Installation of Traffic Control Devices or Road Furniture in State Heritage Areas

Operational Instruction 20.13
### AMENDMENT RECORD

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Manager, Traffic & Access Standards Section  
21/03/2001

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1. **Scope**

This Operational Instruction provides guidelines and procedures to Transport SA traffic practitioners, planners and contractors for the installation of traffic control devices or road furniture within *State Heritage Areas*.

It outlines the procedure for installation of road furniture in listed State Heritage Areas.

State Heritage Areas are only those heritage areas or places declared under the Heritage Act 1993 and listed on the State Heritage Register or established through Plan Amendment Reports. It does not apply to local heritage places or items that are not included on the State Heritage Register.

For a complete guide to work affecting areas of cultural heritage refer to Transport SA’s *Cultural Heritage Guidelines*.

2. **Definitions**

Under the *Heritage Act, 1993*, *State Heritage Area* means an area established as a *State Heritage Area* by a *Development Plan* or a place entered, either on a provisional or permanent basis, in the State Heritage Register”.

The *State Heritage Register* is a database maintained by Heritage SA (Department for Environment, and Heritage), which contains a record of all sites protected under the Act. Surveys have been carried out across the State, however, there remain sites and places that are yet to be assessed and which may qualify for inclusion in the register. The Heritage Unit of the Department of Administrative and Information Services is responsible for providing advice on the protection, preservation and use of the State’s heritage assets held in Government ownership.

*Road furniture* includes devices placed or erected with the approval of a traffic authority having the necessary jurisdiction, to regulate, warn or guide road users. It also includes such devices as guard fence and light poles.

*Traffic Control Device* means a sign, signal, marking, structure or other device or thing, to direct or warn traffic on or entering or leaving a road, and includes: -

a) a traffic cone, barrier, structure or other device or thing to wholly or partially close a road or part of a road; and

b) a parking ticket-vending machine and parking meter.

*(Road Traffic Act 1961)*

Chart 1 Approval Process under Section 49 of the Development Act 1993

Is there any registered State Heritage area or place located in the vicinity of the proposed works:
- State Heritage Register – Heritage SA
- South Australian State Heritage Areas booklet – Transport SA

Yes

Road furniture to be installed is listed in the Schedules of the Australian Road Rules

No

Installation of any information signs or devices (other than those listed in Schedules of the Australian Road Rules) requires approval Under the Development Act 1993.

No approval is required under the Development Act 1993. However, TSA should consult with and advise Heritage SA of the installation of such devices.

Consult with Heritage SA

No

Notice given to Council

Council oppose the proposed development?

Yes

Council’s report must be attached to the DAC report

Refuse

Minister determines the outcome of the proposed development

Re-evaluate the project with assistance from SOCG, Transport SA

Approved with or without conditions

Installation of Road furniture must conform to the Code of Practice for Legal Use of Traffic Control Devices.
3. Background

Protection of cultural heritage is a key objective in the Environmental Strategic Plan.

Transport SA has obligations under State and Federal legislation to protect State Heritage areas, as well as other historic places. Transport SA also has a particular responsibility in dealing with heritage issues according to legal constraints and community expectations.

3.1 Heritage Act 1993 (State)

The Heritage Act 1993 protects heritage places and State Heritage areas and establishes a State Heritage Register. Heritage areas can be buildings, land, ruins and structures or sites (of historical or archaeological, geological or palaeontologic significance).

Under the Heritage Act 1993, a "stop order" preventing work threatening the heritage value of a place can be issued. The stop order permits the assessment of a place’s significance, to determine whether it should be placed on, or removed from, the Register.

3.2 Development Act 1993

The Development Act 1993 deals with planning and development measures in the State and specifically deals with any proposal that will materially affect a heritage area or the context within which the area is situated. If development is proposed that will affect a registered State Heritage Area, it is necessary for an application to be lodged with the Development Assessment Commission, for a report and referral to the Minister for Transport, Urban Planning and the Arts. It is important to note that no development can be complying as define in the Development Act.

Locations with a concentration of items of historical importance to the State may be protected through creation of a State Heritage Area, under the Development Act. A State Heritage Area is an area of historical, geological, palaeontological or archaeological importance to the State. The creation of State Heritage Area serves to protect more than an individual building, but an area and its setting. Controls governing use of the area will also be specified in the Development Plan, and these will vary from area to area.

3.3 South Australian State Heritage Areas

South Australian State Heritage Areas are identified in the Development Plan and listed on the State Heritage Register. They are also documented in Transport SA’s South Australian State Heritage Areas booklet. Further information about these areas can be obtained from the Department for Environment and Heritage.
4. **When will Development Approval be required?**

Under the *Development Act 1993* (State), “development” is defined in relation to a State heritage place to mean, “the demolition, removal, conversion, alteration or painting of, or addition to, the place, or any other work that could materially affect the heritage value of the place”. The heritage value of the State Heritage place may be materially affected if it is directly disturbed or if work is proposed in the vicinity of the place.

If proposed traffic control works will directly impact on the State heritage place in one of the ways listed above or will materially affect the heritage value of the place, they will require development approval.

While reconstruction, repair or maintenance of any road, bridge, railway, wharf or jetty, undertaken by the Crown, are exempted from the need for approval under the *Development Act 1993*, any activities including transport works affecting State Heritage Places are not.

5. **Transport SA Procedures**

The procedure for installation of road furniture in State Heritage Areas listed on the State Heritage Register is outlined below.

*It is important to note that all traffic control devices regardless of where located must be installed and approved in accordance with the *Code of Practice for Legal Use of Traffic Control Devices*.*

Transport SA is able to install traffic control devices as listed in the Schedules 2 and 3 of the *Australian Road Rules* in State Heritage Areas without requiring approval under the *Development Act 1993*. However, the project manager or engineer should consult with and advise Heritage SA of the installation of such devices.

Any guide signs or other devices (other than those listed in the Schedules 2 and 3 of the *Australian Road Rules*) in State heritage areas require approval under the *Development Act*. Such devices include, but are not limited to, tourist signs, direction signs, guard fence installation, safety bar layouts.

6. **The Development Assessment Process**

The application will be assessed by Transport SA pursuant to Section 49 of the *Development Act*, the process for which can be summarised as follows:

1. Prepare the application by completion of the *Crown Development Application Form* (Appendix A)

2. Include supporting information including:

   - a description of the nature of the proposed development; and
   - details of the location, siting, layout and appearance of the proposed development.
In addition to lodging the development application with the Development Assessment Commission (DAC), if the proposed traffic control works are to be undertaken within the area of a Council, notice of the proposed development containing a description of the nature of the proposed development and details of the location, siting, layout and appearance of the proposed development must be given to the relevant Council within three business days after the application has been lodged with the DAC.

3. Lodge the application with the Development Assessment Commission (DAC), including contact details

4. Provide a copy of the application to the relevant Council in writing (Council has 2 months to respond to Development Assessment Commission)

5. Development Assessment Commission refers application to Minister for Heritage (Heritage SA) for comment (Minister has 2 months to respond)

6. Development Assessment Commission considers submissions, makes and provides a report to the Minister for Planning. The Minister approves or rejects the proposal and advises Transport SA.

The process is also summarised in Chart 1 on page 2.

7. Further Information

For further information on State Heritage and Traffic Management issues refer to:

**Statewide Operational Coordination Group**
Environmental Operations Unit & Traffic Management Unit
Transport SA
33-36 Warwick Street, Walkerville 5081
Telephone: 8343 2686

Advice on heritage issues including the need for heritage surveys, for legislative requirements, access to databases and consultative requirements and approvals.

**Heritage SA**
Department for Environment and Heritage
Level 8, 91-97 Grenfell Street, Adelaide 5000
Telephone: 8204 9261

**Development Assessment Commission**
Planning SA
Level 6, Roma Mitchell House
136 North Terrace, Adelaide 5000
Telephone: 8303 0771
8. References

### Appendix A  Crown Development Application Form

#### PLEASE USE BLOCK LETTERS

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<th>Council</th>
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<td>Applicant</td>
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<td>Postal Address</td>
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#### OWNER

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<td>Postal Address</td>
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Postcode ___________________ Licence No ___________________

#### CONTACT PERSON FOR FURTHER INFORMATION

<table>
<thead>
<tr>
<th>Name</th>
<th>Tel (W)</th>
<th>Fax (W)</th>
<th>Tel (AH)</th>
<th>Fax (AH)</th>
</tr>
</thead>
</table>

#### DESCRIPTION OF PROPOSED DEVELOPMENT

#### LOCATION OF PROPOSED DEVELOPMENT

<table>
<thead>
<tr>
<th>House No</th>
<th>Lot No</th>
<th>Street</th>
<th>Town/Suburb</th>
<th>Section No [full/part]</th>
<th>Hundred</th>
<th>Volume</th>
<th>Folio</th>
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#### LAND DIVISION

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<tr>
<th>Site Area [m²]</th>
<th>Reserve Area [m²]</th>
<th>No of existing allotments</th>
<th>Number of additional allotments [excluding road and reserve]</th>
<th>Lease: Yes ☐</th>
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#### BUILDING RULES CLASSIFICATION SOUGHT

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<tr>
<th>Present classification</th>
<th>If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male ☐ Female ☐</th>
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<tr>
<td></td>
<td>If Class 9a classification is sought, state the number of persons for whom accommodation is provided</td>
</tr>
<tr>
<td></td>
<td>If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises</td>
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#### DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 1993 APPLY?

<table>
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<tr>
<th>YES ☐</th>
<th>NO ☐</th>
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#### HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?

<table>
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<tr>
<th>YES ☐</th>
<th>NO ☐</th>
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#### DEVELOPMENT COST [do not include any fit-out costs] $ ____________

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 1993.

**SIGNATURE ___________________________ Dated __/__/____**

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