

29 November 2019

Department of Planning, Transport and Infrastructure  
GPO Box 1815  
Adelaide SA 5001

Email: [DPTI.PlanningReformSubmissions@sa.gov.au](mailto:DPTI.PlanningReformSubmissions@sa.gov.au)

Dear Sir / Madam

**DRAFT PLANNING AND DESIGN CODE: PHASE TWO (RURAL AREAS)**

We provide this submission to the Department of Planning, Transport and Infrastructure in response to the Phase Two of the Draft Planning and Design Code for Rural Areas. Our feedback relates to two specific areas as follows:

**1. REMOVAL OF SCHEDULES OF CONTRIBUTORY ITEMS**

Since 2001, many councils have undertaken Heritage DPAs, seeking and ultimately obtaining approval for the inclusion of Local Heritage Places, Historic Conservation Zones and Contributory Items, based on the State Government's recommended model policy for the retention of these buildings within conservation areas. Sign-off on various Councils' listing and mapping of Contributory Items has been authorised by successive Planning Ministers in accordance with the Governments *Heritage Planning Bulletin* (2001) and the Planning Department's *South Australian Planning Policy Library*. Many historic suburbs within our city are among the most desirable places to live in Adelaide, evidenced by high property values and significant investment in renovations and extensions to these buildings. The property owners that live in these suburbs value the historic conservation rules that have preserved these heritage outcomes.

The draft Code proposes to remove the schedules and maps of the current contributory items and weaken associated policy controls. This will affect places in the Phase 2 Rural Areas and will negate the significant investment made by those Councils who currently use these policy provisions for the sake of a one-size-fits-all planning system. The State Planning Commission's judgement that the listing process for Contributory Items has lacked rigour is misinformed. Councils concerned have all prepared Heritage Plan Amendment Reports generally with a high standard of rigour. It is agreed that some are inconsistent and some vary in standard but this does not justify the proposed action to remove the contributory item category and throw out a system that has provided protection.

The State Governments *Heritage Bulletin* 2001 defined a Contributory Item as:

**Contributory Item** – Identified through policy formulation and amendment and deemed to have historic value by contributing to the heritage values of a Historic (Conservation) Zone or Policy Area.

This definition of Contributory Items provided by government shows that Contributory Items are protected from demolition in Councils where policy wording advocates their retention and model Principle of Development Control 1 (a) for Historic Conservation Zones stating:

*Existing significant and contributory buildings identified in Table X and Map Y, which contribute to the historic character of the zone should not be demolished.*

KATRINA MCDUGALL BA (MELB) HISTORIAN ELIZABETH VINES OAM B.ARCH (HONS) MELB, FRAIA ARCHITECT

This makes it clear that Contributory Items as defined and written into policy protections by the State Government should not be demolished. Contributory Items have a lower threshold retention test than that which applies for Local Heritage Places. It is the **COLLECTIVE CONTRIBUTION** of contributory items that is important, and Councils accept that some can be demolished where circumstances warrant such demolition as the assessment tests for this are not as stringent as they are for Local Heritage or State Heritage Places. The proposal by the Minister for Councils now to assess all contributory items across the state and elevate some to Local Heritage Place status where appropriate is a total misunderstanding of the existing heritage framework that has worked well for two decades. This existing framework includes a clear differentiation of status and development constraints and opportunities for Local Heritage Places and Contributory Items.

The Commission has argued that the removal of Contributory Items will provide property owners and developers with greater certainty. This is considered a false assumption. The current schedule of places provides certainty as to which places are recommended for retention. This schedule is replaced with poorly worded unclear policies with an *ad hoc*, costly and delayed assessment process which will lead to poor development outcomes. Any person wanting to demolish a property or make changes will have no clear guidance as to its significance or recommendation for retention or otherwise. Consultants will need to be employed to assess and argue the case on a case by case basis, adding cost and time to the whole process.

The proposed wholesale removal of the Contributory Items simply because there are no legislative criteria for their listing and because of reported isolated examples of owners of Contributory Items having a negative experience with the development assessment process relating to their respective Councils, is also considered a poor argument. It would be just as easy to grandfather across existing Contributory Items and develop legislative criteria for the listing of new Contributory Items as part of the new planning system, to reinforce their importance, as recognised by previous State planning departments and State Governments.

We therefore recommend:

- **Contributory Items should be retained and transitioned** over to the Planning and Design Code in a clearly identified database (e.g. spatially identified on a map showing the newly termed Historic Areas boundaries or by address) and the existing demolition protections under the current system be transitioned across to the new planning system.
- The intent of consistent policy across the State is supported, but this must be well considered, with **clear language and intent**. **No effective or consistent policy to provide protection for the built heritage of the proposed Historic Area Overlays is outlined in the draft Code**. The practical implications of the proposed policy framework have not been properly considered or tested in practice by the Commission. The collective and considerable opposition to the proposed Code “reforms” by councils, community groups and owners of Contributory Items should not be dismissed but seriously addressed given what is at stake if these changes proceed. The current policy makers and legislators must ensure the quality of life enjoyed by owners of Contributory Items continues to be preserved and shared across the community.

## 2. HISTORIC AREA STATEMENTS

*“In the new planning system all historic conservation zones (over 140 are currently in development plans) and the like, plus the 11,810 contributory items, will transition into the new Planning and Design Code under a new Historic Area Overlay.” .....*

*“Historic area statements are proposed to be introduced into the Code to help clearly identify and articulate the key elements of historic importance in a particular area.”*

**Extracts from Draft Planning and Design Code - Historic Area Statement, Proposals to Amend Phase 2 (Rural Areas) Planning and Design Code Amendment – Historic Area Statements [p2]**

**KATRINA MCDUGALL** BA (MELB) HISTORIAN **ELIZABETH VINES** OAM B.ARCH (HONS) MELB, FRAIA ARCHITECT

48 Seventh Avenue, St Peters, South Australia 5069

Mobile [REDACTED] Email [REDACTED]

ABN 1664 2902 141

Generic guidelines for Historic Areas Overlays have been prepared and in the draft Code for Phase 2, example Historic Area Statements have been prepared.

Draft Historic Area Statements have now been issued for Phase 2 Council areas. These provide a prototype and template for these statements across South Australia within the new Code. Refer

These draft statements are found to be **completely deficient and unusable for the following reasons:**

- The generic introduction makes no reference to the specific Historic Area Overlay being described, so that no context is set about historic background, development pattern or heritage values of the particular Historic Area.
- The Maps provided are too basic without any detail including street layouts/ subdivision patterns, already listed local and state heritage places. There is inconsistency in mapping style of the proposed Historic Areas and no keys provided to interpret the maps (eg 5 colours with no key to indicate what the colours mean). The current Development Plan maps are far better, and should and could be adapted to replace the minimal, inadequate new mapping provided.
- The table has no title and no headings, and it is not clear what the function of the table is. This needs to be clarified for it to make sense.
- Information provided in the tables is confused, inadequate and would provide no basis against which to measure development application. Some of the information comes from existing Development Plan provisions, but is selective and *ad hoc*. These tables as outlined do not “*identify and articulate the key elements of historic importance in a particular area*”.
- The statements in their current forms would provide no assistance for the development assessment process. The information provided is totally inadequate and does not in the current form assist with assessing the relative merits of any proposed development.
- An example is the Robe Historic Area Statement as drafted which provides a half page statement (in table form) which replaces the carefully considered provisions of the existing Development Plan (as outlined in 3 pages in the current Development Plan plus a 3 page guideline document)
- No development objectives or policies are included resulting in very minimal and vague guidance

**It is therefore recommended that**

- The draft Historic Area Statements should be completely redrafted, edited and rewritten to expand the content, incorporate necessary additional information, and provide a statement which can be used to guide appropriate development in these significant historic areas. In their current form, development could be approved which would destroy the historic values of a Historic Area Overlay.

**It is recommended that all these statements be redrafted and revised by experienced heritage consultants/ planners as in their current format they are inadequate and incomplete and will not result in retention of historic values of the proposed historic area.**

We would also like to point out a specific error of transition of existing controls in the NPSP case. Land division controls for the residential character zone in Norwood Payneham and St Peters have been removed, and we request confirmation that these controls will be reinserted in the code? This is of particular concern for Ninth Avenue, Seventh Ave, (between Stephen Terrace and Harrow Road), and Seventh Avenue Joslin. **Please respond to this specific request.**

**In summary** we are concerned that the Code as proposed contains major errors, and requires considerable editing and change. We are particularly concerned that it is proposed to release and put into operation the Phase 2 areas by the 1<sup>st</sup> of April which provides insufficient time for meaningful consultation.

We also believe that the Code as a whole, proposed for general release by 1 July 2020, will not allow sufficient consultation to the many changes required to the Code. We strongly support an extension of timeframe beyond July 2020, via legislative change, to ensure the Code is up to standard and fit for purpose.

Yours sincerely



ELIZABETH VINES OAM



KATRINA MCDUGALL