

Parliament of South Australia

ENVIRONMENT, RESOURCES AND  
DEVELOPMENT COMMITTEE

## **Inquiry into Heritage**

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**Submission by The National Trust of South Australia**

October 2018



**NATIONAL TRUST**  
South Australia



# Heritage is an **opportunity** not a problem

“ The power of older buildings is far more than just aesthetic.  
They are tremendous engines of economic growth, vitality, and quality of life. ”

*Stephanie Meeks,  
The Past and Future City: How Historic Preservation is Reviving America's  
Communities 2016.*

“ Protection is development, and it is higher-level development. ”

*Professor Wu Jiang, Tongji, China.*

“ I've worked in 50 countries and I don't think I've been in a city where there was a  
bigger gap between the high quality and quantity of heritage, and the less  
effective use of it [than Adelaide].

That's not a criticism, it's an identification of a huge upside in opportunity. ”

*Donovan Rypkema, Principal,  
Place Economics and Heritage Strategies International, May 2018.*



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# Executive Summary

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There is now an extensive body of research and evidence demonstrating the economic, social and environmental benefits of heritage protection through legislative means.

The listing of heritage places is a key aspect of legislative heritage protection in all Australian jurisdictions and in many other nations.

2018 marks the 40th anniversary of heritage protection legislation in South Australia. Our heritage protection system has generally served us well, generating and preserving significant economic and cultural benefits for the community.

However, the system as currently designed is overly complex and its administration needlessly cumbersome and inefficient, leading to uncertainty, confusion, frustration and much wasted effort.

We believe a well-designed heritage protection system should deliver:

- A clear, simple, open and transparent listing system for all types of heritage
- Good governance and efficient administration
- Certainty and consistency to promote investment

This submission makes a number of recommendations which The National Trust believes will simplify our heritage protection system and enhance the significant benefits it produces for the community.

# Recommendations

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## A. A SINGLE INTEGRATED LISTING SYSTEM

- Include all heritage listing provisions within a single integrated heritage statute.
- Management of all heritage listings by the South Australian Heritage Council (SAHC).
- Independent Expert Committee of the SAHC to review nominations with final consent given by the Minister for Environment and Water.

## B. SIMPLIFYING LOCAL HERITAGE LISTING

- Use UK grading system for categorising local heritage.
- Expansion of listing criteria to enable consideration and listing of restorable heritage buildings if inappropriate additions or modifications were removed, all buildings over a certain age and landscapes of contributing items individually not sufficient but together of overall heritage significance.
- Develop criteria to be which establish and promote identification of historic conservation zones and repeal of Planning, *Development and Infrastructure Act 2016* provision requiring 51 % of landowners to approve a historic conservation zone listing.

## C. IMPROVING NOMINATION PROCESSES

- Simple and transparent listing process which includes an open nomination system, automatic interim protection upon nomination of heritage places/items, listing to proceed automatically in the event that a nomination is not dealt with within 180 days, gazettal of approved listings and public release of reasons for listing or non listing.
- Primary responsibility for initiating assessments and recommending local heritage listings should remain with local councils.
- Nominators, owners and parties with a “special interest” should have the right to be heard in relation to listing decisions and have a right of appeal based on the reasons for listing/non listing.
- Criteria to be developed for the exercise of Ministerial power to not confirm provisional listing of a state heritage place on public interest grounds.

#### D. RETAIN CURRENT LISTINGS AND MAKE IT DIFFICULT TO REMOVE LISTED ITEMS

- All currently listed items should continue to be protected.
- Listings should be reviewed to ensure information is consistent and meets a certain standard but not reassessed as this can lead to downgrading or removal.
- Maintain a high bar for demolition applications to succeed for listed places.

#### E. GREATER SUPPORT FOR LOCAL COUNCILS TO ESTABLISH HERITAGE PROTECTION

- Provide incentives to encourage Councils to carry out comprehensive local heritage surveys.
- Councils that have undertaken heritage surveys but not followed them up with listings should be required and supported to put recommendations forward.
- Establish an integrated state wide heritage advisory service accessible by all Councils.

#### F. MORE INCENTIVES FOR HERITAGE INVESTMENT

- Greater support and incentives for heritage home owners, in the form of grants, advice and training, fee waivers and tax incentives to support owners to invest in heritage conservation.

# Contents

5	<b>Executive Summary</b>
6	<b>Recommendations</b>
8	<b>About The National Trust of South Australia</b>
9	<b>Response to Inquiry Terms of Reference</b>
22	<b>Appendix 1</b> 7 ways in which heritage protection and conservation creates economic, cultural, social and environmental benefits
23	<b>Appendix 2</b> The 2016 South Australian Community Consultation on Local Heritage Report
176	<b>Appendix 3</b> Comparison of State Heritage listing criteria and processes across jurisdictions

## About The National Trust of South Australia

The National Trust of South Australia (NTSA) is the State's leading community-based heritage conservation organisation, with more than 6000 members and volunteers across the State. For 60 years the Trust has played a leading role in preserving South Australia's heritage. It manages 130 built and natural heritage places across the State and has, in the past three years, raised more than \$2.5m for heritage conservation projects in South Australia through the South Australian Heritage Foundation. The Trust plays a valuable role in property management, community engagement and in fundraising and skills training for heritage conservation. The NTSA welcomes the opportunity to provide comment on the operation of the heritage system with a particular focus on heritage listing.





# Response to Inquiry Terms of Reference

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## 1. Highlighting the differences in, and consistency of, processes and criteria between listing and assessing local, state and national heritage.

Local, state and national heritage policies and procedures serve different ends and are governed by different legislation across multiple jurisdictions. It is therefore neither practicable nor desirable to strive for consistency in procedures for nominating, listing or protecting places in the three arenas.

### *National Heritage Listings*

These have, since the passage of Commonwealth legislation in 1999, been under the oversight of the Australian Heritage Council. The objective is to identify, celebrate and preserve 'natural, historic and Indigenous places of outstanding significance to the nation'. Procedures for nominating and assessing places are so lengthy and cumbersome that over the last two decades only 114 places have been listed (an average of 6 per year). Of that number nine are in South Australia. Two of these are caves, one is a complex of natural springs, one is the site of an historic event, two are buildings, two represent an epoch of copper mining associated with a particular ethnic group, and one is a city plan. The Australian Heritage Council does not concern itself with the economic, planning and quality of life issues that are so important in relation to local heritage in all the states and territories. The Council's capacity for oversight and protection of listed places differs markedly from South Australia's State Heritage Council.

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**In summary, the National Heritage list bears little or no relation to South Australian state or local heritage lists in concept or execution. Attempting to bring the national legislation and procedures into line with those governing state and local heritage in South Australia would serve no useful purpose.**

### *The South Australian State Heritage Register*

The South Australian Heritage Council is charged with the administration of the *Heritage Places Act 1993*. Its designated purpose is to protect and preserve places of significance to South Australia as a whole. The criteria used to assess nominated places are broadly similar to those of other Australian states and territories (see Appendix 3). After forty years these are well understood by the public, the courts and heritage professionals. In recent times there have been very few successful challenges to listings and only a handful of deletions from the State Heritage Register. The result is certainty for property owners and confidence in the larger community that places of acknowledged significance to the state will be preserved for the enjoyment and edification of future generations.

Nominations, assessments and additions to the state register have slowed markedly in the last two decades. Between 2007 and 2017 the number of State listed items increased from 2,199 to 2,290. Some might conclude from this that the work of identifying places of state significance is mostly done. The National Trust believes it has not and that the slowdown merely reflects shortages of staff and resources.

In accordance with the *Heritage Places Act*, the State Heritage Council does not involve itself in advocacy. That is left to voluntary agencies. The Council plays a valuable role in educating the public about heritage values and practices.

The Act is silent on its role in promoting economic development. The Council is only concerned with planning issues insofar as some kinds of adjacent development might affect the heritage values and integrity of listed places.

In former years the Council surveyed and designated conservation areas and towns, but for the last fifteen years no new places have been assessed. The National Trust would like to see more historic conservation zones and townships on the State register because state listing provides the best protection.

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**However, overall the State Heritage Council and the State Heritage Register have served the community well. There is no reason to alter current legislation, policies and procedures in pursuit of some bureaucratic vision of consistency with national or local heritage.**

### ***Local Heritage***

It is quite wrong from the point of view of best practice internationally to treat local heritage as less significant than national or state heritage places. In most jurisdictions local heritage is regarded as the most important of all and consequently is afforded the most comprehensive protection. Paris, Amsterdam, Venice, San Francisco and dozens of other celebrated cities illustrate the point. The US National Register of Historic Places provides no legal protection of any kind. Many US states have no state registers. However, several American cities fiercely protect historic conservation zones and make demolition of locally listed places virtually impossible. In terms of protection the American hierarchy of heritage registers looks like this:



There are compelling reasons why South Australia should extend local heritage protection.

First and foremost, local heritage ticks all the boxes in the 30-year plan for metropolitan Adelaide:

- residential density
- diversity of housing types
- affordability
- liveability, including proximity to open spaces, services, workplaces
- job creation and other desirable economic outcomes



*Rejuvenation of historic buildings in Peel Street, Adelaide, suggests a 'vibrant city' agenda. This street is featured on the cover of Renewal SA's Vibrant City webpage: <https://renewalsa.sa.gov.au/projects/vibrant-city/>*

In addition, historic buildings – listed or unlisted – help advance the government's 'Vibrant City' agenda and make an invaluable contribution to the promotion of 'Little Lanes' as hubs of café/restaurant/entertainment precincts. Peel Street thrives because of its unlisted historic buildings, while the construction of the Ibis Hotel in Twin Street, blighted another potentially exciting laneway.

Why does local heritage generate all these benefits? The answer lies in the way our city developed. For the first 75 years of its existence Adelaide was a walking city. People needed to be close to their workplace so industry, commerce and services clustered within walking distance

of the city centre. For all but the wealthiest citizens it was essential to walk from home to work. This generated an amazing diversity of housing sizes and styles ranging from grand mansions to simple two room cottages. No subsequent era of development has come even close to delivering such density and choice. Thanks to the survival of so many cottages, the price gap between the most expensive and the cheapest houses is greater today in the inner suburbs than in any other region. Colonel Light's brilliant plan ensured that slums would not cluster in the less salubrious parts of the topography. Everyone, rich or poor, lived only metres away from parkland views and recreation.



*Former heritage listed biscuit factory (left) now demolished to create a car park (at right) for Ibis Hotel development, destroying potential for laneway development.*





*One of the highest residential densities ever achieved in metropolitan Adelaide, heritage cottages, Stanley Street, North Adelaide.*

A 2006 government study, *Understanding Residential Densities: A Pictorial Handbook of Adelaide*, found that almost all the highest residential densities to be found in South Australia are associated with old buildings within the Parklands: single-storey row houses in Stanley Street, cottages in George Street and Corryton Street, Adelaide. Even higher densities have been achieved through the conversion of a Port Adelaide warehouse in Lipson Street to small apartments. Not a single high-rise building built after 1970 is cited in that study.

If we are serious about residential density, affordability, diversity and liveability we need to hang onto practically every dwelling built before the First World War within walking distance of the Parklands, in Gawler and other dense suburbs built before World War I. From the 1920s the walking city was engulfed by the motor city, generating sprawling suburbs of detached houses grouped by income. For this reason extensive protection for local heritage is absolutely essential to achieving the objectives of the 30-Year Plan. Otherwise we risk seeing the piecemeal replacement of affordable small houses by expensive large houses with no net gain in residential density and a regrettable loss of social diversity and affordability.

The economic benefits of heritage preservation are insufficiently recognised by government. These include tourism attracted by the city's reputation as a city like no other due to its abundance of early buildings and its parkland setting. Second there are the jobs created by the maintenance and care of old buildings, far in excess of the jobs generated by contemporary semi-industrial building technology. Then there are the activity hubs that spring up in little lanes and streets where old buildings survive.

### ***Problems with existing practice in relation to local heritage***

Despite all these positive benefits for South Australia and the 30-Year Plan for Adelaide, the National Trust has identified problems with the existing system of listing and protection.

International experience shows that local heritage is best protected through the designation of historic conservation zones within which demolition of buildings of a particular era is treated as non-compliant under planning regulations. Such a system gives certainty to property owners in the area that they will all be treated fairly with respect to development potential.

At present demolition, even of listed local heritage places is permitted 'on merit' within historic conservation zones. Replacement of genuinely historic buildings by entirely new buildings deemed to be of a character appropriate to the zone destroys heritage values without conferring any particular benefit to the community. In practice permission to demolish diminishes residential density, diversity of housing types and affordability.

For all these reasons:

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**Protection of historic conservation zones (HCZs) needs to be strengthened by ending demolition of local heritage buildings in order to conserve irreplaceable assets and advance the objectives of the 30-Year Plan for metropolitan Adelaide. The identification of zones should be overseen by the State Heritage Council. Clear guidelines for the creation of zones need to be developed to enable greater use of HCZs and the onerous provision in the Planning, Development and Infrastructure Act 2016 requiring 51% of landowners to approve a HCZ listing should be repealed.**

In the absence of more effective historic conservation zones, we must continue to rely on listing of individual places, which has led to many anomalous outcomes. The initiative in nomination rightly rests with local councils, who are best placed to decide what their communities wish to preserve. The primary work of assessment has so far been done largely by professional heritage consultants contracted to local councils. However, many councils have never commissioned local heritage surveys, particularly in regional areas, and some who have commissioned them have failed to act on the consultants' recommendations.

Some councils like Adelaide have relied entirely on individual listings to protect local heritage. Other inner suburbs have supplemented small registers of listed places with large numbers of places designated as Contributory Items. This designation is commonly used when a council wishes to preserve the appearance of a streetscape without restricting the right of owners to make changes to the interior or less visible outer walls.

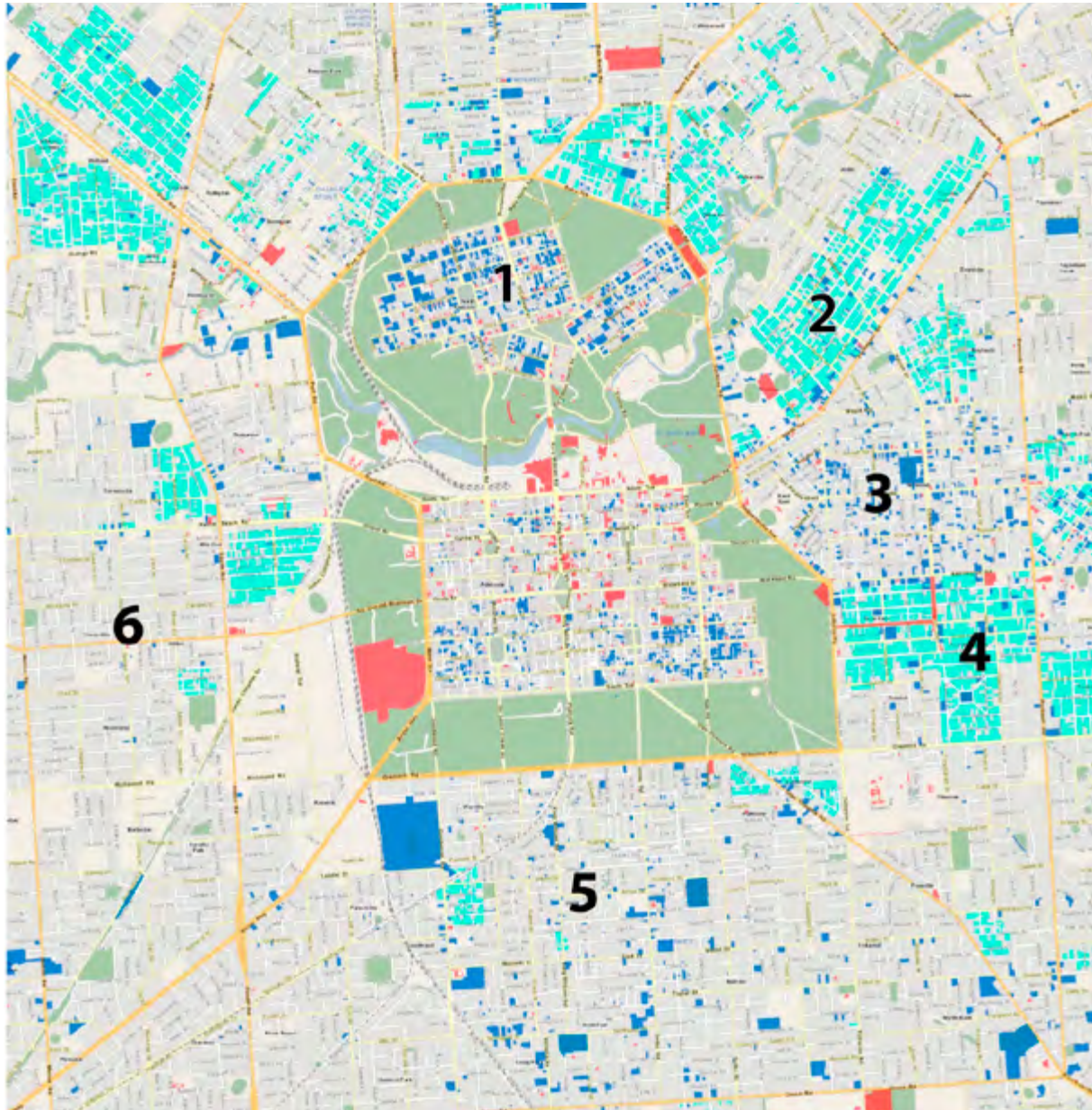
It generally applies only to the street frontage of houses. Sometimes councils prefer designation of Contributory Items to heritage listing when their primary objective is preserving the historic character of a neighbourhood rather than the protection of especially significant buildings. Anomalies arise when ordinary people have difficulty seeing the difference between locally listed places and Contributory Items. It is also the case that not all councils treat Contributory Items in the same way. Some subject even proposed minor changes to a rigorous assessment prior to approval; others readily permit major alterations and demolitions.

Further clarification of local heritage terminology and consistent practice guidelines for their application and enforcement are required.

Inconsistent practice across local councils has led to an uneven distribution of heritage items and types by area as the map overleaf demonstrates.

**Figure 1:** *Anomalies arising from inconsistencies in local heritage designations used by different councils.*

## Uneven Distribution of Heritage Items by Area



1. Many Local but no Contributory Items in North Adelaide.
2. Many Contributory but few Local Items in St Peters.
3. Some Local but no Contributory Items in Norwood.
4. Many Contributory but few Local Items in Rose Park.
5. Some Local and grouped Contributory Items in Unley.
6. Large areas with no Local or Contributory Items.

■ STATE  
■ LOCAL  
■ CONTRIBUTORY

*Map from SA Map Viewer*



In the interests of consistency, fairness and equity it is vital that the forthcoming Planning and Design Code explicitly recognise the heritage significance of both locally listed places and Contributory Items. Removing Contributory Items from council lists would practically denude some historic neighbourhoods of heritage buildings. Rebadging all Contributory Items as Local Heritage would create invidious distinctions among areas of equal heritage value.

The National Trust’s suggested solution to this dilemma is to create a graded system for local heritage conservation similar to that used in England and Scotland.

Grade I buildings would comprise places of outstanding individual heritage significance. Only a small number in each council area are likely to qualify for this designation, which would require development approval for any changes to the exterior – front, rear and sides.

Grade II buildings would comprise all other places currently listed as Local Heritage, which would continue to enjoy the present level of protection.

Grade III buildings would comprise all places currently listed as Contributory Items.

For the purposes of planning and development, demolition would be prohibited as non-compliant for all three grades. The concept of ‘demolition on merit’ is fatally flawed because it attempts to do the impossible: to assess the relative merits of a real building with the merits of one that exists only on paper and which may never be built. It is all too common to see buildings demolished on the basis of a development approval and then put to market as vacant lots.

All areas where geospatial mapping shows clusters of Grade II and Grade III Local Heritage should be designated as Historic Conservation Zones. The City of Adelaide and other councils that have never identified Contributory Items should comb over previous heritage surveys to identify groups of buildings – especially rows of cottages – that deserve a Grade III classification.

Australian and international experience shows that clusters of heritage listed places produce greater economic returns for owners and for the community over time, with the Adelaide suburb of Colonel Light Gardens being a prime example of the benefits of cluster listings.

**Figure 2: Proposed grading system for local heritage designation.**

Grade	Significance	Under current designation of
Grade I	Most significant local places	Local heritage
Grade II	Other individually significant places	Local heritage
Grade III	Collectively significant places	Contributory items



*Left: Strangways Place in 1970 when it was dense, diverse and affordable.*

*Right: Replacement of the small Victorian cottages that formerly stood in Strangways Place North Adelaide with large new houses reduced density, character and affordability.*

## **1. How heritage should be managed in the future; including, but not limited to investigating:**

### **a. How should the process for listings (from initiation to final placement on the appropriate register) be managed, and by whom?**

Primary responsibility for initiating assessments and recommending listings should remain with local councils, because they alone among existing agencies have the expertise and experience to do the job. They are also accountable through the electoral process to the people whose homes and businesses are most directly affected by local heritage listings.

Incentives should be provided to encourage Councils which have not made local heritage surveys to carry them out. Councils that have made surveys but not followed them up with listings should be required to put recommendations forward.

There should also be opportunities for individual and community organisations to submit nominations for assessment by local councils at any time. Upon nomination there should be automatic interim protection.

This would encourage people concerned about the potential loss of heritage places to make their council the first port of call, rather than putting in a nomination to the Heritage Council for state listing.

After a local council has confirmed that listing should be recommended, nominations should be reviewed by an independent panel of heritage experts to confirm that they have met the requirements for demonstrating significance. Listing should proceed automatically in the event that the nomination is not dealt with within 180 days and all approved listings should be gazetted and reasons for decision publically released.

Criteria need to be developed for when the Minister chooses to exercise their power to remove provisionally listed properties on public interest grounds.



**b. Who should have the right to be heard in relation to listings?**

Property owners, including those adjacent to nominated buildings; residents' associations and other community organisations. Property owners, nominees and organisations with a special interest such as the National Trust should have rights to appeal decisions.

**c. Who should be the decision maker for listings and review?**

One of the greatest problems with the existing system has been that the former Local Heritage Advisory Committee in the Department of Planning, Transport and Infrastructure made its decisions behind closed doors. In the transition to the new *Planning, Development and Infrastructure Act 2016*, this role has been assumed by the State Planning Commission which operates with even less transparency and accountability. When heritage values are in question it is important the final decisions be made by an independent panel of experts operating transparently at arms length from the planning and development process. It would be appropriate for the State Heritage Council to form a standing committee of recognised experts to review nominations. It should explicitly include representatives of ICOMOS Australia, the Institute of Architects, the History Council, and the National Trust, along with other experienced recognised experts in heritage assessment.

**d. What processes should be in place for the review of listings?**

As just stated, nominations should be confirmed by an expert panel constituted by and responsible to the Heritage Council. The final step should be consent by the Minister for Environment and Water. There should be no requirement for confirmation by Parliament. The current system has led to members of parliament being lobbied by supposedly aggrieved owners and developers, which has helped create a quite misleading view that listing creates problems. Current listings should only be reviewed periodically to ensure information is consistent and meets a certain standard.

## 2. What is the relationship and distinction between ‘character’ and ‘heritage’?

Experienced heritage professionals outside South Australia are puzzled by this question and wonder what it is about. Heritage consists of the tangible legacy of historical forces operating in previous eras that produced places that communities value and hope to preserve in some form.

Character is not so easy to pin down. Some real estate agents use character as a synonym for heritage, for instance when a place is advertised for sale as ‘character offices’. This dodgy usage is so loose as to cover buildings constructed in any era, including contemporary buildings designed in a style of some previous era, which no professional would classify as heritage. The only kind of character that concerns the National Trust and like-minded heritage professionals is the historic character conferred on a neighbourhood by the presence of a significant number of buildings constructed of similar materials in a particular era. This character cannot be maintained if the material fabric of the

historic buildings is lost. A film-set heritage suburb is no substitute for the real thing.

Attempts to control character have been dismal failures in heritage conservation zones and have undermined the 30-year Plan. North Adelaide is a prime example. Many cottages and small residences that could contribute to residential density, diversity and affordability have been demolished and replaced by large single-family houses that accelerate gentrification. Dreary and derivative in appearance, they receive planning approval on the grounds that in height and stylistic detail they conform to the ‘desired future character’ of the area. This does nothing to preserve true heritage places and discourages good design. Keeping historic facades in front of vast new interiors maintains the appearance but not the substance of heritage preservation. This practice also works against the objectives of density, diversity of housing types and affordability outlined in the 30-year Plan.



*The left photo shows heritage cottages retained, preserving high residential density and diversity. The right photo shows how housing choice is diminished when old cottages go, with no net gain in population density.*

### 3. Have there been unexpected or perverse outcomes?

There have been many unexpected and perverse outcomes, some of which have already been discussed. In no particular order here are some notable examples.

- a. Nominations of local heritage places based on costly local heritage studies conducted by professionals and subsequently reviewed by councils have been knocked back by internal DPTI committees lacking heritage expertise and inconsistently applying the criteria, leading to listing of some buildings whilst similar buildings remain at risk of demolition. A prime example is the flimsy documentation that justified the Minister for Planning's decision to reject all but 78 of more than 400 recommendations made by the City of Adelaide in 2011-12. This has discouraged other councils from initiating heritage studies and making nominations – thus undermining the objective of the government which set up the process of local heritage protection. What, they ask, is the point of undertaking the long and cumbersome process when it is likely to culminate in this sort of cavalier dismissal years later?
- b. Development Assessment Commissions which were charged with promoting good design and the objectives of the 30-year Plan have approved demolition of local heritage places and their replacement with humdrum buildings that do nothing to advance diversity in housing types or architectural excellence.
- c. Demolition of heritage buildings 'on merit' have far too often produced nothing more than lots that stand vacant for years on end – as evidenced by the empty ground that was occupied by the Criterion Hotel opposite Adelaide Town Hall from the 1880s until 2006. A high bar needs to be set for demolition applications for any listed place.
- d. Designated 'catalyst sites' give cashed-up owners more freedom to demolish heritage places than is afforded to immediately adjacent owners of local heritage buildings on smaller lots. This is both unfair and undemocratic.
- e. It is easier for civic-minded people to nominate places for State Heritage listing than to nominate places for Local Heritage.
- f. Criteria for local listing do not give enough consideration to buildings that are capable of restoration. Some highly significant buildings have been rejected on the ground that alterations and additions have been made over the years, even though very little effort would be required to return them to their original appearance.

5. Any other relevant matters

**Lack of investment by State and local government in heritage conservation**

The Commonwealth Government’s State of the Environment Report is a snapshot of Australia’s heritage and environment. The 2016 report observed,

“overall, the public-sector resources allocated for heritage conservation and management have remained steady or declined. Core staffing levels, grant programs and incentives for heritage place owners have decreased in proportion to the amount of reserved lands and number of listed places.”

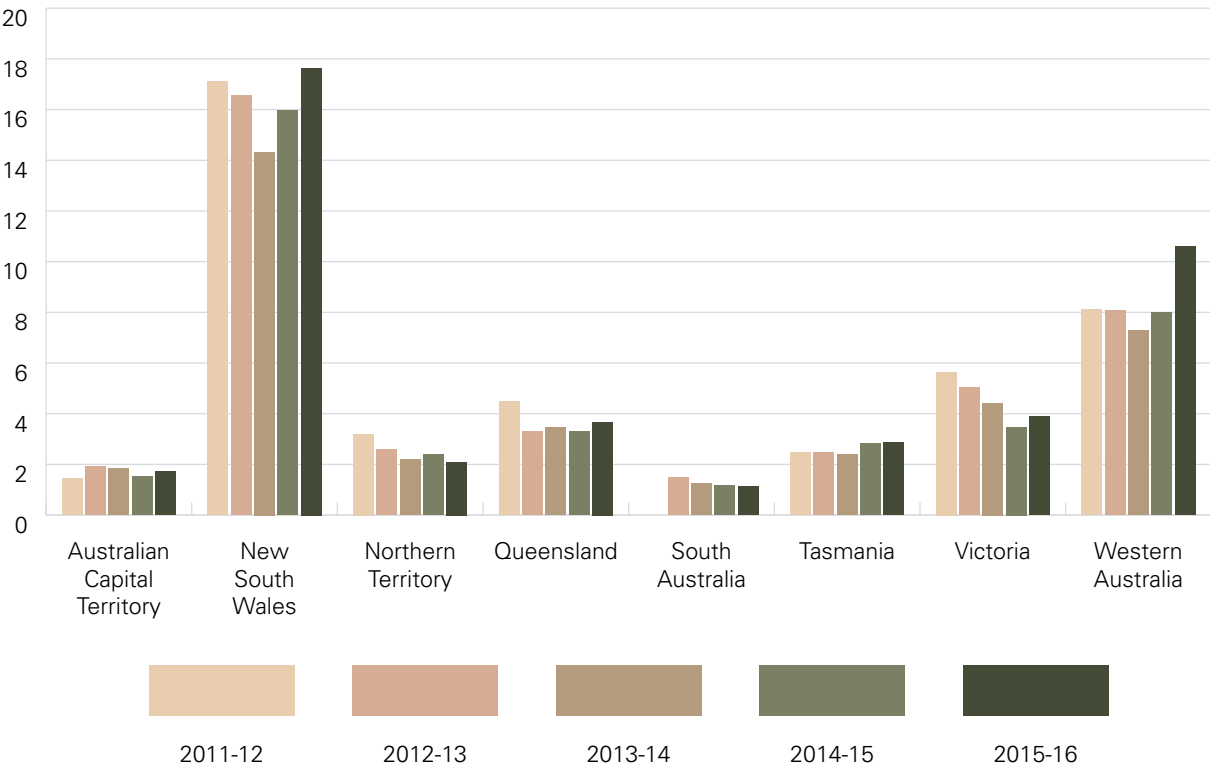
In South Australia, State Government investment is the lowest of any jurisdiction. Even Tasmania and the Northern Territory investment are making a greater investment in built heritage than South Australia as the table below from the 2016 State of the Environment Report reveals.

One particular problem is the neglect of State Government owned heritage assets. A lack of investment and a failure to fulfil its own obligations amounts to a policy of demolition through neglect.



Valuable government owned State listed heritage places are languishing through neglect across the State, such as the former courthouse in Port Augusta.

Figure 3. State and territory historic heritage agency annual budgets, 2011–12 to 2015–16



***Failure to acknowledge the economic and other benefits of our heritage protection system.***

The terms of reference for the inquiry do not include any acknowledgement of the benefits generated by our heritage protection system. The Trust believes the inquiry needs to include recognition of the many economic, social and environmental benefits created by heritage protection and conservation. We offer the infographic at Appendix 1 as a summary of some of those benefits and wish to inform the Committee that the National Trust is undertaking work to model and document those benefits for South Australia.

We are pleased to acknowledge the new Liberal Government's commitment to re-establishing a heritage grants scheme for home owners to support private investment in heritage conservation. Much more can and needs to be done with other incentives in the form of training, fee waivers and tax incentives to support investment in maintaining and restoring heritage listed places. Programs such as the Heritage Incentives Scheme operated by the Adelaide City Council (ACC) -the largest of its kind in Australia- provide proven and significant returns on investment, \$1.68 for every dollar invested through the ACC scheme.

***Uncertainty created by changes to planning laws and failed public engagement by the Department of Planning, Transport and Infrastructure (DPTI) on proposed changes***

As part of the changes to planning laws introduced by the previous Labor government, the Department of Planning, Transport and Infrastructure (DPTI) released a discussion paper in 2016 on proposed changes to local heritage administration.

The paper was poorly researched and argued and disregarded many of the recommendations of the former Government's own Expert Panel on Planning Reform, creating much confusion and public concern.

Despite receiving almost 200 public submissions in response to its controversial discussion paper, DPTI never made any public response to those submissions. Because of the widespread public concern raised by the former government's discussion paper on local heritage, the National Trust undertook a detailed examination of those submissions and released it as a public report in 2017. The full report is provided as an appendix to this submission (at Appendix 2) as we believe it is one of the most important public consultations on heritage ever undertaken in this country. The public responses analysed in the report bear directly on each of the terms of reference for the current parliamentary inquiry.

What that report shows is that the community are generally satisfied with the heritage protection system we have and want to see heritage protections enhanced rather than diminished. Hard copies of the full report are available from the National Trust or can be downloaded from our website at <https://www.nationaltrust.org.au/wp-content/uploads/2017/08/SA-Community-Consultation-on-Local-Heritage-.pdf>

# Appendix 1

7 ways in which heritage protection and conservation creates economic, cultural, social and environmental benefits





# Appendix 2

The 2016 South Australian Community Consultation on Local Heritage Report

**THE 2016  
SOUTH AUSTRALIAN  
COMMUNITY  
CONSULTATION ON**

**LOCAL  
HERITAGE**



**NATIONAL TRUST**  
South Australia





# CONTENTS

## 2 EXECUTIVE SUMMARY

- 6 Summary of Findings by this Report

### PART 1

## 16 INTRODUCTION

### PART 2:

## 21 SUBMISSIONS

## 105 APPENDICES

- 107 Appendix A - Renewing our Planning System  
- Placing Local Heritage on Renewed Foundations  
115 Appendix B - Our Local Heritage Under Threat  
123 Appendix C - List of submissions  
125 Appendix D1  
125 Local Heritage Discussion Paper - Online Survey results  
145 Appendix D2  
145 Local heritage Discussion Paper - Online survey comments

# EXECUTIVE SUMMARY



**H**eritage is sometimes said to be a polarising issue. That proposition was put to the test in a wide-ranging public consultation conducted in 2016 by South Australia's Department of Planning, Transport and Infrastructure (DPTI). One hundred and eighty-three written submissions, a number of public meetings and an online survey delivered a resounding, completely lopsided verdict: the existing system of heritage protection works pretty well. Any changes should aim to enhance, not diminish protection.

The focus of the consultation was local heritage protection managed by local government through Development Plan Amendments submitted for approval by the state government. The results show that with negligible exceptions South Australians take great pride in the multitude of historic buildings they see as setting their cities and towns apart from other places. They believe heritage protection delivers tangible economic benefits: tourism, lively streets and jobs. If anything, they value designated local heritage above places listed on state and national registers. They express their attachment with passion and even ferocity. They believe that heritage is best managed by elected local councils who understand them and can be held accountable when elections roll around.

Politicians will find many causes for concern in the public submissions. Rightly or wrongly, citizens, councils and community organisations express their distrust of 'faceless bureaucrats', 'so-called experts' and advisory committees whose opaque procedures frustrate the will of the people. Many detect the hidden hand of vested interests in decisions working to destroy places they love. They deplore 'distant' government ministers and political parties who, in their opinion, dance to the tune of the property and development industry – delivering short-term profits at the expense of long-term economic growth and community well-being.

The National Trust of South Australia regards the 2016 public consultation on heritage as one of the most important ever undertaken in this country. We believe that the submissions deserve fair-minded, objective and factual analysis equivalent to that expected from a Royal Commission. Our hope is that readers will appreciate our efforts to avoid prejudging outcomes and the use of highly-coloured or emotional language. If we succeed, this volume will help inform public policy on heritage issues for many years to come.

# SNAPSHOT

THE 2016 SOUTH AUSTRALIAN COMMUNITY CONSULTATION ON LOCAL HERITAGE

WE COMMEND CLOSE STUDY OF THE SUBMISSIONS.  
HIGHLY INTELLIGENT PEOPLE HAVE PUT A LOT OF EFFORT INTO THEM.  
COUNCILS EXPERIENCED IN DEALING WITH HERITAGE ISSUES OFFER  
WORTHWHILE ADVICE ON TECHNICAL ISSUES. BUT FOR THOSE WHO  
WANT A SUCCINCT OVERVIEW OF THE CONSULTATION,  
A FEW SALIENT POINTS STAND OUT.

**T**here is general agreement that local heritage is best identified and managed at the community level through locally elected councils.

**E**nthusiasm for heritage varies among councils, with many rural and regional local governments neglecting it altogether. Some submissions think more should be done to encourage their participation.

**P**eople blame the state government for imposing cumbersome processes, delays and roadblocks to heritage listings – rather than simply accepting the recommendations put forward by councils after close analysis of professionally conducted local heritage surveys. They want these obstacles removed.

**M**ost submissions reject the notion that local heritage is less worthy of protection than places on state and national registers.

**N**ine inner suburban metropolitan councils have made identification and limited protection for ‘Contributory Items’ the mainstay of their local heritage protection. Most submissions that mention Contributory Items want existing protections for them continued under whatever reforms may be implemented. Submissions from two planning professionals and property industry groups want them removed.

**C**ouncils and community organisations deny that credible evidence exists to show that heritage preservation hinders investment and development in any way.

**S**ubmissions from the property and development industry tend to support that contention. The three principal lobby groups make very brief statements (eleven pages in all) offering unsubstantiated assertions rather than the carefully argued, evidence-based analysis these well-resourced organisations might have been expected to deliver.

**A**part from the property and development lobby groups – and a few disgruntled home owners – no one wants current constraints on demolition of heritage places relaxed. Interim protection of places nominated for listing is almost universally recommended to guard against pre-emptive demolition.

**C**ouncils and government agencies with experience of the system would prefer that heritage advice come from an integrated authority operating independently of the planning and development approval system. This is the recommendation of the 2014 Expert Panel on Planning Reform most often endorsed in these submissions.

The National Trust extends its thanks to all those who have helped to gather information on the public consultation, including our own local branches, community organisations, the Adelaide City Council and officers of the Department of Planning, Transport and Infrastructure.

**O**nly two proposals set out in the DPTI discussion paper that generated the public consultation are generally endorsed: early engagement with owners of nominated heritage places, and the development of a single online portal giving access to all existing documentation on heritage – local, state, national and world.

**S**ome individual proposals for simplifying heritage protection deserve wider discussion and debate. One is that the state government step aside from local heritage altogether, leaving it entirely in the hands of local councils. Another is that all buildings and historic fabric dating from before World War I or the 1930s be treated as *prima facie* heritage whose destruction requires detailed justification. Both proposals would relieve state and local governments from expenses currently associated with heritage protection.

**YOU CAN DOWNLOAD THE FULL REPORT FROM**  
[www.nationaltrust.org.au/localheritageprotection](http://www.nationaltrust.org.au/localheritageprotection)

**YOU CAN JOIN THE CONVERSATION** about the State Government's proposed changes to local heritage protection on the Heritage Watch website at: [www.heritagewatch.net.au](http://www.heritagewatch.net.au)

# SNAPSHOT

## SUMMARY OF FINDINGS BY THIS REPORT

### 1. FINDINGS:

Submissions from the rural and regional councils most engaged with the local heritage process dissent from suggestions put forward in the DPTI paper and call for more consultation ahead of legislation. They are the councils most convinced of the cultural and economic value of heritage to their communities. Councils with no listed LHPs broadly endorse the DPTI paper and see problems with the present system.

### 2. FINDINGS:

1. Rural and regional councils support changes which would make heritage listing less cumbersome, encourage early engagement with owners, align state and local heritage systems, and facilitate approval of minor works on LHPs.
2. Almost without exception, they wish to maintain control of local heritage listing from nomination to registration.
3. They object to the expense of heritage surveys as a means of identifying LHPs and oppose review of current listings on the same ground.

### 3. FINDINGS:

Councils with the greatest experience of heritage protection express most satisfaction with the existing system and deny that it is in any way 'broken'. They dispute the proposition that there is widespread dissatisfaction with the system.

Almost all metropolitan councils criticise the DPTI paper for ignoring most of the recommendations of the Expert Panel and for conducting a flawed process of consultation.

#### **Metropolitan councils:**

1. prefer the unified heritage system proposed by the Expert Panel to management of the local heritage system through the Department of Planning, which would lead to conflicts of interest. Advice on heritage values should come only from recognized professionals standing outside the planning and development system.
2. ask that a much more inclusive and extensive consultation precede the tabling of any legislation on Local Heritage.
3. insist that any alteration to the present system must not lower the threshold for local heritage listing or lessen protection of existing LHPs.
4. criticise the DPTI paper for its negative tone and failure to acknowledge the economic, cultural and social benefits of local heritage protection.
5. do not see any conflict between heritage protection and infill development or increased densities. It is precisely the councils where greatest residential densities have been achieved that most vigorously promote local heritage protection.
6. see preservation of local heritage as a driver of employment, higher property values and lively neighbourhood precincts.
7. oppose reviews of local heritage listings that might result in culling LHPs or diminishing existing protections on the practical ground that properties have been bought and sold on the basis of established listings. Retrospective alteration of listings could unfairly alter property values and confer windfall profits on some present owners. They also see updating of statements of heritage values as a needless and costly exercise.
8. want to know the fate of listed Contributory Items and Conservation Zones, on which the DPTI paper is silent. No council submission expresses any reservations or dissatisfaction with either category.

**3. FINDINGS CONTINUED:**

9. profess to understand the distinction between heritage and character. Although heritage and character overlap in designated zones, it would be a mistake to merge historic conservation zones into a more general category of character. Character changes over time, whereas the historic fabric of conservation zones is timeless and worthy of the highest degree of protection.
10. want to maintain their role as the primary initiators and protectors of local heritage.
11. support streamlining of the local heritage listing process, hoping it might be freed from the requirement for Development Plan Amendments. They criticise DPTI for opaque procedures and roadblocks that have in many cases delayed the processing of council nominations for periods of up to a decade.
12. support greater alignment of local, state and national criteria of heritage significance, provided that it leaves room for the local characteristics and historic development that make each council special.
13. are willing to experiment with the use of alternative thematic frameworks to classify heritage places, provided that they are not used to lower thresholds for listing, to establish numerical quotas for particular categories of heritage, or to purge places presently accorded protection.
14. reject the proposition that local heritage sits at the bottom of a hierarchy of merit (national, state, local), nor that LHPs are less worthy of protection.
15. want to make approval of minor works to LHPs and CIs quicker and easier, provided no damage is done to essential historic fabric. They also agree that applications to make inconsequential alterations should not require a full DA application.
16. do not agree on the proposal that accredited heritage professionals be licensed to approve minor works to LHPs. Some reject the idea, while most want the use of such professionals to be carefully supervised, with councils retaining the final say.



**3. FINDINGS CONTINUED:**

17. endorse early engagement with owners of properties proposed for local heritage listing but dispute the proposition in the DPTI paper that anything approaching 70% of nominations are disputed, or that the percentage could be reduced to 1% through early engagement. All councils insist that interim protection is an absolutely necessary element of the listing process. Otherwise problems arise with unauthorised demolitions and works.
18. do not wish to prohibit demolition of heritage places absolutely, but most wish to see demolition designated as non-complying in local development plans.
19. endorse the development of a single online portal providing access to all documentation on heritage listings and surveys.

**4. FINDINGS:**

1. No council endorses the amendment to the 2016 PDI Act that requires 51% approval from property owners within any proposed heritage conservation zone, and several call for its repeal.

**5. FINDINGS:**

1. Any tampering with the system for recognising and protecting Contributory Items will impact unevenly and unfairly on the councils that have made them the mainstay of their heritage conservation system: Burnside, Charles Sturt, Holdfast Bay, Mitcham, Prospect, Port Adelaide Enfield, West Torrens, Norwood Payneham & St. Peters and Walkerville. These nine councils contain 10,591 (88%) of the state's 11,965 listed CIs.

## 6. FINDINGS

### Residents' and community organisations:

1. object to the DPTI consultation process and ask for more engagement prior to the tabling of any legislation on local heritage.
2. do not believe there is widespread dissatisfaction with the existing local heritage protection system or much demand for any change coming from anyone besides the property and development industry. On the contrary, they believe it has proved its worth over many years. They blame delays and cumbersome procedures on the planning department and its minister.
3. welcome a streamlining of heritage surveys and listings which makes it easier for individual and communities to nominate new LHPs and speed the process of granting them permanent protection.
4. oppose any review or audit that diminishes or limits the number of protected heritage places and zones.
5. believe that the identification and management of LHPs, CIs and Heritage Conservation Zones should rest mainly, perhaps entirely with local councils.
6. do not want criteria of significance made uniform across the state and local government authorities. They see variation as inevitable, given variation in local history as well as the natural and built environment.
7. want continued strong protection for heritage conservation zones and CIs and are alarmed by the DPTI paper's failure to indicate what their fate might be under proposed reforms.
8. oppose demolition of LHPs and CIs 'on merit'.
9. believe the public needs to be better informed of the economic and other benefits of heritage protection.

**7. FINDINGS:****Voluntary History and Heritage Societies**

1. find no evidence in the DPTI paper or anywhere else that there is anything fundamentally wrong with the existing system of local heritage protection.
2. want the system run by local councils rather than government bureaucrats.
3. believe little if any notice is taken of their expertise on local heritage by key decision-making bodies.
4. believe that local communities are the ultimate authority on what constitutes local heritage.
5. support the retention of existing LHPs, CIs and Historic Conservation zones and wish the door to remain open for further listings in all three categories.
6. want heritage listing procedures to be simplified by removing roadblocks in the Planning Department, allowing open nominations of heritage places, and dropping the requirement for listing via DPAs.
7. deplore the absence of recognition in the DPTI paper of the positive economic, cultural and community contributions benefits conferred by heritage protection.
8. want state government decisions on local heritage to be based on advice from the Heritage Council, not DPTI officers or any of the department's constituent committees.
9. support or are silent on the question of making it easier to approve minor works to LHPs.
10. support or are silent on the creation of a single online portal leading to all available heritage documentation.

**8. FINDING:**

Submissions from architects find merit in proposals to reduce inconsistencies in practice by better alignment of local heritage listing criteria with state and HERCON usage, but do not specifically endorse other recommendations in the DPTI paper. These experienced architects regard heritage protection as both a moral and a practical imperative, oppose lowering the bar for demolition of heritage places and would prefer to see the final say on local heritage registration confided to recognised heritage experts working under an authority independent of the planning and development system. They reject the concept of a hierarchy of values and protection with local heritage at the bottom.

**9. FINDING:**

Submissions from qualified planners with heritage experience do not specifically endorse any reforms suggested in the DPTI discussion paper but do contain the kind of ‘high-level ideas and feedback’ the department hoped to elicit from professionals. The planners reject numerical quotas on local heritage places and make valuable suggestions for improving the local heritage protection system that are not discussed in the DPTI paper.

**10. FINDING:**

Architects, consultants, historians and other professionals with experience in heritage work demonstrate the kind of ‘high-level’ thinking the DPTI discussion paper aimed to solicit but do not endorse most suggested changes to local heritage practice put forward in the paper. They differ on the question of how much authority over local heritage listing should remain with or be devolved to local councils.

They support a single online portal giving access to all available documentation on heritage places and agree that advice on heritage values and proposed listings should be independent of DPTI and be provided by acknowledged experts in heritage.

They insist that interim protection must be part of any heritage listing process and that proposals to demolish heritage places should be made non-complying uses and subject to rigorous, public and transparent assessment.

**11. FINDING:**

Specific suggestions from individual respondents worthy of consideration include: radical simplification of local heritage protection by requiring that any proposed demolitions of LHPs of a certain age be supported by cogent justifications; reviewing the role of the Environment, Resources and Development Court; and compelling all councils to undertake periodic heritage surveys for the purpose of nominating LHPs.

Many of the professionals see equity issues for owners arising from the differential protection accorded to LHPs and CIs, and would prefer blanket streetscape controls mandating equal protection to all heritage places within designated heritage conservation zones. Two propose to remedy the problem by removing CIs altogether, a measure that would drastically affect the nine councils that rely mainly on CIs to realise their heritage objectives.

**12. FINDING:**

Submissions from professional bodies support a review of criteria for establishing the significance of LHPs, the use of thematic frameworks and the protection of heritage conservation zones. They propose various methods for simplifying the present system of listing local heritage via DPAs. They do not express support for assigning local heritage to the lowest position on a hierarchy of significance.

**13. FINDING:**

The six submissions received from individuals, business and lobbying groups involved with property and development do not support the proposition that there is widespread demand from this sector for reform of local heritage. Two of the submissions took issue with the discussion paper from a pro-heritage position and the one submission received from a private company gave general support.

Comment from associations representing the property and development industry comprise 11 pages of all the submissions received (1.7%) and consist of assertions unsupported by evidence or references to back up claims that the present system of protection for local heritage inhibits investment and job creation. This points to a lackadaisical engagement with the issues at stake which were treated far more comprehensively in submissions from local government and community organisations.

Rather than supporting changes canvassed in the discussion paper, the industry submissions advance more radical proposals to: remove protection from all Contributory Items and delete any mention of them in the forthcoming Planning and Design Code; audit and cull existing LHPs ahead of translating any to the Planning and Design Code; weaken interim protection for nominated local heritage places; and eliminate expert heritage committees and accredited professionals from the local heritage system.

**14. FINDING:**

Submissions from serving local councillors and members of parliament insist on further consultation ahead of any changes to the existing local heritage protection regime. Emphasising the cultural and economic benefits of heritage conservation, they criticise the DPTI discussion paper for lack of clarity and detail, as well as its negative tone. They endorse the concept of single online heritage portal and give guarded support to a simplified system of approvals for minor works on LHPs.

**15. FINDING:**

Private submissions from individuals favouring the existing system of local heritage protection outnumber those expressing hostile views by a factor of ten to one. Taken together they refute the claim that any widespread desire for change exists in the community. They oppose most of the reforms proposed or alluded to in the DPTI paper, with the exception of the online heritage information portal. They express confidence in their councils' management of local heritage and frustration at obstruction from DPTI, its minister and constituent committees. They do not trust the judgments of government-appointed experts. They are concerned that the lack of mention of CIs and conservation zones in the discussion paper may signal an intention to discard those classes of local heritage.

**16. FINDINGS:**

Submissions from government agencies and advisory committees express serious reservations on key elements of the DPTI discussion paper, including the discarding of advice from the Expert Panel, weakened interim protection for nominated places, curtailing the time available for public consultation and community engagement, capping the number of LHPs, and the alleged hierarchy of heritage importance (national, state, local).

To avoid future failures in consultative processes like those that derailed the Local Heritage discussion paper, committees advising government on heritage matters need recasting and balancing to better reflect the views of local councils and community organisations.



PART 1

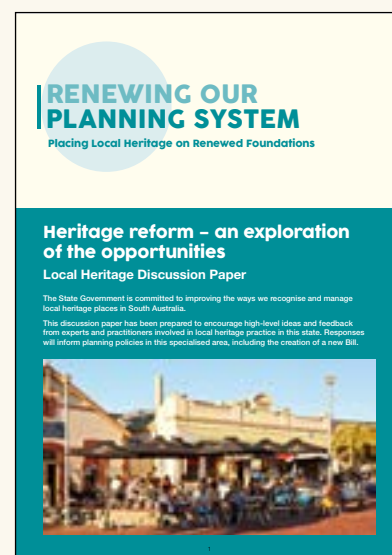
# INTRODUCTION



**O**n 11 August 2016 an officer of South Australia's Department of Planning, Transport and Infrastructure (DPTI) wrote to selected government, industry, professional and community organisations seeking comment on a brief paper titled 'Renewing our Planning System: Placing Local Heritage on Renewed Foundations'. (Appendix A) By the extended deadline of 7 October 183 written submissions had been received which were posted on the departmental website. This is by far the most extensive survey of public opinion ever conducted on heritage issues in South Australia.

It is in fact one of the four largest such surveys ever undertaken in Australia. For that reason alone it deserves close analysis and widespread discussion. The Cultural Heritage Advisory Committee of the National Trust of South Australia commissioned this study as a contribution to further discussion ahead of any legislative change to the established planning system for the protection of Local Heritage. National Trust President Norman Etherington prepared the draft report for the Committee and subsequent endorsement by the Council of the Trust.

The principal finding is that a very large gulf separates the views expressed by state government agencies and the property industry from the opinions held by local government, community organisations and ordinary citizens. Some way must be found to bridge this gap ahead of any change to existing mechanisms for the protection of local heritage.



## 1.1 BACKGROUND

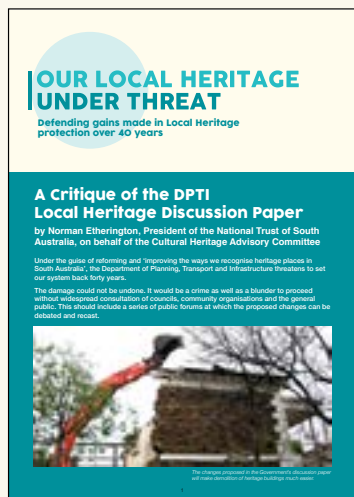
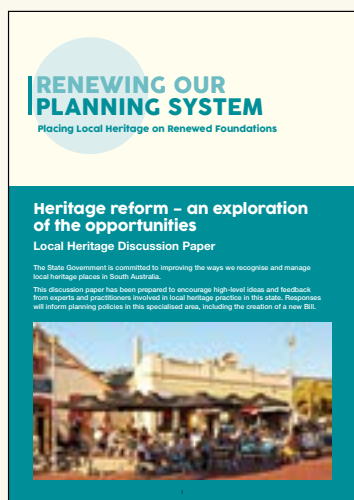
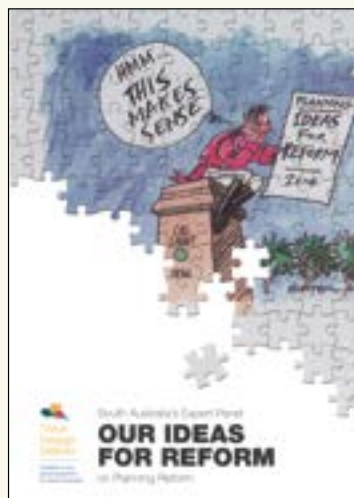
An Expert Panel on Planning Reform constituted by the state government in February 2013 delivered its report in 2014 following lengthy discussions with focus groups representing a range of stakeholders, including industry and community organisations. This was followed by new planning legislation enacted in 2015. None of the Expert Panel's recommendations on the treatment of state and local heritage were incorporated in the *Planning Development and Infrastructure Act (2016)*. Instead, DPTI foreshadowed a series of meetings with heritage professionals and organisations, beginning on 18 June 2015 to lay the groundwork for further legislation. For reasons yet to be explained this was the first and last of the promised meetings. Nothing more was heard for 14 months.

With no advance notice, on 11 August 2016 DPTI sent out an eight-page paper (Appendix A) detailing possible changes to treatment of Local Heritage Places to a select list of industry, professional, community and local government representatives. A deadline of 9 September was set for any response.

A critique of the DPTI discussion paper issued by the National Trust on 23 August attracted wide coverage in print and broadcast media (Appendix B). Many community organisations complained that it would be impossible to meet the September deadline, due to the time required to convene and consult their members. As a result the deadline for submissions was extended by four weeks.

In an effort to widen the pool of respondents the National Trust circulated the DPTI Paper and its critique to its 46 local branches, 68 local councils, 108 residents' groups and 56 historical societies. The Local Government Association in cooperation with the Adelaide City Council convened a colloquium on Local Heritage issues on September 21. An open public meeting at the Adelaide Town Hall hosted by the Lord Mayor Martin Haese on 26 September attracted more than 300 people.

Despite the short time available for comment, 183 submissions made their way to DPTI offices by the 7 October deadline.



## 1.2 SIZE AND SCOPE OF THE SURVEY

Submissions displayed on the DPTI website are numbered from 1 to 190. As seven numbers in the sequence have no associated content, the total comes to 183, comprising 654 pages in all. Those 183 submissions include several with associated comment from individuals. A list is at Appendix C. For instance, the Adelaide City Council attached 20 hand-written and signed commentary forms filled out at the September 26 Town Hall Forum. The National Trust conducted an online survey through its Heritage Watch website ([www://heritagewatch.net.au/](http://www.heritagewatch.net.au/)) which attracted 177 individual responses. (Appendix D1 and D2)

Even allowing for some duplication, the magnitude of DPTI consultation held over six weeks bears comparison with the 2015-16 South Australian Royal Commission on the Nuclear Fuel Cycle (more than 250 submissions received in the course of a year according to [www.nuclearrc.sa.gov.au/](http://www.nuclearrc.sa.gov.au/))

For the purpose of this analysis submissions are grouped into categories:\*

*Table 1.1. Submissions made by contributor category*

Category	No of submissions
Local Government	30
Residents' & Community Associations	11
Historical and Heritage Societies	19
Architects, heritage consultants, historians and other professionals	15
Professional Associations	4
Planning, Property & Development Industry	6
Elected representatives, state and local	6
Individuals sceptical or hostile to present local heritage system	9
Individuals favourable to local heritage protection	73
State government agencies and instrumentalities	5

\*Some submissions were duplicated or unclassifiable so the total is less than 183

Most respondents range well beyond the narrow brief of the DPTI Local Heritage paper to comment more broadly on heritage theory, policy and practice. This makes the consultation archive an invaluable source for present and future researchers.

By and large the submissions are clearly written and reflect a sophisticated understanding of the points at issue. Many come from high profile individuals in the community, including former heads of departments, mayors, architects and medical scientists. Surprisingly few are emotional rants. Only two appear to have used the same wording, indicating a lack of organised campaigning for a desired outcome. At the same time, it should be noted that many expressed support for positions taken by the Local Government Association (LGA), particular inner-suburban local councils and the National Trust of South Australia.

Very few identified any need for fundamental reform of the system that has guided Local Heritage practice over the last three decades, belying the statement in the DPTI paper that there is a 'widely shared desire for heritage reforms'. On the contrary, the overwhelming majority identify positive outcomes from current practice at the state and local level.

### 1.3 METHODOLOGY FOR THIS REPORT

This Report was commissioned by the Cultural Heritage Advisory Committee (CHAC) of the National Trust of South Australia (NTSA), a body whose membership of fourteen includes heritage architects, planners, historians, engineers, and individuals with many years' experience of heritage conservation at the community level.

The first step was to make synopses of the 183 submissions, reducing more than 650 pages of text to a digest of 93 pages. Next the submissions were grouped into categories for more detailed analysis. National Trust President, Professor Norman Etherington, wrote the final report, which has been endorsed for public circulation by CHAC and the NTSA Council.



**PART 2:**

# SUBMISSIONS



## 2.1 SUBMISSIONS FROM LOCAL GOVERNMENT

The most detailed and knowledgeable submissions came from 30 local government authorities. As the tier of government closest to the people affected by Local Heritage processes, the council submissions deserve close scrutiny. They cannot be dismissed as in any sense unrepresentative.

### 2.1.1 The Local Government Association of South Australia

One of those 30 submissions, from the Local Government Association of South Australia (LGA) (P105), is based upon its own consultations with member councils. It set the tone for many other submissions and was specifically endorsed by six councils (P044, P077, P130, P140A, P149, P187).

The LGA first calls attention to a central contradiction in the DPTI Local Heritage discussion paper. On the one hand that paper claims to act on a lead from the Expert Panel's report; on the other it ignores or departs from recommendations for heritage reform set out in that report. (See LGA chart at Fig. 2.1.) Whereas the Panel called for a single, integrated statutory body to handle all heritage matters, state or local, the DPTI paper envisages an ongoing division of responsibility for heritage between the State Heritage Council and the Department of Planning.

This issue is canvassed in many submissions as a key element in any reform of the current system. As a practical matter, why should two government departments offer advice to two different ministers, especially when current expertise resides almost entirely with the Heritage Council in the Department of Environment, Water and Natural Resources (DEWNR). In relation to good governance, how could DPTI advise itself on heritage in relation to Development Planning Applications? Would this not, as some submissions asked, create an impossible ongoing conflict of interest?

A related recommendation of the Expert Panel, which acknowledges the limited heritage capabilities within DPTI, is the call for the new single heritage authority to have governance arrangements that embrace the capabilities and expertise of the state's key cultural institutions. Presumably this would include such bodies as the History Trust, the Art Gallery, the History Council, SA Museum and National Trust. The DPTI paper leaves entirely up in the air how the department proposes to acquire and deploy the heritage expertise required in a reformed system.

Figure 2.1: LGA Analysis showing DPTI Discussion Paper's departures from Expert Panel Recommendations<sup>1</sup>

Our Ideas for Reform August 2014 (Reform 10)	The Planning System We Want December 2014 (Reform 8)	References in DPTI Local Heritage paper
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	Not proposed or canvassed. Identifies topic for discussion.
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	Not proposed or canvassed.
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	Not proposed or canvassed.
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	Identifies topic for discussion.
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	Identifies topic for discussion.
10.7 Legislative basis for accredited heritage professionals to undertake specified regulatory functions for private property owners on a similar basis to private certifiers		
10.8 Audit of existing heritage listings to better describe their heritage attributes	8.7 Audit of existing heritage listings to better describe their heritage attributes	Identifies topic for discussion.
10.9 Consideration of financial subsidies such as discounts on property-related taxes for private owners of listed properties	8.8 Stable, long term financing of heritage with discounts on property-related taxes and a heritage lottery providing the basis for heritage grants	Not covered, comment made outside of planning system.

<sup>1</sup> 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

**‘There is strong evidence to demonstrate that heritage has a strong employment multiplier and creates jobs. The State Government must fully understand, appreciate and take into account the strong economic benefits of heritage in any further thinking about reforms.’**

Local Government Association  
of South Australia

### *Recommendations*

Another significant departure from the Expert Panel’s recommendations is the failure to say anything about measures to protect or fund conservation of Local Heritage Places.

The effect of the LGA analysis is to entirely undercut the evidentiary basis for the DPTI paper. If the need ‘to place Local Heritage on new foundations’ rests on Expert Panel recommendation that the DPTI paper chose to ignore, what is the basis for suggested changes?

The next point made by the LGA is that the DPTI paper fails to mention any of the economic, social or cultural benefits derived from South Australia’s system of heritage protection. The association cites ‘strong evidence to demonstrate that heritage has a strong employment multiplier and creates jobs. The State Government must fully understand, appreciate and take into account the strong economic benefits of heritage in any further thinking about reforms.’ Local councils are best placed to judge these beneficial effects because of their investment in local heritage through grants programs, advisory services, promotions 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<sup>2</sup>.

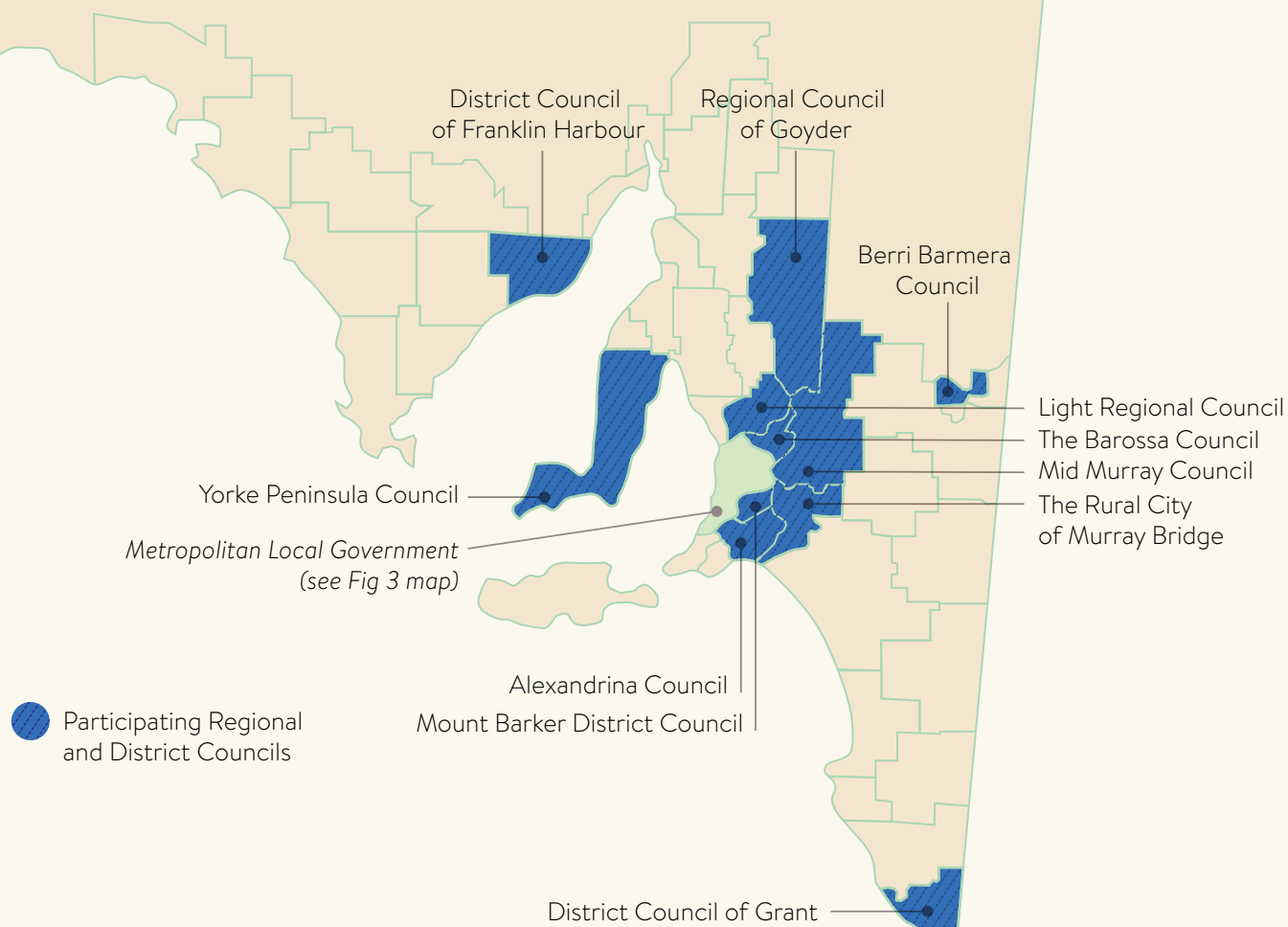
The DPTI paper’s omission is all the more remarkable, the LGA continues, because of the many benefits of built heritage protection set out in the Department’s own ‘30-Year Plan for Greater Adelaide’. Any programs for infill development must promote those benefits and strive to avoid the harm done by failing to consider heritage in the development approval system.

2 Supporting citation to 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.

In concluding, the LGA underscores the need for extensive consultation with stakeholders prior to the formulation of any legislative reforms concerning Local Heritage. 'Further consideration, clarification, and consultation is required in relation to:

1. 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;
2. How and why currently proposed reforms differ from the suite of recommendations of the Expert Panel on Planning Reform;
3. The operation and implementation of reforms, in particular governance and roles and responsibilities for decision making;
4. Reaching an understanding between the relationship between heritage conservation and character preservation;
5. The role of Contributory Items (CIs) in heritage conservation areas;
6. Opportunities for economic benefits of heritage conservation to be realised, including holistic consideration of funding and incentives for economic use alongside policy reforms;
7. New heritage listing criteria, particularly on the methodology for selection of themes, and issues of thresholds and over- and under-representation;
8. Existing Historic Conservation Areas/Zones and how they will be identified and protected in the future;
9. Interim demolition control for proposed local heritage listings;
10. Mechanisms for policy clarity, effective guidance, and clear decision making roles in development assessment; and
11. Effective engagement of the community in development and implementation of reforms.'

This comprehensive call for consultation ahead of any legislation is echoed, as will be seen, in most submissions.



*Figure 2.2. Geographical Distribution of Submissions from Local Government: Rural & Regional*

### 2.1.2 Individual Councils

Only 29 of 68 local government authorities made submissions. Most rural and remote councils said nothing. The most detailed submissions came from inner metropolitan authorities and regions with greatest concentrations of unique heritage values. The geographical distribution of councils responding is shown on the maps at Figures 2 and 3.



### 2.1.3 Rural and regional councils

Apart from established heritage areas such as the Barossa, Clare, Burra, and the Adelaide Hills, rural and regional councils showed little interest in the DPTI paper. Yorke Peninsula Council (P010) seemed to speak for many of them, remarking that as Council had not listed any local heritage places, they would not be contributing any substantive comment on the paper.

Councils with little experience in Local Heritage listing are the most likely to endorse the DPTI paper and to see problems with the existing Local Heritage system. The District Council of Franklin Harbour on Eyre Peninsula (P011) estimated that 70 places might qualify for heritage listing but only one was currently protected (by a State listing). They draw attention to the practical difficulties involved in heritage conservation. Owners fearing the responsibilities and restrictions associated with listing were inclined to resist. While not contemplating new listings, the Council had recently sought to address the problem of heritage buildings locating on large farms where many small properties had over the years been consolidated into single holdings. Franklin Harbour is working on a Development Plan Amendment (DPA) which would lower the minimum size for rural allotments containing heritage buildings. This might put empty old houses and barns in the hands of owners more likely to care for them. Decay of heritage properties is concerning but 'where are the incentives to maintain'?

As might be expected submissions reflected the varying makeup of councils. Three councils along the Murray River took distinctive stands on heritage. The Mid Murray Council which includes the highly significant historic towns of Morgan and Mannum has not yet listed any local heritage places, but is in the process of putting some forward (P028). It had not gazetted any heritage or 'character' areas and is only now in the process of identifying individual places for listing. It 'supports the broad philosophy of only one example of a form of architecture or cultural heritage item being listed in a region, as opposed to every town having its post office, school, church etc. heritage listed, as well as any house that is of a certain age/style.' Anything that went beyond this museum collection would not be 'conducive to economic development outcomes'.

The adjoining Rural City of Murray Bridge (P098), which has 79 identified local heritage places, takes a more sanguine view, valuing its 'positive working relationship with the local historical society and an understanding of the local heritage within the district'. As the 'level of government closest to the community', it is 'best placed to make recommendations on local heritage items/listings, in conjunction with advice and reviews from heritage professionals.'

**'As the 'level of government closest to the community', it is 'best placed to make recommendations on local heritage items/listings, in conjunction with advice and reviews from heritage professionals.'**

Rural City of Murray Bridge

**‘Heritage is paramount in the Barossa region contributing towards its special character. While heritage places contribute visually and aesthetically, they also invariably exhibit high quality design standards with embedded energy efficiency principles, and a certain robustness not readily reflected in modern buildings.’**

The Barossa Council

The Council acknowledges a potential problem with ‘over-representation’ but takes the DPTI paper to task for failing to offer practical advice on how to overcome the ‘highly subjective’ judgments that would need to be made on individual places that clearly met existing criteria for listing. It doubts that any centralised state assessment process could adequately address the profound differences between regional and metropolitan council areas.

Upriver in the historic irrigation lands the Berri Barmera Council (P013), which has no listed local heritage places, supports anything that will assist the public to understand the local heritage system, which presently creates much angst among affected owners. The whole system of protection through DPAs is cumbersome and unnecessarily controversial for communities who think ‘heritage listing is unfair and unchallengeable’. The Council hopes that the proposed Regional Planning Boards will assume responsibility for this part of the overall planning system, thus relieving them of headaches.

Council submissions from regions of recognised historic importance strike a very different note. The Barossa Council (P046) declares that:

Heritage is paramount in the Barossa region contributing towards its special character. While heritage places contribute visually and aesthetically, they also invariably exhibit high quality design standards with embedded energy efficiency principles, and a certain robustness not readily reflected in modern buildings.

The Barossa Council therefore seeks a system which not only facilitates the retention and ongoing sustainable use of existing heritage places, but which also promotes the ongoing adoption of these built qualities.

Like the LGA this Council regrets that most of the Expert Panel’s recommendations on heritage were ignored in the DPTI paper. They doubt the wisdom of proceeding with any legislation ‘in the absence of the broader discussion about heritage reform - that is, beyond local heritage’. The future of Contributory Items (CIs) and historic conservation zones needs clarification. Updating local heritage registers and criteria for listing would require the allocation of significant resources, a subject on which the DPTI paper is silent. Demolition ‘on merit’ if permitted at all should only be considered at the Development Panel Assessment stage.

Goyder Regional Council, based in historic Burra, wonders why the DPTI paper paints such a negative picture without pointing up the positive benefits of heritage protection (P071). They fail to see evidence that the present system needs repair. Perhaps due to the large concentration of State heritage places in Burra, the Council does not at present list any LHPs.

Mount Barker District Council (P077) maintains an important local heritage system (410 LHPs, 209 CIs). It aims to retain all the historic high streets of its old towns:

‘Of utmost importance is that the Historic Conservation Areas cover and include the historic main streets of the majority of the District’s towns as follows:

Callington	Macclesfield
Echunga	Meadows
Kanmantoo	Nairne
Mount Barker	Littlehampton’

Experience demonstrates that ‘the integrity of the Local Heritage Places, their overriding contribution to the streetscape and hence character of the main streets’ is ‘integral to maximizing the economic potential of townships and to the health of the local small business community.’

The Council sees little value in distinguishing between heritage and character, as it is precisely the historic elements of the built environment that make each town unique. Any system can benefit from simplification but in their view improvements can be made without altering the present legislative framework. Demolition can occur within the present system but the council regards it as a non-complying development in the historic town centres.

The Town of Gawler (P124) likewise sees heritage as critical to its ‘sense of place and identity’. To ask ‘how many’ heritage places is ‘too many’ is ‘a provocative question and actually contradicts the notion of Local Heritage, which should really include all places of Local Heritage Value, rather than selecting isolated examples.’ This council wants ‘to see collections of heritage buildings preserved’. A system that singles out individual buildings within a historic precinct as the only ones worth protecting is unfair to selected owners. In an inherently divisive listing process early engagement with owners will lower the temperature. Clarity, simplicity and transparency must characterise every stage of the listing system. Expert opinion and outside assessment are to be welcomed but ‘The most consistent, streamlined and coordinated assessment system is one where accredited heritage professionals work in a truly integrated manner with Council planning staff, and is known and trusted by the community at the local level.’

**‘The integrity of the Local Heritage Places, their overriding contribution to the streetscape and hence character of the main streets’ is ‘integral to maximizing the economic potential of townships and to the health of the local small business community.’**

Mount Barker District Council

**‘The most consistent, streamlined and coordinated assessment system is one where accredited heritage professionals work in a truly integrated manner with Council planning staff, and is known and trusted by the community at the local level.’**

The Town of Gawler

In a town like Gawler ‘where a number of state, local and contributory items are in close proximity to one another’ distinguishing between heritage and character is difficult if not impossible. Demolition of heritage places should ‘remain as a non-complying or restricted form of development’.

Light Regional Council (P004), which includes Kapunda and other towns of recognised heritage significance, places great confidence in its experienced officers. It has recently completed a new heritage DPA after a great deal of valuable community consultation. While it would welcome a simplified process for approving minor, low-risk works at heritage places, it has reservations about delegating decisions to ‘accredited professionals’. The Council also wonders why contributory items are not mentioned in the DPTI paper as ‘these places also play an important role in protecting historic themes of an area’. Any reduction of the number of listed LHPs could threaten the character of the neighbourhoods in which they cluster.

Adelaide Hills Council (140A) broadly endorses the LGA paper, sections of which are directly quoted in its submission. It sees heritage protection as vital to the economic viability of the South Australian economy.

**‘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.’**

Adelaide Hills Council

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.

Noting that the draft update to the 30-year Plan for Greater Adelaide acknowledges ‘the value of local heritage, character, and context’, the Council hopes that the DPTI paper marks the beginning, not the end of a conversation about reform.

Alexandrina Council (P106) takes pride in its historic towns extending from Strathalbyn to Port Elliot. A few suggested improvements from the DPTI paper win its endorsement: aligning state and local heritage listing criteria; streamlining the development assessment process; and early engagement with landowners. The Council sees a possible role for accredited heritage professionals working under clear guidelines and direction. It wonders what local heritage listing has to do with ‘the broad strategic objectives of the state’ and wants more consultation prior to the drafting of legislation. The council’s heritage advisory committee strenuously opposes demolition on merit and recommends the greater use of council heritage officers not just in Alexandrina but throughout the state.



The submission from Clare and Gilbert Valleys Council (P188) succinctly summarises its view that ‘distinctive heritage buildings should be protected and celebrated as well as encouraging heritage buildings to be restored, regularly maintained and well used.’ It does not object to a review of local heritage protection, but demands more detail and consultation ahead of any legislation.

Strangely the City of Mount Gambier, which lists 131 LHPs and 362 CIs, did not make a submission to the enquiry. The adjoining District Council of Grant (P152), southernmost in the state, has no listed LHPs but makes a pointed reference to the reasons why: ‘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.’ The Council believes strongly that Local and State Heritage systems should be brought under a single authority using the same criteria to establish significance.

To sum up, seven of the fourteen rural and regional council submissions come from local government authorities that do not presently list any LHPs. These are the councils who most warmly welcome the DPTI paper and who tend to see problems with the process of identifying and protecting local heritage. The other seven value their local heritage as economic and cultural assets and questioned the need for change, apart from:

- aligning state and local heritage listing criteria
- engaging early with owners of nominated heritage places
- streamlining the listing process
- making it easier to approve minor alterations to listed LHPs

While it is easy to see why many councils that have not engaged with local heritage failed to respond, it is worth noting that 14 councils with LHPs also made no submission:

**‘Distinctive heritage buildings should be protected and celebrated as well as encouraging heritage buildings to be restored, regularly maintained and well used.’**

Clare and Gilbert Valleys Council



*Table 2.1. Councils with Local Heritage Places that did not make submissions.*

Council	Number LHPs	Number CIs
Flinders Ranges Council	26	
Kangaroo Island Council	84	
Kingston District Council	50	
District Council of Lower Eyre Peninsula	55	
City of Mount Gambier	131	362
Naracoorte Lucindale Council	76	
District Council of Peterborough	35	22
Port Pirie Regional Council	63	17
District Council of Robe	50	
Tatiara District Council	59	7
District Council of Tumby Bay	42	
City of Victor Harbor	94	
Wakefield Regional Council	135	
Wattle Range Council	101	2

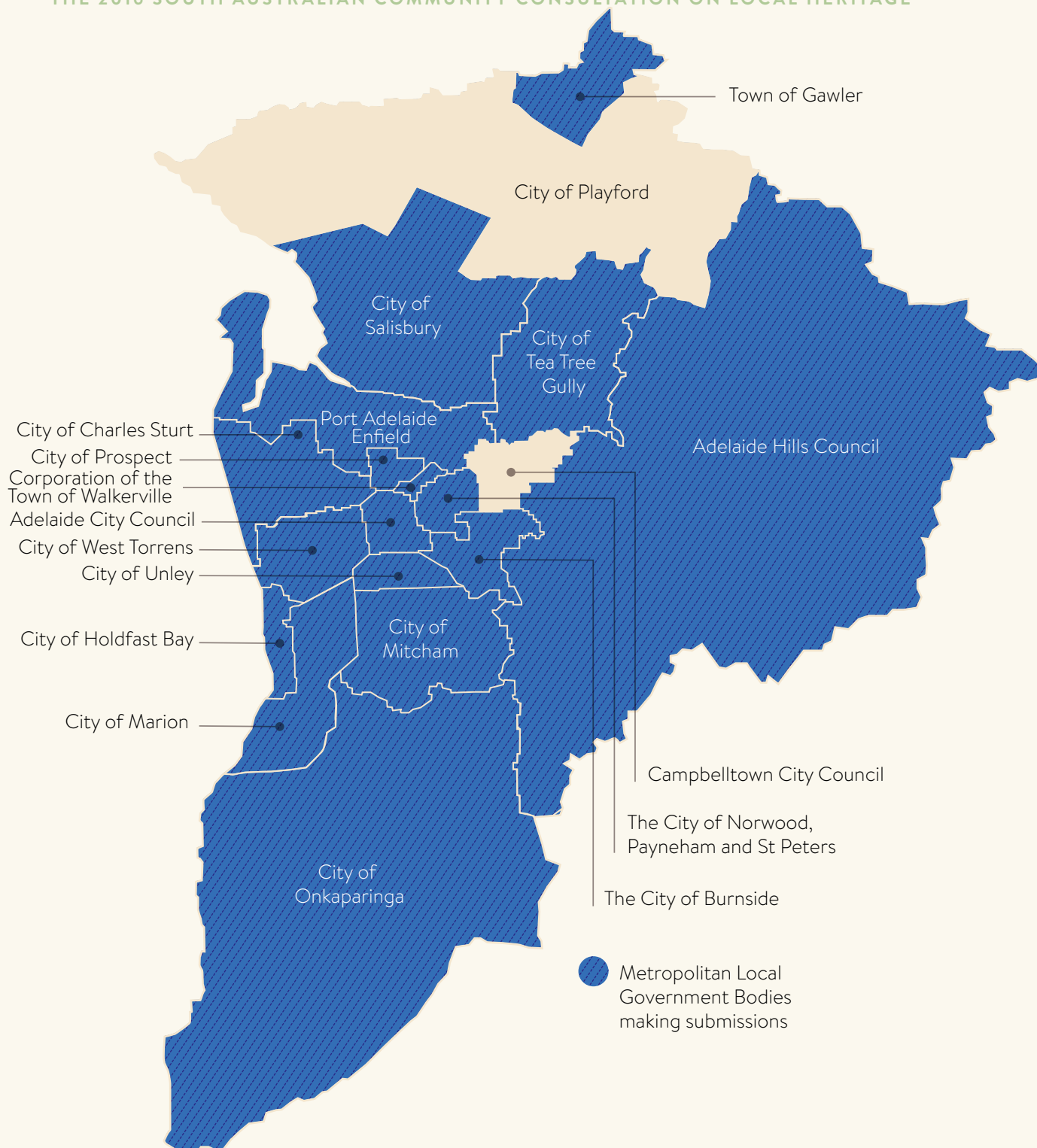
It may be that these councils had insufficient time to prepare submissions, but in the absence of other evidence it is not possible to draw conclusions.

## 1. FINDINGS:

Submissions from the rural and regional councils most engaged with the local heritage process dissent from suggestions put forward in the DPTI paper and call for more consultation ahead of legislation. They are the councils most convinced of the cultural and economic value of heritage to their communities. Councils with no listed LHPs broadly endorse the DPTI paper and see problems with the present system.

## 2. FINDINGS:

1. Rural and regional councils support changes which would make heritage listing less cumbersome, encourage early engagement with owners, align state and local heritage systems, and facilitate approval of minor works on LHPs.
2. Almost without exception, they wish to maintain control of local heritage listing from nomination to registration.
3. They object to the expense of heritage surveys as a means of identifying LHPs and oppose review of current listings on the same ground.



### 2.1.4 Metropolitan councils

Seventeen of the nineteen metropolitan councils with LHPs made submissions. (Playford and Campbelltown did not.) That indicates a high degree of interest and involvement in heritage. It also makes it possible to speak with confidence about their responses to the DPTI paper. Six explicitly endorsed the LGA submission. Almost all declared that more consultation must precede the drafting of any legislation on local heritage.

**‘There are no positive references to heritage as a valued component of the State’s broader planning system contained in the Discussion Paper. This presents a skewed argument that the system is ‘broken’ (without any supporting data), causing rising conflict and leading to poor decision making.’**

The City of Norwood Payneham and  
St. Peters Council

These seventeen councils contain 4,661 (66%) of the state’s 7,058 LHPs and 10,591 (88%) of the 11,965 CIs. They are concentrated in the parts of the metropolitan area most subject to development pressure. If there were any serious problems with the existing system of identifying and protecting local heritage, they would show up here.

What their submissions tell us is that there are no significant problems with existing heritage processes. Their experience with local heritage has been overwhelmingly positive. They regard their local heritage as a key economic and cultural asset which poses no obstacle to infill development, increased residential density or desirable new development. Very few of the reforms envisaged in the DPTI paper win their endorsement. In the words of the City of Norwood Payneham and St. Peters Council (P097):

There are no positive references to heritage as a valued component of the State’s broader planning system contained in the Discussion Paper. This presents a skewed argument that the system is ‘broken’ (without any supporting data), causing rising conflict and leading to poor decision making. The Discussion Paper, at the very least, should provide a balanced discussion of the challenges of the system with the positive and objective message that heritage conservation is a largely well-regarded foundation of public decision making. In short, there is no evidence provided in the Discussion Paper and conclusions and strategies are not based on evidence.

Taking metropolitan submissions in order, we begin with the City of Tea Tree Gully (P001), whose modest complement of 76 LHPs and 9 CIs is concentrated where the remnants of Victorian villages have been engulfed by twentieth-century housing. The council supports refinement of listing criteria and early engagement with owners but sees problems with aligning the care of heritage places with undefined ‘broad State strategic objectives’. They regard the use of accredited heritage professionals to approve minor works as an untried experiment and would therefore leave final decisions to a statutory authority. Updating data on existing heritage places should, in their opinion, be ruled out on the ground of cost and complexity, although property condition reports could bring to light cases of unauthorised development. They find no difficulty distinguishing character from heritage and adhere to a policy of making demolition of LHPs non-complying unless safety is an issue.

With 303 LHPs and 1,564 CIs, the City of Burnside (P015) is one of the state’s most experienced heritage custodians.

The ‘current heritage framework, while not perfect, has generally been positive and effective and is not as inadequate as the discussion paper suggests’. The Council does not see that amending current criteria of significance solves the problem of inconsistent practices among local government authorities. ‘Both the existing and the draft new criteria require an assessment to be made which is qualitative and subject to considered opinion.’ In no case should amended criteria be used to lessen the number of places considered for future listing.

Burnside fails to see how any state-wide thematic framework can be adapted to the special circumstances that make heritage places local. The council comprehensively rejects the idea that any component of local heritage could be ‘over-represented’, observing that heritage preservation is not a Noah’s Ark or museum. Adelaide’s future as a tourist destination depends on visitor appreciation of significant clusters of heritage buildings. Heritage can certainly be distinguished from character, the Council affirms, insofar as character controls can never be a substitute for genuine heritage conservation. The council notes with concern the absence of any reference to contributory items in the DPTI paper, for they constitute the lion’s share of local heritage in their area.

**‘The ‘current heritage framework, while not perfect, has generally been positive and effective and is not as inadequate as the discussion paper suggests’.**

The City of Burnside

Streamlining of listing procedures is supported, but interim protection of nominated LHPs will still be needed to prevent demolition. They see some sense in designated practice notes for assessments and the use of accredited professionals to approve minor works. However in all cases the Council must retain the final say. In conclusion ‘The City of Burnside strongly objects to any watering down of the current arrangements for listing and retention of properties/places of heritage value.’

One of the state’s smallest councils, the historic Town of Walkerville (P027), lists 82 LHPs and 548 Cls. In addition it contains Historic Conservation and Residential character Zones. Emphasising the great importance of heritage, the Council rejects the State Government’s premise that the current process of listing local heritage places, historic conservation zones and character areas are in need of change as stated in the DPTI Discussion Paper ‘Renewing our Planning System’

and demands

That the State Government undertake meaningful consultation with stakeholders prior to drafting new legislation.

In the absence of any details about the State’s ‘broad strategic objectives’ the Council wants to see the revised 30-Year Plan for Greater Adelaide before making comments.

**‘Heritage recognition and conservation should not be about numbers, it should be about conservation of valued history which provides long term cultural, social and economic benefits.’**

Town of Walkerville

Early engagement with owners is endorsed, partly because it could ‘give rise to broader nominations and provides greater community knowledge of and appreciation for, the context of local heritage’. That would not, however, remove the need for interim protection for nominated places. The Council opposes any retrospective audit of existing places for the sound commercial reason that countless buildings have been bought and sold based on those listings and owners have worked within grant opportunities and heritage advisory frameworks of the time. A retrospective audit has the potential to undermine work that the City has publically funded to conserve the documented built form fabric.

It likewise opposes setting any quotas on numbers of local heritage places based on thematic analysis, noting that ‘heritage recognition and conservation should not be about numbers, it should be about conservation of valued history which provides long term cultural, social and economic benefits’.

Walkerville believes that rather than delegate the approval of minor works on LHPs to accredited professionals, ‘minor works, unlikely to compromise the heritage integrity of local heritage places’, should ‘be removed from the definition of “development” in planning regulations. Enhancing the availability of heritage information through a single portal is commended as an excellent initiative.

Most important, it wants to know what will happen to existing historic conservation zones. Heritage does need to be distinguished from character precisely because character controls cannot be relied upon to conserve historic fabric.

The City of Charles Sturt (P043) which contains about a third of the state’s listed CIs (3,862), begins by observing that ‘the city’s experience with the present system has been generally positive’. The 30-Year Plan ‘lists Heritage and Character as guiding principles, so they deserve as much consideration as any other state strategic objectives.’ It vigorously disputes the proposition that objections to local heritage listing constitute anything like the 70% cited in the DPTI paper. ‘In the 2013 Heritage Places DPA, Council received 11 objections out of the 82 nominations (i.e. 13%).’ They fear that the adoption of anything like the current State heritage listing process would be at least as cumbersome as the present local heritage process.

On the other hand, the Council sees merit in providing for minor works to LHPs without a full Development Application (DA). A single online heritage and planning portal should link



LHPs and the assessment sheets used to justify their listing. It does not accept that historic conservation zones are in any way equivalent to character zones. The government should provide detailed information about the future of existing historic conservation areas. And the Council insists there should be far more public consultation in advance of any legislative proposals.

Even though the City of Salisbury has never nominated LHPs, CIs or historic conservation zones, its one-page submission (P044) endorses the LGA submission discussed above.

The City of Prospect (P079) – notable for its eclectic mix of old and new housing stock in an area subject to strong development pressures – understandably wants reforms that balance ‘the community’s desire to retain and protect the interests of those seeking to renew and develop’. The Council is therefore disappointed that the DPTI paper ‘lacks reference to a strategic framework, clarity of detail and reference to governance and funding arrangements’ and provides inadequate opportunity for community consultation. Like the LGA, Prospect is puzzled by the omission of so many of the Expert Panel’s recommendations on heritage. Local heritage needs to be considered in the context of a ‘holistic discussion on heritage issues (at all levels in the heritage hierarchy and including Aboriginal heritage)’ and not simply confined to local heritage place listings (in accord with Expert Panels recommendation for an integrated heritage process). It is equally puzzled by the absence of any statement on ‘why local heritage is important’.

It appears to the Council that proposals for revised criteria of significance and the use of thematic frameworks focus on ‘one-off listings’ rather than supporting the identification of ‘heritage groupings or multiple sites’. The Council seeks greater clarity on a range of matters, including the future of contributory items and the proposed delegation of certain approvals to accredited professionals. ‘Economic benefits of heritage conservation need to be acknowledged, including funding opportunities and incentives for economic use and adaptive re-use’. Any new review of listings should be rigorous and acknowledge ‘that existing listings were part of previous exhaustive reviews’.

Council believes interim protection of nominated places will continue to be needed to stop pre-emptive demolition. The whole process of listing should be made simpler and understandable for everyone in the community.

**‘Economic benefits of heritage conservation need to be acknowledged, including funding opportunities and incentives for economic use and adaptive re-use.’**

City of Prospect

**‘Councils are key stakeholders of local heritage listings, and councils are subject to the concerns and criticisms of communities that view local government as the responsible authority for all planning and development assessments.’**

The City of West Torrens

The City of Holdfast Bay (P081), which stretches along the ocean frontage from Glenelg to Seacliff, contains an abundance of heritage places testifying to Australian’s longstanding love affair with the beach. Some are grand, some are humble. Middle class villas form significant clusters that have been designated as historic conservation zones. The Council assumes a robustly critical stance toward the DPTI discussion paper:

Council is ... significantly concerned that the Discussion Paper appears to be premised on local heritage listing being an impediment to development rather than an opportunity, with an implicit goal to reduce the number and extent of local heritage places across the State and Greater Adelaide. Further, the Paper itself and suggested reforms lack a comprehensive, or even basic strategic framework and limited detail is provided regarding the intended actions and outcomes of the review or any governance arrangements for their implementation.

Surprise is expressed at the paper’s failure ‘to clarify the intended status and role’ of historic conservation areas and contributory items, ‘which are highly valued by the community and enhance the City’s character’. Council believes that current controls on demolition of LHPs should not be relaxed and worries that aligning local and state heritage criteria may raise thresholds, depriving many important places of protection. Thematic frameworks may have their uses but the DPTI paper fails to spell them out in sufficient detail. Early engagement with owners of nominated LHPs is desirable but cannot obviate the need for interim protection. And, like other councils, Holdfast Bay wants much more consultation with local government and the broader community ahead of any legislation on local heritage.

The City of West Torrens (P096) is another council that has made extensive use of CIs (631) to achieve its objective ‘to preserve heritage and lower density character areas’ without inhibiting development of areas ‘suitable for infill development’. A recent consultation revealed the community’s emotional commitment to retaining heritage and character areas. The Council supports making the process of local heritage listing easier through ‘amendments to the development plan and future planning and design code’ but is concerned that the role of councils is not defined in the discussion paper. ‘Councils are key stakeholders of local heritage listings, and councils are subject to the concerns and criticisms of communities that view local government as the responsible authority for all planning and development assessments.’

The Council notes the possibility for delisting of local heritage places through the operation of the planning and design code, insisting that it participate in any such process of culling. It opposes the use of thematic frameworks to impose quotas on various kinds of LHPs. It sees value in ‘balancing the assessment of heritage value against the broad strategic objectives of the state given the “Object” of the PDI Act, which governs local heritage listings, is to enhance the state’s prosperity by promoting and facilitating development.’ The Council understands the distinction between heritage and character but believes that both have a place in good planning. It concludes by commenting that it is on target to achieve the infill development objectives set out in the 2010 version of the 30-Year Plan – without compromising ‘the protection of designated heritage and character areas’.

The City of Norwood Payneham and St. Peters (P097) stakes out a more determined position.

Contrary to the negative issues highlighted in the Discussion Paper, this Council’s experience with built heritage has been generally positive, with the current framework widely understood, accepted and valued by many citizens in our community, but most importantly by those owners of Local Heritage Places. Indeed, there is a risk that the dismantling of controls will have a significant and irreversible impact on South Australia’s built form history.

The council area is heavily invested in heritage with 73 listed state items, 664 LHPs, 2 historic conservation zones and 1,475 CIs. Council believes that until the Department of Planning explains why it chose to ignore most recommendations of the Expert Panel it will be impossible to progress any reforms. It criticises the discussion paper for failing to provide ‘a balanced discussion of the challenges of the system with the positive and objective message that heritage conservation is a largely well-regarded foundation of public decision making’.

Even while demanding further consultation, the Council fears that ‘progression to a Bill appears to be a *fait accompli*.’ The main burden of their argument is that the propositions put forward in the discussion paper are not backed up by evidence or argument. It questions or rejects almost every element in the government’s case. Heritage listing should extend far beyond individual buildings; reviewing existing listings would be a pointless and expensive business; the Department of Planning first encouraged surveys of interwar buildings, only to knock back the council’s nominations; a retrospective audit of existing listings would be an unwarranted interference

**‘Contrary to the negative issues highlighted in the Discussion Paper, this Council’s experience with built heritage has been generally positive, with the current framework widely understood, accepted and valued by many citizens in our community, but most importantly by those owners of Local Heritage Places.’**

The City of Norwood Payneham and St. Peter’s

**‘The listing of buildings as Local Heritage Places and Contributory Items and the policy base of the Council’s Development Plan, has not in the Council’s experience, been a barrier to infill development or the re-development of heritage listed properties.’**

The City of Norwood, Payneham and St Peters

with the marketplace, inasmuch as ‘many buildings have been bought and sold based on those listings and owners have worked within grant opportunities and heritage advisory frameworks’. Where, they ask, did the figure of 70% objections to listings come from? ‘In their 2005 heritage surveys rates of objection were 18% for St. Peters and 30% for Payneham.’

The council does favour streamlining assessment procedures for LHPs. This could best be achieved by abandoning the present requirement for a Development Plan Amendment (DPA). They also endorse a simpler process for approving minor works to LHPs, provided the limits on damage to historic fabric are clearly delineated. Councils should retain close involvement in all aspect of Local Heritage protection. The Norwood, Payneham St. Peters Council finds it impossible to respond to the question on heritage and character without knowing the proposed fate of heritage conservation zones and contributory items. Finally they challenge the notion that heritage protection inhibits development. ‘The listing of buildings as Local Heritage Places and Contributory Items and the policy base of the Council’s Development Plan, has not in the Council’s experience, been a barrier to infill development or the re-development of heritage listed properties.’

The City of Marion (P109), with only 55 LHPs, no historic conservation zones and no CIs, understandably makes a low-key submission. After noting the inadequacy of the DPTI consultation process they call for more certainty in the listing process. ‘The listing of a local heritage place should be based upon demonstrating that the item satisfies compelling criteria, with minimal scope for divergent viewpoints during the consultation process.’ Nonetheless they are not keen to see their participation in the process diminished in any way. They do not see ‘demolition on merit’ leading to a wholesale loss of LHPs; only one LHP has been demolished in their council area in the last decade.

Operating in a very different environment, the City of Onkaparinga (P128) spans a vast area including highly urbanized and semi-rural districts. Their 374 LHPs and 30 CIs are comparably diverse. The council echoes the universal complaint about the flawed consultation process and is reluctant to comment in detail ahead of more comprehensive discussions among ‘local government, industry and community’ groups. Onkaparinga objects to the idea that local heritage is a category of lower importance than state and national heritage. They would not want to see historic conservation zones downgraded to the status of mere character zones, ‘removing some of the strength of the policy to protect these important historic areas.’



Streamlining listing procedures and simplifying the approval of minor works to LHPs wins their assent, along with better documentation on all heritage places accessible through an online portal. However, they wonder who will foot the bill. They allow for demolition on merit but see interim protection of nominated places as a vital part of any heritage protection scheme.

The City of Adelaide's 125-page submission fills a whole volume of the 4-part collection on the DPTI website. Fortunately much of it is taken up with appendices, reports and published documents. Adelaide stands alone among local government authorities, having begun its own heritage listing in the early 1980s. Its 1,469 LHPs constitute more than 20% of all listings. As the birthplace of the South Australian colony, it also contains state and nationally listed places. The heritage expertise and experience of council staff is matched only by the State heritage unit. It is therefore striking that the submission opens with a declaration that 'Council unequivocally views built heritage as supporting multiple strategic goals around liveability, culture, tourism, growth and sustainability.' Like others, they ask what happened to the rest of the Expert Panel's recommendations on a unified heritage system for the state.

**'Council unequivocally views built heritage as supporting multiple strategic goals around liveability, culture, tourism, growth and sustainability.'**

City of Adelaide

An overriding concern for Council is that new criteria and thresholds for LHP listing should not raise the bar for protection. The council agrees that the present system is sluggish and cumbersome but lays the blame for that on obstruction within DPTI. Changes in departmental practice could remedy many current problems without any need for new legislation. They see possible value in the use of accredited professionals to approve minor works, subject to the usual safeguards. A single online portal leading to all heritage innovation would be an excellent initiative. Council objects to a review or audit of existing LHPs mainly on economic grounds:

- Cost and resourcing.
- The work done over time that has led to existing listings.
- Sales of properties with values based on those listings.
- Public funding of listed properties through the Heritage Incentive scheme.
- Cost of a new, audited register with better heritage identification and designation, which is a sound idea, but beyond the resources of any one body.
- Destabilisation of property values through revisiting the status of existing local heritage lists, leading to economic uncertainty for owners and occupiers of these assets.

**‘The City is concerned that the changes to listing processes and demolition controls has the potential to result in economic uncertainty, by allowing a greater degree of speculation in the development industry.’**

City of Adelaide

As a way of strengthening the distinction between heritage and character, the Council proposes a new category of Historic Character. This would meet community expectations by affording ‘demolition protection to historic properties in Historic Conservation Zones that do not meet Local Heritage criteria’.

Citing a number of studies, Adelaide City Council maintains that a healthy system of heritage protection enhances the economic strength and sustainability of the city without impeding new development.

The City is concerned that the changes to listing processes and demolition controls has 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 potential as a result of demolition ... [based on] a merit assessment process. Such speculation not only destabilises heritage lists, but also erodes the economic value of existing or planned projects on non-listed sites.

The fiscal consequences of a deregulated heritage framework has been insufficiently understood by the Discussion Paper.

In calling for further consultation on a multi-sector basis the Council pointedly remarks that ‘we do not support the next engagement step being commenting on a Bill by itself.’

The City of Port Adelaide Enfield (P137) covers 97 square kilometres of diverse urban landscape. While Central Port Adelaide and Semaphore enjoy established reputations for their historic character, vast swathes of the council area contain semi-derelict, degraded industrial precincts. Most of the 202 LHPs and 1,016 CIs are concentrated in the waterside wards. The predominant housing stock dates from after World War II. The council’s eight wards differ dramatically from one another in population, residential density, socio-economic status and economic activity. This helps explain why the council’s submission is idiosyncratic compared to other metropolitan local government authorities.

On one hand the council supports:

- The Department of Planning's 'intent to start a conversation'
- Existing LHPs transitioning into the Planning and Design Code
- Aligning local heritage listing criteria with state and national practice
- The use of thematic frameworks

On the other hand they oppose:

- Use of accredited professionals as their experience with such subcontractors has not been satisfactory
- Periodical review and updating of data on LHPs

They point out that demolition of LHPs is currently a non-complying use, a rubric they intend to maintain. Like the LGA and many other councils they want a unified heritage system rather than one 'separately administered as part of a planning and zoning system'. Early consultation, they submit, cannot obviate the need for interim control of unauthorised works and demolition. Understanding the difference between heritage and character, they nonetheless find that 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).'

The City of Mitcham (P149) is quite differently situated. Equidistant from hills, sea and city centre, its elevated situation and natural beauty attracted well-heeled residents from the inception of European settlement. Its 222 LHPs and 138 CIs constitute a small fraction of its complement of historic buildings. Expressing full support for the LGA submission, the council wants the single heritage authority envisaged by the Expert Panel, separate from the planning and development system. They go further by insisting that judgments on heritage values be solely determined by heritage professionals: heritage architects & planners, acting in concert with 'other professional bodies such as ICOMOS representatives, and other organisations such as the National Trust'.

Mitcham takes the DPTI paper to task for failing to recognise the economic benefits of heritage preservation and failing to spell out the distinction between heritage and character. 'Any "streamlining" of processes and procedures should not amount to a reduction of protections for existing or future heritage places.' Demolition should be rigorously controlled to ensure 'protection of the heritage value'. Interim protection is a valuable and necessary part of the heritage listing system.

**'Any "streamlining" of processes and procedures should not amount to a reduction of protections for existing or future heritage places.'**

City of Mitcham

Any alteration in the criteria for assessing heritage value or streamlining procedures must ‘not raise the threshold for statutory recognition’. They join other councils in seeking repeal of Section 67 (4) and (5) of the Act which 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 agree with the proposal.

The City of Unley (P187) is a mixed zone, with the lion’s share of its 94 LHPs located in the northern precincts near the Adelaide Parklands. It has shown less enthusiasm for local heritage than other inner suburban councils, designating only a handful of contributory items. It is nonetheless committed to oppose ‘any dilution of the extent or status of its existing local heritage places and local historic and character areas.’ It disputes that the existing system is ‘broken’. Any change in legislation should be preceded by a ‘broader and longer’ period of consultation.

In addition to endorsing the LGA submission, Unley council declares that

- The currently designated 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 are maintained;
- Future criteria for listing of local heritage items to be clear and agreed with Council.

## SUMMING UP

As with rural and regional councils, enthusiasm for Local Heritage varies with distance. The northern suburbs of Playford (72 LHPs) and Campbelltown (74 LHPs) did not put in submissions. Salisbury, which has no LHPs, made a brief submission endorsing the LGA paper. The southern suburb of Marion with only 55 LHPs and no CIs, was the only metropolitan council to express much enthusiasm for the DPTI discussion paper. Based on submissions from the other councils, a number of conclusions can be drawn.



### 3. FINDINGS:

Councils with the greatest experience of heritage protection express most satisfaction with the existing system and deny that it is in any way 'broken'. They dispute the proposition that there is widespread dissatisfaction with the system.

Almost all metropolitan councils criticise the DPTI paper for ignoring most of the recommendations of the Expert Panel and for conducting a flawed process of consultation.

#### **Metropolitan councils:**

1. prefer the unified heritage system proposed by the Expert Panel to management of the local heritage system through the Department of Planning, which would lead to conflicts of interest. Advice on heritage values should come only from recognized professionals standing outside the planning and development system.
2. ask that a much more inclusive and extensive consultation precede the tabling of any legislation on Local Heritage.
3. insist that any alteration to the present system must not lower the threshold for local heritage listing or lessen protection of existing LHPs.
4. criticise the DPTI paper for its negative tone and failure to acknowledge the economic, cultural and social benefits of local heritage protection.
5. do not see any conflict between heritage protection and infill development or increased densities. It is precisely the councils where greatest residential densities have been achieved that most vigorously promote local heritage protection.
6. see preservation of local heritage as a driver of employment, higher property values and lively neighbourhood precincts.
7. oppose reviews of local heritage listings that might result in culling LHPs or diminishing existing protections on the practical ground that properties have been bought and sold on the basis of established listings. Retrospective alteration of listings could unfairly alter property values and confer windfall profits on some present owners. They also see updating of statements of heritage values as a needless and costly exercise.
8. want to know the fate of listed Contributory Items and Conservation Zones, on which the DPTI paper is silent. No council submission expresses any reservations or dissatisfaction with either category.

**3. FINDINGS CONTINUED:**

9. profess to understand the distinction between heritage and character. Although heritage and character overlap in designated zones, it would be a mistake to merge historic conservation zones into a more general category of character. Character changes over time, whereas the historic fabric of conservation zones is timeless and worthy of the highest degree of protection.
10. want to maintain their role as the primary initiators and protectors of local heritage.
11. support streamlining of the local heritage listing process, hoping it might be freed from the requirement for Development Plan Amendments. They criticise DPTI for opaque procedures and roadblocks that have in many cases delayed the processing of council nominations for periods of up to a decade.
12. support greater alignment of local, state and national criteria of heritage significance, provided that it leaves room for the local characteristics and historic development that make each council special.
13. are willing to experiment with the use of alternative thematic frameworks to classify heritage places, provided that they are not used to lower thresholds for listing, to establish numerical quotas for particular categories of heritage, or to purge places presently accorded protection.
14. reject the proposition that local heritage sits at the bottom of a hierarchy of merit (national, state, local), nor that LHPs are less worthy of protection.
15. want to make approval of minor works to LHPs and CIs quicker and easier, provided no damage is done to essential historic fabric. They also agree that applications to make inconsequential alterations should not require a full DA application.
16. do not agree on the proposal that accredited heritage professionals be licensed to approve minor works to LHPs. Some reject the idea, while most want the use of such professionals to be carefully supervised, with councils retaining the final say.

**3. FINDINGS CONTINUED:**

17. endorse early engagement with owners of properties proposed for local heritage listing but dispute the proposition in the DPTI paper that anything approaching 70% of nominations are disputed, or that the percentage could be reduced to 1% through early engagement. All councils insist that interim protection is an absolutely necessary element of the listing process. Otherwise problems arise with unauthorised demolitions and works.
18. do not wish to prohibit demolition of heritage places absolutely, but most wish to see demolition designated as non-complying in local development plans.
19. endorse the development of a single online portal providing access to all documentation on heritage listings and surveys.

**4. FINDINGS:**

1. No council endorses the amendment to the 2016 PDI Act that requires 51% approval from property owners within any proposed heritage conservation zone, and several call for its repeal.

**5. FINDINGS:**

1. Any tampering with the system for recognising and protecting Contributory Items will impact unevenly and unfairly on the councils that have made them the mainstay of their heritage conservation system: Burnside, Charles Sturt, Holdfast Bay, Mitcham, Prospect, Port Adelaide Enfield, West Torrens, Norwood Payneham & St. Peters and Walkerville. These nine councils contain 10,591 (88%) of the state's 11,965 listed CIs.

## 2.2 SUBMISSIONS FROM RESIDENTS' AND COMMUNITY ORGANISATIONS

Thirteen submissions came from residents' and community organisations. While such bodies lack the representative character of local government, they take an intense interest in local planning issues, including heritage. Many sprang up for the specific purpose of bringing pressure to bear on local councils considering contentious planning and development proposals. Some date back to the 1970s and preserve collective memories of issues, campaigns, defeats and victories forgotten by government instrumentalities where rapid turnover in staff and a focus on current politics contributes to institutional amnesia.

Most submissions in this category come from inner suburban council areas subject to continuous development pressure. Unwanted development is always a major concern for them, and they frequently invoke heritage as much as an instrument of combat as an end in itself.

The truncated consultation process instigated by the DPTI discussion paper deterred many from making submissions, because their cycle of meetings and decision-making processes made a four-week or even an eight-week deadline virtually impossible to meet. That 13 managed to overcome these problems is partly due to the network of communication established by umbrella organisations such as the Community Alliance, Save our Suburbs and the National Trust. All of them registered dissatisfaction with the DPTI consultation process and asked that more extensive consultation precede any changes to existing local heritage processes.

Seven of the submitting residents' and community groups belong to the Community Alliance, which claims affiliation from 23 member organisations. The submissions evince independent thought and are by no means cookie-cutter replicas of each other.

Only one of the 13 submissions comes from outside the inner suburbs, that of the Nairne and District Residents Association (P183). As they watch more and more countryside subdivided for housing they believe it is only '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.' In their opinion '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.'

**'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.'**

Nairne and District Residents Association



Three of the other residents' societies are located within the City of Adelaide Council area: the North Adelaide Society (founded 1970), the South East City Residents Association (founded 2006) and the South West City Community Association (formed in 2012). None of these are affiliates of the Community Alliance.

The South East City Residents Association (P088) wants local heritage protection managed locally, not by DPTI or any other state government agency. 'Local heritage', it maintains, 'is exactly that – local; It is what a community considers worth conserving.' They reject limits or quotas on any category of heritage.

An attitude to heritage that says we have enough, say, 19th Century bluestone cottages, so we don't need to preserve any more, treats heritage places and streetscapes as if they were items in a museum. Heritage is intimately connected with how we live.

Like the metropolitan councils, they want any heritage reform to take account of all of the recommendations of the Expert Panel. If management of local heritage is entrusted to a state government department – which they oppose – it should be the State Heritage unit, not DPTI. They support the submission of the Adelaide Council and make the general observation that:

Heritage places and precincts are important for the economic, cultural, social and spiritual health of a community and a State. This seems obvious but it also seems that it needs to be pointed out again and again. Tourists love our Park Lands and our heritage precincts and buildings. They are a point of difference with other Australian capitals.

The South West City Community Association (P177) sees the DPTI paper on local heritage as part of a larger drive by the state government 'to facilitate the unhindered progression of new, usually large, development applications.' They fear and are '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.'

They deny there is widespread desire for heritage reform and want the present complement of local heritage places to be expanded, not reduced. Interstate practice, good or bad, is irrelevant to South Australia's unique situation. They fear that trying to separate heritage from character may lead to loss of historic fabric. Demolition 'on merit' should not be entertained.

**'Heritage places and precincts are important for the economic, cultural, social and spiritual health of a community and a State. This seems obvious but it also seems that it needs to be pointed out again and again.'**

South East City Residents Association

The Association doubts that accredited experts can be impartial or independent; the final say on heritage should rest with elected councils, not so-called experts. Believing that the state government has wrongly 'identified Local Heritage properties as an impediment to development', they demand that '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.'

The North Adelaide Society (P134) puts forward similar propositions in a less combative fashion. Citing Adelaide City Council minutes of 27 September, they agree that

The proposition that freeing up heritage listing processes will assist the community to prosper by releasing development potential lacks any research base ... 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 ... Such speculation not only destabilises heritage lists, but also erodes [the] economic value of existing or planned projects on non-listed sites.

The remainder of the submission consists of advice the Society received by an 'expert consultant'. Although that person displays great knowledge and experience with the planning system, because they are not identified the opinions will be considered here rather than under 'Architectural, heritage, historical and other professionals'.

Failures of clarity and direction in the local heritage system are attributed to 'lack of resources, staff and expertise' within DPTI. The Department has not provided 'local heritage survey briefs ... to councils and the changing requirements for surveys and documentation has created ... confusion and inconsistency'. The purported confusion between character and heritage

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 ... 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.

Criticism of inconsistent development assessment procedures in respect to local heritage is misplaced because ‘local variations of development assessment processing’ are ‘to be expected given different local context and historical development parameters’ in various councils. ‘Formalising a role for accredited heritage professionals’ would be a ‘good idea if there were an appropriate course for accreditation in South Australia’ but there is none.

What is needed above all is proper support for local heritage by state government.

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 planning department’s replacement of detailed listing of Contributory Items by statements of desired character was a retrograde step. ‘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.’

**‘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.’**

North Adelaide Society

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.

Alignment of state and local criteria of heritage significance is desirable but ‘would require a more integrated system than is currently in place and greater cooperation between heritage and planning departments’.

This expert dismisses the use of thematic frameworks to drive the local heritage listing process as illogical and absurd because it could not be used – as the DPTI paper suggests – ‘as a numerical measure for the number of places worthy of listing’. ‘The notion “How many are too many” demonstrates the complete lack of understanding of historical contexts and local variations.’

It is hard to object to early engagement with owners but that does not mean that their opinions should be allowed to override ‘overall community objective and desire to retain the heritage values of an area or individual place.’ As for using expert panels, who is to say they would comprise experts? In the absence of clear guidelines arguments for or against ‘demolition on merit’ have little meaning. On the subject of approved alterations to LHPs, the author of the DPTI paper is criticised for failing to recognise that ‘there are currently no controls over internal alterations to local heritage places other than Building Act requirements.’ The conclusion, endorsed by the North Adelaide Society, is

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?

The Community Alliance (P085) regrets that the truncated consultation process precluded getting feedback from its 23 affiliated organisations. Its submission consequently states the views of its office holders. After stating objections to DPTI’s consultation process and disregard for the Expert Panel’s recommendations – especially the need for a unified heritage authority – the Alliance submission recommends replacing the current system of protection through Development Plan Amendments with a simpler system ‘similar to that for State Heritage Places which allows public nominations and provisional listing’.



The Alliance lambasts the DPTI paper for lacking evidence to support its assertions that there is widespread dissatisfaction with the present local heritage system, that the listing of 8000 local heritage places represents a problem rather than an asset, and that South Australia could benefit from copying systems operating in other states. It opposes 'demolition on merit' and the use of thematic frameworks for any purpose apart from identifying gaps in state and local registers of heritage places.

The submission concludes with a ringing statement that heritage belongs to the people and elected councils rather than to a 'faceless, unelected, remote and unaccountable board appointed by Minister Rau'.

Save Our Suburbs (P108) is one of four such membership organisations operating independently in the capital cities of Sydney, Melbourne, Brisbane and Adelaide. They are primarily concerned with planning and development issues in the inner suburbs. In the view of the Adelaide group the DPTI 'Discussion Paper fails to make a case for overturning our current system of protection Local Heritage places'. That is not to say there is no room for improvement. A major problem has been the cumbersome legislative and procedural requirements imposed by DPTI itself. There should be room for nomination of LHPs by individuals and groups. There should be more input from the community and heritage professionals.

They express spirited opposition to the use of thematic frameworks or other tools to put quotas on particular categories of LHPs. They are alarmed by the absence of any mention in the DPTI paper of conservation zones or CIs. 'There is huge public concern over this issue.' An audit of present listings would 'be a waste of taxpayers' money'. 'The claim that objections to heritage listings can be as high as 70 per cent sounds like a Property Council ambit claim. In the 30 years we have operated we have never heard of this level of objections.'

It is probably no coincidence that six of the seven remaining submissions from residents' groups are located within the boundaries of councils that have placed heavy reliance on Contributory Items to safeguard zones of high heritage value: Charles Sturt, Prospect, Walkerville, Norwood Payneham St. Peters, Burnside, and Mitcham.

**'The claim that objections to heritage listings can be as high as 70 per cent sounds like a Property Council ambit claim. In the 30 years we have operated we have never heard of this level of objections.'**

Save Our Suburbs



Above: Cheltenham Park Residents Association asks “coming to a Backyard near your place”



**‘Independence of heritage consultants is an ongoing problem, particularly where a consultant may have a mix of heritage conservation and developer clients.’**

Prospect Residents Association

Cheltenham Park Residents Association (P026) points out that it has taken years of effort to create 15 heritage conservation zones within the City of Charles Sturt including nearly 4000 Cls. They urgently demand to know what fate DPTI has in mind for them. The Residents of Inner North-West Adelaide Incorporated (P151), with headquarters in a different part of the Charles Sturt council area, declare they have ‘no confidence in this ridiculously rushed process [of consultation], nor similar processes such as for the 30-year plan’. They fear once again ‘local knowledge and understanding will be completely bypassed and/or overridden by decisions thrust upon residents and councils.’

The nearby Prospect Residents Association (P153) finds the DPTI discussion paper deficient in detail and evidence on a number of key points. They ‘do not believe that heritage can be over-represented, particularly in relation to the impact on character’. Time allowed for community consultation on heritage listings needs to be extended, not reduced. Experience teaches that heritage professionals cannot always be relied upon to act impartially: ‘Independence of heritage consultants is an ongoing problem, particularly where a consultant may have a mix of heritage conservation and developer clients.’ Neither do they believe that the proposed Expert Heritage Committee ‘will be independent from the Minister and developers. An independent body like the State Heritage Council is a better option.’ They strongly support the retention of both Heritage Conservation Zones and the listing of Cls. A single online portal leading to all available information on heritage places could be valuable, but must not be open to misuse by those seeking to diminish listings or protection.

The Prospect Residents vehemently oppose ‘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.' '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.' Prospect Residents want more attention given to interwar heritage. A little to the east the Walkerville Residents Association (P076) 'rejects the State Government's Local Heritage Discussion Paper as a vague and 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.' It is only communities and their local councils that have the right to say what constitutes local heritage, 'not a Government appointed Planning Commission.' They dispute the DPTI paper's assumption that listed heritage places are too numerous. 'The 7000+ LHPs and 2200 SHPs are a small fraction of SA's total building stock and our valuable heritage places warrant protection.' Provided heritage values are retained the Walkerville Residents do not see a problem with a simplified process for approving minor works to LHPs. In concluding they see creation of a unified heritage system separate from planning, as recommended by the Expert Panel, a necessity whatever else may happen with the current 'reforms'.

The Kensington Residents Association (founded 1977) (P144) in the adjoining council area of Norwood Payneham & St. Peters '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.' They attach a sketch map showing just how drastic would be the effects of removing protection for Contributory Items in their neighbourhood, which has been a Historic Conservation Zone since 1994.

They want a simpler process '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.' They want local heritage protection left in the hands of communities and councils. They 'want more protection not less' and do not trust so-called experts to deliver it. Criteria for identifying significant local heritage will vary from council to council, so they do not see diversity as a problem.

**'The 7000+ LHPs and 2200 SHPs are a small fraction of SA's total building stock and our valuable heritage places warrant protection.'**

Walkerville Residents Association

**'Local heritage listing provides stability and certainty, the introduction of 'demolition on merit' would in turn introduce heritage uncertainty.'**

Kensington Residents Association

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.

**'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.'**

Kensington Residents Association



**NORWOOD PAYNEHAM  
AND ST PETERS (CITY)  
STATE AND LOCAL HERITAGE PLACES  
AND CONTRIBUTORY ITEMS**  
Fig Her/23  
(continued - 10 October 2011)

They find it hard to distinguish between LHPs and CIs. '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.' They favour streamlining the process of approving minor works to LHPs but would prefer it to be left in the hands of council staff rather than farmed out to accredited professionals. They also see value in an integrated register of all state and local heritage places, but one that is 'managed by an appropriate heritage authority, such as the Heritage Council, not by the Department of Planning, Transport & Infrastructure.' The Kensington Residents see danger in making local heritage chime in with 'the broad strategic objectives of the State'. '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.'



The association knows from experience that ‘heritage protection augments rather than threatens resale value. The trouble is that those higher valuations attract developers who threaten to destroy those very values [that give neighbourhoods their unique character].’ Renovation creates more jobs than new building with industrial components can ever achieve.

The Friends of the City of Unley Society (P182) comment that the DPTI paper ‘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.’ Their position is that local heritage is and should remain local, i.e. in the hands of elected local councils: ‘Top down decision making is not acceptable’. That means demolition controls and all aspects of local heritage management should be free of state government interference. Protection for existing heritage and character zones must not be diminished.

Lastly, the Blackwood/Belair and District Community Association in the Mitcham Council area (P129) does not have a problem with variations in the criteria of significance used to identify heritage places. ‘Indeed we can see differences just within the Mitcham Council area with the plains section of Mitcham being more densely populated earlier in the European settlement of South Australia than in the section of Mitcham located in the hills.’ While agreeing that the process for listing heritage places could be streamlined, the association blames the Minister and the Department of Planning for holdups and delays under the existing system.

There ought certainly to be early consultation with owners whose properties have been nominated for listing, especially when they are enthusiastic about having their property protected. Others should be made better acquainted with the benefits of listing, including grants for maintenance and plaques showing the historic significance of their property. The closer the involvement of communities and councils in the identification and management of heritage places, the better the process will be understood and supported. Most important, ‘Any proposed Bill based on this discussion paper should be delayed so that wide consultation can take place - not just with associations/Property Council/developers/Councils but also with wider community forums’.

**‘Any proposed Bill based on this discussion paper should be delayed so that wide consultation can take place - not just with associations/Property Council/developers/Councils but also with wider community forums’.**

Blackwood/Belair and District  
Community Association

Based on these submissions enough consensus exists among residents' and community organisations to make a few confident generalisations:

## 6. FINDINGS

### Residents' and community organisations:

1. object to the DPTI consultation process and ask for more engagement prior to the tabling of any legislation on local heritage.
2. do not believe there is widespread dissatisfaction with the existing local heritage protection system or much demand for any change coming from anyone besides the property and development industry. On the contrary, they believe it has proved its worth over many years. They blame delays and cumbersome procedures on the planning department and its minister.
3. welcome a streamlining of heritage surveys and listings which makes it easier for individual and communities to nominate new LHPs and speed the process of granting them permanent protection.
4. oppose any review or audit that diminishes or limits the number of protected heritage places and zones.
5. believe that the identification and management of LHPs, CIs and Heritage Conservation Zones should rest mainly, perhaps entirely with local councils.
6. do not want criteria of significance made uniform across the state and local government authorities. They see variation as inevitable, given variation in local history as well as the natural and built environment.
7. want continued strong protection for heritage conservation zones and CIs and are alarmed by the DPTI paper's failure to indicate what their fate might be under proposed reforms.
8. oppose demolition of LHPs and CIs 'on merit'.
9. believe the public needs to be better informed of the economic and other benefits of heritage protection.

## 2.3 SUBMISSIONS FROM HISTORICAL AND HERITAGE SOCIETIES

Submissions from voluntary interest groups are valuable for the diverse geographical spread and content. A longer period of consultation might have elicited more comment from these kinds of organisations, whose keen interest in planning and development questions is so often ignored or under-rated in the public arena. DPTI would surely not have imagined that these submissions would outnumber those from the property and development industry by 3:1.

Ten of the 18 submissions came from the National Trust whose 46 local branches are spread across the state; these will be separately considered, following a survey of the other eight submissions.

The Kangaroo Island Pioneers Association (P018) speaks up for a community whose council failed to make a submission. After the usual complaints about the consultation process and the Department's side-lining of its own Expert Panel's recommendations, the Association expresses surprise at the discussion paper's failure to offer any evidence that anything is wrong with the present local heritage regime.

It objects to the proposition that local heritage ranks below national and state heritage places in a hierarchy of values.

The Kangaroo Island Pioneers draw attention to the fact that the Island's 83 LHP outnumber State heritage places by 3 to 1, which to them indicates that local people are better placed to say what needs protecting. They commend the local heritage guidelines used in New South Wales. In a council area perpetually starved for resources, they see the employment of accredited professionals as a needless expense.

The Association supports removal of the requirement for a full DA in respect to minor works on LHPs along with the creation of a single online portal providing access to all heritage documentation. They propose a solution to the delays that have made heritage listing such a slow and cumbersome process. If the Minister does not act within six months of receiving nominations from a local council, those listings should be gazetted as approved. They support both Historic Conservation Zones and Contributory Items (of which KI has none) and regard interim protection for nominated LHPs as essential.

**‘Heritage is  
a key to both  
community well-  
being and economic  
development  
through tourism and  
conservation works.’**

Gawler Environment and  
Heritage Association

The Country Women’s Association (P138) criticises the DPTI paper for not acknowledging ‘the positive impact that heritage makes in our society-culture, lifestyle, tourism, etc,’ and for failing to demonstrate any failures in the present system for identifying and protecting local heritage. They oppose any ‘capping’ of the number of heritage places nominated for protection.

On the other hand the CWA has no objection to a ‘proper audited listing’ of existing state and local heritage sites being managed by the new South Australian Planning Commission. They object to any diminution of the role local councils play in heritage protection and close by expressing disappointment at DPTI’s lack of community engagement.

South Australia’s branch of the Garden History Society (P156) calls attention to the loss of gardens that so often are lost when heritage buildings are demolished, but their overriding concern is that ‘full consultation should occur and that time is taken [for] a true and complete exploration of the opportunities prior to heritage reform becoming enshrined in legislation.’

Since its formation in 1980 the Gawler Environment and Heritage Association (P154) has undertaken practical and educational work in the community. It shares concerns voiced in submissions from ‘National Trust of SA, Community Alliance SA and a number of local councils that are active in heritage conservation.’ The suggestions set out in the DPTI Discussion Paper have ‘the potential to undo a lot of the heritage protection work of the last 40 years’. ‘Heritage is a key to both community well-being and economic development through tourism and conservation works.’ Its benefits extend to the natural environment because ‘maintaining the embedded materials and energy in old buildings assists in reducing our carbon footprint.’

They want a much simpler procedure for listing LHPs and CIs in conservation zones. ‘The present requirement for a DPA is expensive and cumbersome.’ The alternative they favour is to require anyone proposing to substantially alter or demolish early buildings – say pre-1930 or World War II – should be required to submit a full DA justifying destruction of irreplaceable historic fabric. ‘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.’



The Australian Civic Trust (P159) sees heritage preservation as an important element in their promotion of better architecture and urban design. They ‘highlight the critical importance of major local input into the Heritage Listing process’, something best achieved through local government maintaining responsibility for local heritage.

As far as the Thebarton Historical Society is concerned (P178), the government is ‘focused on delisting and bulldozing the 8,000 local heritage properties in South Australia which only make up 1% of the State’s buildings’. When developers already have ‘99% of properties/buildings to develop, why do they want 100%?’ The Society sees:

- no benefit in copying other states
- an ongoing need for conservation zones and associated CI’s
- a need for more rather than less public consultation
- merit in simplifying applications for minor amendments to LHPs

and opposes

- demolition ‘on merit’
- removing responsibility for local heritage from elected councils
- any weakening of interim protection during heritage assessment and listing processes

Burnside Historical Society (P112) wants to know what will become of Historic Conservation Zones & CIs. In their view best practice in local heritage is demonstrated by what is on the ground rather than in the laws, citing the contrast between Western Australia’s booming Fremantle historic conservation precinct and the sorry state of Port Adelaide. The SA government should acknowledge that local heritage belongs to local communities. The Burnside Society see heritage preservation as a bulwark against inappropriate development and believe it will be best managed by a single heritage authority standing apart from the planning and development approval system.

Dennis Coleman, President of Aurora Heritage Action (P174) a group dedicated to better heritage preservation in the Adelaide City Council area, is '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.' Challenging the proposition that new development promotes economic activity, he cites the removal of historic boatsheds at Port Adelaide, which killed the commercial heart of the district. In contrast, preservation of strips of old buildings in Adelaide enlivens streets with restaurants, bars, etc. The reforms suggested in the DPTI paper 'will no doubt cause irreparable damage to the fabric of many local communities'.

Prospect Local History Group (P007) contributes a thoughtful and incisive 9-page paper, culminating in 17 specific recommendations:

1. That consultation of this Local Heritage Reform Discussion paper be widened to include an advertised invitation to Local Government, community organisations (particularly local history and heritage groups) and interested individuals to make submissions.
2. That there be no 'merit pathway' and the planning system for development should either be complying or non-complying.
3. That Contributory Items remain listed by Local Government and continue to be afforded protection from demolition without good reason.
4. That the period of community consultation be extended for at least six months and that the consultation be launched at a well-advertised public forum with the Planning Minister in attendance.
5. That Interim operation/protections be retained to avoid pre-emptive demolition of potential listings and to retain a degree of certainty for the community.
6. That Councils and their communities are supported by the State Government with an effective stewardship model for local heritage with comprehensive Local Government Heritage Guidelines. [Cites NSW support for council involvement; see <http://www.environment.nsw.gov.au/Heritage/heritage-support.htm>]
7. That the proposal for using accredited professionals to assist statutory functions and have decision-making power/influence be removed.

8. That the substitution of the phrase 'historic character' for 'character' in legislation be proceeded with. That retention and expansion of historic conservation zones where demolition of historic fabric is tightly controlled is preferable to protection of selected individual buildings.
9. That a legally binding overarching management framework be put in place such as a heritage agreement to ensure that the heritage values of the place are appropriately managed.
10. That planning department internal administrative reform be implemented as a way of solving many of the problems set out in the 'key issues', such as lengthy and unpredictable processes. That heritage listing proceeds automatically in the event the Minister does not deal with council recommendations within 180 days.
11. That there be separate Ministers and statutes with one responsible for planning and development assessment; and the other responsible for heritage listing and heritage management to reduce the perceived risk of conflict of interest.
12. That all conservation zones aim for 'best practice' and be supported in this process.
13. That the same criteria apply to heritage evaluation whether national, state or local. The only variation is that the local heritage places need not prove their significance beyond the council area.
14. That South Australian heritage themes be brought into line with the national framework, but not as the process assisting in establishing hierarchies of significance, quality or quantity nor as a template for a collection policy.
15. That the State Government construct a single internet portal that will provide access to documentation on all South Australian heritage places.
16. That current heritage listing criteria be expanded to include a Regional category; monuments; special landscapes.
17. That the State Government investigates a state based lottery to fund heritage projects.

The ten submissions from the National Trust of South Australia (NTSA) reflect the diverse character of its operations across the state.

In a short submission on behalf of the Cultural Heritage Advisory Committee, the president (P110) makes the following points:

- In view of widespread dissatisfaction the DPTI consultation process should begin anew.
- The discussion paper offered no explanation of why major changes to the existing system are needed. Vague references to best practice elsewhere are an inadequate basis for change.
- Improvements to the present system should not require legislation.
- Identifying and protecting local heritage is best done by elected councils.
- It is a fallacy to confuse the geopolitical divisions of nation, state and local with a hierarchy of importance. All three categories of heritage are equally worthy of protection.
- Thematic frameworks aid interpretation but cannot be used to choose what is to be protected.
- The DPTI paper does not explain how changes will result in better protection.
- There is no need to invent new criteria for listing.
- Demolition should always be a non-complying use in applications for development of heritage places.
- 'Discussion of character apart from that embodied in surviving historic fabric of buildings has no place in a discussion of local heritage.'
- All advice to DPTI on heritage should come from the State Heritage Council, not internal units or committees.

Submissions from rural and regional National Trust branches fill some gaps left by councils who did not respond. Robe, with 30 state-listed places, is justly proud of its historic character. The branch is convinced that its 59 LHPs would never have been registered had they depended on 'governance solely from a department in Adelaide'. They also express disappointment in DPTI's failure to notice the service to local heritage rendered by volunteers in community organizations such as the National Trust and local history Groups.

The Renmark branch (P122), located in the Renmark Paringa Council area protests at the lack of consultation and rejects the proposition that local heritage deserves least protection because it ranks below that state and national heritage. Unsurprisingly, in a region with no listed heritage places, the branch is unimpressed by the concept of over-representation.



Strathalbyn branch (P181) comments that ‘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.’ One of the branch members, Warren Doman (P060), believes that if local councils were removed from the listing process, ‘then it is hard to see that there will be many local heritage places put on the list for protection ... in the end it is only the people in the community who can say what they believe deserves protection.’

Mount Lofty branch (P092) agrees ‘any decision on current or future listings must remain with the local community through their elected representatives, the Local Council’. Places currently protected must stay protected because of their economic and cultural contribution to the State.

Tea Tree Gully branch (P095) points out that the heritage museum they maintain sits within a historic township with over 30 LHPs and CIs. ‘The direction of the discussion paper seems to reduce local community involvement in favour of “accredited heritage professionals” and the “expert heritage committee”. Local people are in the best position to identify places deserving protection. Local councils, given their closeness to the local community, including membership by locals, are normally in the best position to assess and protect local heritage.’ The branch replies to the question ‘how many LHP’s are too many’ with the question ‘how many are too few?’ They reject the idea of a hierarchy of importance, demolition on merit, and any diminution in the time available for consultation on proposed heritage listings.

Hahndorf branch (P107) places its advocacy within a much broader national and international context. ‘If, as the Discussion Paper frequently suggests, we are to look at overseas and interstate examples of “best practice”, we will see that whole precincts, villages, neighbourhoods and districts, not just individual buildings, have been heritage listed and preserved.’ In combatting the concept of a hierarchical heritage values – state, national and local – the branch cites the example of the City of Yarra, Victoria with 32 heritage precincts (see <http://www.yarracity.vic.gov.au/Planning--Building/Heritage/Heritage-Precincts/>), which, taken together are of international significance: part of one of the great Colonial Victorian-era cities in the world.’

**‘Unfortunately we don’t see anything in the proposed reforms that suggest they will enhance their heritage preservation.’**

National Trust of South Australia  
(Strathalbyn Branch)

**‘Local people are in the best position to identify places deserving protection. Local councils, given their closeness to the local community, including membership by locals, are normally in the best position to assess and protect local heritage.’**

National Trust of South Australia  
(Tea Tree Gully Branch)

**‘Heritage and development are not antithetical; the two can be reconciled through good and imaginative planning, architecture and regulation, as for example in thoughtful adaptive re-use of buildings.’**

National Trust of South Australia  
(Port of Adelaide Branch)

The branch responds to the concept of ‘over-representation by citing their own town as an example. ‘If, like many other precincts and small towns it was listed at the local level, would we have to deduce from this idea that as long as there is one traditional fachwerk cottage in Hahndorf then all the others can be knocked down?’ Demolition on merit would be deployed by ‘canny developers’ as an instrument to destroy the heritage economy that underpins the town’s economic existence.

It is time, they conclude, that heritage ‘be removed from the Department of Planning, Transport and Infrastructure. This Department, one of whose primary aims is to facilitate and approve developments, is open both to accusations of, and actual conflicts of interest when it is required to also protect and preserve our heritage.’

Gawler branch (P185) is aggrieved by a consultation process that excluded local groups like their own. ‘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.’

Port of Adelaide branch (064) contends that ‘heritage and development are not antithetical; the two can be reconciled through good and imaginative planning, architecture and regulation, as for example in thoughtful adaptive re-use of buildings.’ ‘It is both important and sound for communities to define what is of value to them; at present there are mechanisms for public consultation but these mechanisms do not employ a community-led definition of heritage.’ Like so many other submissions, this one points out that the proper forum to deliver judgments on heritage value is the South Australian Heritage Council.

## 7. FINDINGS:

### Voluntary History and Heritage Societies

1. find no evidence in the DPTI paper or anywhere else that there is anything fundamentally wrong with the existing system of local heritage protection.
2. want the system run by local councils rather than government bureaucrats.
3. believe little if any notice is taken of their expertise on local heritage by key decision-making bodies.
4. believe that local communities are the ultimate authority on what constitutes local heritage.
5. support the retention of existing LHPs, CIs and Historic Conservation zones and wish the door to remain open for further listings in all three categories.
6. want heritage listing procedures to be simplified by removing roadblocks in the Planning Department, allowing open nominations of heritage places, and dropping the requirement for listing via DPAs.
7. deplore the absence of recognition in the DPTI paper of the positive economic, cultural and community contributions benefits conferred by heritage protection.
8. want state government decisions on local heritage to be based on advice from the Heritage Council, not DPTI officers or any of the department's constituent committees.
9. support or are silent on the question of making it easier to approve minor works to LHPs.
10. support or are silent on the creation of a single online portal leading to all available heritage documentation.

Other suggestions worthy of consideration put forward by particular associations include:

1. drastic simplification of heritage protection processes by requiring a fully justified application for any proposed demolition or significant alteration to historic fabric dating from a specified cut-off date, e.g. 1919, 1930, 1939, to be assessed by an independent heritage authority.
2. substituting the single category 'historic character' for the presently separate categories of heritage and character in planning documents.

## 2.4 SUBMISSIONS FROM ARCHITECTS, HERITAGE CONSULTANTS, HISTORIANS AND OTHER PROFESSIONALS

The title page of the DPTI discussion paper explained that it had ‘been prepared to encourage high-level ideas and feedback from experts and practitioners involved in local heritage practice’. It is disappointing to see that so few submissions (15, or less than 10%) came from such individuals.

Four experienced and highly credentialed architects responded.

**‘The question of “how many is too many” should come later rather than earlier in the process, (if at all), and should follow comparative analysis against historic themes. Ultimately this is something that should be decided at a local community level.’**

Andrew Stevens, architect

After 30 years’ practice in the field Andrew Stevens of Stevens Architects (P104), sees sense in bringing criteria of significance for LHPs into line with criteria employed in state heritage and the widely used criteria endorsed at the 1998 Australian Conference on Heritage (HERCON). ‘What is important is how the criteria are amended to suit application at a local level and how the criteria are applied’, making sure that ‘the wording of the criteria’ will not ‘inappropriately influence the outcome of assessment for listing’.

The use of ‘practice directions’ recommended in the DPTI paper would lessen inconsistency in local heritage assessments. But it is a mistake to designate local heritage as a low-ranking category of importance compared to state and nationally protected places.

‘The question of “how many is too many” should come later rather than earlier in the process, (if at all), and should follow comparative analysis against historic themes. Ultimately this is something that should be decided at a local community level.’

Experience makes him sceptical about the ability of early engagement with owners to lessen conflict and disagreement. Any listing process that allows appeals at a later stage will inevitably ‘pave the way for new objections and disagreements.’ Without interim controls during nomination and listing processes demolitions will happen.

Noting that there is already ‘concern at the local level that broadening the role of the “expert heritage committee” could water-down local listings.’ For that reason it is important that any such committee comprise recognised heritage experts and practitioners. Reviewing or auditing documentation on existing listings would be very expensive. Who will pay?

The DPTI paper provides insufficient detail on the issue of ‘character’, demolition controls and how professionals such as Mr. Stevens himself might be ‘accredited’.

Michael Pilkington, an award-winning veteran architect (P114), emphasises the moral responsibility resting on all involved with the protection of historic places.

We have a moral & ethical duty as custodians that have received previous built work from older generations, to protect and hand it on to future generations, as intact as we can, hopefully in better condition.

Heritage is not a negotiable commodity, once its pedigree has been established by learned analysis. It doesn't slide on or off lists, once its deemed to have value – there it sits. It cannot be by the whim of one person or committee to be persuaded, cajoled or bribed to change a heritage article's significance.

From a practical point of view all processes associated with heritage places should deliver certainty to owners and developers.

Broadly, developers want certainty and legislation should deliver it, by simply explaining that places of Heritage Significance, the certainty of which is that society truly values them, isn't going to change it's mind about them, give up on them, allow them to rot where they are. Similarly, property owners need certainty about how their particular asset can be preserved for all to enjoy.

The idea that 'heritage demolition [can be] allowed on an assessment of the merit of the replacement against the existing is just so totally ludicrous.'

The proposition imagines that a current (often aesthetic) opinion can outweigh a whole existing built form/place. Heritage simply has to be an incorporated, intrinsic, counterpoint to the newer work, not 'bowled over'. Those days have gone. Heritage retention certainly changes the nature of the development, but in no way hinders a very satisfactory built outcome and there are countless examples around Adelaide of very successful Heritage retention/redevelop strategies.

In a submission richly embellished with pertinent visual images, Alexander ('Sandy') Wilkinson – director of Alexander Wilkinson Design, planner, heritage practitioner and Adelaide City Councillor (P080A) – concentrates on the practical – especially the economic – aspects of local heritage.

Renovation and conservation of existing buildings generates far more jobs per site than new building.

He knows of no examples where heritage protection has deterred development or investment.

**'Heritage is not a negotiable commodity, once its pedigree has been established by learned analysis. It doesn't slide on or off lists, once its deemed to have value – there it sits.'**

**Broadly, developers want certainty and legislation should deliver it, by simply explaining that places of Heritage Significance, the certainty of which is that society truly values them, isn't going to change it's mind about them, give up on them, allow them to rot where they are.**

Michael Pilkington, architect



**‘Current practice is riddled with inconsistencies and anomalous treatment of similar places. Very few buildings are incapable of restoration or so compromised as to be unable to be returned to something like their original form.’**

Sandy Wilkinson, architect,  
Adelaide City Councillor

Local Heritage items and character items currently constitute only a fraction of the developable land in and around Adelaide. In the City of Adelaide less than 20% of the 10,000 properties in the city are listed. If all those that should be listed were added to the register this would still only amount to 25% and less than 15% of the land area.

Equity should also be a prime consideration. ‘If every building in a street is part of the historic fabric it is only fair that all be equally protected.’ Unless protection of listed places is absolute ‘inequities arise with some owners able to generate more profit by paying less at auctions, then changing the rules. ‘Current practice is riddled with inconsistencies and anomalous treatment of similar places. Very few buildings are incapable of restoration or so compromised as to be unable to be returned to something like their original form.’ Recent changes to urban design regulations have unfairly affected owners of many LHPs and should be revoked.

Wilkinson rejects the concept of over-representation, citing the beneficial consequences of protection for London’s Knightsbridge, where 95% of buildings are heritage listed. What South Australia most needs is Historic Character listing for every building of a specified age. Interim protection is a must, otherwise unauthorized demolition would happen. All heritage places of every category should appear clearly on development plan maps. All proposed demolition of identified fabric should be non-complying.

Carolyn Wigg – architect, planner, academic, former Walkerville city councillor and Heritage Council member – supports (P150) ‘a process for public nominations and assessment criteria that will be consistent with State and National HERCON criteria.’

Placing responsibility for local heritage with DPTI under the PDI Act 2016 contravenes ‘a fundamental principle that heritage listing and management processes should be separate and independent of each other’. Heritage assessment should be overseen by the state’s independent heritage authority. Wigg sees no value in copying other states and suggests that local heritage places should be merged into the State Heritage Register.

She recommends that heritage impact statements be required in all DAs involving listed heritage places, detailing ‘the cultural, social environmental and economic costs and benefits of development proposals that could significantly affect heritage places’.

**‘A fundamental principle is that heritage listing and management processes should be separate and independent of each other’.**

Carolyn Wigg, architect,  
Member of Heritage Council

**8. FINDING:**

Submissions from architects find merit in proposals to reduce inconsistencies in practice by better alignment of local heritage listing criteria with state and HERCON usage, but do not specifically endorse other recommendations in the DPTI paper. These experienced architects regard heritage protection as both a moral and a practical imperative, oppose lowering the bar for demolition of heritage places and would prefer to see the final say on local heritage registration confided to recognised heritage experts working under an authority independent of the planning and development system. They reject the concept of a hierarchy of values and protection with local heritage at the bottom.

Three qualified town planners (apart from the architect/planners considered above) made submissions.

Hugh Orr (P090), having lived in the Norwood Payneham St Peters council area for over 40 years, believes that local government authority 'has achieved a good balance between preservation and development' and endorses their submission (P097). 'Local government – and local communities – are best suited to make decisions about local heritage. I would not like to see this taken out of the hands of local government or their influence in this field weakened in any way.' Among the economic benefits of local heritage he singles out 'hi tech and innovative industries' which are as likely to be attracted to the historic precincts of Adelaide as in San Francisco and other great cities. He does not see any reason to put numerical limits on listed LHPs: 8000 is not an excessive number. Legislation governing local heritage in other states is irrelevant because South Australia is unique in so many ways.

Iris Iwanicki, principal of Iris Iwanicki & Associates, Planning and Heritage services (P111) has wide experience of the field, having served the state and private sector with distinction over many years. She sees no necessity to align criteria of significance for local heritage, with those used in other jurisdictions. Local practice 'should be able to reflect what is historically important to local communities in response to how they value aspects of their way of life and culture'. For similar reasons she is not worried by inconsistency in local council procedures and outcomes.

**'Local government – and local communities – are best suited to make decisions about local heritage. I would not like to see this taken out of the hands of local government or their influence in this field weakened in any way.'**

Hugh Orr, Town Planner

**'The expert review stage (by LHAC [Local Heritage Advisory Committee of DPTI]) occurs far too late and is opaque, inconsistent over time and grounds for decisions are not well documented.'**

Jim Allen, planner

In my previous experience as Register Historian with the State Heritage Branch and subsequently in planning both in policy and development assessment areas, it has become abundantly evident that there is 'uneven recognition' brought about by geographical differences and available resources. This is not a negative result, but reflective of regional and local differences.

She very strongly endorses implementation of a simpler, more efficient system for identifying and listing heritage places at both the local and state level. It should not be necessary to secure approval from State Heritage for alterations of LHPs or other places within proclaimed State Heritage Areas. 'Cherry picking to eliminate local places at a state level [presumably by DPTI] should be avoided to reinforce the commitment to efficiency.' Every LHP should have an appropriate 'table of controls', but as internal alterations do not presently require any special approval, there is no real need for devolving assessment to 'accredited professionals'. There should be 'quite detailed practice directions' set out for 'heritage surveys and reviews of places, involving extensive archival and other research'.

Where Iwanicki's submission stands apart from all but two others is in her call for removal of protection for all Contributory Items, which in her experience are all too frequently treated in exactly the same fashion as LHPs.

Jim Allen (P117) writes privately, not in his official capacity as an Adelaide City Council policy planner with extensive experience of DPAs. He expresses disappointment in the flawed consultation process, disregard for the Expert Panel's recommendations and the DPTI paper's failure 'to adequately reflect and respond to issues identified by a range of stakeholders and experts about the system of heritage management in South Australia over many years'.

As a planning professional ethically committed to efficient and effective public administration, I am painfully aware that the heritage DPA process, which was cumbersome at the outset, has become progressively more dysfunctional, wasteful of scarce public resources, unpredictable, and prone to undue political influences, as well as interminable delays. Under the present system:

The expert review stage (by LHAC [Local Heritage Advisory Committee of DPTI]) occurs far too late and is opaque, inconsistent over time and grounds for decisions are not well documented. The ACC estimated recently that it spent \$500,000 on consultancy fees alone to list only a few dozen Local Heritage Places in central Adelaide, having predicted,

based on expert heritage advice, a far larger number. There were moving goal posts, culls behind closed doors, and the second stage of the DPA was dragged out until it lapsed.

Another roadblock that ought to have been tackled is the provision for objections relating to LHPs to be taken to the Environment, Resources and Development Court (ERD), which in Allen's opinion, just 'benefits members of the legal fraternity' and is 'probably a mistake'. If notice is to be taken of practices in other states, he recommends the Victorian system.

The Victorian Planning Panel process is superior to the processes of DPA review using advisory committees in South Australia. Expertise is shared in a way that promotes better practice. VPP findings are articulated at length, effectively and logically, helping to inform and guide similar reviews by subsequent Panels, the work of heritage consultants, and decisions by Councils and the Minister. Releasing a public report of findings beforehand improves the chances a Council will heed VPP advice; and, if not, the Council's reasons must be published. VPP hearings and public reporting prior to decisions on proposed listings offers some disincentive to putting politics or sentiment before well considered and tested expert opinion.

In Allen's view the discussion paper appears regrettably to reflect the views of the Property Council in suggesting that some kind of limit or quota be set on the number of LHPs, without establishing any intellectual basis for that judgment. 'Expert bodies such as ICOMOS do not accept this approach.'

Given that so many councils take no apparent interest in local heritage, consideration should be given to follow the practice of states that oblige them 'to introduce a local list or conduct an inventory'. Of course, funding would inevitably be a factor, especially for smaller, poorly resourced councils.

So diverse are the submissions from these three qualified planners that it is difficult to make generalisations beyond a simple statement.

**9. FINDING:**

Submissions from qualified planners with heritage experience do not specifically endorse any reforms suggested in the DPTI discussion paper but do contain the kind of ‘high-level ideas and feedback’ the department hoped to elicit from professionals. The planners reject numerical quotas on local heritage places and make valuable suggestions for improving the local heritage protection system that are not discussed in the DPTI paper.

Two professional historians with long experience of the local heritage system made submissions.

Patricia Stretton (P164), retired curator with the History Trust of South Australia, complains that the discussion paper speaks ‘of local heritage as if it is of no real importance (unlike State heritage listing)’, a ‘wrong-headed view’. The planned changes seem purpose-built to facilitate demolition of LHPs.

Patricia Sumerling (P047) has had a long career as an expert consultant, is author of many books on local history, and won the History Council’s ‘historian of the year’ award. She argues that removal of any designated heritage place undermines certainty in the property market and confidence in the listing process – citing as examples, demolition of the state-listed Union Hall and Maughan Church. She supports aligning state and local criteria of heritage significance and wants something done about councils that have failed to undertake surveys and listings of LHPs.

She, like heritage consultant Sandy Wilkinson (P088), advocates drastic simplification of the heritage listing system by requiring a rigorous process for any development proposing demolition of buildings constructed prior to a specified cut-off date, in her case 1942.

Other submissions from professional practitioners do not form obvious groups but raise individualised concerns.

Alison Bowman (P146), lecturer in the School for Building and Furnishing at the Tonsley School of TAFE, points to the need for more specialised training in the skills required for maintenance and restoration of heritage places.

Pamela Smith (P163) is a former lecturer in Cultural Heritage Management at Flinders University, who has also served as a member of Mitcham Council’s Heritage Advisory Committee



and is a past president of the Blackwood/ Belair and District Community Association. She agrees with points made in the National Trust's initial response to the DPTI discussion paper. She regards alignment of state and local criteria of significance as a potentially dangerous initiative that risks raising the bar for listing to the much higher level required for state listings.

She is surprised at the negativity of the discussion paper which passes over all the economic and cultural benefits local heritage preservation brings to communities and the state.

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.

Judith Murdoch OAM (P158), is a member of Naracoorte Lucindale Council's Design Assessment Panel and co-author of a *History of Naracoorte*. In her experience, '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.' Too often special interests prevail over community interests when heritage protection is at stake. There needs to be a greater clarity about the rules and procedures governing local heritage listing, with knowledgeable local people given as much say as architects and historians.

Melissa Ballantyne (P167), a lawyer writing for the Environmental Defender's Office (EDO), believes we are in danger of missing a 'generational opportunity' in South Australia's management of heritage by failing to implement the Expert Panel's proposal for an integrated heritage authority independent of the planning and development system. Her proposed solution to the cumbersome processes and delays that plague the local heritage scene is to make councils the final authority on listings, free of review by either DPTI or the new state planning commission. She sees 'no compelling need' to align local criteria of significance with state or HERCON criteria.

**'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.'**

Judith Murdoch, OAM

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.

Local councils could benefit from the use of standard framework documents and practice directions to guide the assessment and listing process. They should also provide incentives designed to demonstrate to owners and the community the economic benefits of heritage preservation. Ballantyne endorses the creation of a single online portal giving access to all documentation on heritage places, managed through the DPTI and/or State Heritage websites. The new Planning and Design Code should list all development involving heritage demolition as non-complying. Interim protection for nominated places will continue to be important.

Ballantyne takes the same view of CIs as Iris Iwanicki (P111): they are too often treated as if they were LHPs. Streetscape and character protection would be better served by streetscape and scale controls.

Colin Harris (P116) writes as a scholar of history and geography, as well as a former divisional director of the South Australia Environment Department during a 30-year career with that authority. He thinks a mistake has been made by singling out Local Heritage in the discussion paper rather than taking an integrated approach to all heritage protection.

This is not too much to expect of a Government – it should be able to see the bigger picture and work towards it. ...

As a stand-alone reform process it should be terminated and recommenced at a later date with a much broader and properly integrated approach.

He perceives a regrettably ‘negative tone and flavour’ in the discussion paper. He agrees that current local heritage processes need streamlining; a first step would be to replace the DPA process with ‘accredited professionals in the assessment process and the use of an expert committee in the assessment/endorsement of listing recommendations’. In a properly integrated system assessment procedures would be closely aligned with, if not identical to those involved in state heritage listings.

It is hard to argue against early engagement with owners but ‘the suggestion that this could reduce objection rates from as high as 70% to as low as 1% stretches the bounds of credibility.

It is essential that interim operation remain.’ Thematic frameworks have a place in heritage assessments but cannot, for reasons set out in other submissions, be a device for determining numerical representation of any category of heritage place.

This raises the issue of how many is enough, and in this context it is disturbing to see the Discussion Paper implying that currently having around four times as many Local Heritage places as State Heritage places is a problem for South Australia. It is not a problem – it is exactly what would be expected: the criteria for heritage listings result in a pyramid – there are few World Heritage listings at the apex, somewhat more National listings a level down, more State listings than National and more Local listings at the base than any of the others.

Reviews of listed heritage places may be needed from time to time, but the procedure of review should be open and transparent, lest it raise ‘suspicion and accusations that vested interests are influencing the process and its outcomes’. The same goes for any process culminating in demolition of a listed place. If, as suggested in the paper, the local heritage process is to accord with the ‘broad strategic objectives of the State’ those objectives must be clearly stated. ‘If a Minister, or a Government collectively, feels there is a need to intervene in a listing process this should be a matter of public knowledge and the reasons open to public debate.

Anything less than this will inevitably raise suspicions of special pleading and lobbying from interests external to Government.’

Taken together, the diverse submissions from professional practitioners are stimulating and imaginative.

**‘If a Minister, or a Government collectively, feels there is a need to intervene in a listing process this should be a matter of public knowledge and the reasons open to public debate.’**

Colin Harris

**10. FINDING:**

Architects, consultants, historians and other professionals with experience in heritage work demonstrate the kind of 'high-level' thinking the DPTI discussion paper aimed to solicit but do not endorse most suggested changes to local heritage practice put forward in the paper. They differ on the question of how much authority over local heritage listing should remain with or be devolved to local councils.

They support a single online portal giving access to all available documentation on heritage places and agree that advice on heritage values and proposed listings should be independent of DPTI and be provided by acknowledged experts in heritage.

They insist that interim protection must be part of any heritage listing process and that proposals to demolish heritage places should be made non-complying uses and subject to rigorous, public and transparent assessment.

**11. FINDING:**

Specific suggestions from individual respondents worthy of consideration include: radical simplification of local heritage protection by requiring that any proposed demolitions of LHPs of a certain age be supported by cogent justifications; reviewing the role of the Environment, Resources and Development Court; and compelling all councils to undertake periodic heritage surveys for the purpose of nominating LHPs.

Many of the professionals see equity issues for owners arising from the differential protection accorded to LHPs and CIs, and would prefer blanket streetscape controls mandating equal protection to all heritage places within designated heritage conservation zones. Two propose to remedy the problem by removing CIs altogether, a measure that would drastically affect the nine councils that rely mainly on CIs to realise their heritage objectives.

## 2.5 SUBMISSIONS FROM PROFESSIONAL ASSOCIATIONS

Four submissions came from professional associations closely involved with heritage policy and practice.

Australia ICOMOS (P066) was formed in 1976 as a national chapter of the International Council on Monuments and Sites. Twenty-eight South Australians have met the stringent requirements for membership.

The association's submission endorses the Expert Panel's recommendation that all heritage protection be brought under a single authority set apart from DPTI, using different thresholds to differentiate local from state heritage places. They favour 'identification of significance thresholds and elements of heritage value for potential heritage places, as a best-practice approach to heritage assessment', along with 'development of a revised Historic Thematic Framework.' They reject the use of that or any other tool to place numerical limits on protected places. Where numerous candidates for protection form a cluster they recommend deciding whether that group would be better designated 'as a heritage area or precinct'.

ICOMOS is very much committed to local involvement in the listing process and believes it might be better served by putting the initiative for nominations on individuals rather than councils subject to 'political pressure and influence'. 'Community consultation as part of local heritage studies should be mandatory.' The association regards Heritage DPAs as 'a cumbersome mechanism for Local Heritage identification.

A system mirroring the current State Heritage nomination and assessment process would allow a more transparent, community focused process to occur, which is better heritage practice.' The organisation also wants more funding directed to local heritage surveys by professionals.

Noting the discussion paper's failure to mention conservation zones and CIs, ICOMOS reminds the government that 'Area protection is 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 in planning policy.' The association rejects any use of the term landmark in relation to heritage assessments, as it suggests an invidious comparison with places less worthy of preservation. Demolition is supported only where deterioration or other

**'Community consultation as part of local heritage studies should be mandatory.' The association regards Heritage DPAs as 'a cumbersome mechanism for Local Heritage identification.'**

ICOMOS



**‘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.’**

Australian Institute of Architects

factors have destroyed heritage values. Consideration of the merit of a proposed replacement building should not come into it. The use of accredited heritage professionals to approve minor works may be superfluous, given that internal alterations to LHPs require nothing more than compliance with the building code. Appended to the submission is a précis of comments made by Deborah Lindsay on behalf of ICOMOS at the September 26th public forum in the Adelaide Town Hall.

The Australian Institute of Architects (P172) sees no need to place local heritage on ‘renewed foundations’. The review ‘should identify and build on the positive aspects of the existing system’. The Institute supports fast-tracking of ‘approvals for repairs, maintenance and conservation work based on accredited expert advice’. Bringing criteria for assessing significance in LHPs into line with national ‘best practice’ is also endorsed, with the proviso that detailed consideration is given to ‘how the criteria are amended to suit application at a local level and how the criteria are applied.’ Thematic frameworks have already proved their utility in local heritage work in many jurisdictions, but the best outcomes require ‘informed consideration to achieve best practice outcomes and should be subject to further consultation with experienced heritage practitioners and approval authorities’.

The Institute sees an urgent need to streamline the local heritage listing process which has led to the loss of many places worthy of preservation.

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.

Reviews of existing LHP listings would be hugely expensive and complex, requiring at the very least access to individual properties.

Local heritage areas must also be retained. Because heritage is distinguishable from character ‘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 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.’ It sees no need to depart from current practice in relation to ‘demolition on merit’.

Planning Institute Australia (P083) with 5300 members nationally and internationally, commends the Expert Panel’s report and worries that so few of its recommendations get a mention in the DPTI discussion paper. They particularly worry that the recommendation on ‘consolidation of heritage authority under one authority may be evaded’. Provision for public nominations as proposed would be a step forward. They are sceptical about a general review or audit of LHPs, which would certainly be expensive and could undermine certainty about the development status of properties.

The Planning Institute comments extensively (more than any other submission) on the issue of distinguishing heritage from character.

‘Confusion between heritage and character highlights the importance of character to the community in its own right. Character is often attributed to streetscape elements, such as building age/style, setbacks, fencing and trees/gardens, and has led to the listing of clusters of properties or the establishment of ‘heritage’ areas.

In this context, PIA emphasises the need to address heritage areas as part of the heritage reforms process. It is suggested that heritage criteria applied to listings could also be applied to heritage areas; where an area does not meet the criteria, there may be cause to create a ‘character’ area. PIA also considers that the delineation of heritage in a separate Heritage Act (as recommended by the Expert Panel) could further assist in the drawing distinctions between ‘heritage’ and ‘character’, as character could be addressed separately in the Planning, Development and Infrastructure Act 2016.

The Planning Institute does not accept there is a hierarchy of significance (national, state and local), believing that ‘local heritage is important locally just as state heritage items are significant at a state level’.

They are annoyed by existing confusion between listing of LHPs and reconsideration of the validity of that listing in the assessment of DAs. Once a place has been listed the question should not be revisited. The Institute sees merit in developing schedules of works exempted from the requirement of development approvals concerning LHPs.

**“Confusion between heritage and character highlights the importance of character to the community in its own right.”**

Planning Institute Australia

**‘Act innovatively by placing all heritage places dating from SA’s first century of European settlement (1836-1936) under protection as local heritage places’.**

History Council of South Australia

The History Council of South Australia (P072) is an umbrella organisation whose membership includes academics, professional historians, educators, librarians, and archivists and special interest groups such as those interested in engineering, military history, etc. They believe that advice and management at the state level in all heritage matters should be the province of a proper cultural heritage unit, not DPTI.

They declare that the time has now come to ‘act innovatively by placing all heritage places dating from SA’s first century of European settlement (1836-1936) under protection as local heritage places’. This would simplify and strengthen the system, and enable more attention to be focussed on listing of post-1936 places. By reversing the discussion paper’s endorsement of ‘demolition on merit’, it would place ‘the onus on those who wish to demolish to determine the age of the property and to provide evidence for the greater benefits of demolition’.

Criteria for assessing heritage significance will always require review and adjustment with input from ‘local communities and voluntary organisations such as the National Trust and the HCSA as well as government agencies and historical and other heritage professionals.’ The ‘use of historic themes is indeed a valuable tool, and the first step should be to build on an updated SA historic thematic framework (including time periods and regions), which has guided the survey and assessment of state and local heritage places since 1980.’

Reflecting as they do the specialised professional concerns of their organisations it is not possible to generalise much about the content of these submissions.

## 12. FINDING:

Submissions from professional bodies support a review of criteria for establishing the significance of LHPs, the use of thematic frameworks and the protection of heritage conservation zones. They propose various methods for simplifying the present system of listing local heritage via DPAs. They do not express support for assigning local heritage to the lowest position on a hierarchy of significance.

## 2.6 SUBMISSIONS FROM PLANNING, PROPERTY & DEVELOPMENT INDUSTRY

Many groups and individuals speculated in their submissions that property and developer interests have been driving the DPTI agenda on local heritage reform. If so, they are not making much of an effort. The unexpected paucity of submissions from that sector suggests a low level of interest. Only six submissions came from individuals or groups involved in a practical way with property development (2 from individuals, 1 from a private firm and 3 from industry lobby groups).

Hew Dent (P014), a mechanical engineer, opposes all the proposed reforms, on the ground that it is only our surviving heritage that makes Adelaide different from other large cities.

Harry Seager (P0147) manages a portfolio of several listed heritage places within a conservation area. For him local heritage is a practical matter best handled with maximum input from communities and local government. The DPTI paper suggests a process that would significantly restrict public involvement at the 'operational end of the process.'

Only one private company which works on behalf of property developers, URPS (Urban and Regional Planning Solutions, P012), offers a short submission in point form with very little supporting argument. The managing director sees as 'very necessary':

- Revising the Local Heritage Listing Criteria
- Implementing a Framework Document and Practice Direction
- Streamlining the listing process – new forms of engagement supported, in concert with emergency protection measures
- Improving how we record local heritage places
- Clarifying the difference between Character and Heritage to guide new planning policy implementation
- Streamlining the Development Assessment process to facilitate – very minor and low risk works and to support arguments to have demolition considered on merit

URPS additionally recommends:

- Clarifying criteria of significance for LHPs
- Reduction of interim protection so as to be applied only where there is a clear danger of demolition
- Demolition on merit, already arguable in some council areas, should be universally available
- CIs, not mentioned in the discussion paper, are 'problematic'.

**‘A streamlined approach to the assessment methodology for applications to alter or further develop a locally listed property might see more timely and balanced outcomes for both property owners, industry and the community.’**

Housing Industry Association

The Housing Industry Association (P033), after introducing itself as ‘Australia’s only national industry association representing the interests of the residential building industry’, offers five pages of generally supportive comment on the DPTI discussion paper. ‘The proposed changes’, appear to be ‘a positive step forward, in terms of delivering a more standardised and streamlined processes for both the listing and development of local heritage places’.

A streamlined approach to the assessment methodology for applications to alter or further develop a locally listed property might see more timely and balanced outcomes for both property owners, industry and the community.’ The Association cites as evidence of need for reviewing listings that there are ‘nearly four times as many “local” heritage places listed as those in the “state” category’, though why the ratio should be different is not explained.

The Association wants further consultation on many specific issues ahead of legislation. It warns against the heritage proposals often ‘put forward by local action groups who are keen to protect all buildings that are simply “old”’. Now is the time for ‘the State Government to refine and provide clearer, consistent criteria to be observed.’ Streamlining the process ‘in conjunction with clearer criteria will enable local heritage listings to be resolved in a timely manner.’ The Association looks forward to seeing a full statement of the powers to be delegated to the expert heritage committee’, something that will be ‘important for industry’.

New listings gazetted as an amendment to the Planning and Design Code, shown as a heritage overlay on a map and available electronically on the new planning portal would assist developers to understand ‘what constraints apply to a property prior to purchase’ but as no timetable is suggested it may not be put into operation any time soon.

With respect to other proposals canvassed in the discussion paper:

- ‘Providing a scale of assessment pathway means potentially not all properties have all controls applied to them, depending on their significance (similar to Victoria). ‘However, the controls should not overly constrain owners’ rights to undertake minor works and routine maintenance on heritage properties.’ A more expansive definition of what constitutes minor works should be provided.
- ‘Demolition on merit should be an option to consider rather than having to have a property delisted before a demolition process can take place, this could be considered on its individual circumstances.’



The Association clearly dissents from the proposition that heritage once protected should stay protected. If, as the discussion paper suggests, ‘some of the properties were considered and listed on criteria that may be up to 30 years old this would support the HIA’s position that allowing demolition on merit would ensure that some properties which no longer meet current criteria could achieve a planning permit for a demolition on this basis as they are no longer considered to be significant.’

The views of the Property Council of Australia are set out in a surprisingly brief 4-page letter to Minister John Rau from Daniel Gannon, the Council’s South Australian Executive Director (P161). It purports to speak on behalf of the entire sector, South Australia’s largest private sector and biggest industry, accounting ‘for 10.8% of the state’s economic activity, paying \$4.4 million in wages – one in six people draw their wage directly or indirectly from property.’

Although the Council wants more consultation on details, it supports the main thrust of the discussion paper and takes an openly hostile stance on heritage protection generally. It appears genuinely alarmed by media discussion of the History Council’s (P072) proposal for simplifying the system. ‘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.’ The 8000 existing LHPs should be carefully reviewed ahead of inclusion in the forthcoming Planning and Design Code ‘rather than automatically including those already listed. Based on feedback from this organisation’s members, there are many places listed that... should not be listed.’

The Council wants heritage distinguished from character so that councils will no longer treat heritage as a consideration in assessing development applications. ‘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.’ ‘Despite the place having not been included on the heritage list, there are still constraints associated with it.’ They do not like the discussion paper’s recommendation that an expert committee provide planning advice on heritage. A single heritage professional appointed to the State Planning Commission could give all the advice needed. ‘Abolish expert heritage committee and streamline committee structure.’

**‘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.’**

Property Council of Australia

Finally the Council asserts that:

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.

The Council therefore asks for ‘a planning control mechanism that does not allow the heritage officer to maintain detailed design control after the design intent has been clearly established’.

Founded in 1971, the Urban Development Institute of Australia (P166) similarly claims to represent ‘the interests of the urban development industry in South Australia in collaboration with all levels of government’. Like the Property Council the Institute buttresses its case by citing contributions to employment, though with slightly different figures – generating \$9 billion or 12% of Gross State Product and employing 7% of the workforce. Its 3-page letter addressed to Minister John Rau makes a few drastic proposals:

- Eliminate any reference to or listing of Contributory Items in the forthcoming Planning and Design Code. CIs create ‘false heritage’.
- Take this opportunity to review all existing LHPs whose documentation is likely to be out of date and based on criteria no longer appropriate. Many LHPs should not be translated to the Planning and Design Code.
- Allowing individuals to nominate LHPs without going through councils risks making listings ‘a free for all’.
- Early engagement with owners can eliminate the need for interim protection.
- As LHPs constitute a lower order of heritage different criteria should be applied in assessments, rather than aligning them with state heritage practice.
- Demolition on merit is working well.
- Streamlining approval of minor works to LHPs is welcomed but not the use of ‘accredited professionals’.

Overall submissions from the property and development industry were few and perfunctory.

**13. FINDING:**

The six submissions received from individuals, business and lobbying groups involved with property and development do not support the proposition that there is widespread demand from this sector for reform of local heritage. Two of the submissions took issue with the discussion paper from a pro-heritage position and the one submission received from a private company gave general support.

Comment from associations representing the property and development industry comprise 11 pages of all the submissions received (1.7%) and consist of assertions unsupported by evidence or references to back up claims that the present system of protection for local heritage inhibits investment and job creation. This points to a lackadaisical engagement with the issues at stake which were treated far more comprehensively in submissions from local government and community organisations.

Rather than supporting changes canvassed in the discussion paper, the industry submissions advance more radical proposals to: remove protection from all Contributory Items and delete any mention of them in the forthcoming Planning and Design Code; audit and cull existing LHPs ahead of translating any to the Planning and Design Code; weaken interim protection for nominated local heritage places; and eliminate expert heritage committees and accredited professionals from the local heritage system.

## 2.7 SUBMISSIONS FROM ELECTED REPRESENTATIVES, STATE AND LOCAL

Six submissions came from elected members of parliament and local government councillors. In addition to Sandy Wilkinson (P080A; see above under Architects, consultants etc.) three serving councillors register their objections to proposals put forward in the DPTI discussion paper.

John Kemp of the Adelaide Hills Council (P133) insists that control of local heritage listings must remain 'with Local Councils who can consult with owners and local history groups and National Trust branches'. He rejects the concept of over-representation as inimical to analysis based on thematic frameworks. Interim protection of nominated places is essential; demolition on merit should be prohibited. Previous problems with delays in the local heritage listing process he attributes to state government prevarication rather than local government. Above all, because '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 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.'**

John Kemp, Adelaide Hills Council

Carol Bailey of the Mount Barker District Council (P160) questions omission of the Expert Panel's recommendations and the concept of over-representation. If demolition is to be considered on merit, she asks, should not retention on merit be part of development application assessments? She sees no value and some considerable danger in attempts to distinguish heritage from character. Councillor Bailey believes that transferring judgments on local heritage from local communities where it is understood, to a Planning Commission concerned with economic imperatives makes no sense. 'Heritage by definition relies on an intrinsic knowledge of the local history of an area.' She rejects the idea that national, state and local heritage can be viewed as a hierarchy of significance meriting differential protection. Pointing to the many economic benefits conferred by heritage preservation, she recommends the Burra Charter promulgated by ICOMOS as the best guide to conservation practice.

Christel Lorraine Mex, Councillor for Kensington Ward in the City of Norwood Payneham St Peters (P099), finds the 'tone of the paper largely anti-heritage with few positive references to local heritage'. Where is the evidence based on actual examples, she asks, that shows anything wrong with the present system? Why is there no acknowledgment of 'what

is right with the system'. South Australia, once a leader in heritage protection must not follow other states down a path culminating in demolition of irreplaceable assets.

Councillor Mex fears that paper will reinforce, not dispel 'growing mistrust in the community, who increasingly feel that property developers are getting heard by the Government via their political donations, and the voice of citizens who vote and live in South Australia is being ignored.' In her opinion blame for delays in the present cumbersome system of local heritage listing through DPS rests with a state government that in other areas whines constantly about 'red tape'.

On specific points she supports:

- continued protection of all existing historic conservation zones
- continued interim protection for places nominated for heritage listing
- early consultation with owners of properties proposed as LHPs
- maintenance of extended periods of consultation in relation to listings
- more funding and grants to support preservation of local heritage
- continued management of local heritage processes by local government.

She opposes demolition on merit and wants stronger penalties to deter deliberate neglect of LHPs.

Two serving Liberal members of Parliament made substantial submissions.

Rachel Sanderson MP, Member for Adelaide (P084), relays her notes on critical views expressed by citizens at a number of meetings hosted by community organisations and councils.

'Discontent regarding lack of engagement by the State Government with the community:

- Limited time to meet, discuss and respond
- Letters were only received by some community groups - haphazard approach
- Disappointing to see a lack of State Government Members attend forums and that Minister Rau was not there to answer questions from the community

**'Growing mistrust in the community, who increasingly feel that property developers are getting heard by the Government via their political donations, and the voice of citizens who vote and live in South Australia is being ignored.'**

Christel Mex, Councillor City of Norwood, Payneham and St Peters



**‘The community has completely lost faith in the state government around planning and working in the best interests of the community, thus demolition of local heritage places ‘on merit’ is completely unacceptable’**

Rachel Sanderson MP,  
Member for Adelaide

‘Further:

- Heritage is not just about iconic sites but also about the character of our city and suburbs. It has social, cultural and commercial significance.
- Stakeholders are open to genuine reform to streamline processes for listing local heritage places but cannot tolerate a ‘development at all cost’ approach
- Local heritage is not a shopping list
- Suggestion of reverse onus ie., developer to prove why a building should no longer be listed (also suggested all buildings prior to a certain date listed, then build a case to have a building/home removed)
- Already have a state heritage council - don’t need another bureaucracy
- The good ideas in the government paper can be implemented without legislation
- The community has completely lost faith in the state government around planning and working in the best interests of the community, thus demolition of local heritage places ‘on merit’ is completely unacceptable
- Should not have the same department that handles development also dealing with heritage, this is like having the “fox in charge of the hen house” – a conflict of interest!
- Working with two Acts very challenging
  - State Heritage Act - quite simple
  - Local Heritage Act - much more complicated
- Prefer one central Heritage Act
- Very clear that the community want the management of local heritage to stay at a local government level.’

Ideas Ms Sanderson lists as requiring further discussion include:

- Terminology for heritage should be reviewed and updated as part of a new statute
- Heritage Code of Practice to outline how listed properties should be described, maintained and adapted
- Allow accredited heritage professionals to provide advice and sign off on changes to listed properties consistent with the Code of Practice
- Existing heritage listings should be audited to accurately describe their heritage attributes.

David Pisoni MP, Member for Unley (P125) criticises the DPTI discussion paper for casting the heritage and conservation system in South Australia in a negative light. There is little mention of the contribution that local heritage provides to the community and the sense of belonging it is able to establish, a strong attribute that makes up the picturesque charm that is found extensively within the close-knit communities that I proudly represent.

He views heritage and character as intimately linked. They are threatened by 'a shift of power from local communities to the state government and its growing bureaucracy'. A 'yet to be specified Planning Commission heritage committee' would 'rule on local heritage through the use of the state heritage criteria, which could see many local historic sites that would be protected under the current system become ineligible for heritage protection.' He further calls 'on the minister to provide further clarification on the proposed changes to the demolition of local heritage places "on merit"'. He can see advantages to the community of a single online portal citizens can use to access all existing data on heritage places, state and local.

Mr Pisoni does not object in principle to a better process for dealing with minor works to LHPs but wants it subject to strict safeguards. Similarly, the use of accredited heritage professionals to carry out certain delegated tasks requires further clarification in the absence of any existing system of accreditation. He concludes that 'in its current form the discussion paper presents a number of concepts that will potentially endanger the heritage and character that defines the beautiful electorate of Unley.' He calls 'on the minister to undertake further consultation with local government and local communities before proceeding with any changes to local heritage policy.'

**'There is little mention of the contribution that local heritage provides to the community and the sense of belonging it is able to establish, a strong attribute that makes up the picturesque charm that is found extensively within the close-knit communities that I proudly represent.'**

David Pisoni MP, Member for Unley

## 14. FINDING:

Submissions from serving local councillors and members of parliament insist on further consultation ahead of any changes to the existing local heritage protection regime. Emphasising the cultural and economic benefits of heritage conservation, they criticise the DPTI discussion paper for lack of clarity and detail, as well as its negative tone. They endorse the concept of a single online heritage portal and give guarded support to a simplified system of approvals for minor works on LHPs.

## 2.8 SUBMISSIONS FROM INDIVIDUALS

Eighty-two submissions came from people writing on their own behalf, not as members of professions or organisations. Some of these are signed by couples, but that number is not factored into this analysis. No attempt was made by the Department of Planning, Transport and Infrastructure to ensure that individual submissions constituted a representative sample of public opinion. It is notable, however, that taken as a group they express about the same degree of support for and against proposals set out in the DPTI discussion paper, as the 177 individuals who participated in a similarly open online survey conducted by the National Trust (Appendix E). In both cases individuals disagreed with DPTI proposals at a ratio of about 10:1.

### 2.8.1 Individuals sceptical or hostile to the present local heritage system

Eight of the private submissions (9%) support reforms to the present system to remove what they regard as unfair impositions on owners of LHPS and properties in declared heritage conservation zones. Five of them (P005, P008, P029, P039, P131) do not specifically address the discussion paper but express more generalised dissatisfaction with heritage controls such as restrictions on demolition of degraded buildings, slow development approvals, and constraints on alterations to unlisted houses within declared heritage zones. One couple (P141) conveys the general plaint: 'We have made improvements to the home and it is our Castle ... 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 does not fit into this zone.' Another person (P038) simply states that there are too many listed LHPs. Still another (P029) wants more attention paid to good design rather than historic character.

Two submissions (P078 and P171) endorse everything in the DPTI discussion paper apart from the suggestion that the period for consultation over proposed heritage listings be cut from eight to four weeks. The most detailed response comes from Bruce Payne (P170) who knows the system well, as a serving member of the Building Rules Assessment Commission, under the Development Assessment Commission. As the owner of a property designated by his council as 'of heritage interest', he very much objects to it being treated in relation to development approval as if it were a LHP. He would like subjective opinion removed entirely from the local heritage assessment process and supports periodic review of listed places.

## 2.8.2 Individuals favourable to the existing local heritage regime

Seventy-three private submissions (89%) support the existing arrangements for the care of local heritage and express hostility to some or all of the proposals outlined in the DPTI discussion paper. Only two (P102, P169) use identical wording. There are none of the form letters or postcards that commonly flow in when interest groups orchestrate public campaigns. Very few fly off the handle in the manner of P131: 'Countries in Europe protect, encourage heritage to be retained, not HERE in SA. SHAME SHAME SHAME NO NO NO.' or P075 'To change the set rules of heritage conservation in any way is incomprehensible and total vandalism.'

Some (P017, P019, P021, P023, P025, P034, P050, P056, P142) are brief endorsements of the existing system, including several which approve the stand taken by the Norwood Payneham & St Peter's Council. This was perhaps to be expected as that Council circulated its submission to ratepayers. Almost all the private submissions come from the inner Adelaide suburbs where local heritage protection is best protected, where residential densities are highest and development pressure most intense.

A theme common to many responses is that shorn of its historic buildings and neighbourhoods would be just another bland big city, which would lose its appeal for visitors and residents alike.

- 'Protect any building that would never be built again (basically anything that is made of stone)', otherwise Adelaide 'is doomed to become just a working town with poor people relative to the eastern cities.' (P002)
- 'Be stronger in your protection of heritage if you wish to attract young, educated tax paying people to the state.' 'The desired vibrancy will be attained by protecting heritage.' (P003)
- 'I am a migrant from China ... I enjoy this heritage culture ... If this peace was disturbed due to demolition of heritage zones I wonder what the difference would Adelaide be from other modern cities.' (P037)
- 'All the major cities of the world value their built heritage and tourists flock to these cities because of the history and the architecture. Don't let Adelaide become another Sydney of boring towers, little greenery and no history. Please don't succumb to developers' wishes at the monumental cost of losing one's history of place.' (P035)

- 'When we moved to Adelaide twenty-five years ago, we were delighted at the number of heritage buildings--not just the kind of building that might be on a national or a state register, but the collections of local heritage places. We knew from the moment we arrived that we wanted to settle in such a city. It took a while before we could move into a local heritage place, but we're now very pleased to have done so.
- One of the most important elements of local heritage is density. What feels so good about Adelaide's relative success in keeping its local heritage is that people can move through streets, or even groups of streets, where all or virtually all the houses are heritage places. That is what makes Adelaide distinctive.' (P118)
- '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 hoc buildings that lack scale and any relationship with nearby buildings!' (P175)
- South Australia is 'different precisely because of the definition afforded by a spectacular array of stone built structures, from the humblest cottages to major public buildings'. (P190)

Nostalgia is another common theme with individuals who see modern heritage controls as the only defence against the loss of more beloved places.

- 'In the 1970's the character of this suburb was almost destroyed by the demolition of character houses dating back to the turn of the last century, and their replacement by 2 story cream brick/besser block blocks of 6-8 flats with cement forecourts and no garden or character. Fortunately this infill was stopped by activist local residents and a forward-looking council which realised that heritage, once lost, could not be replaced.' (P024)
- 'Hasty, uninformed ... decisions over the years ... destroyed many of our fine buildings and surely we can learn from those mistakes. There is a book called Lost Adelaide and it is crammed full of photos of lovely old buildings now gone – heart-breaking to some of us ...' (P089)
- 'I vote NO to these changes. I want my children and grandchildren to see our history and not another disgusting money hungry building where something beautiful once stood.' (P119)
- '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.' (P132)



It's not just a matter of nostalgic backward glances. People look to the future:

- 'Heritage is not only for you, or I. It is for the benefit of future generations, children as yet unborn.'(P055)
- 'Hopefully, there will be improvement in processes and centralisation of knowledge – as a result of planning reform, as well as dedication to preservation of the local history and culture of our city – which can only be provided by locals for future generations.'(P113)
- '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.' (P135)
- "Historic zones and character streetscapes must be protected now and in the future.'(P180)

Many individual submissions point to long-term economic benefits of heritage preservation, claiming these far outweigh short-term profits and wages associated with current construction.

- The discussion paper 'lacks depth and scope, presenting an unbalanced and incomplete discussion of key elements. There is no discussion of the economic benefits.' (P035)
- 'Overseas experience shows millions of jobs and local wealth are generated by heritage preservation.' (P082)
- 'Our built heritage has distinct cultural, social and economic importance.' (P123)
- '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.'(P139)
- 'I want to see DPTI develop an understanding of the dollar value of Heritage for the State Economy (\$365million in cultural tourism in 2014). (P073)

What evidence is there, people ask, to indicate anything is wrong with the existing system of local heritage protection?

- 'Who has a problem with the current legislation?' (P180)
- 'Overall, we believe the current system works reasonably well.' (P032)
- 'No evidence is presented for the failure of the existing criteria to meet current needs.' (P184)

- 'I have personally experienced the process of rebuilding a property within my local council's heritage framework.' The process was 'smooth, easy and efficient'. (P051)
- 'I am in strong support of my council's system of historic conservation zoning so the heritage of whole areas can be conserved. I believe that there should not be any limits to the amount of heritage buildings that can be listed as important or significant, and I believe as much should be protected as possible.' (P093)
- 'I don't believe there should be a cap on the number of buildings listed and I see no valid case for changing the criteria which is used to identify heritage buildings, and I don't want to see any softening of the controls that protect heritage buildings from demolition.' (P100)
- 'Our house is on the local heritage register. We have been able to make improvements to the rear of the property without undue difficulty.' (P113)
- 'There is no need for any change to the statutory system for the recognition and protection of South Australia's heritage places.' (P135)
- '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.' (P139)
- 'The discussion paper fails to make a case for changing the system that has served our state well over many decades.' (P179)

A few private submissions view local heritage protection as a deterrent to unwanted development.

- I have been concerned for a while by the tendency of new buildings to occupy almost all of a site ... which appears to be linked to increased suburban flooding. Preserving heritage properties ... [is] a valuable means of preventing this runoff problem from getting worse. I therefore oppose your proposed 'reform'. (P031)
- 'Please remember local heritage is so important for the mix[;] surely one does not want rows and rows of multi-storey buildings.' (P036)
- 'If you remove zoning from the local council then you open this to high rise development which will decrease demand in the city centre from long term residents.' (P052)
- 'We are ... very concerned that Historic Conservation Zones are under threat & we will see inappropriate infill allowed within historic areas.' (P057)
- 'State government policies pursuing aggressive in fill policies are progressively moving Adelaide from a congenial living space to a soul-less mishmash of buildings quite out of context with their surrounding dwellings.' (P062)

- 'Cities such as Amsterdam and Copenhagen are attractive because high rise has been kept out of historic inner city neighbourhoods, and development has been tightly controlled.' (P091)

It should be a matter of concern to government that so many individuals take a jaundiced, cynical view of the motivations underlying proposed changes to the planning system.

- 'Reading between the lines suggests the paper is all about making it easier to streamline the Development process and make it simpler for Demolition to Occur. Controls would be dismantled.' (P035)
- 'It is a joke cloaking the proposed changes in a fuzzy wuzzy paper with lots of pictures of beautifully preserved buildings; these buildings are still here because of the existing heritage laws. Under your proposed "land grab" laws they would have been long gone.' (P063)
- 'We realise our submission will end up in the waste bin as it would appear the decision has been already made and recommended to the Minister. As community members we feel totally disenfranchised.' (P0 65)
- 'You think by calling yourselves experts it makes you right and persuasive.' (P075)
- 'There seems to be an underlying message that State Government is trying to free up developers.' (P101)
- '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.' (P180)

On specific issues raised in the DPTI discussion paper, individuals favourable to heritage preservation oppose:

- Standardisation to remove inconsistencies local councils' treatment of local heritage
- Alignment of local heritage criteria of significance with state and national criteria
- Any review, audit or cull of existing LHPs and CIs
- Placing limits on the number of LHPs in total, or within any particular category
- Use of thematic frameworks or any other devices to identify 'over-represented' heritage places
- Removal of local councils' power to designate local heritage places
- Copying other states in relation to the protection of local heritage
- Giving 'accredited professionals' the power to approve alterations to LHPs and CIs

- Reducing the set time for public consultation in relation to nomination of LHPs
- Extending the role of present and proposed 'expert heritage committees'
- Using new criteria of significance and documentation to remove protections based on previous documentation
- Distinguishing 'character' from heritage if that results in less protection for historic fabric of building in designated conservation areas.
- The concept of any hierarchy of significance (national, state, local) that accords less protection to the local category.
- Demolition of LHPs being made easier through 'on merit' assessments.

Individual submissions call for

- Extensive consultation with the community ahead of any new legislation affecting local heritage
- More and better protection for local heritage
- Development of a single online portal affording access to available documentation on LHPs, CIs and heritage conservation zones
- Clear commitment from government that nothing will be done to remove existing protections for CIs and heritage conservation zones
- The minister and constituent committees of the Department for Planning, Transport and Infrastructure to stop obstructing listing of LHPs, CIs and heritage conservation zones recommended by local councils
- A simplified process for having local heritage places nominated, listed and protected.

## 15. FINDING:

Private submissions from individuals favouring the existing system of local heritage protection outnumber those expressing hostile views by a factor of ten to one. Taken together they refute the claim that any widespread desire for change exists in the community. They oppose most of the reforms proposed or alluded to in the DPTI paper, with the exception of the online heritage information portal. They express confidence in their councils' management of local heritage and frustration at obstruction from DPTI, its minister and constituent committees. They do not trust the judgments of government-appointed experts. They are concerned that the lack of mention of CIs and conservation zones in the discussion paper may signal an intention to discard those classes of local heritage.

## 2.9 SUBMISSIONS FROM STATE GOVERNMENT AGENCIES AND INSTRUMENTALITIES

Five submissions come from committees and agencies, two from bodies connected with the Department of Environment, Water and Natural Resources (DEWNR), and three from within DPTI.

The Department of Environment, Water and Natural Resources (P189) would have preferred an integrated system of protection for both state and local heritage as recommended by the Expert Panel, but will do its best to coordinate efforts with DPTI. It wants criteria of significance for local heritage brought into line with state and HERCON criteria and supports the use of historic thematic frameworks as a tool of analysis. The Department also gives in-principle support to the use of accredited professionals working to practice directions, once a proper system of accreditation is established. Any streamlining of development applications impacting on heritage places, state or local, will need DEWNR involvement 'to ensure that the changes proposed for local heritage places are consistent with the management of State Heritage Places'. It is important that any consequences for established State Heritage Places and State Heritage Zones. On a minor point, DEWNR points out that development application fees are inequitable in relation to DAs on heritage places. A homeowner will be charged \$176 to replace a roof, like for like, whilst a multi-million development only has to pay a flat fee of \$322 requiring several weeks of resource effort by DEWNR officers.

The State Heritage Council (P126) describes itself as an independent authority providing advice to the Minister for Sustainability, Environment and Conservation and administering specific legislative responsibilities set out in a series of Acts of Parliament. In practice it conducts its operations within DEWNR. Its submission begins with a statement fully supporting 'planning and development reform that recognises and celebrates the value and potential of South Australia's heritage portfolio to contribute to the State's development, and that makes its conservation and adaptive reuse a priority'. For a number of reasons it adheres to its formerly expressed opinion that an integrated heritage system will best serve the state, and that heritage assessment and listing should be independent of the planning system's management of places in its sphere of authority.



**‘Does not support the audit of existing heritage place listings against newly introduced criteria. Council is firm in its belief that if a place met the statutory criteria at the time of listing, then the listing is justified.’**

State Heritage Council

The Heritage Council does not agree that heritage registers are outmoded instruments that can be discarded. It strongly supports management of an integrated register (world, national, state and local) accessible through a single online portal. It suggests the expansion of the register to include ‘regional places, in addition to state and local places.’ It is time, the Council argues, for South Australia to enshrine the ICOMOS Burra Charter as the instrument to guide conservation practice of heritage places. The Council wants a clear and definitive statement on the practices relating to existing historic conservation zones ahead of any revision or removal by administrative practice. It supports the better delineation of the distinction between character and heritage. It strongly opposes any ‘arbitrary cap on the number of heritage places’ in any category. It further qualifies its support for the use of historic frameworks by insisting ‘that it would not be valid to refuse to register a place merely because other places with the same theme are already represented on a register’.

The Council ‘does not support the audit of existing heritage place listings against newly introduced criteria. Council is firm in its belief that if a place met the statutory criteria at the time of listing, then the listing is justified.’ In any case it doubts that the resources exist to fund such an audit. In concluding the Council encourages including in the scope of the reform, concessions and/or incentives and/or resources to assist owners in the management, conservation and adaptive re-use of South Australia’s heritage places.’

The Local Heritage Advisory Committee (LHAC, P016), situated within DPTI, advises the minister on local heritage matters. Many submissions criticise its operations as opaque and view it as an obstacle to implementation of local council recommendations on LHPs. Notwithstanding its situation within DPTI, the Committee does not give a blanket endorsement to the discussion paper. Like many councils it regrets that so many of the Expert Panel’s heritage recommendations have been ignored, particularly consolidation of heritage law in a single statute managed by a single statutory body. It would have liked to have something said about better recognition and financing of the local heritage system. The Committee cautions that raising the question ‘how many heritage places are too many?’ risks alienating a sensitive public.

LHAC agrees that there should be an avenue for nominations of LHPs apart from local government, but warns against the danger of designating LHPs that communities do not regard as heritage. Historic thematic frameworks applied to local heritage should reflect community thinking. Early engagement with owners is commended but not as a means of circumventing interim protection for nominated places. The Committee opposes any reduction in the time available for public consultation and is unsure how the untried use of accredited professionals would work in practice. Providing access to heritage information via an online planning portal is a technical matter requiring no new legislation. LHAC believe it is important to distinguish heritage from character and would therefore extend the concept of heritage beyond historic fabric to include places that tell stories of continuing use of places such as the much altered Adelaide Oval. Delineation of heritage in a separate act, as recommended by the Expert Panel, would it make it easier to distinguish from character which would be solely managed through the Planning, Development and Infrastructure Act.

The Committee sees a need to address designated heritage areas as part of any reform package. 'It is suggested that heritage criteria applied to listings could also be applied to heritage areas; where an area does not meet the criteria, there may be cause to create a 'character' area.' LHAC does not agree to the concept of a hierarchy of importance in heritage, national, state and local. Nor do they favour leaving the ultimate decisions on the fate of local heritage to expert committees. Demolition 'on merit' is acceptable practice subject to safeguards such as assessment by independent heritage professionals.

The Development Policy Advisory Committee (DPAC, P186) reports to the Minister for Planning. DPAC is a statutory body established under South Australia's *Development Act 1993* (the Act). It provides independent advice to the Minister for Planning on any matter relating to: planning and development; design and construction of buildings; administration of the Act; policies that govern the administration of the Act; proposals to make regulations under the Act or to make amendments to the Act; proposals to amend Development Plans; other assigned functions. DPAC conducts the public consultation process for Development Plan Amendments (DPAs) proposed by the Minister. The subcommittees of DPAC include the: Local Heritage Advisory Committee and the Building Advisory Committee. The DPAC submission

**‘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 ...’**

Development Policy Advisory Committee

broadly endorses recommendations made by LHAC, but is less certain on the question of distinguishing heritage from character.

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 is noted that there is currently no ‘definition’ of what defines character.

DPAC would prefer assessments of local heritage places to be more objective and less open to interpretation. The use of experts and accredited professionals, unless rigorously monitored, could open the gates to ‘significant influx of proposed heritage listings’. The Committee singles out the National Trust for criticism due to its blanket opposition to demolition ‘on merit’, a tried and tested concept. It notes that in the City of Marion only one LHP has been demolished ‘on merit’ during the last decade.

The Office for Design and Architecture (ODASA, P157) is a small government body working within the Development Division of DPTI. It provides design review advice for State projects over \$10m, projects of more than 5 storeys in Urban Corridors and projects over \$3m in Port Adelaide. Its submission signed by Kirsteen Mackay, Government Architect, commends many proposals canvassed in the DPTI discussion paper, including: early engagement with owners and communities; aligning local heritage with national best practice; use of accredited professionals; distinguishing heritage from character; and demolition ‘on merit’. Assigning levels of significance to LHPs might assist decisions on demolition. The Office supports review and interrogation of local heritage not only as a way of bringing assessments and procedures up to date, but also as an instrument to identify ‘additional places that may have been overlooked in the past, including twentieth century heritage’. In a masterful piece of understatement the Office notes “There have ... 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.’ 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).’

## REFLECTIONS ON ‘REGULATORY CAPTURE’

The first thing to notice in the five responses from government instrumentalities is their diversity. Influential committees advising the minister for planning reject key proposals in the DPTI discussion paper and question some of the underlying reasoning. The Heritage Council takes some positions that stand apart from the submission from DEWNR, the department that services its operations. This demonstrates that committees purporting to offer independent advice really can act independently.

Why then was the ground so ill prepared for the discussion paper? Why were the views of advisory committees not fed into preliminary drafts? Why did no one foresee the massive, overwhelmingly hostile reaction from local councils, residents’ societies and interest groups?

The answers to these important questions are not set out in the submissions. However a clue is to be found in the composition and workings of the five government bodies whose comments are summarised above.

The SA Heritage Council plays no part in assessing and managing local heritage. Three of its members have professional expertise in local heritage work but most come from other walks of life. The Council’s chair worked for DPTI and three of the members currently serve on that department’s Local Heritage Advisory Committee. The representative of the LGA works for Port Lincoln, one of the regional councils with no LHPs. Only two members of the current council have close associations with the voluntary sector.

The Development Policy Advisory Committee of DPTI is comprised almost entirely of people closely associated with the property and development industry, especially large projects. The two members most closely associated with local government are the former mayor and a senior manager of Marion Council – a council that lists only 55 LHPs and no contributory items.

DPTI’s Local Heritage Advisory Committee is dominated by members working in the property industry and development assessment. There are no representatives of community organisations, residents’ associations or elected local councils.

The membership of a related committee of DPTI, the Building Advisory Committee, is likewise dominated by people who work in building, surveying, planning and development.

While there is no doubting the credentials and independence of the members of these committees, they illustrate a phenomenon known to students of government as ‘regulatory’ or ‘agency capture’. This is the culmination of process whereby over a period of years the government agencies charged with the oversight of particular sectors come to be dominated by people from the very industries that the agency is supposed to be regulating.

The unfortunate result is that the government is gradually shut off from other voices. In the case of local heritage, DPTI and its minister clearly lost touch with the councils and community organisations most concerned with heritage protection. The minister is caught up in a closed loop: having filled advisory committees with representatives of the property and development industry he receives advice reflecting their interests.

What to do? In the long run the solution is to restore balance to the advisory committees by appointing more members from the groups and communities that have been shut out. They are well aware of the problem, as shown by the suspicions they direct in their submissions towards ‘expert committees’. In the short run, we must go back to the drawing board on local heritage. We must look again at an integrated heritage statute managed independently of the planning and development system. Councils need to be restored to their rightful place at the centre of decision making on the identification and assessment of local heritage.

## 16. FINDINGS:

Submissions from government agencies and advisory committees express serious reservations on key elements of the DPTI discussion paper, including the discarding of advice from the Expert Panel, weakened interim protection for nominated places, curtailing the time available for public consultation and community engagement, capping the number of LHPs, and the alleged hierarchy of heritage importance (national, state, local).

To avoid future failures in consultative processes like those that derailed the Local Heritage discussion paper, committees advising government on heritage matters need recasting and balancing to better reflect the views of local councils and community organisations.



# APPENDICES

## APPENDIX A

RENEWING OUR PLANNING SYSTEM  
PLACING LOCAL HERITAGE ON RENEWED FOUNDATIONS

page 107

## APPENDIX B

OUR LOCAL HERITAGE UNDER THREAT

page 115

## APPENDIX C

LIST OF SUBMISSIONS

page 123

## APPENDIX D1

LOCAL HERITAGE DISCUSSION PAPER  
ONLINE SURVEY RESULTS

page 125

## APPENDIX D2

LOCAL HERITAGE DISCUSSION PAPER  
ONLINE SURVEY COMMENTS

page 145





## APPENDIX A

# RENEWING OUR PLANNING SYSTEM

Placing Local Heritage on Renewed Foundations

## Heritage reform – an exploration of the opportunities

### Local Heritage Discussion Paper

The State Government is committed to improving the ways we recognise and manage local heritage places in South Australia.

This discussion paper has been prepared to encourage high-level ideas and feedback from experts and practitioners involved in local heritage practice in this state. Responses will inform planning policies in this specialised area, including the creation of a new Bill.



## Key local heritage issues addressed in this discussion paper

Many of the procedures associated with South Australia's local heritage have not been reviewed since 1993 and the following issues have been identified as warranting reform:

- 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 processes
- Consultation processes that rely too often on 'interim operation'
- Sensitive consultations occurring too late in the process
- Confusion between 'heritage' and 'character'
- Inconsistent Development Assessment procedures and policies
- Formalising a role for accredited heritage professionals.

This discussion paper does not deal with:

- State heritage listings or the assessment of development affecting State Heritage Places, other than relating to typical minor matters and some internal works
- General heritage governance
- Funding matters.

Furthermore, the State Government has agreed that all existing Local Heritage Listings will be transitioned as Local Heritage Places into the Planning and Design Code<sup>1</sup> which is required to be developed under the new *Planning, Development and Infrastructure Act 2016* (PDI Act).

## Context

A widely shared desire for heritage reforms was identified by the Expert Panel on Planning Reform in its final report to Minister Rau in December 2014. The panel's findings in relation to heritage were subsequently considered by the State Government and agreed to in principle, foreshadowing the preparation of a discussion paper. However, heritage reforms were largely excluded from the Planning, Development and Infrastructure Bill 2015 (PDI Bill), reflecting their significance in their own right. Several new features were introduced into the PDI Act, including the ability for owners to seek court-based review of proposed local heritage listings, widening the possibility of initiating heritage nominations to individuals and consultation requirements under the proposed community engagement charter.

This discussion paper builds on the substantial consultation conducted by the Expert Panel and now provides a wider examination of local heritage matters.

### Expert Panel on Planning Reform

"...current arrangements for heritage management are fragmented, inconsistent, out-of-date and result in poor decision-making"

## Why focus on Local Heritage?

Consistent with best practice, the **state** heritage criteria are generally compatible with the national model heritage criteria (HERCON<sup>2</sup>). However, **local** heritage criteria, as described in the Development Act 1993 and their equivalent in the PDI Act, are not as compatible with these criteria.

Additionally, there are over 8,000 local heritage places, almost four times as many as there are state heritage places (some 2200); few state heritage listings occur annually; and the numbers of local heritage listings and objections are increasing. Given the substantial number of local heritage places as compared to state heritage places, the benefits of focusing on local heritage practice and its associated frameworks will be more readily apparent.

Focusing on local heritage would also prioritise this policy area for immediate benefit as local heritage reforms can be entirely managed under the provisions of the PDI Act.

<sup>1</sup> Information about the Code is available at [http://dpti.sa.gov.au/planning/planning\\_reform](http://dpti.sa.gov.au/planning/planning_reform) A User's Guide to the Planning, Development and Infrastructure Act 2016

<sup>2</sup> The Heritage Convention (HERCON) criteria were agreed to by all states and territories through the Environment Protection and Heritage Council in 1998. The criteria are intended to provide a national standard for guiding heritage significance assessment.



## Applying lessons learnt from similar reforms interstate

Many of the heritage statutes of states and territories have been the subject of review in the last few years, the most recent being Victoria in 2015. Before this, the other states to undertake this work have been Queensland (2014), Western Australia (2011), Australian Capital Territory (2010), New South Wales (2007) and Tasmania (2005). South Australia last conducted such a review in 2003/2004.

There are numerous insights we can use from the more recent of these reviews including:

- Supporting the criteria with thresholds to distinguish levels of heritage value (as described in a Practice Direction)<sup>3</sup>
- Providing inclusion/exclusion guidance on what is likely to be recognised with heritage value
- Proposing comparative analysis against historic themes to understand over and under-representation of listings within specific themes
- Enhancing development assessment, prescribing certain works to heritage places as 'exempt' from the need to obtain a consent and formalising roles for accredited heritage professionals.

## Local Heritage Reform could include...

### Updating our current Local Heritage Listing Criteria

South Australia's local heritage criteria are unique in Australia and, as stated earlier, are inconsistent with the commonly used heritage criteria interstate.

This is an opportunity to develop **new local heritage criteria**—to be incorporated into the PDI Act—to provide more certainty in listing processes and enable greater compliance with best practice. What we need are clear, contemporary criteria.

One way to achieve this would be to use the state heritage criteria to inform the drafting of new local heritage criteria. These would of course be amended to substitute state-wide thresholds with local heritage values.

For the purposes of this paper, local heritage criteria—as derived from the Heritage Places Act 1993—might comprise:

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 its natural history; or
- d. It is comparatively significant in representing a class of places of local significance; or

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

<sup>3</sup> Under the PDI Act a practice direction is a statutory instrument that specifies procedural requirements or steps in connection with any matter arising under the Act.



- 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.

**However, the introduction of new criteria will not be enough to provide the more assured local heritage listing processes needed.**

### **Implementing a framework document and 'practice direction'**

Central to any improvements would be a **framework document** to ensure that objects, places and events can be understood, evaluated and presented in the context of broad historical themes rather than as separate local heritage nominations. The use of these themes would enable comparison between similar local heritage nominations and help answer questions such as 'How many are too many?'.

The use of themes would also enable strengths and weaknesses of listings to be monitored and each listing to be considered in the context of the wider set of existing heritage places. This framework document could form the basis of a **practice direction** mentioned earlier.

A practice direction could provide greater clarity and parameters for inclusion on, or exclusion from, a local heritage register. An example is Victoria's 'Framework of Historical Themes'<sup>4</sup>, which is used to generate historical themes which apply locally (For example, the City of Stonnington's Thematic Environmental History).

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. That pilot also recommended a common set of criteria being used for heritage listings. Putting public history to work in such ways is typical of the better practices generally found interstate.

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

### **Streamlining our listing process**

Currently the operational arrangements needed to recognise a property for local heritage listing are cumbersome as they require a full Development Plan Amendment process. They could be streamlined under the future Planning and Design Code. As well as new criteria, suitable contemporary guidance could be developed as well as changes to the timing and nature of consultation and decision making.

These may involve simplifying the formal processes to amend the Planning and Design Code, involving the Planning Commission, its expert heritage committee, accredited heritage professionals<sup>5</sup> and the community in different relationships to those currently existing.

There are at least three important aspects of streamlining the listing process. Each involves engagement, firstly with the community during the early phases of heritage surveys, secondly with owners of properties likely to be identified as having local heritage value and finally the formal public consultation and decision-making phase. Engaging with owners early and comprehensively allows sufficient time to have their issues heard and addressed. Early engagement with aggrieved owners may help resolve their issues and save them having to pay for expensive heritage and legal advice to contest a proposed listing.

Such early engagement could reduce the numbers of objections to nominations received during the process of identifying local heritage proposals\*.

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

**\* Expert advice indicates that where engagement with the community and owners has been poorly managed and late, rates of objection can be over 70%; early engagement can result in objections as low as 1%.**

4 Victoria's Framework of Historical Themes aims to provide a 'tool for developing a wider recognition and appreciation of Victoria's diverse Aboriginal, historical and natural histories and the rich heritage resources these have created.'

5 Provisions of the PDI Act envisage accredited professionals assisting various statutory functions. Currently there are no accredited heritage professionals, but a clear role could be established to assist listing, auditing and assessment functions.

Successful early engagement and consultation processes would throw into serious doubt the need for ‘interim operation’ and indeed the length of formal processes currently undertaken.

Accordingly, an outline of a new listing process could involve:

- 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
- 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
- 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
- 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
- Under delegation from the Planning Commission, the expert heritage committee finalises heritage related amendments for **incorporation into the Planning and Design Code**
- **Periodical** review and updating of the statements of heritage value and descriptions of the listed elements of the place.

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



It is worth noting that local heritage proposals in South Australia (and incidentally the composition of whole registers) have rarely been reviewed as a whole. They have tended to be reactively amended due to the impact of individual objections.

Local heritage listing processes could also be made **more accountable and transparent** if done in the context of existing registers and using new criteria that are supported by new guidance (practice direction) to replace current material that is up to 32 years old.

This, of course, would need to be coupled with **comprehensive descriptions of the fabric and setting of the heritage place** to understand which elements are important to retaining heritage value. These could be prepared by an accredited professional and governed by a practice direction.

Clear descriptions of listing would also assist the consideration of appeals to nominations in the Environment, Development & Resources Court, as provided for in the PDI Act.

Separate from a new process for listing, there could also be the opportunity to review existing statements of heritage value and descriptions of the listed elements of the place within a future set timeframe.

The listing of local heritage places will also need to be considered in balance with the broad strategic objectives of the State.

## Improving how we record local heritage places

With the proclamation of the PDI Act local heritage listings will now be:

- gazetted as amendments to the Planning and Design Code
- spatially identified by heritage overlay
- made accessible through the new planning portal

A new planning portal is intended to give digital access to the new planning system<sup>6</sup>. It will allow searches to be undertaken on a state-wide, local or property-specific basis and enable checking of heritage places/areas for representation of historical themes. The portal will also have the added benefit of including readily accessible, comprehensive descriptions of heritage places, which are essential to the work of accredited heritage professionals and provide valuable advice to owners and proponents of development.

Is a traditional local heritage register required?

## Clarifying the difference between 'Character' and 'Heritage'

The confusion between 'character' and 'heritage' is common in South Australia and interstate. The new Planning & Design Code will delineate the difference between these terms and remove the confusion arising from the use of at least four different descriptions of the term 'character' by the current planning system.

(The confusion is most evident in the varied forms of Historic (Conservation) Zones (and Policy Areas) and divergent policy found in current Development Plans.)

The following distinctions are useful when considering this issue:

**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 characters of areas should be**.

In Historic Conservation Zones and Policy Areas, the confusion of heritage and character could be addressed by their translation into the Planning and Design Code as either character sub zones or heritage overlays. This process could be substantially determined by current Development Plan Policies. Distinctions would need to be made based upon the existing policies that seek to conserve buildings (heritage) as compared with other policies that seek to continue prevailing neighbourhood characteristics (character).

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

## Streamlining our Development Assessment Processes

There are a number of opportunities to improve the assessment of development applications affecting local heritage places.

Firstly, a clear hierarchy of heritage values (national, state and local heritage places and areas) could give clarity in policy and better guidance in development assessment paths.

The development of this hierarchy could begin with a review of the current definition of activities that constitute 'development' of heritage places in order to reduce the number of potential development applications. As all proposed development currently requires consent, a large number of development applications are triggered. Too many of these assessments are undertaken because simple assessment pathways are not currently offered in South Australia.

For example, there are opportunities to **streamline minor, low-risk works to heritage places** based on the assessment pathways of the Planning and Design Code of 'exempt', 'accepted' or 'deemed to satisfy'. This could cover minor activities not needing any approvals; minor works needing building rules consent only; and low-risk works where consent is given if set criteria are met.

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

<sup>6</sup> The planning portal is intended to deliver planning and assessment information and services (including the Planning and Design Code) through a new website.





Of course thorough development assessment processes rely on a solid understanding of the heritage fabric of the place. A **current statement of significance** is needed to ensure appropriate and timely decision-taking. So too is a **description of the elements** that link significance with the physical fabric of the place. Both are vital to guide the proponent of a development, the assessor, the heritage professional and the owner.

Another improvement could involve considering the **demolition of local heritage places ‘on merit’**.

In Victoria, controls that treated the demolition of local heritage places as ‘prohibited’ were phased out in 1999. However, in South Australia, these provisions are inconsistent; sometimes demolition is listed as non-complying and subject to public notification, and sometimes not. This has contributed to the belief that de-listing is the only path that can be taken.

Additionally, the same assessments have tended to apply irrespective of the complexity of the proposal or its impact on heritage value. To assist the **‘scaling’ of development assessment pathways** against a range of development proposals, heritage statements and descriptions of the place should be clear and kept up to date. Victoria for example, associates each place with a table indicating whether or not paint controls, internal alterations, outbuildings/fences and tree controls apply. Such simple Y/N tables, in conjunction with a heritage overlay, will be essential to successful operation of the planning portal, in relation to local heritage places. They will assist anyone involved in the management of local heritage places, including **accredited heritage professionals**.

There could also be opportunities for accredited heritage professionals to provide the **heritage equivalent of a current Building Rules Consent Only**, where, on balance, their judgements reveal that a full assessment is not warranted in relation to internal alterations.

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

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

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?



## Where to from here?

Following consultation on the content of this discussion paper, suggestions and comments received will be considered as part of future legislation.

Any suggestions and comments are to be submitted before 9 September, 2016 by the methods listed below.

E: Local Heritage Reform Discussion Paper Feedback [planningreform@sa.gov.au](mailto:planningreform@sa.gov.au)

M: Local Heritage Reform Discussion Paper Feedback

GPO Box 1815

Adelaide SA 5000



## APPENDIX B

# OUR LOCAL HERITAGE UNDER THREAT

Defending gains made in Local Heritage  
protection over 40 years

## A Critique of the DPTI Local Heritage Discussion Paper

by Norman Etherington, President of the National Trust of South  
Australia, on behalf of the Cultural Heritage Advisory Committee

Under the guise of reforming and 'improving the ways we recognise heritage places in South Australia', the Department of Planning, Transport and Infrastructure threatens to set our system back forty years.

The damage could not be undone. It would be a crime as well as a blunder to proceed without widespread consultation of councils, community organisations and the general public. This should include a series of public forums at which the proposed changes can be debated and recast.



*The changes proposed in the Government's discussion paper  
will make demolition of heritage buildings much easier.*

## A flawed process

A cover letter dated 9th August 2016 accompanying the paper posted on 11th August asks for oral consultation within 10-15 days and written responses within a month. If new legislation is so important there should be at least 6 months allowed for public debate.

Public consultation should have come ahead of this paper. Representatives of the National Trust and other groups were invited to a seminar on heritage planning reform at Roma Mitchell House 18th June 2015. Despite promises of further meetings, nothing happened. The result was a process fatally flawed by a lack of prior public consultation.

**Why the rush?**

## No transparency

Who wrote this flimsy paper? Who identified the 'issues warranting reform'? Who made the judgments on 'best practice'? We are not told. Representatives of the National Trust who participated in community assessment of the Expert Panel on Planning Reform fiercely disagree that this list of bullet points bears any resemblance to the conclusions of those discussions. The most important – an end to interference in Local Heritage listings by the Minister – is not mentioned. Another big issue – failure to establish adequate historic conservation zones – is entirely absent.

What was the Port Adelaide Enfield study mentioned on page 4? Where are references to the interstate legislation mentioned on page 3? The relevant documents, including local heritage reviews and statutes from other states should be put up on the DPTI website so we can compare our analysis with yours.

**Who says so?**

In the absence of other information, we will hold the Minister for Planning responsible for the flawed process, the inadequate paper and the lack of transparency.

## What's wrong with South Australia's Local Heritage protection?

This discussion paper fails to make a case for changing the system that has served our state well over many decades. Many of the problems set out in the bullet point 'key issues', 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 reform. Others, such as the requirements for extensive study and documentation of proposed local heritage places, came from the property industry which steadfastly refused to recognise any place as worthy of protection until proved to be so beyond a shadow of any doubt.

Confusion between 'heritage and character' is the fault of a generation of planners who tried to evade responsibility for protecting heritage by insisting on protection of 'character' rather than the historic fabric valued by the community. Most of the public couldn't care less about what the planners call character. Nor do they care much about individual architectural achievement. 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.

**What's your problem?**

The paper cites no evidence that the public at large, as opposed to vested interests, thinks there is anything seriously wrong with the existing system. Judging from the consistent stance of resident groups over the decades, they want more rather than less protection for the places they love.



*Demolishing heritage buildings to create car parks is not progress.*

## Best practice

There is a good deal of muddled talk in the paper about ‘best practice’ interstate and the alleged need for hierarchy and consistency in heritage listings across jurisdictions. Let’s be clear on one point: best practice is what you see on the ground, not what you read in the statutes. Looking around Australia we see best practice in Fremantle, Salamanca Place, Petrie Terrace, the City of Sydney, Ballarat and several inner suburbs of Melbourne and Adelaide. ‘Applying lessons learned’ from interstate means replicating the tough historic preservation measures that kept those places vital and vibrant. Strange to say the City of Sydney’s fine-grained controls within designated historic conservation zones are not mentioned in the paper. In fact there is no mention of best practice conservation zones at all.

A comparison of Fremantle and Port Adelaide would be especially revealing. Instead the paper refers vaguely to ‘lessons learned from similar reforms’ in some jurisdictions. In fact the paper tells us nothing about lessons learned, only about legislative investigations and changes. The big lesson learned from the success of Fremantle and the abject failure of Port Adelaide is that rigorous control over redevelopment and demolition delivers big dividends in property values, community satisfaction, growth and jobs. Wholesale clearance at Port Adelaide killed the goose that formerly laid golden eggs.

### Where’s the beef?

Where you find a buzz in the air, gaiety on the streets and cash registers ringing is where the old buildings are (as shown by the pictures accompanying the discussion paper). Arguably until just a few years ago South Australia was best practice in local heritage. The rot set in when Ministers began to knock back community recommendations and approving demolition ‘in the public interest’.

The paper makes a great fuss over consistency for reasons that are not altogether clear. Back in the 1970s and 1980s the purpose of local heritage regulation was to allow variation among councils, because historic environments vary and so does public opinion. Given what we now know about what Australians want to keep, it makes no sense to spend a lot of money on heritage surveys of vast areas comprised of 20th and 21st –century buildings. As Emerson remarked, ‘a foolish consistency is the hobgoblin of little minds’. Protection of local heritage should be absolute whatever the council area but the nature of local heritage is bound to differ widely.

The introduction of a hierarchy of significance in local heritage protection would be a backward step.

It was abandoned in most places around the world precisely because developers invariably argued that they should be free to demolish anything but the top class of historic places. While national, state and local heritage differ in geographical scope there is no reason they should differ in the protection afforded them. As one heritage professional has remarked:

- The distinction made between items of supposed local, state and national importance has often rested upon a logical fallacy — namely the conflation of hierarchical issues (how important is this building?) with geographical ones (how closely does this item relate to the history of this locality, region or nation?).

Something deemed to be worth keeping is worth protecting. There is likewise no problem with overlap of national, state and local significance. Anything of national significance is going to be of state significance. State heritage places will also always be local heritage places, while the reverse is not the case.



## Local Heritage listing criteria

We agree that the same criteria should apply to heritage evaluation whether national, state or local. The only variation is that the local heritage places need not prove their significance beyond the council area.

On the other hand, some obvious absurdities arise when the words 'local' or 'locally' are mechanically inserted, as shown by the examples used in the paper. ***To say that heritage places must prove they are 'locally rare' rather than just rare would devastate inner-city council areas*** where very early buildings – rare in Australia and the world at large – are common. It is the rarity of these extraordinary collections as groups that is beyond question.

The absurdity of the proposal can be shown by applying it to well-known international examples. To require that to qualify for protection 17th-century waterside 4-storey buildings in Amsterdam be '**locally** rare' is as daft as applying the rule to Cotswold stone villages, half-timbered houses in Stratford-upon-Avon or medieval buildings in the Marais district of Paris.

**How dumb is this?**

If we allow our unique collections of pre-WW I buildings to go, we will have lost precisely what makes us special.

It is likewise stupid to apply the adjective to the understanding of history. There is absolutely no reason to limit heritage significance to places that merely 'contribute to our understanding of local history'. Almost all heritage places can contribute to our knowledge of history in a more general sense. Why insist their significance be limited to the subcategory of local history?

The same goes for demonstrating that a place is 'comparatively significant in representing a class of places of **local** significance'. Imagine a stone villa in St Peters picked out for representing a class of places of local significance, as is undoubtedly the case. If it were the only one accorded protection and others of that class were allowed to go, it would eventually no longer represent that class of significance.

There is not a single criterion on the list a. to g. that is not rendered meaningless or absurd by inserting the words local and locally.

## Use and misuse of Historic thematic frameworks

As the lead author of the Australian Heritage Commission's pioneering Historic Themes study in 1995 I speak with some authority on the subject. The National Themes formed the basis for Victoria's historic themes which are cited in the paper. Historic themes are used to categorise heritage places in a way that allows better interpretation of the stories they tell. Thematic frameworks are emphatically not a shopping list or a template for a collection policy. They are stated in a way that allows themes to be applied to every building or place in Australia, not just heritage places. The themes categorise places according to the historical forces that brought them into being, rather than by style or typology.

It goes without saying that it is impossible to use thematic frameworks to determine the quantity of places it may be thought desirable to protect. 'Housing Australians' is a single theme but to illustrate it with a specified number of examples would be silly. Our heritage registers are not a Noah's Ark where each species is represented by a single pair.

The concept of 'over-representation' used in the DPTI paper is a novelty previously unknown to heritage practice in Australia and must be resisted. On the other hand, there is no harm in searching for themes unrepresented by any examples.

It would be a good idea to bring South Australian heritage themes into line with the national framework, but do not expect the process to help in establishing hierarchies of significance, quality or quantity. To quote from the Principal Australian Historic Themes report:

**Thematic frameworks will never tell you how many places to protect.**

***"It is not readily apparent that the identification, delineation or elaboration of any number of historic themes can help determine what is 'important', 'outstanding', 'rare', 'special' or 'accomplished'."***

***"Can themes help to distinguish places of national significance from places of state, local or international importance? The overwhelming response from people we asked was, no, they cannot. Furthermore, most responses claimed that it was impossible to make such distinctions at all."***

All these considerations lead us to conclude that the use of themes cannot help to sort heritage places into clearly delineated, non-overlapping local, state and national registers.





*Residents are rightfully horrified by the demolition of local heritage icons.*

## Streamlining the listing process

We agree that the process involved in getting local heritage places listed has been unduly lengthy and cumbersome. The blame rests squarely with the Minister for Planning and the property industry. The Minister has sat on local council recommendations for years, only to reject them late in the day on flimsy, unsupported grounds. From the beginning the property industry has insisted on over-elaborate documentation.

Given the dilatory and slipshod processes within DPTI, we would certainly not entrust the process to that department. The reason for assigning local heritage to local government in decades past was to prioritise community feeling over experts or bureaucrats. It would be a grave mistake to exclude local councils from the assessment process.

**Give DPTI a kick in the pants**

What we urgently need is to give DPTI a kick in the pants to get them moving on recommendations from councils. We require the Minister to adhere to a clear set of agreed guidelines rather than whimsy and developer pressure. Heritage listing should proceed automatically in the event the Minister does not deal with council recommendations within 180 days.

DPTI as currently constituted lacks both the expertise and the personnel required to make good decisions. Moving the whole process of local heritage assessment to the department would most likely replicate the present under-resourced situation of the State Heritage Council where the listing process has slowed to a snail's pace.

Removal of interim heritage protection for properties under consideration for local heritage listing would, as universal experience demonstrates, spur many owners to demolish first and argue later. Interim protection must remain part of the process.

The paper asks whether 'recognition of the heritage value' should be consigned to 'accredited professionals'? The National Trust says no. Experience going back thirty years and more shows that accredited professionals do not agree. It is always possible to find an accredited hired gun to discredit the significance of a given place by saying things like

- There are better examples elsewhere
- The interior has been altered
- The exterior no longer reflects the original appearance
- Previous permission to upgrade has compromised its integrity

Regrettably, we fear with good reason that under the current government DPTI would fill its appointed panels with precisely that kind of accredited gun for hire.

## Improving how we record local heritage places

We have for years been advocating the construction of a single internet portal that will provide access to documentation on all heritage places: national, state, local and National Trust listed. The sooner this is done the better. A DPTI portal on local heritage would be an inferior substitute.

## Clarifying the difference between character and heritage

Believing as we do that the only character valued by the community is historic character, we support the substitution of the phrase historic character for character in legislation. Retention and expansion of historic conservation zones where demolition of historic fabric is tightly controlled is preferable to protection of selected individual buildings. Attempting to dictate character through style or materials promotes mediocrity without preserving what is truly heritage.

## Streamlining our Development Assessment Processes

We agree that the handling of 'minor, low-risk works to heritage places' can be streamlined and the requirement for a full DA dropped. We do not agree that the documentation for existing local heritage places should be 'brought up to date'. That would be a foolish allocation of scarce resources.

The very worst recommendation in the little paper is that people should be able to argue for 'demolition of local heritage places on merit'. We can see no merit in demolition of a place that has been through our tough local heritage assessment process. This recommendation would insert a new and damaging uncertainty to the planning process. For years the property industry has been crying out for certainty. Why introduce uncertainty now? What possible 'merit' can be seen in demolition of irreplaceable community assets?

**No more demolition  
of pre-WWI historic  
buildings**

## Windfall profits for some. Damage that can't be undone

In areas of high development pressure, the introduction of 'demolition on merit' would deliver windfall profits to owners who bought property at prices reflecting the dollar value as a protected heritage place. That windfall is manifestly unfair, both to the community and people who sold in good faith. Inevitably those with deep pockets would spend money arguing and litigating to reap those windfall profits. A demolition derby would ensue, as we have seen many times before, with people racing to clear allotments for speculative gain. Inevitably many of these lots would remain empty for years, scars on our cityscape like the notorious Makris site in North Adelaide.

**'Demolition on merit'  
would deliver  
windfall profits at the  
community's expense.**

Once certainty is removed from local heritage, it will be impossible to restore integrity to the system. The hard-won gains of the last forty years and all the money expended on local heritage will have been thrown away.

## Jobs, growth and liveability

The paper is uni-directional. It suggests nothing that will enhance heritage preservation. All the suggestions point to heritage destruction and gains for one segment of the economy, the property industry, to the detriment of other sectors. 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. The building/house renovation market constitutes a larger portion of the state's GDP than the new home market, however it is comprised mainly of SME's (small-medium enterprise businesses) who do not generally have the ear of Government. Renovation of old buildings creates many more jobs than new building with industrialised components. Every renovation of historic fabric employs two people for every one involved in new construction. The economic benefits extend beyond construction to tourism and a lively café/ small bar culture that has voted with its feet in favour of historic buildings. Once a big building is completed its capacity to generate new employment is finished. The benefits of retaining historic buildings are ongoing. The gains accrue to an ever more liveable city.



*Inappropriate ministerial interventions in planning decision making has allowed heritage protections to be overridden to facilitate demolition. We need stronger protection for our heritage places, not less.*

## Where do we go from here?

The National Trust is appalled by a paper which in the name of 'reform' does nothing whatever to advance the cause of heritage preservation and opens the door for uncertainty and corruption of all kinds.

What needs to be done immediately is to extend the period of community consultation for at least six months. The consultation should be launched at a well advertised public forum with the Planning Minister in attendance.

In the longer term it is high time we moved towards best practice by following New South Wales in banning property developers from making donations to political parties and campaigns.

## Lend your support

To show your support for protecting our local heritage contact us by emailing: [heritagewatch@nationaltrustsa.org.au](mailto:heritagewatch@nationaltrustsa.org.au)

Visit [www.heritagewatch.net.au](http://www.heritagewatch.net.au) for more information and updates.



Like and follow at [facebook.com/love.your.local.heritage](https://facebook.com/love.your.local.heritage)







## APPENDIX C

### LIST OF SUBMISSIONS

Submission Number	Submission From	Submission Number	Submission From
P001	City of Tea Tree Gully	P046	The Barossa Council
P002	Andrew Bateman	P047	Patricia Sumerling
P003	David Hore	P048	Jill Werner
P004	Light Regional Council	P050	John Daenke
P005	Paul Sollitto	P051	Tim Hutchesson
P007	Prospect Local History Group	P052	Alex and Kim Paschero
P008	Bob Kinnane	P053	National Trust Robe Branch
P010	Yorke Peninsula Council	P054	Sally Armstrong
P011	DC Franklin Harbour	P055	Jonathan Armstrong
P012	URPS	P056	Penelope Schapel
P013	Berri Barmera Council	P057	Kaye & Vincent Anderson
P014	Huw Dent	P058	Robin Donaldson
P014A	Huw Dent 2	P059	Diane Pomeroy
P015	City of Burnside	P060	National Trust Strathalbyn
P016	Local Heritage Advisory Committee	P061	National Trust Strathalbyn
P017	Jonathan and Carolyn Harry	P062	Elizabeth McLeay
P018	Kangaroo Island Pioneers Association	P063	Stewart James Roper
P019	Jenny Sever	P064	National Trust Port of Adelaide Branch
P020	Graham Webster	P065	Jonathan and Carolyn Harry
P021	John R Morris	P066	Australia ICOMOS
P022	Judy Morris	P067	City of Charles Sturt
P023	Andrich Pty Lyd	P069	Sue McKay
P024	Associate Professor Barry Chatterton	P070	Margaret Patkin
P025	Ernest Murray Butler and Pauline Anne Butler	P071	Regional Council of Goyder
P026	The Cheltenham Park Residents Association Inc	P072	History Council of South Australia
P026A	Trevor White	P073	Lucy Macdonald
P027	Town of Walkerville	P075	Jo Gebhardt
P028	Mid Murray Council	P076	Walkerville Residents Association
P029	Daniel	P077	Mount Barker District Council
P030	Yifei Pei	P078	Bob Ritchie
P031	Ronald Newbold	P079	City of Prospect
P032	Serena & Andrew Coulls	P080A	Alexander Wilkinson
P033	Housing Industry	P081	City of Holdfast Bay
P034	Elizabeth Broomhead	P082	Marcus Beresford
P035	Mike Wallis-Smith	P083	Planning Institute of Australia
P036	Bob & Elaine Niedorfer	P084	Rachel Sanderson MP
P037	Naihan Chen	P085	Community Alliance SA
P038	Leni Palk	P086	Janet Forbes
P039	Elisa Toome	P088	South East City Residents Association
P041	Chris Harris	P089	Virginia Sheridan
P042	Helen Williams	P090	Hugh Orr
P043	City of Charles Sturt	P091	Karin Nyfort-Hansen
P044	City of Salisbury	P092	National Trust Mount Lofty Branch
P045	Shirley Rowe	P093	Charlotte Hutchesson
		P094	Mark Gishen and Trish Egan
		P095	National Trust Tea Tree Gully Branch

# APPENDIX C - LIST OF SUBMISSIONS

Submission Number	Submission From
P096	City of West Torrens
P097	City of Norwood, Payneham and St Peters
P098	Murray Bridge Council
P099	Christel Mex
P100	Peter Duffy
P101	Jane Godsmark
P102	George Hobbs
P103	Emma Hale
P104	Andrew Stevens
P105	LGA SA
P106	Alexandrina Council
P107	National Trust Hahndorf Branch
P108	SOS Adelaide
P109	City of Marion
P110	National Trust of South Australia
P111	Dr Iris Iwanicki
P112	Burnside Historical Society
P113	Ian and Andrea Renton
P114	Michael Pilkington
P115	Michael Farrell
P116	Colin Harris
P117	Jim Allen
P118	Phil Butterss and Jane Copeland
P119	Shannon McAvoy
P120	Margaret Dingle
P121	Simon Gore
P122	Karen Trobbiani
P123	Jane Lomax-Smith
P124	Town of Gawler
P125	David Pisoni MP
P126	SA Heritage Council
P127	Jonathan Haslam
P128	City of Onkaparinga
P129	Blackwood/Belair and District Community Association Inc.
P130	City of Adelaide
P131	Maria
P132	Brian Floreani
P133	Cr John Kemp
P134	The North Adelaide Society
P135	Tom Matthews
P136	Kay Leverett
P137	The City of Port Adelaide Enfield
P138	The South Australian Country Women's Association Inc
P139	Mark Hamilton
P140A	Adelaide Hills Council
P141	Mr W Bosi & Mrs D.Bosi
P142	Alison Wood
P144	Kensington Residents Association

Submission Number	Submission From
P145	Carol Faulkner
P146	Alison Bowman
P147	Harry Seager
P148	Paul Johnston & Rose Ashton
P149	City of Mitcham
P150	Carolyn Wigg
P151	Residents of Inner North-West Adelaide Incorporated
P152	DC of Grant
P153	Prospect Residents Association Inc
P154	Gawler Environment and Heritage Association Inc
P155	Dave Walsh
P156	Australian Garden History Society
P157	ODASA
P158	Judith R Murdoch
P159	Darian Hiles
P160	Carol Bailey
P161	Property Council of Australia
P163	Dr Pamela Smith
P164	Pat Stretton
P165	Margaret Owen
P166	Urban Development Institute Australia
P167	Environmental Defenders Office (SA) Inc
P168	David Donaldson
P169	Eleanor Hobbs
P170	Bruce Payne
P171	Sue and Peter Oster
P172	Australian Institute of Architects
P173	Malgorzata Schmidt
P174A	Dennis Coleman
P175	Peter Neuhaus
P177	South West City Community Association Inc.
P178	Thebarton Historical Society Inc
P179	Anne Wharton
P180	Ros Islip
P181	Trevor Riches
P182	Friends of the City of Unley Society Inc
P183	Nairne & District Residents' Association
P184	Oliver Mayo
P185	National Trust Gawler Branch
P186	Bryan Moulds (DPAC)
P187	City of Unley
P188	Clare and Gilbert Valleys Council
P189	DEWNR
P190	Stephen Larkins

## **APPENDIX D1**

### **LOCAL HERITAGE DISCUSSION PAPER**

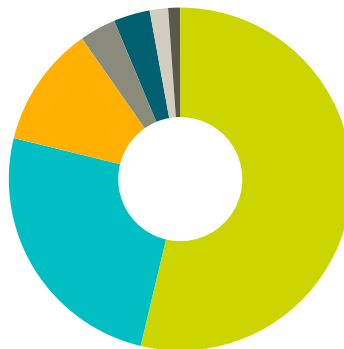
### **ONLINE SURVEY RESULTS**

Local Heritage Protection

SurveyMonkey

#### **Q1 The Government's Local Heritage Discussion paper makes out a good case for changing the way we protect local heritage places.**

Answered: 175 Skipped: 2

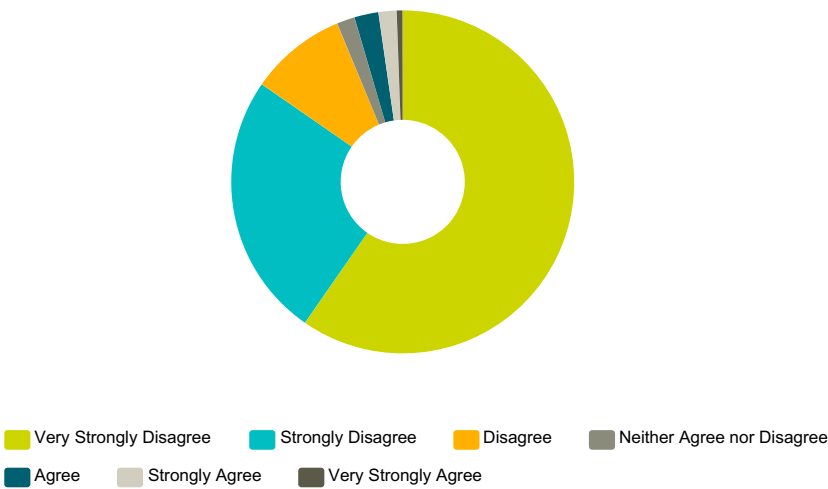


■ Very Strongly Disagree   
 ■ Strongly Disagree   
 ■ Disagree   
 ■ Neither Agree nor Disagree  
■ Agree   
 ■ Strongly Agree   
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	53.71% 94	25.14% 44	11.43% 20	3.43% 6	3.43% 6	1.71% 3	1.14% 2	175	1.87

Q2 There was adequate consultation with local government and community organisations.

Answered: 176 Skipped: 1

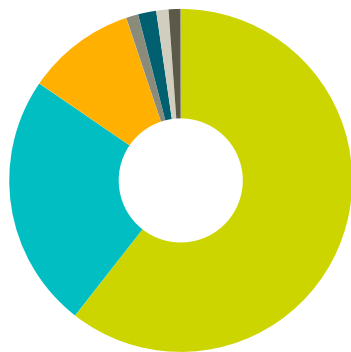


	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	59.66% 105	25.00% 44	9.09% 16	1.70% 3	2.27% 4	1.70% 3	0.57% 1	176	1.69



Q3 Six weeks is enough time for local government and community organisations to make up their minds on the issues raised in the Local Heritage Discussion Paper.

Answered: 175 Skipped: 2

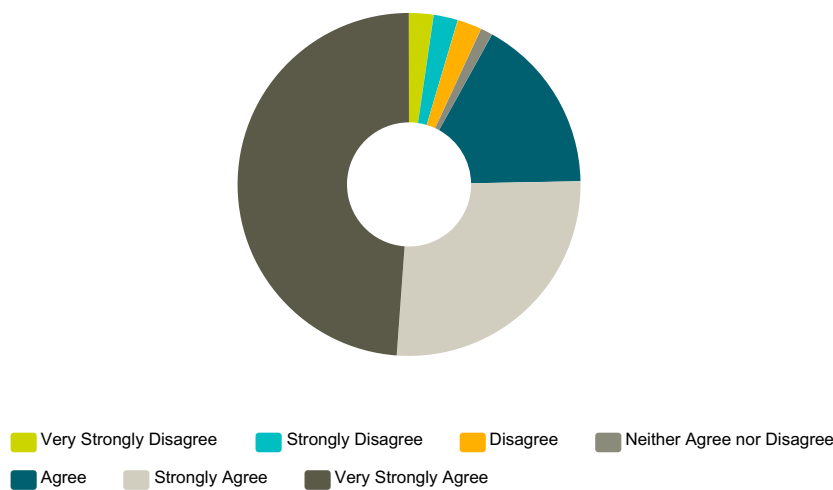


Very Strongly Disagree Strongly Disagree Disagree Neither Agree nor Disagree Agree Strongly Agree Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	60.57% 106	24.00% 42	10.29% 18	1.14% 2	1.71% 3	1.14% 2	1.14% 2	175	1.67

Q4 Local councils and community organisations should be given at least six months to consider their responses to the Local Heritage Discussion Paper.

Answered: 174 Skipped: 3



	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	2.30% 4	2.30% 4	2.30% 4	1.15% 2	16.67% 29	26.44% 46	48.85% 85	174	6.02

Local Heritage Protection

SurveyMonkey

**Q5 The government's discussion paper gives good reasons why South Australia should copy the way other states identify and protect local heritage places.**

Answered: 172 Skipped: 5

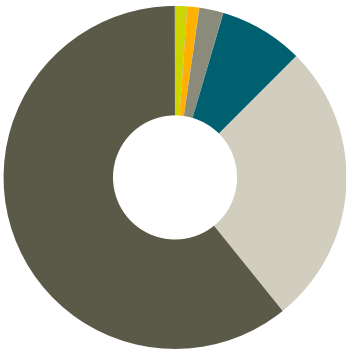


■ Very Strongly Disagree   
 ■ Strongly Disagree   
 ■ Disagree   
 ■ Neither Agree nor Disagree  
■ Agree   
 ■ Strongly Agree   
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	28.49% 49	23.26% 40	23.26% 40	16.86% 29	2.91% 5	2.91% 5	2.33% 4	172	2.60

Q6 The Minister for Planning, Mr. Rau, should explain in a public forum why we need to change the way we identify and protect local heritage places.

Answered: 176 Skipped: 1



Very Strongly Disagree Strongly Disagree Disagree Neither Agree nor Disagree Agree Strongly Agree Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	1.14% 2	0.00% 0	1.14% 2	2.27% 4	7.95% 14	26.70% 47	60.80% 107	176	6.39

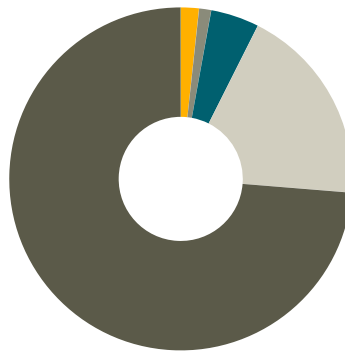


Local Heritage Protection

SurveyMonkey

**Q7 Our many historic buildings, stone villas and cottages are what make South Australian special.**

Answered: 175 Skipped: 2

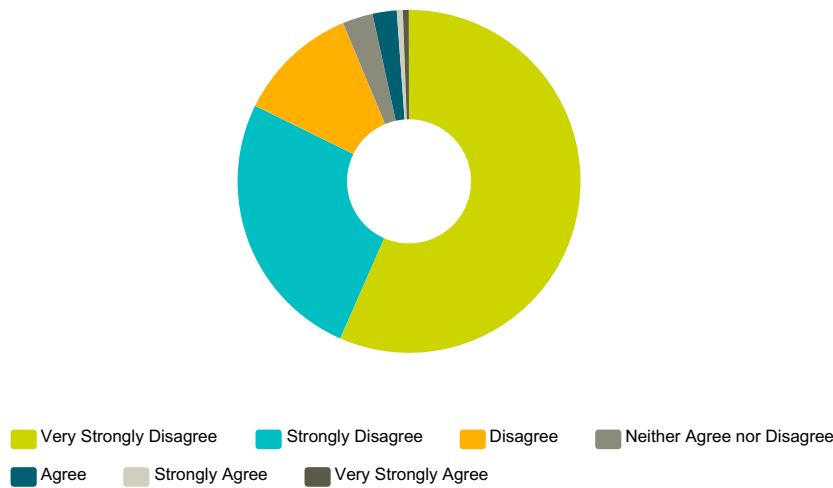


■ Very Strongly Disagree
 ■ Strongly Disagree
 ■ Disagree
 ■ Neither Agree nor Disagree
 ■ Agree
 ■ Strongly Agree
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	0.00%	0.00%	1.71%	1.14%	4.57%	18.86%	73.71%	175	6.62
	0	0	3	2	8	33	129		

Q8 There are far too many protected Local Heritage places in my neighbourhood.

Answered: 175 Skipped: 2



	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	56.57% 99	25.71% 45	11.43% 20	2.86% 5	2.29% 4	0.57% 1	0.57% 1	175	1.73

Local Heritage Protection

SurveyMonkey

**Q9 Local Councils will do a better job of protecting Local Heritage Places than experts employed by the Department of Planning, Transportation and Infrastructure.**

Answered: 176 Skipped: 1

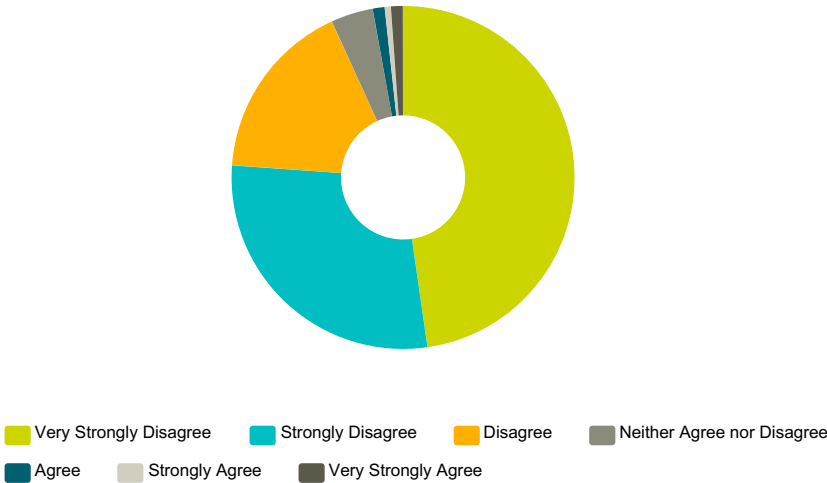


■ Very Strongly Disagree
 ■ Strongly Disagree
 ■ Disagree
 ■ Neither Agree nor Disagree
 ■ Agree
 ■ Strongly Agree
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	3.98% 7	2.27% 4	5.11% 9	15.34% 27	19.89% 35	22.16% 39	31.25% 55	176	5.36

Q10 The Department can be trusted to provide all the expertise and resources needed to protect local heritage places in my neighbourhood.

Answered: 176 Skipped: 1



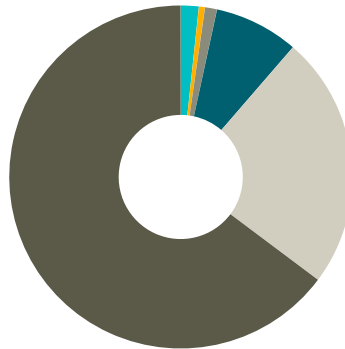
	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	47.73% 84	28.41% 50	17.05% 30	3.98% 7	1.14% 2	0.57% 1	1.14% 2	176	1.89

Local Heritage Protection

SurveyMonkey

**Q11 We should do more to protect the special character of South Australia's historic towns and suburbs by designating historic conservation areas and local heritage places.**

Answered: 176 Skipped: 1



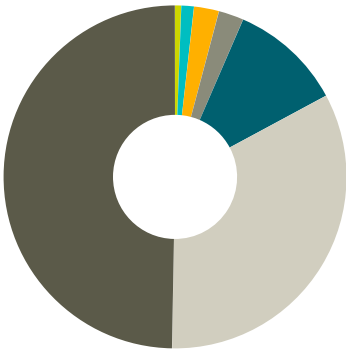
■ Very Strongly Disagree  
 ■ Strongly Disagree  
 ■ Disagree  
 ■ Neither Agree nor Disagree  
■ Agree  
 ■ Strongly Agree  
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	0.00% 0	1.70% 3	0.57% 1	1.14% 2	7.95% 14	23.86% 42	64.77% 114	176	6.46



Q12 Allowing demolition of local heritage places ‘on merit’ will create uncertainty and unfairness in the planning process.

Answered: 169 Skipped: 8



Very Strongly Disagree Strongly Disagree Disagree Neither Agree nor Disagree Agree Strongly Agree Very Strongly Agree

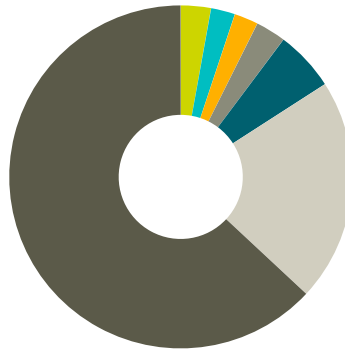
	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	0.59% 1	1.18% 2	2.37% 4	2.37% 4	10.65% 18	33.14% 56	49.70% 84	169	6.20

Local Heritage Protection

SurveyMonkey

**Q13 Allowing demolition of local heritage places 'on merit' will unfairly advantage cashed-up speculators and developers.**

Answered: 176 Skipped: 1

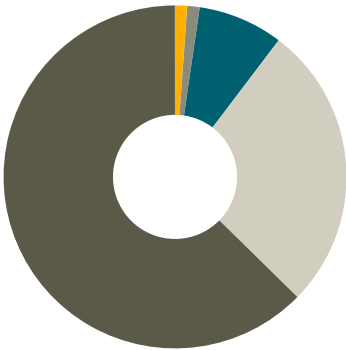


■ Very Strongly Disagree   
 ■ Strongly Disagree   
 ■ Disagree   
 ■ Neither Agree nor Disagree  
■ Agree   
 ■ Strongly Agree   
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	2.84%	2.27%	2.27%	2.84%	5.68%	21.02%	63.07%	176	6.22
	5	4	4	5	10	37	111		

Q14 Once a place has been designated a local heritage place it should be protected for the foreseeable future.

Answered: 174 Skipped: 3



Very Strongly Disagree Strongly Disagree Disagree Neither Agree nor Disagree Agree Strongly Agree Very Strongly Agree

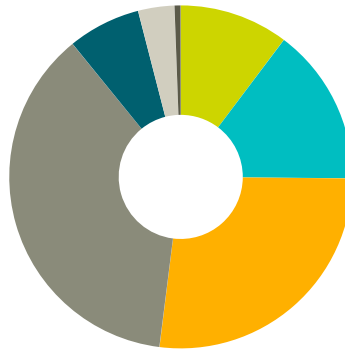
	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	0.00% 0	0.00% 0	1.15% 2	1.15% 2	8.05% 14	27.01% 47	62.64% 109	174	6.49

Local Heritage Protection

SurveyMonkey

**Q15 Buildings on the State Heritage Register are more important to me than local heritage places in my community.**

Answered: 175 Skipped: 2

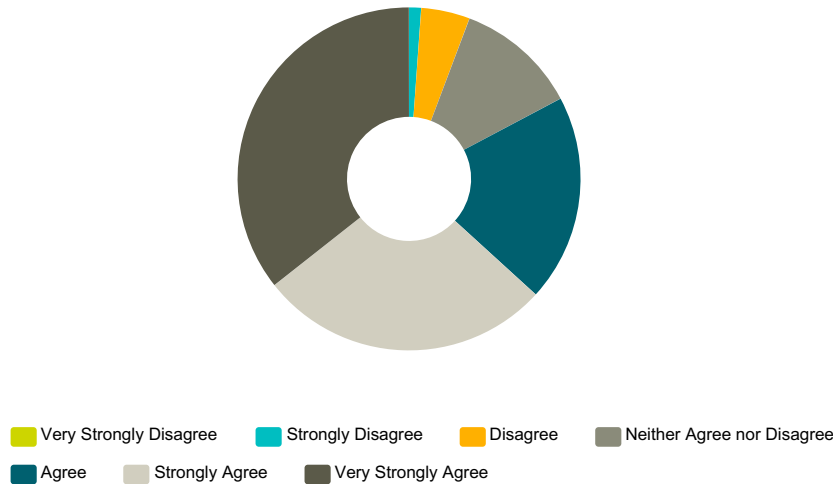


■ Very Strongly Disagree   
 ■ Strongly Disagree   
 ■ Disagree   
 ■ Neither Agree nor Disagree  
■ Agree   
 ■ Strongly Agree   
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	10.29%	14.86%	26.86%	37.14%	6.86%	3.43%	0.57%	175	3.28
	18	26	47	65	12	6	1		

Q16 Local Councils should retain responsibility for identifying and protecting local heritage places.

Answered: 174 Skipped: 3



	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	0.00% 0	1.15% 2	4.60% 8	11.49% 20	19.54% 34	27.59% 48	35.63% 62	174	5.75

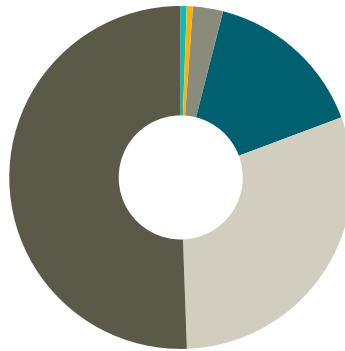


Local Heritage Protection

SurveyMonkey

**Q17 Individuals and community organisations should have the right to nominate places for assessment and protection as Local Heritage.**

Answered: 176 Skipped: 1

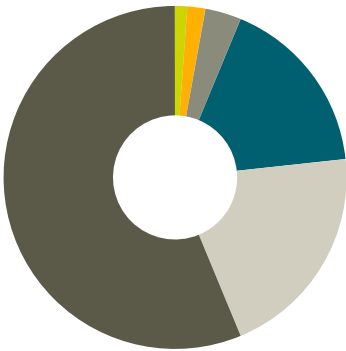


■ Very Strongly Disagree
 ■ Strongly Disagree
 ■ Disagree
 ■ Neither Agree nor Disagree
 ■ Agree
 ■ Strongly Agree
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	0.00% 0	0.57% 1	0.57% 1	2.84% 5	15.34% 27	30.11% 53	50.57% 89	176	6.26

Q18 The state government pays more attention to the Property Council and developers than to the community in planning and heritage protection.

Answered: 176 Skipped: 1



Very Strongly Disagree Strongly Disagree Disagree Neither Agree nor Disagree Agree Strongly Agree Very Strongly Agree

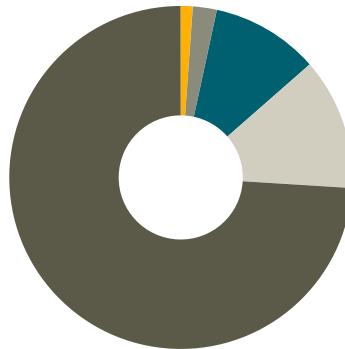
	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	1.14% 2	0.00% 0	1.70% 3	3.41% 6	17.05% 30	20.45% 36	56.25% 99	176	6.22

Local Heritage Protection

SurveyMonkey

**Q19 South Australia should follow New South Wales in banning property developers from contributing to political parties and candidates for election.**

Answered: 177 Skipped: 0



■ Very Strongly Disagree
 ■ Strongly Disagree
 ■ Disagree
 ■ Neither Agree nor Disagree
 ■ Agree
 ■ Strongly Agree
 ■ Very Strongly Agree

	Very Strongly Disagree	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Very Strongly Agree	Total	Weighted Average
(no label)	0.00% 0	0.00% 0	1.13% 2	2.26% 4	10.17% 18	12.43% 22	74.01% 131	177	6.56

Local Heritage Protection

SurveyMonkey

**Q20 Do you have any other comments, questions, or concerns?**

Answered: 79 Skipped: 98

20 / 20

## **APPENDIX D2**

### **LOCAL HERITAGE DISCUSSION PAPER ONLINE SURVEY COMMENTS**

You don't have any right either actual or moral to literally put a wrecking ball through the fabric of this society, with no accountability to anyone. Announce and defend is a hallmark of the current government and its supporting bureaucracy. You haven't learned. This 'consultation is an outrage.

10/7/2016 3:05 PM

Thank you National Trust for keeping this social and cultural issue in the public field of discussion.

10/7/2016 2:40 PM

I would like to see a moratorium on demolition of all residential properties while consideration is being given to how properties can be adequately protected to prevent demolition and ensure preservation. In addition local neighbours should have a greater right to prevent demolition when the area they have chosen to live in has predominantly older style residences and demolition will only downgrade the character of the area, reduce property values and under the current building style turn once gracious elegant suburbs into streets reeking of rendered concrete or blueboard 2 storey bland and ugly excuses for a residence, usually with no yard or garden other than a planting of major highway style so called landscape plants.

Adelaide is renown for its heritage buildings, which should be cherished and protected. They are our inheritance, identify our city, and are responsible for the majority of our tourists.

Question 15-they're all important!

10/6/2016 2:41 PM

Save and preserve Port Adelaide

10/6/2016 8:11 AM

I have seen far too any historic and places of interest lost forever both here and in UK! These places are irreplaceable once they are gone there is nothing for our descendants, we are loosing the history and charm of our area! We as a family moved and gained jobs here for the ambiance, history and feel of the area, don't change that and stop others from doing and enjoying as we do!

10/5/2016 6:49 PM

Keep advocating strongly for protection & the addition of extra character dwellings in HCZ and our local council wards.

10/5/2016 5:01 PM

Make sure the public servants and politicians do not take bribes or inducements from property developers by introducing real penalties

10/4/2016 8:11 PM

We have so few heritage buildings in SA compared to other countries, we should fight to keep what little there is left.

9/27/2016 11:17 AM

Once they're gone they're gone. And the buildings that replace them are nowhere near as beautiful. Development and heritage can go hand in hand. Smart developers build to compliment the existing buildings.

9/26/2016 9:16 AM

Find some of the questions difficult to clearly understand the scenario being depicted. Eg what does "on merit" really mean?

9/25/2016 5:25 PM

Independant advisors to govt should have more power to put their cases before govt. Government should not have any veto powers over heritage decisions; academic anthropological personnel needed to lead forum to recommend / not to State Govt.

9/25/2016 10:53 AM

People choose where to live based on character of the area and therefore do not want this character changed by people who have no connection to that area and only want to make money out of it.

9/22/2016 8:36 PM



Speechless! I tell my Indonesian friends that their country doesn't have a monopoly on corruption. It's just more open than here! Too many people owe too many favours. No other explanation for it.

9/22/2016 5:48 PM

The recent O-Bahn tunnel ruining the Jewel of our parklands, Rymill Park, is all the proof we need that they cannot have this power. The plaza redevelopment is seemingly the next example.

9/22/2016 5:07 PM

The unique character of Adelaide and surrounding suburbs will be seriously at risk with these proposals-we choose to live where we are because of the beautiful heritage style in housing and public buildings-wide tree lined streets and parks. When it is taken away, it is lost forever and we have seen that sad loss of history & beauty in our travels to many countries where beautiful buildings have been demolished in the name of "progress". Medium & high rise buildings and apartments, especially,, put a significant strain on infrastructure( sewers, increased traffic etc)

9/22/2016 2:12 PM

The Nazis took over Berlin in the 1930's a destroyed it. I'd trust the Nazis more than I'd trust John Rau and his cronies

9/22/2016 1:49 PM

The Weatherill government has an appalling record in matters to do with conservation and protection of the park lands.

9/22/2016 1:45 PM

I don't support this move by the government.

9/22/2016 12:15 PM

At risk of being cynical and negative, I have to say there is little hope of a sympathetic Governmental reaction to the Trust's representations. The philistinism of the current Government (and indeed of its Rannite predecessor) is beyond belief.

9/22/2016 12:03 PM

I would like to see legislation or regulations that require owners/developers who want to demolish a place of heritage/character, to submit at the same time, their plans for development.

9/18/2016 8:58 AM

The character of Adelaide's older buildings, is what sets the city apart from others. Modern architecture in general does not have the solidity and long lasting qualities of the older buildings, which were constructed well, with proper foundations etc. We then end up looking like every other place losing the character for which many visitors find charming. This is an attraction to the visitor.

9/14/2016 1:46 PM

Im not 100% sure leaving things in the hands of local gov is good enough either. Some councils have no interest in heritage and do little to look after it. That's why its so important to have strong laws/regulations to guide them.

9/13/2016 3:31 PM

SA local listing processes have been developed over thirty years and are based on quality research. This IP needs to be respected not trashed by short term money interests. Put the little box apartments on the city fringe not in the loveliest and most historic parts of our State. They will only last 30 years before they have to be ripped down to make someone else more dollars. What we have is irreplaceable and needs the utmost respect. Europe understands this. That's why we like to go there.

9/13/2016 8:11 AM

Our heritage should be protected and cherished.

9/12/2016 11:02 PM

local councils should return their heritage surveys and do them more regularly .

9/12/2016 9:42 PM

The greater the involvement of local communities in identifying potential heritage buildings and places will lead to a more balanced outcome for our heritage

9/12/2016 7:15 AM

To deem Local Heritage listing does not mean that there is no improvement or development. It simply identifies that there should be consideration for the history of the building or site.

9/11/2016 9:00 AM

Member: National Trust of SA Moonta Branch Committee  
9/10/2016 1:43 PM

An excellent response has been provided by The National Trust of SA.  
9/9/2016 5:54 PM

I am appalled by the proposed changes to the Heritage Legislation. It is difficult enough now to protect our valued places and environment. These changes will make it even harder. I support the National Trust to do whatever it can to bring these issues out into the open and have a full and comprehensive debate on them.  
9/9/2016 4:52 PM

This is a very important issue if we are ever to develop a history in this state  
9/9/2016 2:26 PM

Please don't allow the developers to destroy our beautiful heritage, it is what makes Adelaide so very special.  
9/8/2016 7:31 PM

Some local councils don't have any interest in Heritage buildings or places of significance. The people and history groups have more knowledge of significance. Many Local government staff are from outside of the district. Travel to work, and have nil idea of what the history or knowledge of the area.. Don't work or socialise with the people that know. Want to have new buildings without seeing the tourism it brings to the area having to old ones still standing. Not living in the district they don't understand the community. We(husband and I) have a local heritage building and have been renovating as it was my husband's GG grandmothers shop. We are passionate to keep it original, but the rules forcing us to change things. eg, disabled toilets, wanting us to demolish walls and doorways, when there is plenty of room (I am a RN nurse and understand whats appropriate) Have a disabled toilet a stone throw at the public toilets. It has made it too hard and expensive to actually change. A 16 car park in the town of Lochiel at the shop! That's what they require, We could do this but a bit over the top ask for most places. Wakefield Regional Council have a register which I have been supportive of but dealing with the system has been very expensive and difficult. Long time delays, and staff that not trained in this area. They seek advise from Adelaide and it takes phone calls and months to have any information or rules explained to us. some land in the Barunga West council, who don't seem to have any heritage listings. There needs to be more staff in the heritage and environmental areas. We have some of the most wonderful history that is slowly falling down. Shepherds Huts and pioneering buildings of the area with Barr Smith, Ayers, Ellis, Maslin just to name a few of the early connections of stations, and early shepherds. Pt Wakefield has slowly lost many of its pioneering houses. This town could be a Gem for SA if it had some support for heritage buildings.  
9/8/2016 10:41 AM

We need to make it easier to utilise some of the older large protected buildings in the city that have been standing vacant for years.

9/8/2016 7:25 AM

The character of Adelaide is vital to tourism. Otherwise it's just another bland same-type Australia city. Adelaide has more history which I have been amazed about in smaller regional areas which has not been capitalised upon and keeping these preserved could hugely boost tourism and interest in our state. Private developments do nothing to attract me to Adelaide and I do not have confidence in the state governments having full say in heritage preservation. Local councils have issues but should still have say in heritage.  
9/7/2016 11:48 PM

I am a Port Adelaide resident born and bread. I am very concerned at what will happen to the Port. The development to date has been cheap, not in keeping with the local heritage. Case in point have a look at the eye sore being erected at present next to the Birkenhead bridge, a government decision made against the wishes of the local council  
9/7/2016 8:17 PM

South Australian population is on the decline. Where are the multitude of people expected to come from to fill the new high rise dog boxes of the future?  
9/7/2016 2:17 PM

Local & State heritage places are both important to me. Both contribute to community, a sense of belonging, & pride in locality, city & state. All contribute to SA's uniqueness & attraction. Local & state heritage places require strong protection from profit motivated developers.  
9/7/2016 1:45 PM

Is there a current list of developers' donations to SA political parties???? If so it should be widely published. PS., Well done, NTSA.  
9/7/2016 12:13 PM

SA needs to follow the lead shown by NSW, Victoria, Queensland, and now Tasmania in heritage protection. Look at where the development and employment is happening: where there is strong and workable heritage legislation. Stronger and effective legislation will also reduce the 'brain drain' to other states. People do not visit places like Prague and Rome for the new buildings.

9/7/2016 12:04 PM

Do not sell Martindale hall.

9/7/2016 10:42 AM

Once again, the Government only sees this issue as expedient to their dollar requirements (or the inability to provide for future culture to be safe-guarded) and to their total lack of vision for the future.

9/7/2016 10:24 AM [View respondent's answers](#)

The government does not need to 'make space' for more development, as John Rau advocates. I am a rental property owner, and it is difficult to find tenants currently, indicating there is more supply than demand for houses/apartments.

9/7/2016 10:06 AM

Councils have proven that they are only ever in it for themselves so they should not have the right to choose what i heritage and what is not. They are after the money so if there is an opportunity to knock it down and build some new ugly building by some cashed up developer they will side with the developer. They do not have any integrity and neither does the SA Government for even considering this change. I worked in the middle of Rundle Mall and I had a customer talk to me about the city and its beautiful buildings. He said we are lucky to still have these old historic buildings because it adds character unlike other states in Australia. I really hope this does not go through because I love Adelaide's beautiful buildings. Money for development is not everything. Look at other countries and their beautiful history which is shown in their towns and cities. You wonder why Australians travel overseas so much its because they have beautiful places to visit and those places are still beautiful because they respect their history. Australia on the other hand could care less. Over and over we are dictated by overseas investors who want to make money and the only way to do that is knock the old buildings down and build an monstrosity. It really saddens me.

9/7/2016 10:05 AM

Adelaide's unique attraction is it's collection of colonial buildings especially large tracts of housing. We don't want to look like a mishmash of modern buildings without thematic link. Stop starchitecture and come up with a consistently applied Paris-like plan to development instead of a policy of approval exceptionalism to the highest bidder.

9/7/2016 8:10 AM

Contributory items should also be retained and the demolition of them should be a non-complying development.

9/7/2016 7:40 AM

This is a done deal with the Government.

9/6/2016 11:40 PM

It's also a concern that Steven Marshall's office seems to be in total agreement with the government.

9/6/2016 11:23 PM

thank you for bringing this matter to the wider community; it is critical that Nat Trust provide the leadership for the community.....the state gov won't provide the leadership in this space. Look at the way they have sold off Glenside Hospital precinct.

9/6/2016 9:36 PM

Our suburbs are losing their character and livability. Tiny blocks with over-sized houses and no green space between every house on the street is destroying local neighbourhoods.

9/6/2016 9:25 PM

The discussion paper is a flawed document that doesn't present a clear picture of what is actually proposed. Clear English rather than government double talk would have provided for more community engagement and input. The clearest point is that any valuation of heritage properties should be aligned with the government's policy on development. The paper refers to the Heritage Council's assessment criteria but frequently this criteria does not protect either heritage buildings or heritage sites. Local communities through their Council should be allowed to evaluate their heritage, as it is their identity and their sense of place in the community. The State Government's primary focus is on development particularly inner areas to stop the urban spread and the escalation of costs to supply services. This shouldn't be done at the destruction of our local heritage. How does the process work? which is not clearly defined in the paper. If a Development Application is submitted for the demolition of a property, are the public advised? must they hire a heritage consultant to recommend its retention or will DPTI or the DEWNR Heritage Branch be consulted as to its heritage merit. Must Council's hire heritage

consultants to undertake surveys of each Ward to determine themes or identify buildings so that DPTI can make assessments easily and cut through the red tape so new developments can occur. I ask for whose benefit are we sacrificing our heritage - developers, Council rate collections. During the 1960s and 1970s South Australian's saw their heritage bulldozed, they rose up against the government to stop the demolish. They saved Edmund Wright House and now its up for sale, presumably to be gutted for a hotel. The fault is probably ours because we haven't been vocal enough in saving our heritage. We became complacent and trusted governments who continually cut back funding to heritage bodies and cut funding to maintain heritage buildings. We have failed to remind later generations of the importance of our heritage. Find one building that significantly represents the issues at hand and defend its right to stand. Some time it is not just the architectural qualities of a building but its place in our history. What it represents. Unfortunately we don't teach much local or state history anymore in our schools so no wonder people sit by and let it be bulldozed.

9/6/2016 9:16 PM

The preservation of South Australia's heritage is essential for the sake of our children and grandchildren. Shame on the Labour Government and the Department of Planning Transport and Infrastructure.

9/6/2016 8:56 PM

Our heritage buildings should remain for future generations to enjoy.

9/6/2016 8:18 PM

Places nominated are of merit - meeting a number of criteria- which highlight its importance to the local, general and state community. These places should be kept on a register for preservation - which should never be overturned by a new bunch of graduates -many without any experience- or developers who wish to tear everything down for their own greedy gains. Governments should uphold the law and protect those connections to history and heritage, whether it is to a way of life, or to architectural styles, donations, on merit etc that attest to a period of time in South Australian state or local history , and which have a value to the future community in understanding national or local history, and where they have come from. We had a system of heritage conservation in place, a system to be proud of , and now question why suddenly we must be expected to change, to meet an inferior conservation or heritage aspect suggested by others. Australia is a large continent with plenty of land for development- do not destroy what has stood for generations, and essentially what makes us who we are. Be proud of the past, and embrace the future, but at least allow both styles to survive.

9/6/2016 8:02 PM

Local heritage must remain local and be managed locally. How independent would DPTI appointed experts be? Any such appointment and the briefing instructions must be agreed with Local Government.

9/6/2016 7:47 PM

If this 'consultation' by the government is anything like the 'consultation' conducted prior to the commencement of the O'Bahn "tunnel", it will mean the intention is to press ahead regardless of public opinion.

9/6/2016 7:39 PM

Outstanding response prepared by the NTSA. The government's discussion paper is full of conjecture and assumptions. It lacks credible evidence to support most of its propositions, and the ridiculous time-frame set for community responses is nothing short of disgraceful. Quite frankly, it's typical of this government's appalling attitude and disrespect for the people of SA and our heritage.

9/6/2016 7:20 PM

Government is NOT currently doing a great job of decision making on behalf of people. They should consult a lot more

9/6/2016 6:20 PM

NOT only buildings-but the reprehensible removal of extremely old & lovely heritage trees, just to make it easier for crowds to get to a sports arena.

9/6/2016 4:47 PM

The Labor party seems to see itself as the party of the developers rather than a party for the people

9/6/2016 4:13 PM

The influence of property developers on state politics and politicians has been steadily increasing in recent years and needs to be very firmly resisted by following the NSW legislative example,

9/6/2016 3:41 PM

This government appear determined to diminish the history & character unique to SA - they appear keen to turn us into a 'mini Melbourne'. Extremely unfortunate & inappropriate.

9/6/2016 3:35 PM

This proposal seems like a move away from the intentionally accepted norms of the Burra Charter. The distinction between 'heritage' and 'character' in the discussion paper is tautological and confusing. Interstate heritage laws favour developers, including government. Enough heritage buildings in SA have been demolished - interstate visitors often comment positively on the preservation of the SA built environment compared to the destruction of historic places and precincts in their states.

9/6/2016 11:14 AM

Our heritage is what makes our state beautiful. What right do you have Mr. Rau, to take away places of local significance- just to chirp at the sounds of the almighty dollar. Whose pocket are you in sir? Who do you represent- the people of this state or the rich men who line your pockets?

9/6/2016 11:12 AM

The government is doing a great job of destroying everything the people hold dear.

9/5/2016 7:31 PM

Lack of access into heritage buildings is major issue for people with mobility issues, families with prams and strollers, gopher and wheelchair users. Buildings and street scapes shouldn't be frozen in the past. Preserve them by all means, but remember the rights of others to access the built environment. Historically bad design has created discrimination in the past and shouldn't continue in the future.

9/5/2016 6:52 PM

SA should establish an independent Heritage SA body which is solely tasked with the identification and protection of our heritage (ala English Heritage). Both the Govt and individuals should be responsible to it - Council's are too lazy and don't protect properties as it is - they cannot be trusted to continue with local heritage (they also cannot maintain their heritage databases).

9/5/2016 2:56 PM

Many thanks for your concern and hard work

9/5/2016 1:59 PM

Well done National Trust for taking the lead in stopping unfair changes to planning laws.

9/5/2016 1:40 PM

Living in a heritage listed town I am strongly of the opinion that our heritage is of great importance and not to be trusted to governments and other vested interests more interested in profit than cultural significance

9/3/2016 6:39 PM

Each community should be able to retain the character of the people and enterprises that formed it. There is a strong tendency for central bodies and governments to see only the obvious in this respect. Local communities have a stronger voice with their own Councils, and can vote them out of office more readily because they know the individuals concerned and their viewpoints. the unit we call a community deserves to have the dominant voice in what kind of place that is, and the best Councils are consultative ones. We have had experience of the wheeling and dealing of a big developer in this community and it is a sorry tale. Their disrespect for the natural and built heritage values is distressingly lacking and current planning laws make it almost impossible to resist their pressure. However, I do not entirely agree that the laws should be directed at pre ww1... our community's history as expressed through its buildings did not stop then, and our heritage laws need to respect a community's wish to tell its stories through its built and natural environment. The mess created in the grand old story of Port Adelaide only revealed itself to me recently, and it was difficult to know whether to laugh or cry at the clumsiness and lack of sensitivity they represent. Australia's stories, as others about the world, are told through its landscape and the buildings that adorn or desecrate it...but the stories are important to a lot of people. If the Government is enamoured of high rise and imitation skyscrapers, perhaps it could find some area away from the historic precincts of Adelaide and build its modern city there, removing the ugly and disruptive spikes from its skyline. Old City versus New City is not a new concept and has worked for other societies. I feel sure that there are decent, intelligent and capable people in our Government, and employed by them, but there seems to be a hubris that is affecting it at present. Saying 'We will make the decisions without consulting you, and you will pay for them, whatever your opinions...and if you live in the rural areas,, you don't count at all....but of course, you must still pay. I think it's time to revitalize true democratic processes in both thought and action. Peasants like me are peeved, and seek a new breed of politician who will consult in a genuine way and listen and act on what they learn. Life is too complicated for the kind of arrogance we see increasing in this Government to work. Give your intelligent, hardworking, thoughtful citizens the respect they deserve and a real voice in how the state is run.

9/3/2016 2:56 PM

With no political bias, I am very concerned about the Government's proposal as yet another instance of changing something that is not broken without proper consultation. They have no mandate to take the proposed action.

9/2/2016 9:53 PM





**DOWNLOAD THE FULL REPORT FROM**  
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National Trust of South Australia  
631 Glynburn Road  
Beaumont SA 5066



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South Australia

# Appendix 3 Comparison of State Heritage listing criteria and processes across jurisdictions

## Heritage Places Act 1993 (SA)

Criteria for Entry into the Register	Process for Registration	Removal/ Alteration
<b>S 16 – Heritage Significance</b> <ol style="list-style-type: none"> <li><b>A PLACE is of heritage significance if it satisfied on or more of the following criteria</b> <ol style="list-style-type: none"> <li>Demonstrates important aspects of the evolution/ pattern of the state's history or</li> <li>It has a rare, uncommon or endangered quality that are of cultural significance</li> <li>May yield information that will contribute to an understanding of the state's history, including its natural history</li> <li>Outstanding representative of a particular class of places of cultural significance</li> <li>Demonstrates high degree of creative/ aesthetic/ technical accomplishment</li> <li>Has strong cultural/ spiritual associations for the community / group within it</li> <li>Special association with the life or work of a person/ organisation/ event of historical importance</li> </ol> </li> <li><b>An OBJECT is of heritage significance if</b> <ol style="list-style-type: none"> <li>It is an archaeological artefact/ any other form of artefact that satisfies 1 or more of the criteria set out in subsection 1 or</li> <li>It is a geological, paleontological or speleological specimen that satisfies 1 or more of the criteria set out in subsection 1 or</li> <li>Is an object that is intrinsically related to the heritage significance of Stage heritage place or state heritage area</li> </ol> </li> </ol>	<b>S 17 – Proposal to make entry in Register</b> <ol style="list-style-type: none"> <li>If the Council is of the opinion— <ol style="list-style-type: none"> <li>That a place is of heritage significance; or</li> <li>That a place should be protected while an assessment of its heritage significance is carried out, It may provisionally enter the place in the Register (see ss (2a) and (4) for when provisional entries take effect))</li> </ol> </li> </ol> <b>S 17(5)(a) – Notice to be Given</b> <ol style="list-style-type: none"> <li>Give the owner of the object a written notice— <ol style="list-style-type: none"> <li>Stating the reasons for entering the object in the Register; and</li> <li>Explaining that the owner has a right to make submissions, within 3 months from the date of the notice, in relation to the entry; and</li> </ol> </li> <li>Give written notice to the Minister of the entry.</li> </ol> <b>S 18 – Submissions and Confirmation or removal of entries</b> <ol style="list-style-type: none"> <li>Subject to this section, if the Council gives notice that it has made a provisional entry in the Register, any person may, within 3 months after the notice is given, make written representations to the Council on whether the entry should be confirmed.</li> <li>If a person who makes written representations under this section seeks to appear personally before the Council to make oral representations, the Council must, unless the submission is frivolous, allow that person a reasonable opportunity to do so.</li> <li>The Council must consider all written and oral representations made under this section.</li> <li>If, after considering the representations (if any) made under this section, the Council is of the opinion that the entry in the Register should be confirmed, the Council may, subject to any direction of the Minister under this section, confirm the entry.</li> </ol>	<b>S 23 – Council May act if registration at State Level not justified</b> <ol style="list-style-type: none"> <li>If the Council (after taking into account the criteria set out in Division 1) is of the opinion that an entry relating to a place in the Register as a State Heritage Place is no longer justified, or that an entry relating to a State Heritage Place should be altered by excluding part of the place to which the entry applies, it may give notice of its intention to alter the Register by removing or altering the entry and <b>invite written representations on the proposal—</b> <ol style="list-style-type: none"> <li>by notice in writing to the owner of land constituting the place and, if the entry relates to or includes an object under section 14(2)(b), to the owner of the object; and</li> <li>by advertisement in a newspaper circulating throughout the State; and</li> <li>if the place is within the area of a local council—by notice in writing to the local council.</li> </ol> </li> <li>The <b>Council must consider any representations</b> made in response to the notice within three months of the date of the notice.</li> <li>If the Council, after considering the representations (if any) made in response to the notice, remains of the opinion that the entry should be removed or altered, it may remove or alter the entry accordingly.</li> <li>Written notice of the removal or alteration of an entry under this section must be given to the Minister, the Registrar-General, the owner or owners of the land constituting the place.</li> </ol>

Criteria for Entry into the Register	Process for Registration	Removal/ Alteration
<p><b>State Register is established under s 3A, which provides that to be assessed for a listing on the State Heritage Register, it must be the opinion of the Heritage Council of NSW that one or more of the following criteria are met:</b></p> <ol style="list-style-type: none"> <li>An item is important in the course, or pattern, of NSW's cultural or natural history</li> <li>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</li> <li>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW</li> <li>An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons</li> <li>An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history</li> <li>An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history</li> <li>An item is important in demonstrating the principal characteristics of a class of NSW's <ol style="list-style-type: none"> <li>Cultural or natural places or</li> <li>Cultural or natural environments.</li> </ol> </li> </ol>	<p>→ <b>Notice Given to Public/ affected persons (s 33(1))</b></p> <ol style="list-style-type: none"> <li>the Heritage Council is to give notice that it is going to consider whether or not to recommend the listing of the item concerned (a "notice of intention to consider listing" ): <ol style="list-style-type: none"> <li>by written notice given to each person that it considers to be an affected owner or occupier (except in the case of the listing of a precinct), or</li> <li>in the case of the listing of a precinct, by notice published in a manner that the Heritage Council is satisfied is likely to bring the notice to the attention of affected owners or occupiers and of members of the public, and</li> </ol> </li> <li>within 14 days...the Heritage Council is to cause a notice of intention to consider listing to be published in a manner that they are satisfied is likely to bring the notice to members of the public in the area in which the item is situated, and</li> <li>a notice of intention to consider listing is to invite submissions on the listing and is to specify a date as the closing date for the receipt of submissions</li> <li>the Heritage Council is to consider the submissions that are received before the closing date for receipt of submissions and is to decide within 30 days after that closing date whether or not to recommend the listing</li> </ol> <p>→ <b>The Heritage Council must not make a decision to recommend the listing of an item on the State Heritage Register unless it considers that (s 33(3))</b></p> <ol style="list-style-type: none"> <li>the item satisfies more than one of the criteria approved as referred to in section 4A for determining whether an item is of State heritage significance, or</li> <li>if it satisfies only one of those criteria, the item is of such particular significance that it should be listed.</li> </ol>	<p><b>S 38 – Removal of Items from the State Register</b></p> <ol style="list-style-type: none"> <li><b>The Minister may, after considering the recommendation of the Heritage Council on the matter, direct the removal of a listing from the State Heritage Register:</b> <ol style="list-style-type: none"> <li>if the Minister is of the opinion that the item is not of State heritage significance, or</li> <li>if the Minister is of the opinion that the long-term conservation of the item is not necessary and that either or both of the following apply to the item: <ol style="list-style-type: none"> <li>the listing renders the item incapable of reasonable or economic use,</li> <li>the listing causes undue financial hardship to the owner, mortgagee or lessee of the item or the land on which the item is situated.</li> </ol> </li> </ol> </li> <li>The Heritage Council may make such a recommendation to the Minister either at the request of the Minister, or on the Heritage Council's own initiative, or at the request of the owner of the item or of the council of the area in which the item is situated.</li> <li>The procedure for the removal of a listing from the State Heritage Register is the same as the procedure for listing on the State Heritage Register and for that purpose the provisions of ss 33-37</li> </ol>

Criteria for Entry into the Register	Process for Registration	Removal/ Alteration
	<p>→ <b>The Heritage Council must not make a decision to recommend the listing of an item on the State Heritage Register unless it considers that (s 33(3))</b></p> <ol style="list-style-type: none"> <li>the item satisfies more than one of the criteria approved as referred to in section 4A for determining whether an item is of State heritage significance, or</li> <li>if it satisfies only one of those criteria, the item is of such particular significance that it should be listed.</li> </ol> <p><b>S 34 – Action by Minister Following Recommendation for Listing</b></p> <ol style="list-style-type: none"> <li>Within 14 days after the Heritage Council makes a recommendation for listing to the Minister, the Minister must: <ol style="list-style-type: none"> <li>decide whether or not to direct the listing and inform the Heritage Council of that decision, or</li> <li>request the Independent Planning Commission to review the matter.</li> </ol> </li> <li>If the Minister requests a review by the Independent Planning Commission, the Minister must, within 14 days after the Commission provides its report: <ol style="list-style-type: none"> <li>consider that report, and</li> <li>decide whether or not to direct the listing, and</li> <li>inform the Heritage Council of that decision.</li> </ol> </li> </ol> <p><b>S 37 - Action by heritage council on minister's decision</b></p> <ol style="list-style-type: none"> <li>Within 14 days after being notified of the Minister's decision on a recommendation for listing on the State Heritage Register, the Heritage Council is to do the following: <ol style="list-style-type: none"> <li>give notice of the Minister's decision in the same manner as it is required under section 33 (1) (a) to give notice of its intention to consider the listing,</li> <li>if the Minister's decision is to direct the listing, make the listing in accordance with the Minister's decision and cause notice of the listing to be published in the Gazette.</li> </ol> </li> <li>A listing takes effect on the date of publication of the notice of listing in the Gazette.</li> </ol>	<p><b>S 38 – Removal of Items from the State</b></p>



Criteria for Entry into the Register	Process for Registration	Removal/ Alteration
<p><b>S 12 – Assessment criteria regarding cultural heritage significance</b></p> <p>In determining assessment criteria for the inclusion of places and objects in the heritage register under s <b>11(1)(k)</b>, the heritage council must have regard to the following matters</p> <ol style="list-style-type: none"> <li>Historical importance/ association/ relationship with state history</li> <li>Good design/ aesthetic characteristics</li> <li>Scientific/ technical innovations or achievements</li> <li>Social/ cultural associations</li> <li>Potential to educate, illustrate or provide further scientific investigation in relation to the states cultural heritage</li> <li>Importance in exhibiting a richness, diversity or unusual integration of features</li> <li>Rarity or uniqueness of a place/ object</li> <li>Methods of establishing the extent to which land/objects nominated for inclusion are integral to state level cultural heritage significance of the place</li> </ol>	<p><b>S 27 - Nominations for inclusion in the Heritage Register</b></p> <ol style="list-style-type: none"> <li>A person or body may nominate a place or object for inclusion in the Heritage Register.</li> <li>A nomination under subsection (1) must be made to the Executive Director in the prescribed form.</li> <li>The Executive Director may nominate a place or object for inclusion in the Heritage Register.</li> <li>A nomination under this section must include— <ol style="list-style-type: none"> <li>reasons why the place or object should be included in the Heritage Register, being reasons based on the assessment criteria published by the Heritage Council; and</li> <li>any other prescribed information.</li> </ol> </li> </ol>	<p><b>S 32, s 62 - Remove an Item from the Victorian Heritage Register</b></p> <p>Amending or removing a registration (under <b>s 62</b>; Amendment of the Heritage Register OR <b>s 32</b>; Additional land) must follow the same process as that set out for including a place or object in the Victorian Heritage Register;</p> <ol style="list-style-type: none"> <li>An application to amend or remove an item in the Victorian Heritage Register must be lodged with the Executive Director, Heritage Victoria.</li> <li>The application will be assessed by the Executive Director and their recommendation to the Heritage Council will be advertised. Public submissions on the recommendation can be made up to 60 days after the recommendation is advertised.</li> <li>If submissions objecting to the recommendation are received, the Heritage Council may conduct a hearing and a determination must be made within 40 days of the public submission period closing or, if a hearing is held, within 90 days of that hearing (<b>under s 49(2)</b>).</li> <li>If no submissions are received, the Heritage Council must determine whether to amend or remove the registration within 40 days of the public submission period closing (<b>under s 49(2)(a)</b>).</li> </ol>

Criteria for Entry into the Register	Process for Registration	Removal/ Alteration
<p><b>S 47 – Criteria for Entering Place in Register</b></p> <ol style="list-style-type: none"> <li>Subject to this Part, where the Minister is of the opinion, having regard to any advice given by the Council in relation to that place and to any report of the Council as to submissions made to the Council under subsection (3) — <ol style="list-style-type: none"> <li>that a place — <ol style="list-style-type: none"> <li>is of cultural heritage significance; or</li> <li>possesses special interest related to or associated with the cultural heritage, and is of value for the present community and future generations; and</li> </ol> </li> <li>That the protection afforded by this Act is appropriate notwithstanding that the place may be afforded protection by operation of any other written law of law of the commonwealth</li> </ol> </li> <li>Without prejudice to the generality of subsection (1) and with the intent that there should be compiled a comprehensive register of the heritage rather than merely an index of examples, in considering the significance which any place may have to the cultural heritage of the State regard may be had to <ol style="list-style-type: none"> <li><b>any distinctive features or scarcity value, the character of the environs of the place, its landscape or townscape value</b> and, in the case of a building, its beauty and proportions, the degree of unity of its materials, design and scale, and any contribution it makes to the significance of any area, precinct, group of buildings, or amenity of which it forms part, or to its setting or the setting of any other place or feature;</li> <li><b>any strong association which the place has with any historic personage or significant event or discovery or any development or cultural phase</b>, or whether or not the place provides a notable example of a particular period or type important for general educational, architectural or archaeological reasons that distinguish it from other such examples, or has intrinsic merit and is commonly agreed to be — <ol style="list-style-type: none"> <li>a work of art in itself that enriches the environment; or</li> <li>held in high public esteem or sentiment; and</li> </ol> </li> <li>in the case of places of particular scientific or other special interest, the extent to which the place has contributed, or may be likely to contribute knowledge or research</li> </ol> </li> </ol>	<p><b>S 49 - Procedure before entering place in Register under s. 51</b></p> <ol style="list-style-type: none"> <li>A place shall not be entered in the Register under section 51, except pursuant to an interim registration under section 50 or where subsection (2) applies, unless — <ol style="list-style-type: none"> <li><b>the Council pursuant to a direction given by the Minister has, by public advertisement —</b> <ol style="list-style-type: none"> <li>given notice that it is proposed that the place be entered in the Register; and</li> <li>set out a sufficient description to identify the place; and</li> <li>invited persons generally to make submissions in relation to the proposed entry in the Register, specifying the manner in which and the address to which the submissions should be forwarded; and</li> <li>specified the date, being not earlier than 6 weeks after the publication of the advertisement in the Gazette by which the submissions are to be made and the date so specified has passed; and</li> </ol> </li> <li><b>the Council has —</b> <ol style="list-style-type: none"> <li>considered any submissions forwarded pursuant to the advertisement referred to in paragraph (a); and</li> <li>sought from the local government for the district in which the place is situate and from the owner and any person who appears to the Council likely to be affected or interested, their representations on any aspect of those submissions or as to any other matter relevant to any proposal relating to that place on which the Council desires their view; and</li> <li>considered and advised the Minister on those representations and submissions and as to the recommendation of the Council, and the Minister has directed that the entry shall be made.</li> </ol> </li> </ol> </li> </ol>	<p><b>S 54 - Amending and removing entries in Register</b></p> <ol style="list-style-type: none"> <li><b>Where the Minister is of the opinion, having regard to any advice given by the Council, that an entry in the Register should be —</b> <ol style="list-style-type: none"> <li>amended, otherwise than pursuant to section 46(4); or</li> <li>removed from the Register;</li> </ol> </li> <li><b>Subject to subsection (3) and subsection (4), an entry in the Register, otherwise than an entry made at the time of interim registration, shall not be amended or be removed pursuant to subsection (1) unless —</b> <ol style="list-style-type: none"> <li>the Council has, by public advertisement — <ol style="list-style-type: none"> <li>stated the reasons for the proposed amendment or removal; and</li> <li>set out a sufficient description to identify the place, or specific portion of a place, affected; and</li> <li>invited persons generally to make submissions to the Council in relation to the proposed amendment or removal, specifying the manner in which and the address to which the submissions should be forwarded; and</li> <li>specified the date, being not earlier than 6 weeks after the publication of the advertisement in the Gazette by which the submissions are to be made and the date so specified has passed; and</li> </ol> </li> <li>the Council has considered any submissions forwarded and advised the Minister as to the recommendation of the Council.</li> </ol> </li> <li><b>Where any entry in the Register is amended or is removed (whether pursuant to this section or otherwise), the Council shall —</b> <ol style="list-style-type: none"> <li>cause to be entered in the Register, against the description of that place, a statement that the entry has been amended or removed from the Register, as the case may require, and as to the authorisation pursuant to which that was done and the date on which the statement was entered; and</li> <li>by public advertisement, state the nature of the amendment or that the entry has been removed, sufficiently identifying the place affected; and</li> <li>comply with section 56(2).</li> </ol> </li> <li><b>The place shall not be removed from the Register until a resolution of both Houses of Parliament to that effect is passed.</b></li> </ol>

Criteria for Entry into the Register	Process for Registration	Removal/ Alteration
<p><b>S 16 Entry of places in Heritage Register</b></p> <ol style="list-style-type: none"> <li>The Heritage Council may enter a place in the Heritage Register if it is satisfied that the place has historic cultural heritage significance.</li> <li>For the purposes of <b>subsection (1)</b>, the Heritage Council may determine that a place has historic cultural heritage significance if it is satisfied that the place meets one or more of the following criteria: <ol style="list-style-type: none"> <li>The place is important to the course or pattern of Tasmania's history;</li> <li>The place possesses uncommon or rare aspects of Tasmania's history;</li> <li>The place has the potential to yield information that will contribute to an understanding of Tasmania's history;</li> <li>The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history;</li> <li>The place is important in demonstrating a high degree of creative or technical achievement;</li> <li>The place has a strong or special association with a particular community or cultural group for social or spiritual reasons;</li> <li>The place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history;</li> <li>The place is important in exhibiting particular aesthetic characteristics.</li> </ol> </li> </ol>	<p><b>S 29 Declaration of heritage areas</b></p> <ol style="list-style-type: none"> <li><b>The Minister, by order, may declare an area to be a heritage area if it is an area which may contain any place of historic cultural heritage significance –</b> <ol style="list-style-type: none"> <li>On the heritage council's advice; and</li> <li>After consulting with any relevant planning authority and any other relevant body.</li> </ol> </li> <li><b>The heritage council is to publish the order –</b> <ol style="list-style-type: none"> <li>In the gazette; and</li> <li>In a local public notice (other than in the gazette).</li> </ol> </li> <li><b>The order –</b> <ol style="list-style-type: none"> <li>Takes effect on the day on which it is published in the gazette; and</li> <li>Remains in force for a period of 2 years or any further period, not exceeding 5 years, the minister specifies in the order.</li> </ol> </li> <li><b>The heritage council is to give the owner of any place within an area declared to be a heritage area a written notice stating –</b> <ol style="list-style-type: none"> <li>The order; and</li> <li>The reasons for declaring the area to be a heritage area; and</li> <li>The rights and duties of the owner under this act.</li> </ol> <p>An order under this section is not a statutory rule but <i>section 47 of the acts interpretation act 1931</i> applies to such an order as if it were a regulation.</p> </li> </ol>	<p><b>S 22 - Removal of place from Register</b></p> <ol style="list-style-type: none"> <li><b>The Heritage Council, on its own initiative or on application to it by any person, may decide to remove from the Heritage Register an entry relating to a place.</b> <p>(1A) However, the Heritage Council may only make a decision under subsection (1) in respect of a place if it is satisfied that –</p> <ol style="list-style-type: none"> <li>the place has been destroyed; or</li> <li>because of new information or for some other reason, the place does not meet, or no longer meets, any of the registration criteria; or</li> <li>the entry duplicates or substantially duplicates an existing entry; or</li> <li>the removal is required by law.</li> </ol> </li> <li>A person who applies to have a place removed from the Heritage Register is to give any information the Heritage Council requires to enable it to deal with the application.</li> <li>Before removing a place from the Heritage Register, the Heritage Council may invite written submissions from – <ol style="list-style-type: none"> <li>any person or body with special knowledge of, or interest in, the place; or</li> <li>any person or body with a special interest in Tasmania's historic cultural heritage.</li> </ol> </li> <li>After considering any submissions, the Heritage Council may decide to remove from the Heritage Register an entry relating to a place if it considers that the place no longer meets any of the registration criteria.</li> <li>If the Heritage Council intends to remove from the Heritage Register an entry relating to a place, it must – <ol style="list-style-type: none"> <li>give the owner of the place and the planning authority a written notice – <ol style="list-style-type: none"> <li>stating that it intends to remove the entry from the Heritage Register; and</li> <li>stating the reasons for the removal; and</li> <li>explaining the right to object to the removal; and</li> </ol> </li> <li>unless subsection (1A)(a), (c) or (d) applies, publish a local public notice– <ol style="list-style-type: none"> <li>stating that it intends to remove the entry from the Heritage Register; and</li> <li>inviting written submissions relating to that intention; and</li> <li>explaining the right to object to the removal.</li> </ol> </li> </ol> </li> <li>A notice to the owner of a place must be given at least 21 days and not more than 28 days before <ol style="list-style-type: none"> <li>the same notice is given to the planning authority; and</li> <li>the relevant local public notice is published under subsection (5)(b).</li> </ol> </li> </ol>

Criteria for Entry into the Register	Process for Registration	Removal/ Alteration
<p><b>S 35 - Criteria for entry in register</b></p> <p><b>1. A place may be entered in the Queensland heritage register as a State heritage place if it satisfies 1 or more of the following criteria—</b></p> <ol style="list-style-type: none"> <li>the place is important in demonstrating the evolution or pattern of Queensland's history;</li> <li>the place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage;</li> <li>the place has potential to yield information that will contribute to an understanding of Queensland's history;</li> <li>the place is important in demonstrating the principal characteristics of a particular class of cultural places;</li> <li>the place is important because of its aesthetic significance;</li> <li>the place is important in demonstrating a high degree of creative or technical achievement at a particular period;</li> <li>the place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;</li> <li>the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history.</li> </ol>	<p><b>S 36(1) – (2) - Applying to enter place in, or remove place from, register</b></p> <p><b>1. A person or other entity may apply to the chief executive—</b></p> <ol style="list-style-type: none"> <li>to have a place entered in the Queensland heritage register as a State heritage place; or</li> <li>to have a State heritage place removed from the register.</li> </ol> <p><b>2. The application must—</b></p> <ol style="list-style-type: none"> <li>be in the approved form; and</li> <li>include the details, required in the approved form, to enable the chief executive to give the council a heritage recommendation for the application; and</li> <li>for an application to enter a place in the register, be accompanied by— <ol style="list-style-type: none"> <li>a written statement, that is based on and refers to historical research, about how the place satisfies each of the cultural heritage criteria the applicant considers relevant for the place; and</li> <li>information about the history of the place that is based on and refers to historical research; and</li> <li>copies or details of material used for the historical research, including, for example, photographs, maps, plans and historical titles information; and</li> <li>a description of the features of the place that contribute to its cultural heritage significance, supported by photographs, drawings or other documents showing the features; and</li> <li>a plan showing the relationship between the place's cadastral boundaries, features mentioned in subparagraph (iv) and the boundary proposed for the place; and</li> </ol> </li> </ol>	<p><b>S 36(2)(d) – s 36(2) – Application for Removal</b></p> <p><b>S 36(2)(d) - for an application to remove a State heritage place from the register, be accompanied by—</b></p> <ol style="list-style-type: none"> <li>a written statement, that is based on and refers to the following, about how the place does not satisfy each of the cultural heritage criteria the applicant considers relevant for the place— <ol style="list-style-type: none"> <li>information in the entry for the place in the register;</li> <li>historical research; and</li> </ol> </li> <li>copies or details of material used for the historical research, including, for example, photographs, maps, plans and historical titles information.</li> </ol> <p><b>3. An application to remove part of a State heritage place must also include—</b></p> <ol style="list-style-type: none"> <li>a description of the features of the part proposed for removal, supported by photographs, drawings or other documents showing the features; and</li> <li>a plan showing the relationship between the place's cadastral boundaries, features mentioned in paragraph (a) and the part proposed for removal.</li> </ol>