

HERITAGE IN TRANSITION PRACTITIONER GUIDE

AUGUST 2019

HERITAGE IN TRANSITION

CONTEXT

South Australia has a long and proud legacy of heritage protection since 1978, when places of State heritage value were first entered in the then Register of State Heritage Items. Local heritage recognition followed in 1993, through the newly established Development Act.

The precinct-focused heritage protection, at a state and also at a local level, has existed since early 1980s.

The following Local Heritage Place guidelines provides a useful framework to assist with the identification and evaluation of the potential heritage value of a place. The guide builds upon the material published in the 2001 South Australian 'Planning Bulletin - Heritage' document. Local heritage criteria are unchanged, but are now supported by a series of inclusion and exclusion tests, to provide an analytical framework to assist in the determination of the relative heritage significance of a place against the criteria. This approach has been used to evaluate places nominated for State heritage listing in the South Australian Heritage Register for several years and is supported by the SA Heritage Council.

This guide will also promote consistency in heritage assessment decisions and ensure clarity in the use of the most appropriate local heritage criteria. It is a step towards providing a degree of uniformity between the State and local heritage listing processes and open the way to a long sought after integrated system for South Australia.

Keith Conlon

Chair, South Australian Heritage Council



BACKGROUND

Heritage in Transition

The Government of South Australia and the State Planning Commission's (the Commission) intention is that all State Heritage Places, State Heritage Areas and Local Heritage Places currently identified in Development Plans will transition directly to the Planning and Design Code (the Code).

It is also our intention that existing historic conservation type zones and policy areas as well as character type zones and policy areas will be transitioned (i.e via new overlays) into the Code in direct collaboration with councils, ahead of formal community consultation. More detail about the proposed approach is outlined in documents on the SA Planning Portal (www.saplanningportal.sa.gov.au).

Contributory Items

The Development Act 1993 did not provide a definition or assessment criteria for the nomination and listing of Contributory Items. The basis and justification of such listings are therefore unclear in most Development Plans, which has led to significant inconsistency and a lack of clarity around these Items. Given the unclear basis of listing, Contributory Items will not be scheduled in definition in the Code.

However, the importance of these items in contributing to the broader character values of various areas is recognised and, as such, the Commission is proposing the use of specific overlays and/or zone policies to ensure the ongoing protection of the character of valued places and neighbourhoods. The Commission is proposing:

- Local Heritage Area Overlays: In transitioning Development Plans to the Code, it is intended to apply this Overlay
 to all existing Historic Conservation Zones/Areas. The Local Heritage Area Overlay will contain policies which seek
 to protect local heritage values through demolition control (performance assessed), heritage assessment and
 promotion of adaptive reuse solutions.
- Character Overlays: It is intended to apply Character Overlays to existing Character Zones and Areas. This
 Overlay will provide strengthened policies around design outcomes, including contextual analysis to ensure any
 new development either maintains or improves existing character.

Consideration is also being given to the use of new tools such as an optional Design Review in both Local Heritage Area Overlays and Character Overlays.

The Government of South Australia also acknowledges that there may be existing Contributory Items that are potentially of Local Heritage Place significance. Council Development Plan Amendments (DPAs) that seek to undertake this listing process will be prioritised.

This Guide provides Councils with the steps and guidance required for undertaking such a DPA. No interim effect will be given to the proposed listings.

Heritage Areas and Local Heritage Places - listing post Transition

The heritage listing framework under the Development Act 1993 was directly transitioned into the Planning, Development and Infrastructure Act 2016 without any refinements. If a Council wishes to undertake a DPA to list new Local Heritage Place (not current Contributory Items) or a State or Local Heritage Area, this can commence after the implementation of the Code for that Council area. Further advice and guidance about these processes will be provided at the end of 2019.

The Environment Resources and Development Committee of State Parliament has recently completed an inquiry, which has examined longer term changes to the future listing of National, State and Local heritage Places/ Areas, separate to the transition to the Code. The Government of South Australia will consider the recommendations of the inquiry with the Commission, with the intention of considering heritage reform after the completion of transitioning Development Plans to the Code.

Starting a Local Heritage 'Transition' Development Plan Amendment

Timeframe for preparing a Transition DPA

It is recommended that the Council meet with the Department of Planning, Transport and Infrastructure (DPTI) before starting a DPA process and investigations to discuss the timing, resource and information requirements. This should be undertaken as soon as possible.

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A significant amount of investigation and consultation is required in preparing Heritage DPAs. Transitional Regulations will enable Local Heritage DPAs to be finalised within a 6-month period post-implementation of the Phase 3 Code (effectively up to December 2020) without the need to initiate a Code Amendment process. This timeframe applies to all Councils seeking to undertake a Heritage DPA, regardless of what Phase they fall into.

Heritage DPAs not lodged for approval by December 2020 will cease to operate, as the Development Act provisions will cease, and a new Code Amendment process will need to be undertaken.

The DPA Process

The table below sets out the key steps for Council to prepare a Local Heritage DPA.

| STEPS F | STEPS FOR A TRANSITION LOCAL HERITAGE DPA | |
|-----------|--|--|
| Step 1 | Assess the Contributory Item for potential Local Heritage Place listing. Refer below for more information. | |
| Step 2 | Prepare Statement of Intent (SOI) with the Local Heritage Data Sheets for recommended places. Local Heritage Data Sheet can be found in the Practitioner's guide to preparing heritage DPA. | |
| Step 3 | Lodge SOI with DPTI for consideration by the Minister for Planning. | |
| Step 4 | Following approval by the Minister, prepare the DPA and Lodge the Local Heritage Data Sheets with DPTI to prepare the mapping requirements and put into the Heritage database. Local Heritage Places must be correctly identified as inaccuracies can cause invalid listings. | |
| Step 5 | Consultation - 8 weeks consultation including letters to affected landowners and occupiers. It is imperative that Council is transparent with its community about the process, the implications of the proposed listings would have on development rights and any incentives available. There will be NO Interim Operation | |
| Step 6 | Council considers the submissions and provides the Local Heritage DPA (and information package) for approval to DPTI (Note: additional information requirements are outlined in the Practitioners Guide to Preparing Heritage DPAs). | |
| This must | This must be done by December 2020 (Transitional Provisions to Apply). | |
| Step 7 | The State Planning Commission conducts hearing for objectors and prepares its recommendations. If amendments are proposed, the State Planning Commission will need to consult with Council and then provide advice to the Minister for Planning for approval. | |
| Step 8 | The Minister considers the Commission's advice and decides whether to approve all listings as proposed by Council or amend the list as provided by Council. | |
| Step 9 | If Amendments are proposed the Minister will consult with Council on the proposed amendments. | |
| Step 10 | Following Council's response, the Minister will finalise his decision on the DPA. The DPA is then gazetted and the listings entered into the Planning and Design Code. | |
| Step 11 | The DPA will be referred the Environment Resources and Development Committee of Parliament for Review. | |

Refer to the requirements of *Practitioners Guide to Development Plan Amendments* (https://www.saplanningportal.sa.gov.au/current_planning_system/planning_policy/practitioners_guide_to_preparing_development_plan_amendments) for all process, administrative and template requirements.

Recommending a Local Heritage Place - criteria and thresholds

A Local Heritage Place must meet at least one of the criteria pursuant to Section 23 (4)(a) of the *Development Act*. The professional advice of a heritage specialist is recommended in the evaluation of the potential Local Heritage Place. Note that, a place will not be listed if it is determined to be structurally unsound, has public safety issues or is irredeemably beyond repair.

The heritage investigations will need to involve:

- Consideration of themes of activities and historical forces. These may have been previously identified in existing Council heritage reviews.
- 2. Review each contributory item against the local heritage place criteria (section 23(4) of the *Development Act* 1993) in accordance with the Assessment Guidelines.
- 3. Clearly and accurately describe to what extent the building or property is proposed to be listed (i.e Is it just the façade? Does it exclude additions?) A site visit is strongly advised.
- 4. Investigate whether the building may be structurally unsound, has public safety issues or is irredeemably beyond repair (this may also be identified during the consultation process).
- 5. Ensure that the property details are correctly and accurately recorded. Inaccuracies can lead to invalid listings if affected property owners have not been appropriately notified.

Other investigations (by Council Planner) will need to involve:

- 6. A Strategic Assessment including consideration of any disparities between existing improvements and likely development opportunity.
 - For instance a single detached dwelling on a key road corridor would need a compelling argument to be retained over a similar dwelling on a suburban street.
 - The legislation requires that all DPAs consider the relevant Planning Strategy. At the Statement of Intent stage, the relevant policies of the Planning Strategy must be identified. At the consultation and approval stages of the DPA the Chief Executive Officer must sign certificates (Schedule 4a and 4b of *Development Regulations*) confirming that the DPA will be consistent with those policies.
- 7. If current, Council should refer to how the proposal for listings fits with its other strategic priorities.

Heritage protection provided through Development Plans is not just a statutory process. It requires additional processes, including support and commitment and the input of heritage expertise throughout the listing process and for landowners once their place is listed.

Local Heritage Places - criteria – assessment guidelines

A) It displays historical, economic or social themes that are of importance to the local area.

Guidelines for inclusion

The place should be closely associated with events, developments or cultural phases which have played a significant part in local history. Ideally, it should demonstrate those associations in its fabric, although in some cases there may be no such evidence.

The history of a particular place must be understood through an overview history of the local area, including the identification of important themes. The significance of the place must be demonstrated in relation to the overview history and themes. A place is likely to satisfy this criterion if the following steps are met.

Step 1: A Basic Test for satisfying Criterion A

Does the place have a CLEAR ASSOCIATION with an historic event, phase, period, process, function, movement, custom or way of life in the local area, as supported by the overview history and identified themes?

AND

Is the place's association to the historic event, phase, etc. EVIDENT in the physical fabric of the place or in documentary sources or oral history?

CRITERION MAY BE SATISFIED

Step 2: A Basic Test for determining Local Significance

Is the event, phase etc. of HISTORICAL IMPORTANCE to the local area, having made a strong, noticeable or influential contribution to the evolution or pattern of the local community or environment, with reference to the overview history and themes?

AND

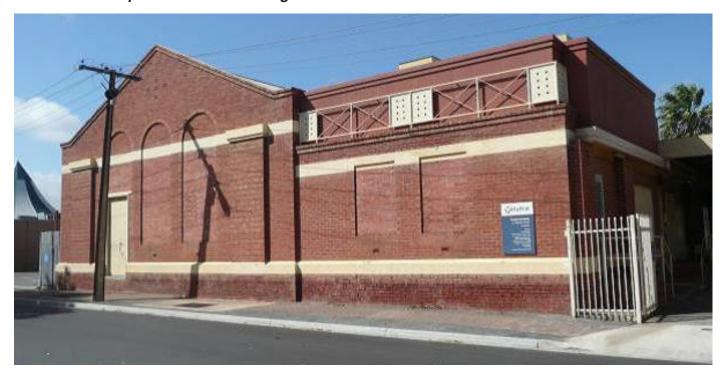
Does the place allow the association with the important event, phase etc. to be BETTER APPRECIATED THAN MOST OTHER PLACES IN THE LOCAL AREA WITH SUBSTANTIALLY THE SAME ASSOCIATION? IS IT AN EXEMPLAR?

CRITERION IS LIKELY TO BE MET

Step 3: Exclusion Guidelines for Criterion A

| Not related to important local history | It does not relate to an important theme in local history. |
|--|--|
| Common place | It is of a class of places that is common or frequently replicated across the local area. |
| Little local interest | It is associated with events that are only of <u>interest to a disparate or small number of people</u> and not to a local community. |
| Low or questionable importance | It is associated with an historical event, phase etc. of <u>low or questionable</u> importance. |
| Incidental, indirect or unsubstantiated associations | Its associations to the significant event, phase etc. are either incidental, indirect or cannot be substantiated. |
| No evidence | There is no surviving reliable or verifiable physical, documentary or oral history evidence to demonstrate the association of the place with the historical event, phase, etc. |

Illustrative example of Criterion A being satisfied



Telephone Exchange, Prospect. Photo source: Prospect Heritage Review, McDougall and Vines

B) It represents customs or ways of life that are characteristic of the local area.

Guidelines for inclusion

The place should demonstrate a way of life or social custom, which is distinctive locally, being one of a small number of places remaining that demonstrates specific customs or a way of life which reflects the cultural history and identity of the local area.

A place is likely to satisfy this criterion if the following steps are met.

Step 1: A Basic Test for satisfying Criterion B

Is the place's association to the distinctive characteristic custom/way of life EVIDENT in the physical fabric of the place and/or in documentary sources or oral history?

AND

Is the place DISTINCTIVE locally, being one of a small number of places remaining that demonstrates the particular customs or way of life, etc?

CRITERION MAY BE SATISFIED

Step 2: A Basic Test for determining Local Significance

Is the CUSTOMS or WAY OF LIFE a noticeable or influential part of the evolution or pattern of the local community or environment?

CRITERION IS LIKELY TO BE MET

Step 3: Exclusion Guidelines for Criterion B

| Not related to important local history | It does not relate to an important theme in local history. |
|--|---|
| Common place | It is of a class of places that is common or frequently replicated across the local area and other areas. |
| Little local interest | It is associated with customs and the ways of life only of interest to a disparate number of people and not to a local community. |
| Low or questionable importance | It is associated with a custom and ways of life of low or questionable importance. |
| Incidental, indirect or unsubstantiated associations | Its associations to the customs or ways of life are either incidental, indirect or cannot be substantiated. |
| No evidence | There is no surviving reliable or verifiable physical, documentary or oral history evidence to demonstrate the association of the place with the custom or way of life. |

Illustrative example of Criterion B being satisfied



Ukrainian Catholic Church of St Volodymyr & Olha, Woodville (City of Charles Sturt). Photo source: City of Charles Sturt Local Heritage Places and Policies Review, Grieve Gillett, 2017

C) It has played an important part in the lives of local residents.

Guidelines for inclusion

The place should form the basis of community structure which is important in the cultural history of the local area. These building types are often repeated in each local government area, but each community will also have specific places to which they will have special attachment due to the particular circumstances of local development and sense of place. This may encompass early schools, hotels, institutes, hospitals and churches.

A place is likely to satisfy this criterion if the following steps are met.

Step 1: A Basic Test for satisfying Criterion C

Is the place's association to community structure, etc EVIDENT in the physical fabric of the place and/or in documentary sources or oral history?

AND

Is the place SPECIAL locally, being a place that is a key part of community establishment or the social structure of importance to many?

CRITERION MAY BE SATISFIED

Step 2: A Basic Test for determining Local Significance

Is the place's reflection of COMMUNITY STRUCTURE a noticeable or influential part of the evolution or pattern of the local community or environment?

CRITERION IS LIKELY TO BE MET

Step 3: Exclusion Guidelines for Criterion C

| Not related to important local history | It does not relate to an important part in the lives of local residents. |
|--|--|
| Common place | It is of a class of places that is common or frequently replicated across the local area and other areas. |
| Little local interest | It is associated with an important of life of only a disparate number of people and not to a local community. |
| Incidental, indirect or unsubstantiated associations | Its association's lives of local residents are either incidental, indirect or cannot be substantiated. |
| No evidence | There is no surviving reliable or verifiable physical, documentary or oral history evidence to demonstrate the association of the place with the lives of local residents. |

Illustrative example of Criterion C being satisfied



Keyneton Institute, 903 Keyneton Road, Keyneton. Photo source: Mid Murray Council Heritage Review 2016 – Southern Places, Flightpath Architects

D) It displays aesthetic merit, design characteristics, or construction techniques of significance to the local area.

Guidelines for inclusion

The place should:

- display important aesthetic qualities (e.g. natural or designed qualities of merit), reflecting the distinctive
 conditions or materials available within the district. These places will often immediately come to mind when the
 locality is mentioned as being 'typical' of the area, or
- display design qualities of acknowledged merit, creative invention, formal design, or represent a new design
 achievement of its time. Developments in technology or the application of new techniques in design or
 construction would also qualify, if clearly illustrated in the place.

A place is likely to satisfy this criterion if the following steps are met.

Step 1: A Basic Test for satisfying Criterion D

Does the FABRIC of the place exhibit EVIDENCE that clearly demonstrates aesthetic, design or construction ACHIEVEMENT?

or

Does the PHYSICAL FABRIC of the place clearly exhibit particular construction techniques or design characteristics distinctive to the local area.

or

contain VISIBLE PHYSICAL EVIDENCE that clearly demonstrates creative or technical ACHIEVEMENT for the period in which it was created?

... AND

Does the visible physical evidence demonstrate a HIGH DEGREE OF INTEGRITY and is intact?

CRITERION MAY BE SATISFIED

Step 2: A Basic Test for determining Local Significance

Is there evidence that the characteristics have been APPRECIATED OR VALUED by the wider local community or recognised by an appropriately expert discipline group e.g.

- wide local community ACKNOWLEDGEMENT OF THE MERIT in mediums such as songs, poetry, literature, painting, sculpture, publications, print media etc
- Is the nature and/or scale of the achievement OF A HIGH DEGREE or 'beyond the ordinary' for THE PERIOD IN WHICH IT WAS UNDERTAKEN
- CRITICAL RECOGNITION of the technical or creative characteristics of the place by an appropriately expert discipline group (such as peer awards, or critical publications) as an important example within the local area.

CRITERION IS LIKELY TO BE MET

Aesthetic characteristics are the visual qualities of a place that invite judgement against the ideals of beauty, picturesqueness, evocativeness, expressiveness, grotesqueness, sublimeness and other descriptors of aesthetic judgement. The visual qualities of a place lie in the form, scale, setting, unity, contrast, colour, texture and material of the fabric of a place.

Step 3: Exclusion Guidelines for Criterion D

Places would not normally be considered under this criterion if they were simply regarded as being pleasant or somewhat attractive, or if their integrity was diminished so that the aesthetic characteristics were no longer apparent in the place.

The place may not satisfy this criterion if any of the following apply.

| Average qualities | It has aesthetic or creative/design/construction qualities that lack distinctiveness and do not exceed those of the general class to which they belong |
|---------------------------------|--|
| Qualities not recognised | Its qualities have received little public recognition or recognition within a discipline (for example peer awards). |
| Degraded qualities | Its qualities have been irreversibly degraded through changes to the fabric or setting. |
| Qualities not clearly definable | Its qualities are not clearly definable (e.g. being simply regarded as 'pretty' or 'attractive' is not sufficient). |
| No technical evidence | There is insufficient documentary or technical evidence to prove or substantiate a high degree of achievement. |

Illustrative Example of Criterion D Being Satisfied



Lattice Bridge; Railway bridge and stone abutments. This is considered a good example of early railway infrastructure. Photo source: Upper North Heritage Review Volume 1 The Flinders Ranges Council, Habitable Places Architects and John Mannion, March 2009.

E) It is associated with a notable local personality or event.

Guidelines for inclusion

The place must have a:

- Close association with a person, group or organisation which played an important part in past local events that is readily demonstrated in the fabric of the place. The product of a creative or sports person, would be more closely associated with that person's workplace or sporting venue than would his or her home, grave, school etc.
 - Most people are associated with many places in their lifetime, and it must be demonstrated why one place has a special association. As an example, architects are associated with every place they design and there must be a special association beyond the ordinary or common association between an architect and the place they designed, such as a design exemplar; or the first or a rare example of a design style they are noted for, or
- The place should be closely associated with a notable event which has played a significant part in local history.
 Ideally it should demonstrate those associations in its fabric, although in some cases there may be no such evidence.

The history of a particular place must be understood through an overview history of the local area, including the identification of important themes. The significance of the place must be demonstrated in relation to the overview history and themes.

A place is likely to satisfy this criterion if the following steps are met:

Step 1: A Basic Test for satisfying Criterion E

Does the place have a CLEAR ASSOCIATION with the life or work of a person, group or organisation?

or

Does the place have a CLEAR ASSOCIATION with an historic event, as supported by the overview history and themes?

... AND

Is the ASSOCIATION of the place to the person, group or organisation EVIDENT in the physical fabric of the place and/or in documentary sources and/or oral history?

or

Is the place's association to the historic event, EVIDENT in the physical fabric of the place and/or in documentary sources or oral history?

CRITERION MAY BE SATISFIED

Step 2: A Basic Test for determining Local Significance

Is the person, group of persons or organisation clearly IMPORTANT, having made a strong, notable or influential CONTRIBUTION to the course of local history?

or

Is the event. of HISTORICAL IMPORTANCE to the local area, having made a strong, noticeable or influential contribution to the evolution or pattern of the local community or environment, with reference to the overview history and themes?

... AND

Is the association SPECIAL being directly related to achievements of the relevant person, group or organisation at the place, or to an ENDURING and/or CLOSE INTERACTION between the place and the person, group or organisation?

or

Does the place allow the association with the important event to be BETTER APPRECIATED THAN MOST OTHER PLACES IN THE LOCAL AREA WITH SUBSTANTIALLY THE SAME ASSOCIATION?

CRITERION IS LIKELY TO BE MET

Step 3: Exclusion Guidelines for Criterion E

The place may not satisfy this criterion if any of the following apply.

| Weak association | It has a brief, incidental, distant, indirect or unproven association with the person, group or organisation. i.e the residence of a notable scientist is not a strong association, if the scientist was only born or lived there. |
|--------------------------------------|--|
| Person etc not significant | It is associated with a person, group or organisation of little significance. |
| Person etc not locally important | The person, group or organisation is not important in the local community. |
| Association cannot be demonstrated | The association cannot be demonstrated. |
| Similar association with many places | A similar association could be claimed for many places, with none being special. |

For example, generally the home or the grave of a notable person will not be eligible unless it has some distinctive attribute or DIRECT special association, or there is no other physical evidence of the person's life or career in existence.

Illustrative Example of Criterion E Being Satisfied



"Warrakilla" House, former Wheatsheaf Inn. The place has strong associations with surveyor George Goyder and notable architect Daniel Garlick". Photo source: DC Mount Barker Heritage Survey, Part 3: Local Heritage Recommendations: Biggs Flat to Hahndorf, Heritage Online, Anna Pope and Claire Booth, 2004

F) It is a notable landmark in the area.

Guidelines for inclusion

The place should be a notable landmark in the area which has played a significant part in local history. A landmark building, landscape feature or structure should be visually prominent and a reference point for the whole community or a significant part of it.

The history of a particular place must be understood through an overview history of the local area, including the identification of important themes. The significance of the place must be demonstrated in relation to the overview history and themes.

A place is likely to satisfy this criterion if the following steps are met.

Step 1: A Basic Test for satisfying Criterion F

Does the place CLEARLY identify as a notable landmark in the area, as supported by the overview history and themes?

AND

Is the place's notable value EVIDENT in the physical fabric of the place and/or in documentary sources or oral history?

CRITERION MAY BE SATISFIED

Step 2: A Basic Test for determining Local Significance

Is the landmark of IMPORTANCE to the local area, having made a strong, noticeable or influential contribution to the evolution or pattern of the local community or environment, with reference to the overview history and themes?

CRITERION IS LIKELY TO BE MET

Step 3: Exclusion Guidelines for Criterion F

| Not related to important local history | It does not relate to an important theme in local history and culture. |
|--|---|
| Common place | It is of a class of places that is common or frequently replicated across the local area. |
| Little local interest | The landmark is of interest to a disparate number of people and not to a local community. |

Illustrative examples of Criterion F being satisfied



Clock Tower, Lot 150 Playford Boulevard, Elizabeth. Source: N Gencarelli

G) In the case of a tree (without limiting a preceding paragraph) - it is of special historical or social significance or importance within the local area.

Guidelines for inclusion

The tree should be one held in high regard by the local community or significant cultural group within it, for an extended period. This must be stronger than people's frequent attachment to their usual surroundings. The association may in some instances be in folklore rather than in reality.

A tree is likely to satisfy this criterion only if the following steps are met.

Step 1: A Basic Test for satisfying Criterion G

Does the tree demonstrate a DIRECT social, cultural or spiritual association with the PARTICULAR COMMUNITY OR CULTURAL GROUP?

AND

Is the tree an IMPORTANT EXAMPLE of the association between it and the community or cultural group by reason of its regular or long term use of/engagement with the tree, or the enduring ceremonial, ritual, commemorative, spiritual or celebratory use of the tree?

CRITERION MAY BE SATISFIED

Step 2: A Basic Test for determining Local Significance

Is the particular community or cultural group of HISTORICAL IMPORTANCE, having made a notable or influential CONTRIBUTION to the course of local history?

CRITERION IS LIKELY TO BE MET

Step 3: Exclusion Guidelines for Criterion G

The place may not satisfy this criterion at the local level if any of the following conditions apply.

| Associations common or not widely held | Its associations are commonplace or not widely held within the community. |
|---|--|
| No enduring attachment | An enduring attachment is not substantiated, or the associations are of recent origin. |
| Associations not widely held/not strong | Its associations are recognised by only a small number of people or are not held very strongly. |
| Weak community or cultural group | The community or cultural group lacks definition or is not widely recognised. |
| Associations cannot be demonstrated | The associations cannot be demonstrated satisfactorily to others or are not considered relevant to the current generation. |

What is Social Value?: A discussion paper (Australian Heritage Commission, Technical Publications Series Number 3, 1992) may be of assistance when considering Criterion G. It points out that examples of places of 'social value' can be grouped into the following categories (see pages 7-10): public places, places of 'meeting', places of 'resort' and public entertainment, 'communities', places associated with recent significant events, commemorative places and places with special meaning for particular communities.