129 Local Heritage war memorials?
- * talked the gobbledegook of "a thematic approach" that will make local heritage documentation far too complicated and expensive
- * the proposed listing process for local items at Port Adelaide for DPT is too labour intensive
- * there is a shallow and baseless assumption that "more sophisticated forms of guidance [are] found interstate"
- * reducing the time for community consultation shows an arrogant lack of understanding about the essential foundation for Local Heritage - the local community
- * "periodic reviews" of heritage determinations are completely unnecessary, and would significantly raise the cost of heritage management without any discernible benefits
- * just because criteria are "up to 32 years old", does not make them irrelevant or wrong
- * the Paper's supposition that confusion exists between "character" and "heritage" is baseless
- * under NO circumstances should demolition of local heritage places be made any easier

As an alternative to the poorly conceived proposals in the Local Heritage Discussion Paper, I support the History Council of SA submission that [all pre-1936 buildings should be automatically listed](#). This would obviate the need for swelling the State public service ranks with bureaucrats achieving little by wasting time on minutiae.

Furthermore I support the Community Alliance view that we should 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.*

I believe

1. *That the people of SA should make decisions about South Australia's heritage and NOT a faceless, unelected, remote and unaccountable board of "experts" appointed by Minister Rau.*

2. *That the present system for nominating heritage buildings should continue.*
3. *That our local Councils should continue to make heritage decisions.*
4. *The retention of existing heritage items and Contributory Items.*
5. *That our heritage must be preserved and not demolished*
6. *That heritage belongs to all of the people of South Australia, who must have a voice.*

Regards
Dave Walsh

LOCAL HERITAGE REFORM DISCUSSION PAPER FEEDBACK

planningreform@sa.gov.au

5.10.2016

RECEIVED

07 Oct 2016

DPTI

Hon. John Rau MP

Minister for Planning

Depart. Planning, Transport and Infrastructure

Dear Mr Rau

I write on behalf of the Australian Garden History Society SA Branch.

Formed in 1980, the AGHS brings together people from diverse backgrounds united by an appreciation of and concern for our parks, gardens and cultural landscapes as part of Australia's heritage. The Society promotes knowledge of historic gardens, significant landscapes and research into their history.

Many areas of SA have a unique character as a result of the style of settlement; this can include the buildings, the garden, the street trees and the surrounding landscape. The residents/owners and the community are the custodians of that heritage and life style, and having made a decision to live in the area should be able to retain control over the future of their lives/homes/livelihoods. As a society we visit, appreciate and support historic properties, gardens and landscapes in SA.

The loss of built heritage often impacts on or results in the loss of gardens or green space often also of heritage value.

The AGHS SA Branch is concerned with:

- the undue haste in the release of the Local Heritage Discussion Paper and allocated response time, despite an extension being granted
- the lack of community and Local Government consultation prior to release of the Local Heritage Discussion Paper
- the potential impact on local heritage listings and historic zones if control and responsibility is totally removed from local councils

We urge that full consultation should occur and that time is taken – a true and complete exploration of the opportunities prior to heritage reform becoming enshrined in legislation.

Yours sincerely



Elizabeth Ganguly

B Sc, Hort Cert III, Dipl Garden Design

Chairperson

AGHS SA Branch



AUSTRALIAN
**GARDEN
HISTORY**
SOCIETY

HEAD OFFICE

Gate Lodge
100 Birdwood Avenue
Melbourne Vic 3004

TELEPHONE

03 9650 5043

TOLL FREE

1800 678 446

FACSIMILE

03 9650 8470

EMAIL

info@gardenhistorysociety.org.au

INTERNET

www.gardenhistorysociety.org.au

BRANCHES

ACT/Monaro/Riverina
Queensland
Southern Highlands
South Australia
Sydney & Northern NSW
Tasmania
Victoria
Western Australia

Australian Garden History
Society Incorporated
(Incorporated in NSW)

ABN 97 291 212 843

File No:
2016/08446/01

7 October 2016

Ref No:
10890611

Ms Anita Allen
Manager, Planning Reform
Department of Planning, Transport and Infrastructure
Level 1, 211 Victoria Square
Adelaide SA 5000

Dear Ms Allen

Thank you for the opportunity to provide feedback on the Local Heritage Discussion Paper.

The paper highlights the complex nature of managing local heritage matters, and brings attention to opportunities for improving the existing system. ODASA supports this review that includes updating listing criteria, development of framework documents and practice directions, listing clarification and streamlining of listing and assessment processes.

Local heritage and the ODASA Design Review program

The following summary describes ODASA's experience with local heritage matters within the Design Review program that supports the planning appraisal process. This experience has informed our response to the specific questions posed by the paper.

Local heritage matters that have arisen in Design Review generally relate to clarity of listing, extent of demolition, adaptive reuse and contextual response.

On occasion where information supporting the listing of a Local Heritage Place has lacked clarity, and supporting advice from council has been inadequate, it has impacted on a Panel's ability to form its advice. This also extends to a site's wider context, which may also include Local Heritage Places. ODASA supports the local heritage review as it offers an opportunity to provide clear and detailed descriptions and guidance on development impact. Accredited local heritage professionals with specific local knowledge should provide pre-lodgement advice. Clarity regarding listing extent and promotion of opportunities for adaptive reuse of Local Heritage Places, would also be welcomed.

Proposals presented in Design Review have included some developments where local heritage matters were considered secondary and the potential of adaptive reuse was disregarded. ODASA supports adaptive reuse of Local Heritage Places as it can enable ongoing viability, meaningful engagement with the community and streetscape activation. In our view, the local heritage review offers an opportunity to strengthen support of adaptive reuse.

There have also been instances in Design Review where local heritage objectives conflict with development ambition. The local heritage review offers an opportunity to guide and manage this tension.

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2016/08446/01

An opportunity also exists to review and interrogate existing local heritage listings and identify additional places that may have been overlooked in the past, including twentieth century heritage.

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10890611

ODASA also advocates for universal access to all publically accessible places, including Local Heritage Places. The local heritage review offers an opportunity to guide and manage the provision of universal access, which can be particularly challenging in older buildings. This also applies to the adaptation of Local Heritage Places to comply with National Construction Code and other Australian Standards (i.e. fire safety upgrades and earthquake strengthening).

Questions posed by the Local Heritage Discussion paper

Should our local heritage criteria be replaced to better match national best practice?

ODASA supports the review of local heritage criteria to match national best practice. This could include the introduction of threshold indicators to determine levels of significance, clear guidance notes on included and excluded parts of listed properties, and illustrative local examples for inclusion and exclusion.

Should local heritage criteria be supported by the more sophisticated forms of guidance found interstate?

Development of concise and transparent site-specific guidance may provide clarity for building owners, streamline assessment and potentially encourage opportunities for revitalisation and adaptive reuse of Local Heritage Places.

The listing process can give rise to conflict within communities, and between landowners and technical experts. Are there ways this can be improved?

ODASA supports early engagement with communities to improve the understanding of and opportunities afforded by local heritage listing and management.

A communication strategy could be explored to promote better understanding and appreciation of local heritage listing. This may include publishing relevant data to contest the perception that heritage listing can affect the market value of a property.

Community engagement also offers an opportunity to capture valuable historical information associated with Local Heritage Places including personal accounts of a place's history, photographs and architectural drawings. This would add richness and depth to the recording of Local Heritage Places, and preserves valuable information that may otherwise be lost.

Should the recognition of heritage value be undertaken by accredited professionals? If so, who should have the final decision?

ODASA supports accredited professionals assessing local heritage value, supported by local knowledge and community participation.

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Guidelines and templates for the preparation of supporting historical research documents, local heritage surveys and assessments could be developed to ensure consistency across different accredited professionals. Transparency and consistency may also be achieved through appropriate training and a terms of reference setting out clear expectations for works undertaken and advice provided. This could be further supported by an independent quality assurance and review process.

Is a traditional local heritage register required?

ODASA supports the development of online resource containing Statements of Significance, criteria assessments, threshold and significance level assessments, summaries of excluded and included elements and allowable works (defined according to significance level).

Do you agree that there is confusion between heritage and character? If so, how can this be addressed?

ODASA agrees there may be confusion between heritage and character that should be clarified, which may assist in achieving improved design outcomes. Confusion around heritage and character may also be addressed through clear definition of the heritage principles for physical fabric and cultural meanings.

Do you agree that descriptions of heritage value and physical descriptions of listed elements for each place should be kept up-to-date?

ODASA agrees that descriptions of heritage value and physical descriptions of listed elements for each place should be kept up to date, acknowledging challenges of resourcing and management. Online resources may offer the opportunity to record and update information more readily (including development applications/ approvals).

In some cases, a Local Heritage Place may also contain loose elements that are relevant to the cultural history of the place. These may include old photographs, architectural drawings, furniture and other interior fittings. An opportunity exists to develop a program for capturing and recording this moveable heritage. This may also apply to the custodians of architectural documentation held by South Australia's early architectural practices.

Subject to specified criteria, what types of minor works could become exempt, accepted or even 'deemed to satisfy'?

The introduction of new criteria and significance levels offers the opportunity to identify exempt works. This would need to be supported by detailed records that clearly identify elements of significance and guidance notes on appropriate and acceptable methods for undertaking works. Measures for quality assurance may also be considered.

Should a demolition proposal be able to be more robustly argued for consideration on its merits?

An opportunity exists to provide greater clarity around compromised value as a result of demolition. ODASA agrees demolition of Local Heritage Places could be more robustly argued and considered on merit.

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2016/08446/01

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10890611

Assigning significance levels to Local Heritage Places may assist in determining appropriateness of demolition. Further to this, appropriateness of partial demolition or demolition of non-significant fabric could be assessed where investigation occurs as part of the original listing process.

There have been instances where an argument for demolition has been based on the structural integrity of a Local Heritage Place. As part of the local heritage review an opportunity exists to provide clear guidance on thresholds for the situation where repairing a structure is legitimately beyond economic value.

Using accredited professionals to assist statutory functions is envisaged by provisions of the PDI Act. But to what extent could they provide advice or even heritage approvals?

ODASA supports using accredited professionals to assist statutory functions as consultants with specific local historical and conservation knowledge are best placed to provide this specialist advice.


Consistency in advice provided is also essential, to ensure fairness and to manage conflict with landowners. Clear guidelines for accredited professional conduct and a terms of reference could be a way of managing this.

Issuing of an approval by an accredited professional could be determined by the significance level attributed to a place and also the type of works being undertaken. For example, it may be appropriate for an accredited professional to approve works that would not materially affect heritage fabric to places of low or moderate significance.

Thank you for the opportunity to provide feedback on the Local Heritage Discussion paper. This review has highlighted the importance of local heritage within our work and prompted discussion on how we can further engage with local heritage matters in our own program, including Design Review.

ODASA supports the commitment to improve recognition and management of Local Heritage Places in South Australia, and can offer ongoing strategic and design support as the planning reform continues to develop. If you have any questions about this feedback please contact Ellen Liebelt, Design Advisor on telephone 8402 1886.

Yours sincerely



Kirsteen Mackay
Government Architect

Submission re Heritage Protection in SA

The intention by the State Government to take the responsibility for Heritage, both natural and cultural out of the hands of local authorities and place it in the hands of a centrally based authority in Adelaide deeply concerns me, and the organizations I work for.

1. Local heritage lists are built on local knowledge and information, the relative importance and the nuances of which would be difficult for a central body to fully understand and interpret, but which are, nevertheless important to sense of community and the vision of the developing society that guides the policy makers and citizens of that community.

While recognizing the importance of the role of the State and Federal Governments in developing their plans and priorities for the benefit of the nation or state as a whole, we must point out that the local authorities are the ones that keep individual communities healthy and integrated, that know the interactions and visions within that community and are most deeply concerned with its ongoing health and even survival. The local authorities are also much more intimately in touch with the pressures within their community...at present many rural communities feel, that this is far from true of their State and National counterparts .

2. There are times when the aspirations of the State Government of a particular time wishes to take a community or the state as a whole in a direction that it sees as valuable to its long-term goals, but which is detrimental to aspects of local communities. While the present laws allow the State Government to override community regulation, it seems to us very important that there is a voice for the local community in this process that is required legally to be heard and considered. The local government bodies are an essential part of our democracy, and must retain a voice in the decisions that influence the people of their communities.

3. There seems to be ample evidence to suggest that the voices of wealthy, or apparently wealthy, businesses and developers are often heard, while those who are most directly affected are ignored. This is especially noticeable in matters of heritage, both natural and cultural. The question is being asked as to whether this is yet another example of this imbalance. We would remind the decision-makers that the strength of the state as a whole is the sum of the strength of its local communities and their voice is the one that brings most accurate information on local issues.

4. Individual tastes and aspirations vary. While some may like the convenience of high rise living, others may enjoy large modern houses, while others again choose, and pay, for the graciousness and charm of older buildings. There is money and employment in building new accommodation. But there is also money and employment in the adaptation of older buildings for modern living...just not for developers. People make and invest in choices for their living places. Changing the ground rules can cost a lot when people have chosen and their locality is coveted by Government/developers for another role.

4. The issue remains on how the decisions are made in setting up a local heritage/natural heritage register. There is room for developing a better method than that in use at present. The rules and the interpretation of the rules, need to be more clearly understood. There is undoubtedly an important role for qualified heritage architects and historians, but there is an equally important one for knowledgeable local historians and individuals with a real understanding of the needs of a given community. My experience as both a historian and a member of my Councils DAP lead me to believe that improving clarity of the ground rules for heritage protection, and sustaining the right to be heard and heeded of the local community is critical for the rules to be respected and function.

Judith R Murdoch OAM BSc BED

Pearce, Penny (DPTI)

From: Civic Trust <austcivictrust@gmail.com>
Sent: Friday, 7 October 2016 4:54 PM
To: DPTI:Planning Reform
Subject: Local Heritage Discussion Paper

RECEIVED
07 Oct 2016
DPTI

The Australian Civic Trust wishes to highlight the critical importance of major local input into the Heritage Listing process. The current discussion paper has fundamental problems and we support the submission of the Kensington Residents Association, particularly the need to extend the timetable for review. Local government must retain responsibility for local heritage listing.

Darian Hiles
Chairman, Australian Civic Trust Inc.
235 Carrington Street
Adelaide SA 5000
Ph: 8232 0809

Pearce, Penny (DPTI)

From: Carol Bailey
Sent: Friday, 7 October 2016 4:58 PM
To: DPTI:Planning Reform
Subject: Local Heritage Discussion Paper - C.D. Bailey response

RECEIVED

07 Oct 2016

DPTI

The Hon. John Rau,
 Deputy Premier,
 Minister for Planning
planningreform@sa.gov.au

Dear Minister Rau,

LOCAL HERITAGE DISCUSSION PAPER

Thank you for the opportunity to comment on the heritage discussion paper which has been separated out from other planning reforms under discussion, clearly due to its importance.

I am aware that a number of Councils, elected members, heritage experts, related organisations and members of the community have expressed very sincere and valid concerns regarding the reforms proposed and the limited consultation process. Thank you for allowing a little more time for response. You may be interested to learn that the first meeting at the Adelaide Town Hall on 21st September was attended by no less than four elected members from Mount Barker District Council as well as planning staff.

There are widespread concerns that the ideas of State Government **do not align with the recommendations of the Expert Panel** chaired by Brian Hayes QC, nor the assurances by Government in response to the Final Report of the Expert Panel. South Australia, under these proposed changes, would have 'local heritage criteria' unaligned with other States.

Trees have gone down in their hundreds across all council areas (more particularly those formerly blessed with leafy suburbs!) since the 'significant tree legislation' of 2011, which ensured that no tree had any significance (especially in relation to dwellings) and relied upon a girth diameter, which is irrelevant for many native species, e.g. mallee.

Now the **criteria set down in the Heritage Discussion paper for a tree makes no sense**, the requirement being "qualities that are locally rare or endangered" since trees of historic significance are often related to an event - e.g. "The Old Gum Tree" Glenelg, 'The Flag Tree' at Prospect Hill - signalled shipping arrival at the port, 'Paddy and Charley' planted for Kingston's sons below Kingston House - and so on. Such trees may be neither rare nor indigenous, but help define a place and are part of the memory and fabric of a local community. Somewhat akin to ancient 'standing stones' in Europe and U.K. Therefore **"of special historical or social significance within the local area" is a more useful and worthy criteria.**

Streamlining the listing process is not opposed but needs clarification as to how it will be achieved as this must be the province of local councils and not some remote 'panel of experts'. Heritage by definition relies on an intrinsic knowledge of the local history of an area. An example I can give is that on several occasions now I have been asked "When were the old olive groves removed below Mount Barker Summit?" There never were any olive groves, what these newcomers see is in fact old wheat 'headlands' created by horse teams cultivating and harvesting wheat in the 1800s. The landscape still bears the scars of these early endeavours (related to 'World's Best' Wheat Prizes in London and Paris Agricultural Exhibitions circa 1854

and ornate solid silver trophies now in State hands).

Attempting to separate 'heritage' from 'character' may have unintended consequences and result in loss of buildings and areas of cultural significance and which contribute to the character and amenity of a place. The Discussion refers to thematic frameworks to help us decide what is over and under represented. This is a very risk notion. One could try to compare Hahndorf with the little town of Callington and say that Hahndorf is heritage due to the number of Germanic style buildings and Fachwerk still visible - yet Callington has buildings representative of the Cornish miners and Welsh experts whose expertise was in smelting. The loss of buildings which contribute to character or a historic precinct may leave us only 'museum pieces' which would then be lost incrementally due to lack of context with 'new development'.

Demolition of local heritage as suggested 'on merit', where 'retention on merit' may prevent loss on the face of mere short term economic rationalisation, suggests assessment by distant 'experts' rather than local council and community. It is essential **that** local council and communities decide and that, wherever possible, adaptive re-use be undertaken.

The Minister believes (Town Hall meeting 21/9/16) that **heritage** should be determined by an independent body, such as the Planning Commission but what understanding or interest does such a body have in local heritage? Any economic imperative will prevail, as clearly illustrated by past examples. **This must be the province of local government and local communities.** The word 'harmonisation' is suggested by the Minister and this word recently was used concerning the lack of customary standards as applied to a building structure in Sydney - a federal Minister stated in that case that 'perhaps our Australian standards a little too high' and defended the building by suggesting we needed to 'harmonise standards to meet world expectations'. Do we really want to lower our standards?

Apart from the very strange outcomes which might be achieved due to some of the proposals (Mr. Norman Etherington mentioned a number on 26th Sept at the Adelaide Town Hall - comparing the Adelaide Oval with the Foss William Stand at Alberton Oval, as an instance of lack of heritage protection) and other good examples recorded at that meeting (and on the ACC website).

It is also very clear that **people prefer history and heritage** as wedding venues, for tourism, as on-going enrichment in local communities and as places of pride and enjoyment. There are also more jobs in conservation, restoration and decoration than in demolition and new builds. So adaptive re-use should be the catch cry - not demolish and new build.

The BURRA CHARTER 2013 has been mentioned in a number of speeches and submissions and is used as a guide by no less than the Chinese Government. Perhaps we need to heed better the good things which have been achieved in our short time in Australia and work to ensure that what heritage and character remains in all this rapid growth is not lost.

Finally, please leave local heritage as the province of local councils and their communities who best know what should or should not remain. The 'world car' did not eventuate, because it is a nonsense - and 'standardising' local heritage or local character is comparable with that venture.

Yours sincerely,

Carol D. Bailey

RECEIVED

07 Oct 2016

DPTI

Property Council of Australia

ABN 13 008 474 422

142 Gawler Place
Adelaide SA 5000

T. +61 8 8236 0900

E. info@propertycouncil.com.au

propertycouncil.com.au

[@propertycouncil](https://twitter.com/propertycouncil)

7 October 2016

Honourable John Rau MP
Minister for Planning
Government of South Australia
GPO Box 464
ADELAIDE SA 5001
Email: planningreform@sa.gov.au

Local Heritage Reform Discussion Paper – Feedback

Dear Minister,

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

The Property Council of Australia commends the State Government on its commitment to planning reform and for now taking the next step of improving the management of local heritage places in South Australia through this consultation process.

We have consulted with our members, who cover the full spectrum of the industry including investors, owners, managers and developers, and have identified multiple issues within the parameters of the discussion paper that require further attention and consideration.

These include:

1. Absence of detail and clarity;
2. Local heritage listing criteria;
3. Heritage listings;
4. Accredited heritage professionals; and,
5. Decision making process.

In terms of general commentary, any narrow-minded proposals to impose blanket local heritage listings for all buildings constructed in a particular period – and therefore place an onus *only* on developers – is completely nonsensical and will potentially apply a handbrake on investment activity in South Australia.

At a time when our state lacks demand, battles with confidence and struggles to generate strong economic development activity, the last thing we need is a backward mentality.

There's no doubt that we need to be cognisant of our heritage sites and our heritage buildings, but this shouldn't act as an impossible barrier or an obstacle to either repurposing stock or revitalising a place. The past should absolutely inform our future but it shouldn't permanently handcuff us to it.

About the property sector

Property is South Australia's largest private sector employer and biggest industry, accounting for 10.8% of the state's economic activity (or \$10.5 billion).

It builds prosperity by paying \$4.4 billion in wages and salaries – one in six people draw their wage directly or indirectly from property – and one million South Australians have a stake in property through their super funds.

Property is the largest single industry contributor paying 56.6% of state taxes, local government rates, fees and charges.

In your state electorate of Enfield, property is responsible for 5,447 direct and indirect jobs, provides \$137 million in wages and generates \$301 million in economic activity.

1. Absence of detail and clarity

The discussion paper makes reference to the development of a 'framework document'. As the framework document will be responsible for identifying themes and forming the basis of the Planning Commission's Practice Direction, it is not clear whether a consultation on the framework document is intended or planned. This needs to be clarified from the outset.

Section 67(3) of the *Planning Development and Infrastructure Act* stipulates consultation with the owner under the Community Engagement Charter. The charter is also identified – in a general way – in the paper, but there is a lack of detail about how it will be applied or what it will mean.

The discussion paper also outlines that the need for an 'interim operation' as part of the consultation process will no longer be required. If this is the intention, the Government needs to explain, for example, the method to prevent the demolition of a local heritage place between the consultation phase and the time of incorporating it into the Planning and Design Code. We understand there will be some prohibitions in place; however, these have not been identified in the paper and require clarification.

Recommendations:

- *Clarity around consultation with the framework document.*
- *Clarity around consultation with the owner under the Community Engagement Charter.*
- *Clarity around prohibitions in the event there is no need for 'interim operation'*

2. Local heritage listing criteria

The Local Heritage Listing Criteria needs to be tightened to alleviate ambiguity and subjectivity.

The property sector encounters many local councils that will not acknowledge a place as heritage, but will place an importance on it due to its contribution to character. This has demonstrably impeded development in the past. In the event that a place is demolished, there are still constraints due to the associated heritage restrictions put on it. Despite the place

having not been included on the heritage list, there are still constraints associated with it. Character is distinct from built form and this will need to be drawn out in the code and criteria.

Recommendation:

- *Tighten Local Heritage Listing Criteria.*

3. Review heritage listings

The discussion paper highlights that there are more than 8,000 local heritage places listed across South Australia. It is our firm belief that the Government should undertake a review of those local heritage listings on the basis of the new Practice Direction rather than automatically including those already listed. Based on feedback from this organisation's members, there are many places listed that do not or should not be listed. We presently have an opportunity to review the existing list and then put in place frameworks for periodic review thereafter. Whilst we acknowledge and understand this will consume time and resources, it is an important task in the pursuit of fullness and accuracy.

Recommendations:

- *Undertake a comprehensive review of existing local heritage listings.*
- *Install frameworks for periodic review.*

4. Accredited heritage professionals

The discussion paper recommends a separate expert heritage committee; however, in prescribing that only heritage specialists can express a view on heritage is risky. The Property Council firmly believes that rather than having a separate expert heritage committee, the Government should instead appoint an accredited heritage professional to the State Planning Commission. The Planning Commission then has the ability to play a role in discussing and determining heritage issues with a more holistic view.

Recommendations:

- *Abolish expert heritage committee and streamline committee structure.*
- *Appoint a heritage professional to the State Planning Commission.*

5. Decision making process

For the property sector, the local heritage planning assessment tends to be one of the main barriers encountered with proposed job-creating projects. It can at times add months to the early concept design phase of projects, which means at times an unnecessary financial handbrake. From a practitioner's viewpoint, the unpredictable timeframe makes it difficult to devise proper fee structures and from a developer's viewpoint it adds time and cost. When both conspire, it means a hit to the economy and a dent to confidence.

The main recurring issue involves a lack of absolute decision making in DPTI case managed meetings and/or workshops that are called for the specific purpose of resolving key issues. Compounding this problem is the fluctuating opinion from the assessing officer once the meeting has concluded. It is this lack of structure and shift in position which causes time drift and deep frustration with ever-shifting goal posts.

The review and decisions made at these meetings – where all stakeholders including developers are present – should provide the clarity needed to proceed with confidence. Actions and decisions made at these meetings should be binding and a planning control mechanism that does not allow the heritage officer to maintain detailed design control after the design intent has been clearly established should be put in place.

Recommendation:

- *A planning control mechanism that does not allow the heritage officer to maintain detailed design control after the design intent has been clearly established.*

If you or your Departmental officials have any questions in relation to this submission, please don't hesitate to contact my office on 8236 0900.

Yours sincerely




Daniel Gannon | SA Executive Director

RECEIVED

07 Oct 2016

DPTI

P163

	FLINDERS UNIVERSITY <i>School of Humanities</i> <i>Department of Archaeology</i>	GPO Box 2100 Adelaide 5001 AUSTRALIA Private Phone: 08 82788172 Mobile: 0428315266 Email: smithric@tpg.com.au
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Personal Address:
221/2 Jack Fox Drive,
North Brighton,
South Aust., 5048
6th October, 2016

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

Thank you for the opportunity to comment on the State Government's (DPTI) Local Heritage Discussion Paper. Although I am writing as an individual, I have been involved in cultural heritage management decisions over many years as a past member of the City Mitcham's Heritage Advisory Committee (for nine years), as a past President of the Blackwood/ Belair and District Community Association and having lectured in Cultural Heritage Management at Flinders University.

I will not repeat all the points covered in the submission on the Local Heritage Discussion Paper by the National Trust of South Australia, but simply state that I strongly support all the points made by Professor Etherington in that submission.

The following points are my own observations on the Discussion Paper:

Updating Local Heritage listing criteria – the concept that local heritage criteria should be the same as state heritage criteria is a deeply flawed initiative. State Heritage listings must be evaluated against more stringent criteria than Local Heritage listings. There is no point in differentiating between the two if the same criteria are used. There is also a very real likelihood that many potential Local Heritage places will be unable to meet the criteria under the proposed new legislation.

Likewise, the criteria for assessing the heritage values of Historic (Conservation) Zones and Contributory items in the Discussion Paper are unclear. Is the paper suggesting that Historic (Conservation) Zones be assessed using the same criteria used to assess State Heritage listings? If implemented, I believe the proposed assessment criteria will be found to be deeply flawed. This requires urgent clarification and revision.

Should a demolition proposal be able to be more robustly argue for consideration on its merits?

This is a vexed issue, but it does seem that demolition on merit will undoubtedly lead to an increase in the number of local heritage properties being demolished. Surely a Local Heritage Discussion Paper initiated by our government should be seeking to encourage a sense of community and a sense of pride in our local heritage. *Local Heritage listing can greatly add to the market value of a property.* Many residents spend a great deal of money renovating older style homes and it is proven time and again that renovation contributes to the local economy. *Caring renovators do not want the adjacent heritage listed property demolished and replaced with a toy-town development.* It detracts from their property and devalues it. In the older suburbs close to the city and in country towns an appropriate renovation of one property can, and does, stimulate neighbours to renovate their homes and, gradually, over a decade or two a chain reaction takes place and streets where the residents take pride homes become suburbs – suburbs where the meaning of heritage and character merge. These then become the suburbs which are protected as highly valued historic/ conservation zones and the suburbs where the market value of individual homes rises dramatically. Classic examples of this positive economic benefit are the suburbs of Colonel Light Gardens and Kingswood.

Our heritage legislation must give the highest priority to respecting South Australia's heritage as a social and economic asset for the community. Please take a positive approach to planning protection for our local heritage.



Dr Pamela Smith
Senior Research Fellow, adjunct.

Pearce, Penny (DPTI)

From: Pat Stretton
Sent: Friday, 7 October 2016 4:57 PM
To: DPTI:Planning Reform
Subject: Changes to local heritage listing

RECEIVED
07 Oct 2016
DPTI

To the Minister for Planning

It would seem that under your planned changes it would make it much easier to demolish local-heritage-listed places.

You speak of local heritage as if it is of no real importance (unlike State heritage listing). I believe this to be a wrong-headed view. We all grew accustomed to the Liberal Party not caring about heritage. Sad to see Labor following down that path.

Someone has a sense of humour making us address our misgivings to planningreform@sa.gov.au.

A very unhappy Labor voter,

Pat Stretton

Pearce, Penny (DPTI)

From: Margaret Owen
Sent: Friday, 7 October 2016 5:41 PM
To: DPTI:Planning Reform
Subject: Local Heritage proposals

RECEIVED
07 Oct 2016
DPTI

Hello,

I am most concerned about the proposed 'amendments' to the Act relating to local Heritage.

Firstly I think the consultation period should be extended until after Christmas.

Second, local Heritage should be determined by local residents and their respective suburban and regional Councils - not by some Committee of so-called 'experts' who might have never lived in that suburb/region or have any true understanding of why a particular piece of property is significant..

Thirdly the term 'character property' is one bandied about by real estate professionals and has more meaning for advertising and marketing than for heritage definition.

There is major risk involved in transferring our /State's local Heritage to any organisation other than one elected by the people who live in an area - not a few developers most bringing in money from outside the State, taking their profits and moving on again. Renovations cost money too and young professionals et al are now heavily involved in renovating properties in SA particularly in the Western suburbs. The money from paying for this work might not come in one big 'hit' but if it continues in a steady stream, it keeps local tradies in work and the money spent in SA.

Please do NOT put this proposed 'reform' into action.

Margaret Owen,

7 October 2016

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

Via email: agd@agd.sa.gov.au

Dear Minister Rau,

Thank you for the opportunity to comment on the discussion paper Heritage Reform – an exploration of the opportunities.

We understand and respect the value of heritage sites to the State's economy, tourism, education and identity and we want to see our communities develop and prosper. We appreciate the opportunity to comment and provide constructive feedback.

We concur with the broad areas covered in the discussion paper. We do however believe that there are some notable and important matters which are absent.

About the UDIA

Established in 1971, the UDIA (SA) represents the interests of the urban development industry in South Australia in collaboration with all levels of government.

The UDIA represents around 200 businesses in South Australia and 4,000 on a national basis and is the peak body of the urban development industry.

As the fifth largest contributor to output in SA, the property development industry employs 56,000 people or 7% of the state's total workforce, and accounts for almost \$9 billion or 12% of Gross State Product.

The UDIA and its members agree that it is timely that a review take place into the way in which heritage is treated in South Australia as this will place a significant role in the overall effectiveness of the Planning System in South Australia.

Prevent the use of "Contributory items"

The Act should expressly prohibit the inclusion of contributory items in any Planning and Design Code (PDC). Such items blur the notions of character and heritage, create a false heritage listing and create confusion and unnecessary regulation of the development control system. The Planning and Design Code should remove all reference to contributory items - existing and in future.

Review of current listings

We note that there is no mention of a review of the existing listings. A review of the existing listings is pivotal, as experts have warned us of a number of recent listings that do not meet the criteria.

In the spirit of implementing a better system we reject the calls for a wholesale ruling out of

anything currently listed. To completely ignore all current listings would be a missed opportunity.

The UDIA acknowledges that due to resource or time constraints, the listings of the past were not always based on thorough research or a survey which has led to some listings not meeting the existing criteria. But these listings remain simply because of the difficulty in challenging or reviewing them. To add to it, the old listings were also based on criteria which, it is acknowledged, are no longer appropriate.

Further, many Councils are not keeping their listings up to date. A lack of funding and lack of experts available in their area have been highlighted as some of the reasons why, but that needs to be addressed and there needs to be accountability for that.

We understand that having private citizens being able to add sites to heritage listings, without the need to go through the Council, frees local government and could partially address their lack of resources, but we do question the expertise needed in this area, so listings don't become a "free for all".

Local Heritage Listing Criteria

The UDIA agrees that the listing criteria for heritage requires improvement. The current criteria have been applied too subjectively across different council areas and we agree that a clearer set of criteria will help improve the process and minimise subjectivity. We would be pleased to be involved in the development of those criteria in due course.

We also believe that in a hierarchical context, Local Heritage listings should have a different status than State listings and, therefore, we do not support the same criteria being used.

The UDIA would welcome the opportunity to provide input in preparing a practice circular on how these criteria should be used.

Streamlining our Development Assessment Process

The current way in which Heritage is dealt with in the Assessment Process is both difficult and frustrating for the property sector.

Similar to the listing process, the inconsistencies across Council areas in assessment pathways mainly relates to whether demolition is 'on merit' or 'non-complying'.

The UDIA agrees with and welcomes the consideration of demolition 'on merit'. This approach already exists across a majority of Councils, and furthermore where it is in place it successfully enables a more pragmatic discussion around the individual circumstances. Such an approach does not open up local heritage to demolition. All applications would still need to be assessed on their merits.

We are aware that there have been very few approvals sought or granted in these Councils where on merit processes for demolition have been in place for many years.

It seems less than reasonable for opponents of this approach to rule out 'on merit' applications when it is already working in a number of areas. We support "on merit" to be applied to all council Development Plans.

The UDIA also strongly agrees with the approach outlined on the bottom of page 6 of the discussion paper to streamline low risk works and mechanisms to allow for 'deemed to satisfy' and 'accepted' to be put in place.

Implementing a framework document and 'practice direction' and streamlining our listing process

The UDIA agrees that the current process for listing is cumbersome and we congratulate the Government for committing to a discussion paper as an avenue to fix this.

The UDIA also supports the notion of a framework document and believes that this is crucially

We agree that early engagement with all interested parties can be useful in improving the planning process and removing the need for interim operation.

We would however caution that in the same vain the process does not become too lengthy and ultimately leads to delays in reaching final conclusions.

We strongly recommend that if a new listing process is to be implemented it incorporates a review mechanism of any amendments made by a heritage committee for incorporation in the Planning and Design Code.

Clarifying the difference between 'Character' and 'Heritage'

Overwhelmingly, the property sector has been concerned about the lack of clarity and distinction between character and heritage.

Through feedback from a number of UDIA Committees, the definition of character on page 6 of the discussion paper was considered to be OK, however the definition of heritage less so.

As mentioned earlier, we believe that contributory places/items serve little benefit and in fact they serve only to encourage anything not worthy of a heritage listing having another go, albeit in just a different way.

Recently at the forum convened by the Local Government Association and the Adelaide City Council featured a number of heritage experts. One of these experts, Duncan Marshall stated in a response to a question about contributory items that they couldn't see the logic in this classification which exists nowhere else across the country. He made the point that for simplicity it might be better to just decide whether the listing has a heritage value or not.

We believe contributory items should not be part of the local heritage system and should be removed from development plans.

We raise this in the context of the confusion around heritage and character because we believe that this plays a large part.

Accredited experts to be avoided

A system of accredited experts is fraught and should not be adopted. It creates a barrier to the development of expertise and relies heavily on the system of accreditation itself being robust. It is another unnecessary layer of regulation. Instead, if necessary, certain actions or steps could be required to be undertaken by "a suitably qualified and experienced person".

Conclusion

We trust that the feedback provided is helpful and we would be pleased to discuss it in more detail if you wish.

Regards



Pat Gerace
Chief Executive Officer

7 October 2016

Via email planningreform@sa.gov.au

Re: Discussion Paper: Renewing our Planning System-Placing Local Heritage on Renewed Foundations

The Environmental Defenders Office (SA) Inc ("the EDO") is an independent community legal centre with over twenty years of experience specialising in environmental and planning law. EDO functions include legal advice and representation, law reform and policy work and community legal education. Community groups have referred this issue to us and we note the intense interest in improving the quality of heritage management and protection that has been articulated by many varied members of the South Australian population. There is certainly a need to improve the legislative process to deliver better outcomes in an efficient and balanced manner. To this end, we have endeavoured to clarify the important issues hereunder.

The EDO appreciates the opportunity to provide a response to the points raised in this important discussion paper ("the paper") on local heritage. It is acknowledged that the paper raises a number of points seeking feedback. We look forward to, and would strongly recommend, an ongoing discussion on the implications of the points raised particularly with respect to procedural matters which will implement the management of local heritage as part of the legislative drafting process. The paper raises a number of points that warrant the development of a system that will protect local heritage and the owner's right to develop in a balanced manner.

This is a generational opportunity to review the way South Australia manages heritage. However it is unclear why a key recommendation of the Expert Panel for an integrated approach to all heritage matters separate to planning system was not outlined in the paper nor apparently considered favourably by the Minister. In addition the paper doesn't cover heritage management and the issue of contributory items.

Certain aspects of the Planning, Development and Infrastructure Act 2016 (PDI Act) already pertain to local heritage and in our view need to further develop a balance between protecting local heritage while allowing for viable development. In particular the legislation allows developers to appeal listings and furthermore require 51% of landowners to approve a heritage character or preservation zone. It is a concern to us that there is scope for heritage protection to be further downgraded if some of the suggestions in the Paper are incorporated into legislation. Condensing our feedback, please consider the following points:

1. Updating current listing criteria, implementing a framework document and the use of a 'practice direction'

In our view the problems with the system are in part due to a cumbersome process but also due to delays by the Minister in making decisions. With respect to local heritage we recommend that Councils oversee the listing process and are given the power to make final decisions rather than the South Australian Planning Commission.

The EDO supports the inclusion of local heritage criteria in an integrated heritage act. However having said this, it is not clear from the discussion paper that there is a compelling need for them to be brought into line with HERCON model criteria. The advantage of retaining local heritage within the planning legislation is that the current criteria appears quite adequate for local listing. If there had been a perceived problem with the criteria, the paper did not elucidate the reasons. There are clear distinctions between national, state and local listings and standardization is contrary to this. An existing resource that has thoroughly identified historic periods and themes is the Marsden Historical Guidelines, which are comprehensive, reflective of local and regional differences in settlement and would be a good source material to consider. The EDO does not support the proposed criteria derived from the *Heritage Places Act* 1993 as the focus on themes and rarity could potentially fail to list important local heritage. In fact, local heritage varies considerably in content and value according to which regional part of the state in which it is located.

The EDO recommends a simple system based on date/era, and broad historic themes related to the proposed local heritage place. It is considered that significance and future development can and should be part of the listing documentation, prepared in consultation with current owners of potential local heritage places and local councils. Greater flexibility in land uses and land division should also be considered by the Minister in order to enable local councils to provide incentives to restore and reuse neglected heritage and increase employment opportunities for local communities.

The EDO further supports the use of a framework document and practice direction subject to the provision of further detail outlined above. Local councils undertaking the local heritage survey or updating listing should also be encouraged to consider incentives to promote local heritage as an economic benefit to the owner and community. This warrants a separate discussion prior to further drafting and the EDO would be pleased to assist in this. Some element of state support would be an encouragement to local government.

2. Streamlining the listing process, recording local heritage places

The EDO supports a less cumbersome process as set out provided upfront surveys and consultation are done in a thorough and appropriate manner. A Practice Direction would be an essentially useful tool for setting out the process for reviewing past surveys, existing studies and documented historical evidence. Consideration should also be given to reducing excessive paperwork and balancing the significance of the place proposed for listing with a

companion interpretation/alteration/future development opportunities section of the listing in consultation with the owner. If this process is undertaken properly as set out above we suggest an appropriate consultation period following the completion of the proposed heritage list should be six weeks.

It is also suggested that if there is successful early engagement and consultation processes then the need for “interim operation” is unnecessary. Interim operation is a significant protection for heritage and should only be available if early engagement and consultation are unsuccessful.

The paper proposes that an expert heritage committee makes final decisions ie amendments for incorporation into the Planning and Design Code. As noted above the EDO recommends that local councils have this role. In addition, the recommendations that are forwarded to the Minister should be dealt with expeditiously. Should the Minister refer the proposed schedule of local heritage places back to the Council for reconsideration, then following the council’s response to the referral, the Minister should be required to gazette the local schedule or local heritage place within a 3-4 months timeframe. We strongly support local councils having the responsibility for listing given that management of heritage will be on the basis of a partnership between owners, council, and community. However, the EDO does support a single source of information for heritage listings. This could occur through the State Heritage Branch and DPTI website, with all listings and relative criteria provided and updated regularly.

3. Streamlining Development Assessment Processes

The Paper proposes a number of matters here- we will comment on some of these.

- a. A review of activities that constitute ‘development’ of heritage places. The detail here is very important and appropriate community consultation and other rights should occur prior to enactment. Following this phase, if certain local heritage development is classified as exempt, accepted or ‘deemed-to-satisfy’ there is no public consultation or third party appeal rights.
- b. The proposal that demolition of local heritage dealt to be dealt with on merit rather than as non-complying development is suggested. The EDO does not support this proposal. Currently, where development is described in a Development Plan or the Development Regulations 2008 (SA) as 'non-complying' the relevant authority may refuse an application without proceeding to assess it, in which case there is no right of appeal by the applicant. The relevant authority may then determine to proceed to assess it, in which case as part of its assessment the relevant authority will require from the applicant a Statement of Effect. This Statement of Effect must include:
 - a description of the proposal, the relevant provisions of the Development Plan and the extent to which the proposal complies with the Development Plan, and
 - an assessment of the expected social economic and environmental effects of the development on its locality

As non-complying developments can be controversial or have potentially adverse impacts on the local environment, a non-complying development must not be granted consent unless both the local council and the Development Assessment Commission agree. In addition, where the Development Assessment Commission is the relevant authority, the Minister for Planning must also agree.

Often, a Development Plan does not list a particular form of development as either complying or non-complying. In these cases, the relevant authority must consider each development on its merits, having regard to the objectives and principles of development control set out in the Development Plan. Planning consent can be granted or refused. If it is refused, the applicant for development approval can appeal against the decision. A Statement of Effects is not required. Given the new system of documentation involving criteria inclusive of historic periods and themes, and owner consultation we strongly suggest that non-complying categorization will be a more robust protective measure.

Rather we would urge that all applications for demolition be classified in the new Planning and Design Code as non-complying to offer greater protection to local heritage. The basis for this recommendation is that listing will involve significance AND future development options in full consultation with an owner. Consequently the process of documentation will be more labour intensive and subsequent listing should provide a rigorous level of protection against demolition.

- c. Accredited professionals could provide advice and decide on development applications for local heritage places, at a local level and provision should be made to include local historians and local heritage societies. At the outset we would submit that accredited professionals need tertiary qualifications in the disciplines of history, or architecture, as well as in a town planning. As to the role of such professionals we support their use as advisors to the council, rather than as members of an expert heritage committee. If within the role as decision makers in some form or other, their decisions should be subject to review.
- d. Contributory items / Character protection
While not fully explored in the discussion paper, the EDO supports the distinction between character and heritage. Therefore, a character overlay or similar planning tool to designate character landscapes and townscapes would improve the current planning system. This may of course include a streetscape character based upon past development patterns; in which case the articulation of the existing character in terms of form, setbacks, heights, textures, materials, landscape treatments and include a definition of desired future character. Replacement buildings would need to respond to the equivalent of a desired future character statement and be illustrated by plan overlays.

The retention of contributory items is not supported by the EDO on the basis that contributory items should relate more to streetscape character. In a number of situations, contributory items have been assessed more as local heritage places to the overall detriment of the heritage system as a fair system.

Summary of recommendations:

- a. Apply the KISS principle to criteria for local listing, which should retain the existing criteria, with added era/broad historic themes as a guide on the basis of the retention of local heritage within planning legislation.
- b. Include consultation and future development guidelines as part of the listing process. Further discussion would be welcome on this important aspect.
- c. Provide a non-complying category for demolition of gazetted local heritage places under the new system to reinforce the value of listing.
- d. Full support for a gazettal process rather than the existing cumbersome DPA process.
- e. Consider how local councils may be able to assist owners and the community in enhancing the value of local heritage as an adjunct to the legislative reform in process. Consider a practice circular that encourages Councils to consider an incentives package for local heritage places as an adjunct to proposing a local historic places listing via gazettal.

Overall, the ideas articulated include simplifying the local heritage listing process and the suggestions above propose added ways of balancing local heritage protection with a more consultative and transparent heritage system for local communities. We would welcome an opportunity to expand on some of the points and contribute to the improvement of local heritage protections in SA.

Please contact the EDO office should you require further discussion on this submission.

Yours faithfully



Melissa Ballantyne
Coordinator/Solicitor
Environmental Defenders Office (SA) Inc.

The environment's legal team since 1992- protecting the public interest – evening the odds

Ph: (08) 8359 2222 SA Country Freecall: 1800 337 566
Office: 1st Floor, 182 Victoria Square, Adelaide, SA. Post: GPO Box 170, Adelaide, SA, 5001
Web: <http://www.edosa.org.au>

Pearce, Penny (DPTI)

From: David Donaldson
Sent: Friday, 7 October 2016 6:35 PM
To: DPTI:Planning Reform
Subject: Heritage paper is unhelpful

RECEIVED

07 Oct 2016

DPTI

I agree that there often is confusion about heritage and character and history. I think this novel use of 'character' in a building was introduced by a real estate agent.

I did not understand the sentence about reconciling asset value with cultural value.

There did not seem to be any meaning to the several pretty pictures. What ideas were they illustrating?

Overall, the paper is poorly structured and loosely written. It does not seem a basis for deciding anything. This communication manner seems to run right through the state planning office.

David Donaldson

Your mind is a garden, your thoughts are the seeds.
You can grow flowers or you can grow weeds.

Dear Sir/Madam,

I would like to make the following comments on the South Australian State Government's Discussion Paper on Local Heritage. I note that the author did not append their name to this document.

I consider the Government's Discussion Paper a case study in how to avoid engaging the community. There was no public forum to launch the discussion paper; and whilst a select number of organisations were notified by letters posted 11 August with instructions to submit written comments on the paper by 9th September they could not possibly comply within that or even the slight extended timeframe to 7th October, Community organisation are just that and require time to consult and represent their members with a properly framed response.

I believe the Department's attitude to Local Heritage in this discussion paper undermines the need for protection and thereby leaves places of Local Heritage vulnerable. 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. I think most people feel more connected to areas of local heritage in their everyday lives than with buildings or areas at a greater level of protection.

I do not believe that Local Heritage can be identified by "experts". Local Heritage must be defined by those connected to the area, in whatever form this connection might be. From a national and international perspective, our extensive groupings of 19th & early 20th buildings stand out as unique. You do not have to live in one of these buildings to consider them a valuable part of our heritage.

The DPTI paper suggests the use of thematic frameworks to determine what kinds of places are 'over-represented' on local heritage registers. This suggests that there can be a quota on places of local heritage which is patently ridiculous. It further suggests 'demolition on merit'. The whole point of Local Heritage is to stop demolition. What merit can there be? It undermines the certainty property owners and communities crave.

At every step the DPTI discussion paper ignores the community and local councils in favour of unseen experts. The following have been suggested by the National Trust, of which I am a member and I wholeheartedly support their suggestions for a review of protection of Local Heritage which would:

1. Put the identification, assessment and protection of local heritage entirely in the hands of local councils, anticipating that they would have to pay attention to the views of residents. 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 the public's opinions **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. It will provide comprehensive information on every place ever proposed for heritage recognition.

Yours sincerely

Eleanor Hobbs

HERITAGE REFORM - AN EXPLORATION OF THE OPPORTUNITIES**LOCAL HERITAGE DISCUSSION PAPER**

I am the titleholder of a property within the Norwood Payneham & St Peters Council, the dwelling located thereon being classified "of heritage interest" under the current DAP.

I have sought preliminary Development advice in relation to improvements to the dwelling on the property, and have received informal response that my proposal is not in line with the NPSP DAP, and that proposed improvements are not consistent with the property's "heritage listed" status. The ongoing references to "heritage listed", rather than "of heritage interest" is a major concern, and is clearly one of the headings highlighted within the Discussion paper.

I note the NPSP Council opposes the State Government's proposal for local heritage reforms.

My responses to the individual points highlighted within the Discussion Paper follow:

- *Should our local heritage criteria be replaced to better match national best practice?*
 - I am not a supporter of centralisation per se, but a centralised Appeals authority could be implemented as an independent adjudicator.
- *Should local heritage criteria be supported by more sophisticated forms of guidance found interstate?*
 - Yes. If improves the process and mitigates unnecessary delays and distractions, I would support this.
- *The listing process can give rise to conflict within communities, and between landowners and technical experts. Are there ways this can be improved?*
 - The process should be free from subjective opinions and should be entirely objective.
- *Is a traditional local heritage register required?*
 - No comment
- *Do you agree that there is confusion between heritage and character? If so, how can this be addressed?*
 - This is a fundamental problem from my perspective. I refer to my earlier comments to the need for an independent Appeals authority.
- *Do you agree that descriptions of heritage value and physical description of listed elements for each place should be kept up-to-date?*
 - Agreed.
- *Should the recognition of heritage value be undertaken by accredited professionals? If so, who should have the final decision?*
 - I support objective assessment by appropriate subject matter experts, with an appropriate streamlined Appeals process.

Bruce Payne

9 October 2016

Peter & Sue Oster

E. HERITAGE REFORM (LHP and HCZ)

Renewing our planning system – Heritage reform – An exploration of the opportunities

Our views on some issues identified in the discussion paper:

- Poorly / inconsistently applied local heritage criteria – **AGREE**
- Lack of comprehensive review – **AGREE**
- Sensitive consultations occurring too late in the process – **AGREE**
- Confusion between 'heritage' and 'character' – **AGREE**
- Inconsistent Development Assessment procedures and policies – **AGREE**
- Formalising a role for accredited heritage professionals. – **AGREE**

Our views on new listing processes identified in the discussion paper:

- Ensuring accredited heritage professionals survey and identify proposed local heritage nominations with the early assistance of the community in accordance with a heritage listing practice direction prepared by the Commission – **AGREE**
- Early notification of an owner of a property likely to be identified as having local heritage value in accordance with a heritage listing practice direction – **AGREE**
- Listing nominations finalised through completion of both statements of significance and descriptions of the elements of the place in accordance with a heritage listing practice direction
- Reducing the set time for public consultation consistent with the Community Engagement Charter (possibly 4 weeks in lieu of the current 8 weeks) owing to improved earlier engagement and owner notification. – **STRONGLY DISAGREE**
- Extending the primary role of the expert heritage committee (currently the Local Heritage Advisory Committee) from considering individual objections to more broadly considering proposed listings in the context of the local area established through a heritage listing practice direction. – **VERY STRONGLY AGREE**
- Under delegation from the Planning Commission, the expert heritage committee finalises heritage related amendments for incorporation into the Planning and Design Code. – **VERY STRONGLY AGREE**
- Periodical review and updating of the statements of heritage value and descriptions of the listed elements of the place. – **VERY STRONGLY AGREE**
- Clarify the difference between 'Character' and 'Heritage' – **AGREE**

The levels of control over Historic Conservation Zone (HCZ) are not much different from Local Heritage Place (LHP). Therefore it is common sense and courtesy for the same considerations and appeal rights, and some authorities agree. Please give the owners of a Historic Conservation Zone property, not just Local Heritage Place, the right to appeal to the Local Heritage Advisory Committee.

In 2015 Prospect Council created the new HCZ of HC8 Prospect Lanes, which DPTI

described as not historically intact. The resident group Local Streets confirmed this in a detailed survey. A majority of households signed an objecting petition, which was tabled in parliament in Dec-2015. However, the affected property owners had no right of appeal.

We are self-employed and bought a double-block of land as our superannuation. A large house is sited across the boundary line, and is our current residence. Our plans were to demolish the large house after our sons left home, and build low-maintenance sustainable dwellings. It seemed a perfect location for small residential development: only 4km from the CBD and easy walking distance to the main road with public transport. Prospect Council dashed our plans with its DPA 2015 when it created the new HCZ of HC8 Prospect Lanes. The HCZ vetoes demolition, in fact strictly controls renovations and extensions, but we had no right of appeal re HCZ.

Regards

Sue and Peter Oster

P172

RECEIVED

07 Oct 2016

DPTI



**Australian
Institute of
Architects**

Response to Local Heritage Discussion Paper

Submission to

**Department of Planning,
Transport and Infrastructure**

7 October 2016

SUBMISSION BY

Australian Institute of Architects
ABN 72 000 023 012
South Australian Chapter Office
100 Flinders Street
ADELAIDE SA 5000

PO Box 3420 Rundle Mall
Adelaide SA 5000
Telephone: 08 8402 5900
Facsimile: 08 8402 5999
email: sa@architecture.com.au

PURPOSE

- This submission is made by the Australian Institute of Architects (the Institute) to the Department of Planning, Transport and Infrastructure in response to the Local Heritage Discussion paper.
- This submission has been prepared with the assistance of Jason Schulz (DASH Architects), Pippa Buckberry (Anaglypta Architecture), Andrew Stevens (Stevens Architects), Andrew Klenke (Swanbury Penglase), Stephen Schrapel (Swanbury Penglase), Ian Hamilton (Arcuate Architecture), Sam Hosking (Hosking Willis Architects) and Richard Wood (Habitable Places).
- At the time of this submission the SA Chapter Council of the Institute is: David Homburg (State Chapter President), Steve Grieve (Immediate Past President), David Brown, Anthony Coupe, Tony Giannone, Sean Humphries, Adam Hannon, Eddy Lukac, Leah Salamon, Dino Vyrnios, Vanessa Amodeo, Sally Bolton, Chantelle Fry, Jordan Bails
- The Institute State Chapter Manager is Nicolette DiLernia

INFORMATION

Who is making this submission?

- The Australian Institute of Architects is the peak body for the architectural profession in Australia, representing 12,000 members. The Institute works to improve our built environment by promoting quality, responsible, sustainable design. Through its members, the Institute plays a major role in shaping Australia's future.



Australian
Institute of
Architects

Response to Local
Heritage Discussion
Paper

The SA Chapter of the Australian Institute of Architects (The Institute) welcomes the release of the Local Heritage Discussion Paper and the opportunity to provide a response. It is The Institute's view that the review should identify and build on the positive aspects of the existing system. This positive focus is required to address aspects of the current system that are ineffective or poorly understood and result in an adversarial rather than a constructive processes.

We believe that the focus of the review of the local Heritage system should be proactive: improving the understanding and management of local heritage. The heritage management system should streamline and fast-track approvals for repairs, maintenance and conservation work based on accredited expert advice. It should also educate and support owners of LHPs in best practice adaptive reuse of listed places to foster their active use.

The Institute's response addresses the high level issues identified in the Discussion Paper. Provision of a comprehensive response has not been possible as the level of detail required to provide informed comment is unavailable at the current time.

In light of this, The Institute believes further consultation is essential prior to the creation of new planning policies and/or new bill. We also believe the positive changes recommended will require adequate resourcing to deliver the proposed responsiveness and delivery of outcomes, particularly if these outcomes are required to be completed within a set timeframe.

Key issues and our membership's combined responses to them are outlined below:

Updating Current Local Heritage Listing Criteria

The proposal to amend the criteria for listing Local Heritage Places (LHPs) based on State (and HERCON) criteria is supportable subject to further clarification and consultations on the detail. Development of consistent criteria that reflect best practice at a national level is desirable. Informed consideration needs to be given to 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 experienced heritage practitioners, approval authorities and interested parties.

Implementing a framework document and 'practice direction'

Thematic studies and comparative analysis can be useful tools and the idea of consistency is good providing it is not restrictive to the process. A thematic approach to heritage surveys and assessments has been common in the local heritage listing process for some time and has resulted in positive outcomes.

The detail of how thematic studies and comparative analysis will be applied is not provided in the Discussion Paper. This requires informed consideration to achieve best practice outcomes and should be subject to further consultation with experienced heritage practitioners and approval authorities.

The concept of applying thresholds to Local Heritage listing appears reasonable. However the determination of these thresholds and the way in which they are applied requires detailed resolution. Thresholds will influence the nature and number of LHPs and the resulting ability to represent and interpret the origins and history of a local area in a tangible way. It is important to set thresholds at an appropriate level to deliver proper, legible and understandable representation of Local Heritage Places. The proposed framework document and practice direction should therefore be the subject of further consultation with experienced heritage practitioners and Councils.

Streamlining approvals for routine work is welcome. However, minor works to heritage places undertaken with good intentions but without expert advice can result in unintended and negative heritage impacts. An on-site consultation with a heritage practitioner, such as that currently provided through the Local Heritage Advisory Services offered by many Councils, remains the best way to achieve best practice outcomes for works to LHPs.

Development of a list of prescribed works similar to a mini-Heritage Agreement, that provides expert guidance for correctly undertaking minor works to LHPs, may also be possible. This would need to be developed by heritage professionals. Approval Authorities and owners of listed places will require education regarding the intent and implementation of such a system.

Streamlining Listing Process

Improving the ability to propose new listings in a timely manner is of considerable benefit. At present many LHPs are lost as protection via a DPA process that is too cumbersome and slow, with places that have been identified for heritage listing being demolished before the listing and associated protection comes into effect. A provisional listing mechanism, as currently exists in the Heritage Places Act, could address this issue and provide consistency between State and Local listing processes.

Another key area for clarification will be where the final decision rests with the listing process, the Minister or the expert committee. In our opinion the Paper is ambiguous on this point. We believe that the decision to list should remain with the Minister rather than moving to a private certification model.

Review of Existing Listings

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 the new listing criteria and a comprehensive description of the fabric and setting of each place will be prepared. Furthermore the Discussion Paper suggested that this may occur within a set timeframe.

Review of all existing listings is a complex and onerous process and will require significant resources. In addition, preparation of a comprehensive description of listed fabric can generally only be undertaken in a meaningful way with access to the property. Any review process would require a mechanism for owner consultation, including an objection process. The review would need to be properly resourced and undertaken in a realistic time frame so that the process is rigorous and a reliable outcome is achieved. Careful consideration of which bodies would undertake the review is also required.

Finally there is no explicit reference to Local Heritage Areas in the transfer to the new system. The Institute strongly recommends that these locally listed areas are also maintained.

Clarifying the difference between Character and Heritage

The definitions of 'heritage' and 'character' in the paper are not clear and hopefully can be improved through guide notes and education and acknowledgement of when there is cause for overlap. Bringing Local Heritage under the Heritage Places Act while maintaining Character within the PDI Act would assist in clarifying the current confusion between the two concepts. It would also ensure that the Local and State listings were administered by a single entity.

Local Heritage and character are acknowledged as different concepts in the Discussion Paper. It is therefore important that the reasons for locally listing areas are clearly articulated and understood and that suitable levels of protection are applied to the significant places and spatial qualities therein – setbacks, scale, patterns of development, materials and forms. Protection of these attributes should be the primary planning objective for Local Heritage Areas.

The absence of reference to Contributory Items and Historic (Conservation) Zones within the Discussion Paper was noted. The Institute considers the management and protection of historic character to be of equal value to the management and protection of Heritage, and accordingly should be afforded similar detailed consideration.

Adaptive re-use should be strongly supported. Clear identification of potential sites within Heritage Areas which are suitable for demolition and appropriate re-development could be beneficial.

Streamlining our Development Assessment Processes

The Institute recognises that there is a need for consistency in terminology and policy. While it is acknowledged that there are opportunities to streamline assessment in relation to Local Heritage Places and that identifying minor and low risk works is a logical way forward, it is important to allow heritage practitioners input into defining these categories.

Proposed demolition 'on merit' is noted as not being a fundamental change. The majority of Council Development Plans currently have LHP demolition as a merit assessment. The proposed reform will bring alignment in policy as well as providing 'natural justice' mechanisms by way of appeal rights and greater scrutiny of decision making, and accordingly is supported.

Accrediting Professionals

Accrediting heritage professionals is a sound idea. Involvement of suitably qualified and experienced heritage professionals already exists through Local Heritage Advisory Services offered by many Councils. This process adds value and provides the mechanism for early, expert advice advocated in the Discussion Paper.

However the criteria for accreditation and the extent of the remit for accredited professional is not clear in the Discussion Paper. The Institute supports embedding involvement of accredited heritage professionals in pre-lodgment, design advice and assessment of applications to listed places. The extent of remit for accredited professionals in the approval process warrants careful consideration to ensure consistency and quality of decisions. We note that the repercussion of ill-informed decision making processes can be severe and need to be given due consideration.

Many of our members are established specialist architectural practitioners as well as registered architects. They would appreciate early discussions about what course accreditation may take, the quality of certification and the integrity of the certification system. Benchmarking against established accreditation systems in other States and consideration of the mechanism that currently exists in the Heritage Places Act would also be beneficial in development of a robust accreditation system.

Pearce, Penny (DPTI)

From: DPTI:Planning
Sent: Monday, 10 October 2016 10:48 AM
To: DPTI:Planning Reform
Subject: FW: HERITAGE

RECEIVED 07 Oct 2016 DPTI

From: Malgorzata Schmidt
Sent: Friday, 7 October 2016 4:26 PM
To: DPTI:Planning <DPTI.Planning@sa.gov.au>
Subject: HERITAGE

Dear Planning Dept,

State Government has been detrimental to our heritage during my 3 yrs residency in SA. The most recent and remarkable predatory actions of the State Gov against public opposition include:

- Destruction of Rymill Park
- Dumping public money into forcing intl nuclear dump onto Aboriginal heritage of pristine nature
- Endless demolitions of heritage buildings

All these actions are characterized by a blatant contempt for democracy, with total disregard of the opinion of majority. To exemplify, on Sept 26, 2016, Planning Minister John Rau found himself a more rewarding activity than participating in the Forum on Heritage Planning at the Town Hall, attended by over 300.

If local heritage, and thus de facto almost all heritage, indeed plays “an important role” to the State, then the State must leave it to local councils and communities and instead start running courses in basic democracy for its own officials.

And with best wishes and kind regards

I remain faithfully yours

Malgorzata Schmidt MD, PhD

Pearce, Penny (DPTI)

From: Pearce, Penny (DPTI)
Sent: Tuesday, 11 October 2016 8:27 AM
To: DPTI:Planning Reform
Subject: FW: Alarm rethe new planning system

RECEIVED 11 Oct 2016 DPTI

From: Dennis Coleman
Sent: Tuesday, 11 October 2016 7:50 AM
To: Pearce, Penny (DPTI) <Penny.Pearce@sa.gov.au>
Subject: Fwd: Alarm rethe new planning system

To Planning SA:

I write this in undue haste, being currently overseas and operating from an iPad . I, both personally and on behalf of members and adherents of Aurora Heritage Action inc am gravely concerned about the proposed surrender of powers from the elected representatives in Adelaide and suburban councils to bureaucratic officials who are unelected in relation to heritage appraisal.

This is of concern because the local community, in collaboration with historians, architects and simply those who do not wish the fabric of their community to be destroyed should have direct input on this through their elected local government representatives.

Heritage need not be in a converse relationship to economic development. Indeed there are instances where inappropriate development such as the failed apartment complexes (which to some extent replaced historic boat sheds with tourist potential) at Port Adelaide) actually impeded the development of Port Adelaide .

As in historic precincts in Europe and other world urban regions where tourist traffic is high with commensurate commercial activity, there are areas in the ADELAIDE CBD and beyond where heritage buildings in a complete strip (with some unfortunate architecturally unaesthetic disruptions) attract a great deal of commercial activity in the form of restaurants, bars and so forth. The heritage acts as a magnet and a framework for the entertainment area.

This current proposal which appears to be facilitating the whims of fast track developers will no doubt cause irreparable damage to the fabric of many local communities.

Residents and councils should be involved throughout the entire process. I am available for further comment and clarification re this.

Dennis Coleman
President Aurora Heritage Action inc

Pearce, Penny (DPTI)

From: DPTI:Planning
Sent: Monday, 10 October 2016 10:52 AM
To: DPTI:Planning Reform
Subject: FW: Planning Reform Contact Form

RECEIVED
07 Oct 2016
DPTI

From: dpti.noreply@sa.gov.au [mailto:dpti.noreply@sa.gov.au]
Sent: Friday, 7 October 2016 7:15 PM
To: DPTI:Planning <DPTI.Planning@sa.gov.au>
Subject: Planning Reform Contact Form

- Name: Peter Neuhaus
- Email:
- Subscribe to updates via email?: No

- Comments/Feedback/Questions: I am commenting at the last minute out of pure frustration. This Government and DPTI generally ignore the people but hopefully the weight of submissions might have some impact on a Government with limited tenure. In the UK and Germany they respect their heritage and every building pre WW2 is protected. We do not even protect Victorian era building. Adelaide is starting to look like every other city - a collection of ad hock buildings that lack scale and any relationship with nearby buildings!

**South West City Community Association Inc.
'SWCCA'**

Submission regarding the Local Heritage Discussion Paper

BY HAND: 7 October 2016

RECEIVED

07 Oct 2016

DPTI

To the Local Heritage Reform Discussion Paper Feedback,
Department of Planning Transport and Infrastructure,
77 Grenfell Street, Adelaide SA 5000

SWCCA is an association which was formed in August 2012 as result of ministerial interference with the planning system, from which our community was by and large excluded, by the introduction of the Interim Development Plan Amendment, about which the community had no knowledge at the time. Since then the Adelaide City Council submitted the Residential (Main Street) Development Plan to the Minister in 2014 and it has not been finalised. Both of these Development Plans severely impact on the amenity of residents of the South West corner of the City. As we represent a number of community members, this submission should not be viewed as one, but as many submissions from the concerned people we represent. Primarily our comments will address the Paper's implications for the South West City.

SWCCA noted with alarm at the initial stages of planning change that proposed Local Heritage listings were used by Government to leverage Council support for planning amendments. It is likely that the South West City missed out on listings as a result. Currently there is no Adelaide Historic (Conservation) Zone situated in the South West City. What remains has been fragmented into several Historic Conservation Areas, much weakened by this re-zoning, and still not implemented. If Local Heritage properties in the future in the South West City will only be considered if they fall within the Historic Conservation Areas, then the history in the South West City will be lost. Heritage should not be restricted to zones, but be recognised as an intrinsic and valuable component to any area.

As Heritage Reform is one of the last areas to be considered in the Planning Amendment/Reform process initiated in 2012 by the Minister, we thought we would have a quick look at what has been achieved, generally, so far.

All Development Plan Amendments and Planning Reform introduced since 2012 have had one primary purpose; to facilitate the unhindered progression of new, usually large, development applications. Those of which are in the South West City do not sit well within the streetscapes. Significant measures introduced include rezoning, removal of councils, removing hard dimensions, and removing the community. Creating catalyst sites, precincts, the Coordinator General and other Commissions and authorities have provided both a streamlined and secretive path for new development applications.

Although the above measures have weakened the protection of Local Heritage properties it did not remove them from the equation. We are afraid, and glumly confident, that the new criteria, the Thematic Analysis and accredited professionals will be applied to the existing Local Heritage listed properties to facilitate their reclassification and subsequent removal from the Register to enable new developments.

We want existing Local Heritage Registers maintained and any new mechanism put in place used to expand them not to progress development applications at the expense of our Local Heritage.

We have extracted the following from the Paper and the Fact Sheet and they appear to be targeting development at the expense of our Heritage.

"..... appropriate balance between protecting Local Heritage while allowing for good development" (re-looking at Local Heritage laws).

A Local Heritage place is just that, and no development should displace it.

"How many are too many?" (Themes).

If an area has many sites of value, why not protect all of them? There are never too many, and once they are gone, they are gone. Protecting one building per neighbourhood is not preserving Local Heritage.

"...to establish which elements are important to retaining heritage value" (Practice Direction). Once you attach different values to Local Heritage properties those of lesser value will be more easily removed.

"The listing of Local Heritage places will also need to be considered in balance with the broad strategic objectives of the State." (Streamlining the listing process).

Infrastructure proposals mooted in the 30 Year Plan could prevent Heritage listings in vast areas of the Adelaide square mile.

".... which are essential to the work of accredited heritage professionals and possible valuable advice to owners and proponents of development" (replacement of Local Heritage Register with a portal).

The digital information can more easily be interfered with and this could alter both listings and criteria. Also, there is no mention of the community's involvement here.

"Firstly a clear hierarchy of Heritage values could give clarity in policy and better guidance in development assessment paths" (streamlining the process).

The danger of the rubber stamp. Once again assessing the value of Local Heritage properties may lead to down-grading and ultimate removal.

"Both are vital to guide the proponent of a development, the assessor, the heritage professional and the owner" (introduction of character sub-zones and heritage overlays).

Introduction of new sub-zones and heritage overlays will further complicate an already chaotic zoning process. Again, there is no mention of the community in this process.

".... accredited heritage professionals, but a clear role could be established to assist listing, auditing and assessment functions" (Streamlining the listing process).

The independence of the accredited professionals would need to be confirmed. There could be a conflict of interest in a single person making decisions in all 3 areas where these professionals will have the power to do all of these things.

The Paper's Questions and SWCCA's responses

The Expert Panel's finding that there was a widely shared desire for Heritage reform.

This does not resonate with us. SWCCA does not share the desire for a massive Heritage make-over which would include complete changes to the system, with new people running it, and making decisions, new criteria to judge what would be Heritage, and new legislation, to name a few.

Should our Local Heritage criteria be replaced to better match national best practice?

We are South Australian, and unique, and so is our heritage. In addition, who says we do not already have best practice?

Should Local Heritage criteria be supported by more sophisticated forms of guidance found interstate?

No. We are in South Australia and we have our own unique heritage stock peculiar to this State.

The listing process can give rise to conflict within communities, and between land owners and technical experts. Are there ways this can be improved?

We think conflict is inevitable as some owners will not want to be listed, no matter what. However, giving substance to the decision making process to take out any possibility of misinterpretation would set everyone on the path to considering Heritage as a valuable asset and one to sustain and protect. It needs to be made clear to owners at the outset what restrictions would be placed on the property other than its on-going maintenance. The final outcome sought after all is the heritage integrity.

Should the recognition of heritage value be undertaken by accredited professionals? If so who should have the final decision?

Who should accredit these professionals and how impartial/independent would they be? The final decision: left with the local Council.

Is a traditional Local Heritage Register required?

Yes: it is required. It is far too easy to delete a property (data) from a digital portal or to alter the criteria. Properties could both digitally and physically disappear with the push of a button. A building does not necessarily have to be old to be significant.

Do you agree that there is confusion between Heritage and character? If so how can this be addressed?

A component of most heritage buildings can be character-full. There should be no real reason to delineate between the two. Also, there is a threat to reclassify listings from Heritage to character and remove them.

Do you agree that descriptions of heritage value and physical descriptions of listed elements for each place should be kept up-to-date?

A building is heritage or it is not. With the passage of time more Heritage listings are both inevitable and desirable as more recent constructions become a valuable part of our history. Just because it has had a rear extension built, or a 17 storey building is permitted next door, should not weaken its heritage value.

Subject to specified criteria what types of minor works could become exempt, accepted or even deemed to satisfy?

Some internal work which is done in character with the existing building could be acceptable but in general no, as it is open to abuse. What is 'minor' to one accredited heritage professional is 'major' to another.

Should a demolition proposal be able to be more robustly argued for consideration on its merits?

No.

Using accredited professionals to assist statutory functions is envisaged by provisions of the PDI Act. But to what extent could they provide advice or even heritage approval?

Independence of professionals would be questionable. It provides individuals with too much power. Local Government should provide heritage approval. These accredited professionals may provide advice to Local Government; they should not be given individual power over heritage approvals/implied disapprovals.

Conclusion

The State Government has identified Local Heritage properties as an impediment to development. The primary purpose of the Paper should be to better preserve South Australia's history, not to provide a mechanism which will simplify the exclusion, and removal, of Local Heritage properties from the Register which will ultimately facilitate their unhindered demolition. Following the reform of our Local Heritage system, not one property should be removed from the Register because they have been revalued or assessed under new criteria by

different people who may have little interest in the preservation of the State's history but in fact are more focussed on streamlining the Development process itself.

If we are judging too harshly, we would be happy to hear if DPTI can provide us with their estimate on how many additional Local Heritage properties they are expecting to be listed following the introduction of the new foundations.

Exclusion of Councils and National Trust: when reading the Paper, we noted with alarm that Local Government and the National Trust of SA were not mentioned to be part of the Local Heritage reforms. Although the Fact Sheet put out later by DPTI confirms that neither would be removed from the process, SWCCA strongly supports their inclusion and continued involvement in the Heritage process. From our knowledge the Adelaide City Council has made every attempt over time to prepare and maintain their Local Heritage Register, which holds a large component of the current listings for the State.

We have been advised that not all Local Government agencies have had the man-power or funds to conduct a thorough audit of Local Heritage in their regions. It would make better sense to us if the State Government would make available funds to these councils so that they could hire the appropriate people to complete their audits and manage their own heritage. After all, those closer geographically to Local Heritage sites would have more background knowledge on what should be protected.

We reserve the right to be heard at any hearing regarding the above.



Susan Collins

Chair

South West City Community Association Inc

RECEIVED

10 Oct 2016

DPTI

**THEBARTON HISTORICAL SOCIETY INC.
P.O. BOX 500
TORRENSVILLE PLAZA SA 5031**

Contact Kevin Kaeding President 0429 696 324 or email kjkaeding@hotmail.com
6th October 2016

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

Dear Sir

On behalf of Thebarton Historical Society Inc., listed below are our submission / response to the State Governments' 'Local Heritage Discussion Paper' 2016.

We believe that the State Governments' Expert Panel on Planning Reform in regard to this States heritage management is out dated, not consistent which has resulted in the wrong decisions to save local heritage. What we find is many owners of local heritage properties and some developers are more pro-active to have their local heritage properties delisted and bulldoze these properties than initiate proposed heritage listing of their properties.

This government seems more focused on delisting and bulldozing the 8,000 local heritage properties in South Australia which only make up 1% of the States buildings surely this States developers have 99% of properties / buildings to develop. Why do they want 100%?

We only see the Local Heritage Reforms proposed as allowing the State Government to erase this States Local Heritage at the speed of light. The present government may have a poor heritage saving record Australia-wide instead of the best. Why not have the best.

South Australia's heritage is South Australian not to be compared to interstate and this is why it should not be replaced by better national best practise which are not better to increase the saving of our local heritage. South Australia has a very unique Colonial, Edwardian, Victorian Heritage which is being allowed to be erased from the landscape of South Australia. Due to the lack of real Heritage State Funding and some developers hunger for non - architectural cheap housing building form.

Thebarton Historical Society Inc., believe implementing this framework document has less practical direction to save local heritage, contributing heritage items, conservation areas would be removed as seen as "too many" and we see as not enough. Should we try to adopt what works to save heritage in England - United Kingdom and other European countries only if it's better and saves heritage.

THS believe that the so called streamlining of Local Heritage Listing once the owners hear that their property may be local heritage listed they engage expensive legal professional to argue for not local heritage listing or have in place a demolition order and demolish the building. We can understand a high rate of objections of proposed local heritage listed owners and there is a need for a better community consultation process having the true facts stated, increased state and local government financial support.

Most of all to save more Local Heritage we believe by allowing the owners of heritage properties to have some up dated modifications allowing for changing uses is very long overdue but will still allow these properties to be local heritage listed. This also allows buildings to be better tenanted and give financial returns to the owners of these properties, in particular in the Adelaide City area.

The Thebarton Historical Society Inc. is alarmed at the new Local Heritage Listing practice direction prepared by the new proposed Commission as it takes away totally from the local community and Local Government of any real input. Early owner local heritage notifications will give owners more time to erase, damage, bulldoze properties (rush for applications to demolish) before the buildings can be considered Local Heritage and saved.

Have still in place a process for listing Local Heritage properties whereby the properties are automatically provisional locally heritage listed and stopping demolition. These properties are proven to be local heritage - architecturally, historically, character and the person earlier who lived in the premises, the building is very rare or grouped in a heritage street scape. These premises cannot ever be replaced and the building fabric no longer exists.

The idea of reducing set time for public consultation re local heritage community engagement charter to 4 weeks is to be opposed the 8 weeks must remain or even extended to 12 weeks consultation.

The expectations of the primary role of the new expert heritage panel to consider more broadly objections to local heritage listing a property would result increasingly in the wholesale demolition of local heritage sites from some developers / owners to destroy local heritage. Instead, it must be made harder for owners to object to local heritage listing.

The process to be more accountable and transparent we believe means the opposite using the State Governments new guidance to delist local heritage and not increase or support local heritage listing. The State consideration in balance with broad strategic objections we believe would see the delisting by the government at ease of local heritage buildings and must be opposed.

Yes, we need a local heritage register but we required more public consultation regarding the PDI Act on local heritage. **No** local heritage act forced through parliament to ever be considered by the State Government.

Heritage and Character is not confusing and Character is not of any less value, character re Historic (Conservation) Zones means retaining the historic architecture to the local area and we must not erase these buildings or the ever diminish the word Character proposed from the local heritage areas. Character, allotment size and street frontage away from the road it aligns is why it's of character value and must be retained in local heritage listings not removed.

We see all the proposed amendments in the government's document to erase local heritage and to give some developers faster and ease in the destruction of local heritage properties has to be opposed.

The so called streamlining of our Development Assessment Processes must be carefully looked at and any minor works to heritage places assessed correctly and not rushed through to destroy the heritage value or fabric of the building.

No demolition of local heritage on merit.

We believe by using accredited heritage professionals to stop the destruction and increase the listing of Local Heritage Places is the right way to go but not the opposite by making it easier under the process to have heritage places de-listed and demolished.

There needs to be a longer public consultation regarding improving Local Heritage reform.

By the increased allocated of funding to have the process of Local Heritage Listing treated the same as State Heritage Listing process may have merit but currently the track record in this State of saving heritage is appalling. Why is it in South Australia it's seems all about destroying heritage not saving and increasing Local Heritage?

In summary overall what is proposed does not help improve the saving of Local Heritage, the opposite and we must have more public consultation to get it right for Local Heritage improvement processes.

Yours Sincerely

Kevin Kaeding

President,

Thebarton Historical Society Inc.

P179

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ATTORNEY-GENERAL'S
OFFICE

6 OCT 2016

PCN0077/16

16 PCN 0863
ACT 1000 (153)
ACTION JF
C.C.

3rd October 2016

The Hon John Rau
Minister for Planning, Transport & Infrastructure
SA Government
GPO Box 464
Adelaide SA 5001

Copy: David Pisoni MP, State Member for Unley

Dear Mr Rau

I am appalled by the State Government's recently released discussion paper on heritage preservation. The discussion paper fails to make a case for changing the system that has served our state well over many decades.

Many of the problems the paper sets out, 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 reforms.

The paper cites no evidence that the public at large, as opposed to vested interests, thinks there is anything seriously wrong with the existing systems.

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. Further, I believe that it is vital that local councils and communities are included in the assessment process for our wonderful heritage. Heritage is not defined by the "experts" but by the community.

The very worst recommendation in this poorly conceived paper is that people should be able to argue for "demolition of local heritage places on merit". I can see no merit in demolition of a place that has been through our tough local heritage assessment process.

It is deeply disturbing that the paper has been released without widespread consultation with councils and community organisations. There should be at least 6 months for such consultation to take place.

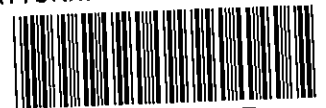
I urge you to start a community consultation period before embarking on any changes to this legislation which has protected some of our best local and state heritage for the past 40 years.

Yours sincerely

Anne Wharton

Anne Wharton

ATTORNEY-GENERAL'S DEPT.



AGD508565

3/10/16

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ATTORNEY-GENERAL'S
OFFICE

Hon John Rau MP

07 OCT 2016

Minister for Planning

45 Pirie St

Adelaide

South Australia

PUN 0079/16

File No.	16 PUN 0866
File Name	
File Date	
File Time	
File User	JE
File Group	
File Comment	

Dear Minister,

Placing Local Heritage on Renewed Foundations

The recent Discussion Paper released by your department lacked clarity and context and did not allow adequate time for proper consultation, at least 6 months is needed. Experts in the area of heritage conservation were excluded from the development of this proposal.

Who has a problem with the current legislation? Certainly not the public who have been satisfied for the last 40 years. Simple changes could be made to make the processes easier for listing local heritage places.

Merit of local heritage demolition must remain with the community ie local government.

Historic zones and character streetscapes must be protected now and in the future. The collective is far more valuable than the individual, in enlightened cities like San Fransisco these areas are valued and have become tourist attractions.

Heritage is not defined by the experts but by the community.

High rise and heritage can coexist.

Creating adaptive reuse of heritage buildings creates vibrancy to the area, incentives are needed to encourage developers to reuse these buildings rather than demolish. Flexibility in building regulations are required.

Growth should not come at the expense of heritage,

Why is heritage important? Heritage provides a sense of continuity, pride place and is a great social and cultural asset.

I am appalled by this discussion paper on heritage reform and believe that in the name of reform it does nothing but opens the door for uncertainty and corruption of all kinds.

This paper goes against the notion of putting people back into planning.

It is a reason for banning property developers from making donations to political parties and campaigns.

Yours Faithfully

Ros Islip

Ros Islip

phone 82723007

ATTORNEY-GENERAL'S DEPT.



AGD593278

29 SEP 2016



Strathalbyn & District Heritage Centre
1 Rankine Street Strathalbyn, SA, 5255

PN0079/16

ATTORNEY-GENERAL'S OFFICE	
Rec'd	
Reg No. ...16PN00840	
File Copy YES / NO	Ack ... <u>YES</u> / NO
Action ... <u>JE</u>	
C.C.	

P181



National Trust
South Australia

Planning Minister John Rau MP
GPO Box 464
Adelaide, SA, 5001

26/09/2016

Dear Minister Rau

The Management Committee of the Strathalbyn Branch of the National Trust of SA totally supports the views put forward by Professor Norman Etherington, President of the National Trust of South Australia, on behalf of the Cultural Heritage Advisory Committee, in his "Critique of the DPTI Local Heritage Discussion Paper".

We agree with his comments that the proposed reforms by the Department of Planning, Transport and Infrastructure to the ways we recognise heritage places in South Australia requires widespread consultation with councils, community organisations and the general public before this legislation proceeds.

We also agree that the response times suggested for oral consultation, within 10-15 days and written responses within one month, are totally inadequate. We believe there should be at least 4 months allowed for public consultation and that for major developments the process should consist of a series of public forums, which are well advertised and attended by the Planning Minister.

One of Adelaide & South Australia's significant points of appeal and advantage over other cities and states in Australia is our relatively intact stock of historic character stone houses and commercial buildings, which are the envy of other states. Unfortunately we don't see anything in the proposed reforms that suggest they will enhance their heritage preservation.

ATTORNEY-GENERAL'S DEPT.



AGD572719

We believe that the proposals, and the ways they have been presented without proper consultation, are unacceptable.

We urge you to allow time for proper consultation around future heritage protection and to consider the impacts of these proposals on local heritage places such as those in our region.

Yours sincerely

A handwritten signature in black ink, reading "Trevor Riches". The signature is fluid and cursive, with a long horizontal stroke at the end.

Trevor Riches
Chairman – National Trust of SA
Strathalbyn Branch
1 Rankine St
Strathalbyn SA 5255

F.O.C.U.S.

Friends of the City of Unley Society

3/10/16

Hon John Rau MP
Minister for Planning45 Pire St
Adelaide
South Australia

Dear Minister,

RECEIVED
ATTORNEY-GENERAL'S
OFFICE

07 OCT 2016

Ref	PCN 0079/16
Re	16 PN 0865
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Placing Local Heritage on Renewed Foundations

- The Discussion Paper recently released by the Department of Planning has understandably raised a storm due to its lack of context and clarity, the Department's poor engagement with the whole community and in particular Local Government and the National Trust of South Australia.

The Friends of the City of Unley Society Inc. [FOCUS] sees it as paramount that Local Heritage remain Local! Top down decision making is not acceptable.

Merit assessment for local heritage demolition must remain with Local Government.

Future criteria for listing of local heritage needs to be clear and local councils to be responsible for their local applications.

Maintenance of the existing heritage and character provisions and subsequent review processes must maintain an equal status for such areas.

Court Appeal rights regarding listing must be extended to councils.

- FOCUS urges that the process for improving Local Heritage recognition and management be reconsidered after a much broader and engagement in line with the State Government's best practice *Community Engagement Charter!*

FOCUS strongly supports the Local Government position and that of the National Trust looking after the Local Heritage and the Character of our Cities and Suburbs. We urge that you heed their advice.

Yours faithfully

Ros Islip

R Islip

President FOCUS.

Phone 82723007

0438723001

ATTORNEY-GENERAL'S DEPT.



AGD593277

04 OCT 2016

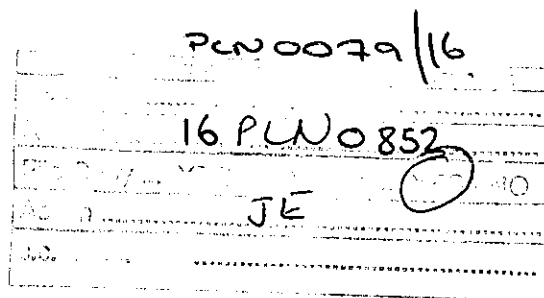


NAIRNE AND DISTRICT RESIDENTS' ASSOCIATION INC

PO Box 416, NAIRNE SA 5252
ndra@live.com.au

President: Mark Clemow. 08 8188 0286 or 0414 238 604

Mr John Rau MLA
Minister for Planning
Government of South Australia
GPO Box 464
ADELAIDE SA 5001



Dear Minister

PROPOSED CHANGES TO HERITAGE PROTECTION LAWS

The Nairne & District Residents' Association is a community group interested in the social, cultural and economic development of Nairne.

The town was founded in 1839, just three years after the establishment of the colony, making it one of the oldest townships in the state. As such, there is significant heritage value for protection in the buildings and precincts of Nairne.

The proposal to remove the ability of the community and our Council to control the heritage of our community is deeply troubling to us. As the Adelaide Hills is rapidly growing as a lifestyle destination, it will only be a matter of time before developers seek the replacement of existing heritage buildings with higher density housing as the solution to the demand for property. Only the local community, working with the Council, can fully understand and protect the value of heritage. Developers only see opportunity, while the community sees how heritage adds character and value.

The Nairne & District Residents' Association supports a consistent approach to heritage planning and protection, but it must be managed at a local level and not at a departmental level by people with no connection to the community. We are strongly opposed to the removal of the right of our community to work with our local government first to decide what needs protection.

Yours sincerely

Mark Clemow
President, Nairne & District Residents' Association

September 29th 2016

ATTORNEY-GENERAL'S DEPT.



AGD577974

12 SEP 2016

8 September 2016

PW0079/16

Planning Minister Hon. John Rau MP GPO Box 464 Adelaide SA 5001

Dear Mr Rau,

Local Heritage discussion paper

Recd	16 PW0781
File Copy	YES NO
Action	JE
C.S.	

This letter is to express my concern at the retrograde nature of the proposals in the paper. I am also concerned at the haste inherent in the consultation process; it appears to have been planned to minimise the time for opposition to the shallow, ill-thought-out proposals. In what follows, I merely give a few examples of concern, as the whole paper is shot through with poor reasoning and failure to document claims and proposals.

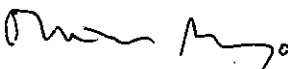
The paper is full of assertions without evidence to support them. For example, I read on p. 3: 'What we need are clear, contemporary criteria.' No evidence is presented of the failure of existing criteria to protect local heritage; where local heritage has not been protected, it has frequently been because the criteria have been overridden in order to facilitate demolition, as in the case of the heritage Waterhouse home in the street where I live. No evidence is presented for the failure of the existing criteria to meet current needs.

Muddled thinking is evident in the following criterion for conservation 'It has qualities that are locally rare or endangered'. This would rule out any example of a whole street or streets with coherent, recognisable style etc. For example, an Italian fishing village built in one traditional style over centuries would be ripe for piecemeal development by this criterion. The south side of Kensington Road between Prescott Terrace and Fullarton Road used to be a fairly coherent set of stone villas, mostly sandstone, with some bluestone, but piecemeal development has destroyed the coherence. What is left is endangered, and hence by the proposed criterion, worthy of retention. I would support retention, because bitter experience has taught that what will replace these villas will be tawdry, incoherent and meretricious, but what could have retained has been lost. I have been informed that some of the changes have been the result of local recommendations being overridden by the State government; I am not in a position to check this.

No reference is given to enable one to find 'the pilot local heritage review' in 'The importance of a thematic framework was demonstrated in the pilot local heritage review by the City of Port Adelaide Enfield with support from the Department of Planning, Transport and Infrastructure.' Was this review responsible for the sterile, uncomfortable, gloomy redevelopment of Port Adelaide that continues to destroy what was once a vibrant port town? A comparison of the port areas of Hobart and Fremantle with Port Adelaide shows how poorly we are performing, and gives one no confidence in what is proposed in your discussion paper.

With great respect, I would hope that the paper could be withdrawn, public consultations should be held over a six month period, and a new paper prepared.

Yours faithfully,



Oliver Mayo

ATTORNEY-GENERAL'S DEPT.



AGD577918



National Trust of South Australia

Gawler Branch NTSA
59 Murray Street
Gawler SA 5118

6 September 2016

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

Dear Mr Rau

The AGM of the Gawler Branch of the National Trust of South Australia held on August 24th last, viewed with serious concern your Government's Local Heritage Reform Draft Discussion Paper.

Our particular concerns are that: -

- There does not seem to have been any consultation with local heritage groups or local government *prior* to the document being produced.
- Issues raised in the Draft do not appear to have been widely canvassed or later distributed for Community input or discussion. The website has not been well advertised to concerned and relevant groups.
- The Draft does not appear to have any planned future local community input into decisions related to local heritage recognition, listing, protection and preservation.
- The timeline for community consultation of the Draft, coupled with poor access to information, is far too short and should be considerably extended.

We ask that a far wider public consultation occur and that the Draft be distributed to **all** branches of the National Trust in this state and to **all** state local governments.

We also ask that the timeline for submissions be extended by several months at least.

We are seriously concerned about the Draft's proposals to remove the recognition and management of local heritage from local councils and heritage groups and to place it in the hands of so called 'heritage experts' within the Department of Planning, Transport and Infrastructure.

We do agree in principle that a tightening of controls is needed and that reforms and consolidation of process is essential but **never** without the ongoing and planned involvement and input of local heritage groups and councils who have their own considerable experience and expertise in local heritage to contribute.

Yours Sincerely

Dr David H Tucker
Chairman
Gawler Branch National Trust of South Australia
0418 847 175 dhtucker@bigpond.com

CC Dr Darren Peacock CEO NTSA

CC The Honourable Tony Piccolo MP Light

ATTORNEY-GENERAL'S DEPT.



AGD596859

Wright, Jake (AGD)

From: RECEIVED
Sent: ATTORNEY-GENERAL'S OFFICE
To:
Subject: 6 SEP 2016
Attachments:

AGD:Attorney-General's Department
Tuesday, 6 September 2016 5:18 PM
AGD:AGO Correspondence
FW: Local Heritage Reform Draft Discussion Paper
NTSA DTucker-JRau 160906.pdf

PUN 0079/16

ATTORNEY-GENERAL'S OFFICE	
Rec'd	
Reg No.	16 PUN 0770
Ack ...	YES / NO
Action	emailed
C.C.	TE

-----Original Message-----

From: AGD:Attorney-General's Department
Sent: Tuesday, 6 September 2016 5:18 PM
To: 'dhtucker@bigpond.com'
Subject: FW: Local Heritage Reform Draft Discussion Paper

☐ We acknowledge receipt of your email to the Attorney-General's Department.

Your email has been forwarded to a departmental officer for review. Once your views and suggestions have been carefully considered, depending on the nature of your correspondence, you may receive a reply via Australia Post.

Please note that internet and email are not secure mediums to transfer information. If your message is sensitive, please use the postal address below.

If you wish to send invitations, meeting requests, correspondence requiring supporting attachments (such as photos or documents) or are seeking a formal response from the Department, please use the postal address below.

Postal Address
Attorney-General's Department
GPO Box 464
ADELAIDE SA 5001

☐
Thank you

-----Original Message-----

From: David Tucker [mailto:dhtucker@bigpond.com]
Sent: Tuesday, 6 September 2016 4:43 PM
To: AGD:Attorney-General's Department
Cc: light@parliament.sa.gov.au
Subject: Local Heritage Reform Draft Discussion Paper

Dear Sirs

Please see the attached pdf document addressed to The Honourable John Rau.

Yours sincerely

David H Tucker

Dr David H Tucker | Chairman Gawler Branch | National Trust of South Australia
59 Murray Street

GAWLER SA S118
m 0418 847 175
fx 08 8522 7136
e dhtucker@bigpond.com

RECEIVED

12 Oct 2016

DPTI

MANAGER, PLANNING REFORM**REPORT OF THE DEVELOPMENT POLICY ADVISORY COMMITTEE – LOCAL HERITAGE
DISCUSSION PAPER**

INTRODUCTION

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

The Committee supports the Local Heritage Advisory Committee's comments and offers some additional comments.

DISCUSSION**Heritage versus Character**

The role of character should be part of conversation in the current reform process, particularly since it has been difficult to separate character and heritage issues in Development Plan Amendments and Development Assessment. It is acknowledged that character needs to be considered in its own context, but it is also an important element in the consideration of heritage places (it can be intertwined with the assessment of local heritage). It is noted that there is currently no 'definition' of what defines character.

Consultation

The Committee supports the early engagement process for proposed heritage listings. Early engagement is a positive step to reducing the need for interim operation.

Practice Guidelines

A failing of the current heritage listing framework under the Development Act 1993 is the degree to which assessing a place of local heritage value is open to interpretation. Practice Guidelines, a new 'tool' in the Planning, Development and Infrastructure Act 2016, provide a great opportunity to provide guidance/examples of how legislation should be implemented and 'real examples' would assist.

Accredited Professionals

The Committee notes that South Australia has a limited number of consultants who are able to provide advice on heritage related matters. Careful consideration is required to ensure that the accreditation 'tests' are rigorous to ensure that accreditation is only given to suitably qualified and experienced individuals. The Committee has concerns that the Planning Commission could have a significant influx of proposed heritage listings if the accredited professionals are not carefully chosen.

Demolition considered on Merit

The Committee is concerned with the National Trust submission that states significant concerns for the demolition of a local heritage place being considered on merit. The Committee acknowledges that many Councils have the demolition of a local heritage place on merit. For instance the City of Marion has the demolition of a local heritage place on merit and in ten years, only one local heritage place has been demolished. In this case, the local historical group were supportive of the building's removal.

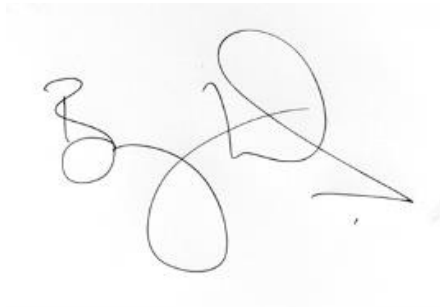
The Heritage Reform process

The Committee recommends that the reform process remains open and transparent. It is noted that the paper is very metro-centric and there needs to be more discussion about how heritage forms a part of regional communities.

CONCLUSION

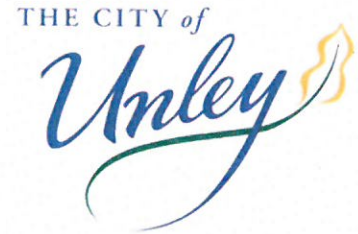
The Committee supports the comments provided by the Local Heritage Advisory Committee. In particular, the Committee supports the proposed early engagement in the listing process, and the preparation of practice directions to provide consistent guidance to practitioners. However the Committee also considers it also the appropriate time to provide additional guidance on "character" which has become so intertwined and confused with heritage.

The Committee would appreciate the opportunity to be engaged during the drafting and consultation period of a future Heritage Bill.

A handwritten signature in black ink, appearing to read 'Bryan Moulds', is written over a light blue grid background.

Bryan Moulds
PRESIDING MEMBER
DEVELOPMENT POLICY ADVISORY COMMITTEE

10 / 10 / 2016



27 September 2016

RECEIVED

12 Oct 2016

DPTI

Ms Zoe Delmenico
Team Leader, Governance and Frameworks
Planning Reform
Development Division
Department of Planning, Transport and Infrastructure
GPO Box 1533
Adelaide SA 5001

Dear Ms Delmenico

Heritage reform – an exploration of the opportunities
Local Heritage Discussion Paper

The City of Unley has a long and strong commitment to recognising and protecting its extensive remaining distinct heritage and character.

The Unley Community Plan 2033 and Development Strategy Vision seek maintenance of around 70% of the existing neighbourhoods and their current diversity of housing, while focussing desired opportunities for growth and further diversity in a close network of activity centres, main road corridors and suitable residential precincts. This provides for an effective balance of conservation and ample future growth.

The City of Unley does not support any dilution of the extent or status of its existing local heritage places and local historic and character areas.

Improved consistency, efficiency, transparency and accountability are laudable. However, the existing system is not broken. The discussion paper fails to address many critical aspects and raises concerns about the direction of the reforms for the ongoing status of local heritage and character which are not supported.

The discussion should be broader and longer to engage more widely with all stakeholders and the community before embarking on more detailed proposals and ultimately initial legislation reform on local heritage places.

The critical but unknown supporting governance, subordinate regulations, policy instruments, practice directions and practice guides will be important to the future successful implementation. All will need thorough exploration, discussion and wide community engagement before being resolved.

An effective and efficient approach is desirable but one that reasonably serves and balances the values within the whole community.

The Council considered the *Heritage reform – an exploration of the opportunities* discussion paper produced by the Department of Planning Transport and Infrastructure (DPTI) at its meeting on the 26 September 2016.

The Council resolved to support the Local Government Association (SA) *Local Heritage and Character Revised Draft Position Paper*, and to submit its own response. Both are attached.

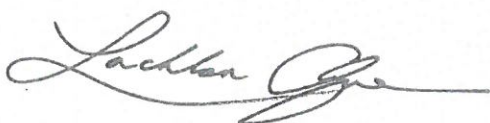
In relation to the discussion paper propositions, the Council wishes to emphasise that with any changes:

- Comprehensive extent of local heritage places, historic areas and character areas are fundamental to Unley's culture and distinctive identity;
- Conversion of the existing heritage and character provisions, and subsequent review processes, must maintain an equal status for such areas;
- In any listing process, interim control of proposed listings is critical;
- Court Appeal rights regarding listing being extended to Council is strongly advocated;
- On-merit assessment for local heritage demolition is appropriate, providing the critical robust planning policy criteria is maintained;
- Future criteria for listing of local heritage items to be clear and agreed with Council.

It is trusted this feedback assists with the consideration of the future reforms.

Should you have any questions please contact David Brown, Principal Policy Planner, on dbrown@unley.sa.gov.au or 8372 5185.

Yours faithfully



Lachlan Clyne
MAYOR, CITY OF UNLEY

RENEWING OUR PLANNING SYSTEM

Placing Local Heritage on Renewed Foundations

Heritage reform – an exploration of the opportunities

Local Heritage Discussion Paper by DPTI

City of Unley submission

The State Government Expert Panel on Planning Reforms in 2014 recommended changes to the criteria and process for heritage management. The complexity and sensitivity of such heritage reforms meant they were largely excluded from the initial Planning, Development and Infrastructure Act (PDI Act) in 2015. It is appropriate these reforms be further explored through further discussion before legislative changes are contemplated later in 2016.

The *Heritage reform – an exploration of the opportunities* discussion paper produced by the Department of Planning Transport and Infrastructure (DPTI) was only initially distributed to targeted stakeholders, eg councils and those who raised heritage issues in their previous submissions on the planning reforms. It was released on the 9 August 2016 with responses initially requested by the 9 September 2016 but then extended to the 23 September 2016, and now until the 7 October 2016 given the continued high interest in the matter.

While apparently not seeking wider public debate, the matter has attracted wide media attention based upon discussion at the City of Adelaide Council meeting on the 23 August 2016. Subsequently, the Minister has been in the media and been encouraging public feedback. For such a fundamental and important issue within the community, it is appropriate much broader, longer and organised engagement be undertaken, reflecting the State Governments own widely promoted proposed new best practice *Community Engagement Charter*.

Strategic Context

The City of Unley has a long and strong commitment to recognising and protecting its extensive remaining distinct heritage and character. The Unley Community Plan 2033 and Development Strategy Vision seek maintenance of around 70% of the existing neighbourhoods and their current diversity of housing, while focussing desired opportunities for growth and further diversity in a close network of activity centres, main road corridors and suitable residential precincts. This provides for an effective balance of conservation and ample future growth.

The City of Unley does not support any dilution of the extent or status of its existing local heritage places and local historic and character areas.

Improved consistency, efficiency, transparency and accountability are laudable. However, the existing system is not broken. The discussion paper fails to address many critical aspects and raises concerns about the direction of the reforms for the ongoing status of local heritage and character which are not supported.

Local Heritage Context

The context for the role of heritage in the planning system has been revised. The new PDI Act removes any mention of 'conservation' that exists in the current objectives in favour of '*creating an effective, efficient and enabling planning system*' and to '*foster urban renewal*' amongst others. Supporting Principles of good planning seek high-quality design respecting and responding to local context and character and support for adaptive re-use, which is positive, but there is no specific mention of heritage.

The *30-year Plan for Greater Adelaide 2016 Update* indicates support for heritage places and areas but the importance of balanced integration of increased growth against the value and desired extent of heritage places and particularly meaningful expanse of areas is not clearly set out. Nor is the critical supporting role and importance of character areas within the spectrum of zoning controls.

This context is fundamental to the future of local heritage and character in the planning system going forward.

Local Heritage Place Governance

Updating and refinement of local heritage criteria, listing, recording and assessment practices are laudable, however concerns are held with the clarity, certainty and appropriateness of:

- criteria still being overly subjective, technical and not sufficiently self-evident (as illustrated by need for comprehensive practice direction but which can also subsequently change that interpretation and application);
- having a 'threshold' test level, subject to potential future unilateral practice direction changes, and determination by as yet unknown governance arrangements;
- 'representative' examples ('*How many is too many?*') Noah's Ark approach and the dis-regard this has for the individual merits of places, their relative importance in their context and part in the overall value;
- review and retrospective change in translation to the new system of the status of current listings and areas, plus the significant resource implications of potential audit reviews and research for new proposed listings;
- sound and enforced accreditation standards for private assessment to avoid 'advocacy' and ensure 'independent' transparent, accountable and credible professional advice.

The 'expert advice' reported in the Planning Reforms noted high objection rates of over 70% with the listing process, however, this has not been the experience in Unley. With proper investigations and comprehensive, accessible and personal consultation practices there have been good levels of support overall and reasonably low objection rates, eg Historic (Conservation) Zones in 2009 and Local Heritage Places review in 2013.

While there are pros and cons with proposed listings having 'interim operation', as it can set-up an adversarial situation, there also needs to be protection of the place from ill-considered destruction and/or demolition until the listing is resolved.

Currently local heritage listing occurs through the long and convoluted Development Plan Amendment (DPA) process. The streamlining of the local heritage listing process through a specific and tailored approach in-lieu of the DPA process could be appropriate. Good engagement can largely address the cons of the generally beneficial 'interim operation' safe-guard.

A new provision under the PDI Act includes an option for owners to appeal to the Environment, Resources and Development (ERD) Court against the decision to designate a Local Heritage Place. This will provide a further independent expert review of successful listings for owners, but excludes councils or third parties similarly seeking review of dismissed proposed listings.

Development Assessment

The development assessment process captures a wide range of additional and minor 'development' in relation to local heritage places and triggers an increased number of applications subject to full investigation. Through the new Planning and Design Code these could be reviewed for appropriateness and streamlined through more commensurate assessment pathways appropriate to their nature and risk. This could allow low risk and minor works to be facilitated by council processes, or with appropriate accreditation and monitoring, private heritage professionals. Such an approach with suitable designation and accreditation (and enforcement of standards) could be appropriate to simplify assessment processes and facilitate adaptive re-use of heritage buildings.

A controversial question raised in the paper is the demolition of listed local heritage places being considered on-merit. The rigor applied to potential demolition, and even alterations and additions to maintain integrity, of local heritage places is fundamental. In Unley, like many areas, demolition is currently assessed 'on-merit' against the planning policies within the Development Plan. This has been robust and without much issue to date. Some councils have demolition as non-complying which provides an absolute and dual authority assessment control but can become an extreme and unwieldy approach where circumstances may warrant demolition. 'On-merit' with sound policy and a rigorous assessment process should be appropriate.

Heritage versus Character Areas

While an attempt is made to conceptually clarify 'heritage' versus 'character' it does not go on to adequately address how a system of area controls is to be determined or applied. This is a major aspect of concern and one of great complexity that requires much further investigation and discussion.

The translation of existing Historic Conservation Zones and Policy Areas is indicated to occur in accord with the provisions in the new Planning and Design Code as heritage overlays or character sub zones. It is indicated the future status of existing areas will be determined by the distinction between heritage and character. This infers existing areas will be respected, but the determination per new criteria and future practice directions raises concerns about the security of their ongoing and future status. It is critical their status not be diluted.

The implementation of new heritage character or preservation sub-zones, and by inference possibly character areas, is made more difficult by the very high threshold test introduced into the PDI Act for 51% of property owners (1 per allotment) in an area required to support such designation. Eliciting that level of response to policy change, and a supporting majority of the total number of property owners, could be challenging.

The current discussion should be confined to local heritage places, although it is vitally important the context of all the components, and particularly heritage and character areas, are made clear in the ongoing review.

The discussion paper does not set out the strategic context nor the value (and validity) of the contribution of conserving the heritage and character of Adelaide, its suburbs, main streets etc and value to our society, culture and identity. Building conservation, adaptation and improvement also offers significant tourism value, embedded energy savings and increased skilled employment compared to facilitated demolition and modern replacement.

Conclusion

The opportunity for discussion of local heritage reform proposals is positive. Desirably this discussion should be broader and longer to engage more widely with all stakeholders and the community before embarking on more detailed proposals and ultimately initial legislation reform on local heritage places.

The critical but unknown supporting governance, subordinate regulations, policy instruments, practice directions and practice guides will be important to the future successful implementation. All will need thorough exploration, discussion and wide community engagement before being resolved.

An effective and efficient approach is desirable but one that reasonably serves and balances the values within the whole community.

More specifically in relation to the discussion paper propositions, the City of Unley wishes to emphasise that with any changes:

- Comprehensive extent of local heritage places, historic areas and character areas are fundamental to Unley's culture and distinctive identity;
- Conversion of the existing heritage and character provisions, and subsequent review processes, must maintain an equal status for such areas;
- In any listing process, interim control of proposed listings is critical;
- Court Appeal rights regarding listing being extended to Council is strongly advocated;
- On-merit assessment for local heritage demolition is appropriate, providing the critical robust planning policy criteria is maintained;
- Future criteria for listing of local heritage items to be clear and agreed with Council.



P188

CLARE & GILBERT VALLEYS COUNCIL

11 October 2016

RECEIVED

13 Oct 2016

DPTI

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

Dear Minister

LOCAL HERITAGE REFORM DISCUSSION PAPER FEEDBACK

Thank you for the opportunity to provide feedback on the Heritage Reform Discussion Paper. The Clare & Gilbert Valleys Council is a strong supporter of preserving and promoting the history and heritage of the district. This is highlighted in our 2016/17 Annual Business Plan and Budget.

The Clare & Gilbert Valleys Council believes that distinctive heritage buildings should be protected and celebrated as well as encouraging heritage buildings to be restored, regularly maintained and well used.

The Minister's consultation with Councils on the new Planning, Development and Infrastructure Act 2016 and now a wider examination of local heritage matters is strongly supported by our Council.

The Local Heritage Discussion Paper does lack key information on a strategic framework and Council would encourage an opportunity to review this before it becomes legislation.

It is Council's understanding that after submissions to the discussion paper have been considered, Department of Planning Transport and Infrastructure will consider drafting a Bill to set up the framework for the listing of local heritage places. Any opportunity for further consultation on any such Bill would be welcomed by Council.

If you have any further questions in relation to this matter please contact Nathan Grainger, Manager Development and Environment on 88426400.

Yours faithfully

John Coombe OAM
Acting Chief Executive Officer



CE Corro Item ID 172

RECEIVED

13 Oct 2016

DPTI

Level 10
81-95 Waymouth Street
Adelaide SA 5000GPO Box 1047
Adelaide SA 5001
AustraliaPh: +61 8 8204 9323
Fax: +61 8 8204 9321www.environment.sa.gov.au

Date:

Ms Anita Allen
Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
ADELAIDE SA 5001

Email: planningreform@sa.gov.au

Dear Ms Allen

Re: Local Heritage Discussion Paper

Thank you for providing the Department of Environment, Water and Natural Resources (DEWNR) with the opportunity to provide feedback on the Local Heritage Discussion Paper, entitled *Heritage Reform – an exploration of the opportunities* (the Paper).

DEWNR notes that the matters discussed in the Paper address, in part, the Expert Panel on Planning Reform's Reform 8 – *Placing heritage on new foundations* and respond to the commitment by the State Government to address heritage reforms separately from other planning reforms recommended in the Expert Panel's report.

While DEWNR's preferred position is to have one integrated heritage listing process for the protection of both State and local heritage places, under a separate piece of legislation and Minister, DEWNR recognises there is benefit in the management and listing of local heritage places remaining under the provisions of the planning system provided that the State and local heritage systems are aligned. To achieve this, it is essential that our agencies work closely together so that both the new *Planning Development and Infrastructure Act 2016* (PDI Act) and the *Heritage Places Act 1993* (HP Act) are streamlined to enable smooth integration and parallel pathways for State and local heritage places.

The following comments on the Paper are focussed on the interface of the State and local heritage systems and the need for alignment to ensure processes and pathways are integrated, contemporised, and that the community is more actively engaged in decision-making that affects our State's heritage places/areas:

Seamless integration of State and local heritage listing – DEWNR is supportive of a consistent approach to the listing of State and local heritage places to ensure alignment and seamless transfer between the two systems. The use of criteria based on HERCON criteria with thresholds for state and local is supported. Attachment A provides a comparative analysis by each jurisdiction against the HERCON criteria and

a proposed new set of criteria for South Australia which could be used to start further engagement and discussion from key stakeholders. The new, single set of criteria could be used for both State and local listing, with thresholds applied relating to whether its significance fits in the State or local context.

Implementing a thematic framework – The SA Heritage Council has asked DEWNR to investigate an update of the current ‘Historic Guidelines’ document, and early discussions with History SA have commenced about developing a thematic framework for South Australia. It is important that both DPTI and DEWNR work together to prepare a State Thematic Framework.

A clear description of what is important about a place and warrants protection – DEWNR supports this for local heritage places but the ability for DEWNR to replicate for state heritage places is currently not legislatively possible, nor practically feasible.

Using accredited heritage professionals to assist in the statutory functions for assessing development affecting State and local heritage places – this is supported recognising that the framework for this accreditation needs to be established and practice directions and codes of practice developed for State Heritage Places. DEWNR supports the opportunity to streamline and reduce Development Application (DA) referrals and DA assessment pathways for low risk works and recognises that some form of audit of decisions undertaken by accredited professionals would be required.

The South Australian Heritage Council has a specific function that relates to accreditation. Section 5A(3) of the HP Act states:

The Council must establish and maintain a list of persons who are recognised by the Council as being appropriately qualified (including by virtue of their skills or experience) for the purposes of this Act, or for the purposes of those provisions of the Development Act 1993 that are relevant to heritage.

DEWNR recommends that the Council retain an active role in this respect.

The streamlining of Development Assessment processes - the definition of ‘development’ for both State and local heritage places needs to continue to be aligned with differences clearly identified. DEWNR needs to be involved in reviewing definitions and identifying exemptions, to ensure that the changes proposed for local heritage places are consistent with the management of State Heritage Places.

Better community and landowner engagement – this proposal is supported and DEWNR would like to strengthen how it engages with the community and property owners when it considers any future reform under the HP Act.

World, National, State heritage places and State Heritage Areas reflected as part of the heritage layer in the planning portal – DEWNR supports and encourages a heritage layer for the planning portal that clearly identifies World, National, State and local heritage places/areas. This will improve the triggers to the appropriate development pathways, permit requirements, or for referrals under the *Environment Protection and Biodiversity Conservation Act 1999*.

While they are not part of the Paper, other heritage-reform matters that DEWNR wishes to raise are:

State Heritage Areas – the Paper is silent on this matter. DEWNR will work with the Department of Planning Transport and Infrastructure (DPTI) to ensure the 17 existing State Heritage Areas remain protected and that the ability to create new areas in the future is streamlined. The identification and implementation of these areas currently sits across both the HP Act and the *Development Act 1993* (to be replaced by the PDI Act). DEWNR recommends that a new pathway for designating State Heritage Areas be created which sits under the HP Act and is the responsibility of the 'Heritage' Minister.

An additional State Planning Policy for heritage management - DEWNR recommends the development of an additional State Planning Policy covering the heritage management of South Australia's State and local heritage places/areas. This would incorporate best practice approaches to heritage management, as well as referencing the Australia ICOMOS *Charter for Places of Cultural Significance*, (the Burra Charter).

Ability to add to and improve the Planning and Design Code – under the current legislative regime it has been extremely difficult to make changes to development pathways affecting State Heritage Places. Therefore DEWNR recommends that Codes of Practice relating to State Heritage Places should be able to be easily added or amended by the Minister responsible for the HP Act, and not solely by the Planning Commission under the PDI Act.

Development Application Fees – DEWNR spends a considerable amount of resource effort to ensure economic development is supported and progressed whilst heritage values of places of State significance are protected. This can require considerable consultation, meetings with planning authorities and the preparation of considered advice to Development Assessment Commission. However, the current referral fee is not reflective of cost recovery principles. In fact, there is currently inequity with a home owner being charged \$176 to replace a roof, like for like, whilst a multi-million development only having to pay a flat fee of \$322 requiring several weeks of resource effort. DEWNR recommends consideration of a fee structure that is based on a sliding scale that can reward heritage conservation of property owners and reflects the level of effort to service.

Funding for heritage conservation - one of the critical things for owners of over 7,000 State and local heritage places in South Australia is the need for financial support to maintain their properties. There is a public good, which is expected of these owners, but not recognised. Costs to maintain heritage places are higher than for non-listed properties and there are flow-on benefits to the economy through jobs as well as carbon offset benefits of embodied energy being retained in this historic stock of buildings. This currently goes unrecognised as part of development decisions. The Expert Panel's report made recommendations to explore options such as a heritage lottery and tax reductions. DEWNR would encourage DPTI to continue to explore this agenda.

It would be appreciated if any feedback received that is related to issues that are State heritage-related be provided to the State Heritage Unit, DEWNR.

For further information contact Beverley Voigt, Manager, Heritage and Major Reform, State Heritage Unit, DEWNR, by email at beverley.voigt@sa.gov.au or 8124 4760.

Yours sincerely



Sandy Pitcher
CHIEF EXECUTIVE

Attachment A – Table comparing Heritage Assessment Criteria (Australia-wide)

Comparison of Heritage Assessment Criteria– Australia-wide

[illegible]

Comparison of Heritage Assessment Criteria– Australia-wide

Importance in exhibiting particular aesthetic characteristics	(e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group	(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics	(e) it is associated with a notable local personality or event	<i>e. It displays particular creative, aesthetic or technical accomplishment, endemic construction techniques or particular design characteristics that are important to demonstrating local historical themes;</i>	(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment; or is an outstanding representative of particular construction techniques or design characteristics	c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW	Importance in exhibiting particular aesthetic characteristics.	(h) the place is important in exhibiting particular aesthetic characteristics <i>(introduced as 8th criterion 1/3/14)</i>	Criterion 1 It is significant in exhibiting particular aesthetic characteristics.	(e) the place is important because of its aesthetic significance;	(e) importance in exhibiting particular aesthetic characteristics valued by the ACT community or a cultural group in the ACT;	(e) whether it is important in exhibiting particular aesthetic characteristics;
Importance in demonstrating a high degree of creative or technical achievement at a particular period	(f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period						(f) Importance in demonstrating a high degree of creative or technical achievement at a particular period.	(e) the place is important in demonstrating a high degree of creative or technical achievement	Criterion 3B It is significant in demonstrating a high degree of technical innovation or achievement.	(f) the place is important in demonstrating a high degree of creative or technical achievement at a particular period;	(f) importance in demonstrating a high degree of creative or technical achievement for a particular period;	(f) whether it is important in demonstrating a high degree of creative or technical achievement during a particular period;
Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of the continuing and developing cultural traditions	(g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons	(f) it has strong cultural or spiritual associations for the community or a group within it		<i>(f) It has strong cultural or spiritual associations for a local community;</i>	(f) it has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.	d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons	(g) Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.	(f) the place has a strong or special association with a particular community or cultural group for social or spiritual reasons	Criterion 4 It is significant through association with a community or cultural group in Western Australia for social, cultural, educational or spiritual reasons.	(g) the place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;	(g) has a strong or special association with the ACT community, or a cultural group in the ACT for social, cultural or spiritual reasons;	(g) whether it has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons, including the significance of a place to Aboriginal people as part of their continuing and developing cultural traditions;
Special association with the life or works of a person, or group of persons, of importance in our history	(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history	(g) it has a special association with the life or work of a person or organisation or an event of historical importance		<i>g. It has a special association with the life or work of a person or organisation or an event of local historical importance.</i>	(g) it has a special association with the life or work of a person, or organisation or an event of historical importance or group of persons of importance in our history.	(b) an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	(h) Special association with the life or works of a person, or group of persons, of importance in Victoria's history.	(g) the place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history	n/a	(h) the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history.	(h) has a special association with the life or work of a person, or people, important to the history of the ACT.	(h) whether it has a special association with the life or works of a person, or group of persons, of importance in the Territory's history
	(l) the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition											
			(f) it is a notable landmark in the area		n/a							
			(g) in the case of a tree (without limiting a preceding		n/a							

Stephen Larkins

Department of Planning Transport and Infrastructure Discussion Paper
"Local Heritage Planning Reform"

RECEIVED

17 Oct 2016

DPTI

I write in response to the Government's 'discussion paper' on the 'reform' of Local Heritage building classification and management, in order to register my objection to the propositions embodied in it.

The principal issue in this process is "TRUST". Frankly there is none.

"We have already commenced our journey to reform the system with the introduction of the new Planning, Development and Infrastructure Act."

Of course you have. You've already made your mind up. It is reminiscent of the "Announce and Defend" approach to public policy of just a few years ago and I can tell you that as an elector I don't like it one bit.

"We've been pleased to hear the significant interest in planning reform with respect to local heritage matters."

Of course you're not. It gets in the way of getting to the result you have already decided on. That would have to take the prize for the most disingenuous statement in recent public policy development. If you were genuine you would have approached the consultation entirely differently. What you have managed to do is make people angry, feel disempowered and disenfranchised. Congratulations.

Introduction

I moved to South Australia from Sydney for the first time in 1977. I returned on several assignments over the years and decided to make my home here in 1994. As a young man I was immediately struck by how different Adelaide was to the eye when compared to Sydney Melbourne and Brisbane; cities with which I had been familiar with prior to coming to Adelaide.

It was different precisely because of the definition afforded by a spectacular array of stone built structures, from the humblest cottages to major public buildings. Its older suburbs seemed replete with elegant houses reflecting great skill and the enduring resilience and aesthetic appeal of stone.

I soon worked out why that was. There was very little in the way of access to structural timber right up until the 1950s and 60s when the great pine forests in the SE began to produce sawn timber that found its way into 'stick-built' homes of the modern era.

Despite the flowery window dressing and supporting papers accompanying this discussion paper, the way in which this process is being carried out is a give away for its underlying motivation.

I am appalled that the single most evident and tangible point of difference that South Australia has, in its spectacular Heritage Built Environment, is being put at risk to sate bureaucratic and avaricious ambition.

The subject matter is 'Local Heritage', and the proposition is simply that it should be the province of bureaucrats and 'experts'.

There is an obvious dichotomy here – the proposition that all the power in this space will be shifted to a centralised bureaucracy, yet we are dealing with 'Local' heritage assets which by definition is de-centralised and associated with the communities in which they reside.

'Heritage' has a lot in common with 'history'. Both are the coveted high ground of academics and 'experts'. In fact, the true owners of both are the community; the people whose family and community stories are bound up in the pages of the documents that record lives lived, and in the buildings and spaces where those lives and times were played out, to shape and define our society.

The reality is there are very few genuine 'experts', particularly in terms of the direct skills and knowledge behind the creation of these structures and the means by which they are best maintained.

By way of example, the trades skills that were used to create these structures, and which should be applied to maintain them, are no longer part of the trades qualifications framework.

Fortunately we have imported skills and knowledge such as the skilled artisans of Heritage Stone Restoration Pty Ltd resident here in Adelaide; they are genuine English trained stonemasons. They were attracted to Adelaide because of its rich stone-built environment.

They are also very generous in sharing those skills to minimise the single greatest risk to our Heritage Estate after Mr Rau's wrecking ball – unqualified and unskilled contemporary tradespeople applying contemporary materials and techniques to structures they quite simply don't understand.

Conclusion

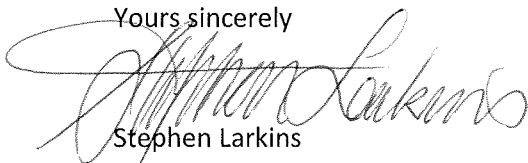
'Demolition on merit' is about creating space for new structures to facilitate Real Estate arbitrage.

With the State's aspirations to Carbon Neutrality, I would have thought the emphasis should be on adaptive re-use and minimal demolition of heritage structures of the substance most often found in SA on the basis of the embedded energy intrinsic to their form.

There is not enough genuine substance to this paper to give it the credibility it deserves as the basis of consideration of such an important issue in defining the future of this State and the links to its origins embodied in the heritage built environment.

Unfortunately, your approach to this matter has created a veil of mistrust. That is a shame, for it compromises your position in the eyes of your constituents from the outset.

Yours sincerely



Stephen Larkins

Citizen

7 October 2016