

Mr Tim Anderson, QC,  
Chair, State Planning Commission,  
GPO Box 1815,  
Adelaide, 5001.

The Secretary,  
Kensington Residents' Association Inc.,  
Mr A Dyson,

██████████,  
██████████.

20<sup>th</sup> September 2018.

RECEIVED

21 Sep 2018

DPTI

**Re: Draft State Planning Policies**

Dear Sir,

Before commenting on the draft policies, we provide some background information about our Association and Kensington. We opened our submission to the current Environment, Resources & Development Committee's (ERDC's) Inquiry into Heritage with the same information as it is also very relevant to the State Planning Policies.

Kensington Residents' Association appreciates the opportunity to comment on the draft State Planning Policies. Our Association was founded in 1977 because there was a feeling amongst some residents that Kensington was run down and neglected and, amongst other issues, residents wanted both the recognition and preservation of its historical features.

Kensington Village was surveyed in 1838 and settled in 1839 and is possibly the first village established to the East of Adelaide. Kensington was intersected by Second Creek which gave rise to its unusual diagonal street layout. This minimized the number of creek crossings and provided a maximum number of blocks with creek frontage.

Over the last 40 years the Association has fought for the recognition and preservation of Kensington's heritage. In 1994, we achieved the designation of Kensington as an Historic Conservation Zone in recognition of the built heritage and history of the former colonial village. The designation was fully supported by Council and was championed by a former mayor.

The Historic Conservation Zone has served our community well for 25 years. The result is that Kensington retains some aspects of early colonial, late 19<sup>th</sup> century and early 20<sup>th</sup> century built heritage. Otherwise many of these houses and other buildings would have been demolished given the propensity for developers to look to the inner suburbs for development opportunities at the expense of what already exists.

Accordingly, our Association maintains its position that Kensington's heritage and historic character must be protected and preserved for the benefit of both present and future generations. This means the protection and preservation of not only our State and Local Heritage Items but also all our Contributory Items, as without them the Historic Conservation Zone has no integrity.

We are aware that the City of Norwood, Payneham & St Peters has made a very detailed study of all aspects of the draft policies expending a very considerable amount of resources and in turn has prepared a very detailed response. Our Association endorses the NPSP submission and we both quote from it and specifically endorse points of particular importance.

Our Council has also expended considerable resources over recent years in developing the NPSP Development Plan in consultation with the community. Why is our Development Plan to be thrown out for the sake of state wide policies with a one size fits all approach?

We offer the following comments and suggestions on the draft policies and the consultation document:

### **A Message from the State Planning Commission**

In your opening message you state:

*The new Act is being applied at a pivotal moment in the evolution of South Australia's history including:*

- *restructuring of the State's economy and trade*
- *ever-changing demographic make-up*
- *the universal impact of new technologies*
- *the fundamental need to conserve, in all respects – natural systems, cultural and built heritage, productive lands, liveable and vibrant neighbourhoods and communities.*

*Ultimately, the SPPs aim to provide the framework for land use planning and development that will improve the liveability, sustainability and prosperity of South Australia.*

*To be effective, these SPPs must reflect the planning aspirations of the communities they serve: how do you want your neighbourhood to look and function, what are the critical ingredients of a healthy, vibrant and liveable community?*

*We urge you to consider what is proposed here, tell us what you like, what you don't like, and if there is something more you'd like to add. We look forward to hearing from you*

Given your comments regarding conservation of our cultural and built heritage and your desire to listen to the community, we are perplexed that in the preparation of these policies, no notice appears to have been taken by DPTI of the numerous and extensive submissions made in response to the 2016 Heritage Discussion Paper titled *"Renewing our Planning System: Placing Local Heritage on Renewed Foundations"*.

Our experience throughout the whole planning reform process has been that the consultation process is one of **"consult and ignore"**. The consultation process regarding the draft policies has certainly been less than adequate and falls well short of expectations under the Community Consultation Charter.

The only result of the reform process has been to make it easier for developers and to take away the opportunity for residents to have any effective say about how they would like their communities to look. It certainly begs the questions:

- Will any notice be taken of this and other submissions or will the draft policies be adopted without any significant changes?
- Is this an exercise in sham consultation to enable the Commission and Department to tick the box that Community Consultation has taken place?

### **Principles of Good Planning**

The principles are supported but do they have any teeth? The principles must be implemented effectively and complied with.

## Urban renewal Principles

We suggest that an additional point should be added as follows:

- Heritage buildings and heritage and character areas should be protected and preserved for the benefit of future generations.

## Our Targets

### 5. A Green Liveable City

The proposals for urban infill and medium to high density developments throughout the inner and middle suburbs will result in a loss of urban green cover whereas the target is for a 20% increase.

#### Policy 1: Integrated Planning

The philosophy of integrated planning is supported. However we have serious concerns that medium to high density infill development and mixed use is proposed for the inner suburbs. The inner suburbs contain many areas of high quality low density housing with a high level of amenity, often of heritage value or character areas.

Low density areas are highly valued by many residents who choose to live in them and they provide the opportunity for the retention of character buildings, bigger backyards, mature vegetation, green space and lower storm water runoff.

Medium to high density developments of up to six storeys are not appropriate for many of our inner suburban areas that exhibit high visual amenity. Multi-storey developments overlook and overshadow existing low density housing, blocking light and access to solar energy. To be sustainable, it is imperative that overshadowing is prevented and that rights to solar access are enshrined in planning policies.

Multi-storey developments should be restricted to very large sites with low buildings on the perimeter with a progression to higher buildings at the centre of these sites such that the interface with low rise areas is managed and multi-storey buildings do not overlook neighbouring properties or obstruct access to light and solar energy.

Multi storey developments are also unsuitable in heritage areas and historic conservation zones as they will destroy the heritage character of these areas.

While some mixed uses are suitable within residential areas, those with noise or emission issues should be excluded from residential areas.

The listing of attributes for the Inner suburbs makes no mention of heritage. Quite clearly the inner suburbs are characterised by their heritage and character housing stock and this is highly valued by those that choose to live there. We suggest that the Inner suburbs attributes should be:

*Low to medium density residential, with medium density restricted to areas that need regeneration*

*Heritage and character areas*

*Appropriate mixed land uses*

*Walkable neighbourhoods with access to key services and facilities*

*Schools and employment nodes*

*Multiple public transport options*

*Bicycle friendly*

Policies 1 to 8 are supported and in particular the aim of preventing urban encroachment into rural, landscape, environmental and food production areas. Unfortunately, there is no mention of

protecting against the encroachment of multi storey development into residential heritage or character areas. It is suggested that the following policy is included:

*Ensure the protection of areas already designated as Historic Conservation Zones and their Local Heritage and Contributory Items, and all pre World War 1 housing stock.*

### **Policy 2: Design Quality**

The suggested policies are supported but are they only aspirational, as opposed to being mandatory? Unless design quality is mandated developers will continue to construct residential and commercial developments that are poor quality, not sustainably built, and are not sympathetic to the existing buildings and streetscapes.

The provision of “*high quality, functional and accessible green spaces*”, as stated in Policy 6, is strongly supported but we question how it will be achieved. Will private developers be obliged to provide this open space or will it be left to local government to find suitable sites for parks and to fund the purchase of land and the works necessary to create functional open spaces?

We strongly support the NPSP recommendation as follows:

*It is recommended that a policy relating to heritage sensitive design be included, as well as a policy relating to desired future character design policies. While good design often needs to respond to the context of an area, some areas require a new direction and require policies to guide development towards the desired future character.*

### **Policy 3: Adaptive Reuse**

Within Kensington we have a number of excellent examples of adaptive reuse, mainly for residential purposes. These include the old Congregational Chapel, Pappin’s Blacksmith’s Workshop, the Electric Converter Station (for trams), an old hall and an old warehouse building. All but the latter are heritage buildings.

The concept of adaptive reuse is supported but the emphasis should be on the adaptive reuse of heritage items, whether of state or local significance. Such reuse should not detract from the visible heritage characteristics of the building, but instead preserve and protect them. When adapting non-heritage buildings it is important that they are adapted in a manner sympathetic to neighbouring properties, and particularly so in heritage and character areas.

### **Policy 4: Biodiversity**

Over the last forty years a quite considerable amount of open space has been lost in Kensington with the subdivision and development of blocks that had gardens, both large and small. Some of these gardens were very large. In addition, a large number of Red Gums that predated European settlement have been cut down over this period.

All the developments that have replaced these gardens have very small pocket handkerchief sized gardens. In many cases they have been paved or covered resulting in minimal permeable surfaces. The plants used are rarely ones that contribute to our biodiversity. Of concern is that although development approvals specify that gardens must be maintained, in fact over the years many especially those in larger unit developments are not maintained and gradually the plants are lost and not replaced.

In an attempt to increase the biodiversity in Kensington, our Association initiated biodiversity projects in two Kensington parks with our first planting taking place in 2010. Since then, about 50 volunteers have contributed nearly 3500 hours and we have planted nearly 4000 locally indigenous plants in the two parks. These activities have taken place in cooperation with, and with the support of our local Council and Adelaide & Mt Lofty Ranges Natural Resources Management.

The proposal for multi storey high density development within our inner suburbs will see an even greater loss of habitat and biodiversity. The policies don't recognise the importance of back yard gardens and trees in contributing to our biodiversity.

The policies seem to be aimed at reducing the detrimental impact of development on biodiversity but do not recognise the need to increase biodiversity, especially so in our inner suburbs. They take no account of Target 5 to increase green cover in Adelaide by 20% by 2045.

We suggest adding the following policy:

*Ensure that all developments provide significant landscaping that will increase biodiversity, and ensure that agreements are in place to ensure that such landscaping is maintained in the long term.*

The policies do not address the need to manage the cumulative effects of all the individual developments that will be treated and assessed in isolation. This is discussed in detail in the NPSP submission. We support the NPSP recommendation to take this matter into account in the development of additional policies.

We also support the NPSP recommendation to recognise the importance of monitoring outcomes in relation to biodiversity.

#### **Policy 5: Climate Change**

Our Association supports policies that recognise climate change and attempt to reduce greenhouse gas emissions and suggests that they should be worded more strongly to mandate development that is carbon efficient. We support the comments in the NPSP submission in relation to the need for climate smart design.

Policy 1 suggests that “*carbon efficient living environments*” will be created by a “*more compact urban form*”. This ignores the fact that densification results in the loss of back yards, gardens, trees and permeable surfaces, and most new housing relies heavily on air conditioning. Therefore densification is not necessarily carbon efficient.

Policy 6 refers to protecting areas that provide biodiversity but ignores the need to actively increase biodiversity to help address climate change. Accordingly we suggest adding the following policy:

*All developments must address the requirement to increase biodiversity.*

The policies should also recognise that there is considerable energy stored in existing housing stock and that demolition of existing housing, that would be serviceable and last for a number of years, is wasting energy.

#### **Policy 6: Housing Supply and Diversity**

Our Association supports the objective of providing “*a range of diverse, affordable, well-serviced and sustainable housing and land choices*”.

We are however concerned that Policy 5 supports a “*permissive and enabling policy environment for housing within residential zones*”. It suggests that a range of potentially inappropriate development outcomes are likely and they will undoubtedly impact on both biodiversity and climate change policies. Consistent with the rest of the document and draft policies, it totally ignores the likely impact on heritage and character areas such as our Historic Conservation Zone and the individual Local Heritage and Contributory items.

We suggest the addition of the following policy:

*Ensure that heritage and character areas such as Historic Conservation Zones require development that respects and does not adversely impact on the character of these areas.*

### **Policy 7: Cultural Heritage**

As indicated above, one of the main reasons our Association was founded in 1977 was concern about the lack of recognition of the importance of Kensington's heritage buildings and the lack of protection for them. Throughout the last 41 years we have continued to fight for our heritage.

Not only do the majority of draft policies ignore or neglect the importance of our built heritage but the single policy related to built heritage is hopelessly inadequate. All it suggests is to *"support and promote the sensitive and respectful use of our culturally and historically significant places"*.

The document displays a total lack of balance when it comes to protecting our built heritage as there is not a single policy stressing the importance of preserving and protecting it for the benefit of current and future generations.

It has been suggested that issues relating to heritage and character will be addressed through the 'People and Neighbourhoods' Discussion Paper, and through the current Parliamentary Inquiry but this has not been clearly stated. If this is the case then preparation of the draft SPPs should have been deferred until after the discussion paper has been released and considered and the ERDC has completed its Inquiry.

Our Association agrees with NPSP's assessment as follows:

*"however the absence of policies relating to built heritage, in contrast to the extensive and detailed SPPs encouraging infill and development, creates a perception that the SPPs are heavily weighted towards development rather than heritage and character. The Council believes that this is an intentional strategy aimed at diluting the correct policies which relate to built heritage."*

We note that the Guidance Notes suggest that the *"Regional Plans should implement state policies by recognising and supporting the appropriate conservation of areas and places of cultural and heritage significance."* In addition the *"Planning and Design Code should implement state policies by identifying areas and places of national, state and local heritage value and may include the identification of places or items, including the extent of their cultural heritage significance. The first version of the Code will incorporate the existing state and local heritage items currently listed in Development Plans."*

Unfortunately the Regional Plans will not be in place before the Planning and Design Code will be formulated, therefore clear and strong heritage policies should be in place.

It is very disturbing that the consultation document makes no reference to Historic Conservation Zones and Contributory Items. Historic Conservation Zones and Contributory Items have been critical to the protection of our built heritage in our council area and throughout other inner suburban areas.

As mentioned above, Kensington was designated as an Historic Conservation Zone in 1994. Such zones are the foundation for preserving what we love and appreciate. Heritage is not just about landmark buildings but, more importantly, about groups of buildings that contribute to the character of an area. This grouping of buildings is at the core of Historic Conservation Zones.

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

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

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

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

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

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

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

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

Our Association supports without reservation the NPSP recommendation:

*It is exceptionally important that additional policies are included to illustrate support at State level for the retention and respectful development of and around valued built heritage – applying to both individual buildings and areas. The policies should define what constitutes historically significant places such as including State and Local Heritage Places as well as Historic (Conservation) zones and Contributory Items. The policies should also recognise the value of heritage to local communities, local identity, tourism, retention of embedded energy and the economic contribution to both residential and commercial areas.*

All levels of heritage should be considered as important at the State level including Historic Conservation Zones and Contributory Items. However, Local Government should retain prime responsibility for local heritage listing, including of contributory items, in consultation with local communities. The determination of what constitutes local heritage is best decided by local communities.

Local heritage is what local people believe to be their heritage. Accordingly, different criteria are to be expected in different areas and between different councils. Diversity is important to local heritage. When it comes to local heritage, one size does not fit all. Protection of heritage should be absolute whatever the council area but the nature of local heritage is bound to differ widely.

We do not believe local heritage listings should be determined based on the rarity of an example either within the local area or the broader area. To say that we have plenty of examples of a particular style of building within an area, and that they are over represented will eventually destroy the character of an area.

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

### **ERDC Inquiry into Heritage**

At the start of this submission, we mentioned our recent submission to the ERDC Inquiry into Heritage and we have included large portions of that submission in this one. A copy of that submission is attached and we trust that its contents will be considered.

### **The 2016 Heritage Discussion Paper**

The Department of Planning, Transport and Infrastructure's (DPTI) 2016 Heritage Discussion Paper titled *"Renewing our Planning System: Placing Local Heritage on Renewed Foundations"* appeared to be an attempt to downgrade and get rid of local heritage protection. Despite the short time available, there were 183 written responses to the discussion paper. In addition there were a number of public meetings and an online survey. The National Trust of South Australia commissioned a study and prepared a detailed analysis of the responses. This was published in the **2016 South Australian Community Consultation on Local Heritage**.

The National Trust report found *"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"*.

The report also found that *"the existing system of heritage protection works pretty well. Any changes should be to enhance, not diminish protection"*.

Our Association endorses the findings of the National Trust. Why have DPTI and the Planning Commission taken no notice of the overwhelming support for heritage expressed in most of the 183 submissions and the findings of the National Trust? This only serves to make the community, community groups and councils cynical about the whole consultation process. If those submissions

and the National Trust's report were ignored why should we think that it will be any different this time? As suggested above, the planning reform process has only been about removing long established controls, that are supported by communities and councils, for the benefit of developers.

### **Conclusion**

Our Association viewed the 2016 Heritage 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 was a serious threat to the integrity of the Kensington Historic Conservation Zone and the heritage character that residents have fought so hard to preserve and protect. Unfortunately we now have an even greater threat and it seems to be unstoppable.

In conclusion our Association requests that the Planning Commission takes notice of the concerns of the public, community organisations and the NPSP submission. We seek strengthening, not weakening of heritage protection in South Australia through the State Planning Policies.

If you require clarification of any matters, we are happy to be contacted.

Yours faithfully,



**Stewart Caldwell**  
**President** ( [REDACTED] )

**Andrew Dyson**  
**Secretary** ( [REDACTED] )

cc The Premier, Mr Steven Marshall  
Deputy Premier, Ms Vickie Chapman  
Minister for Planning, Mr Stephan Knoll  
Minister for Environment & Water, Mr David  
Speirs  
City of Norwood, Payneham & St Peters  
Community Alliance South Australia  
National Trust of South Australia  
History Trust of South Australia  
South Australian Heritage Council  
Australian Civic Trust

Fig Her/18 ADJOINS

THE PARADE

Fig Her/22 ADJOINS



12.9

11.3

11.3

12.8

12.8

12.10

PORTRUSH RD

BOWEN ST

PHILLIPS ST

MARCHANT ST

REGENT PL

THORNTON ST

HUGHES AVE

BRIDGE ST

GROVE PL

MAESBURY ST

WELLINGTON ST

KENSINGTON RD

BISHOPS PL

REGENT ST

HILL ST

SALTER ST

TRAM ST

BISHOPS PL

SHIPSTERS RD



Fig Her/24 ADJOINS

-  State Heritage Place
-  Local Heritage Place
-  Contributory Item

Mixed Use Historic (Conservation) Zone  
11.3 Kensington

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

 Policy Area Boundary  
 Development Plan Boundary



Scale 1:5000



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

**Fig Her/23**

Consolidated - 31 October 2013

The Parliamentary Officer,  
Environment, Resources & Development Committee,  
GPO Box 572,  
Adelaide, 5001.

The Secretary,  
Kensington Residents' Association Inc.,  
Mr A Dyson,

████████████████████  
████████████████████

13<sup>th</sup> September 2018.

**Re: Inquiry into Heritage**

Dear Committee Members,

Kensington Residents' Association appreciates the opportunity to participate in the consultation process regarding the Inquiry into Heritage. Our Association was founded in 1977 because there was a feeling amongst some residents that Kensington was run down and neglected and, amongst other issues, residents wanted both the recognition and preservation of its historical features.

Kensington Village was surveyed in 1838 and settled in 1839. Kensington was intersected by Second Creek which gave rise to its unusual diagonal street layout. This minimized the number of creek crossings and provided a maximum number of blocks with creek frontage.

Over the last 40 years the Association has fought for the recognition and preservation of Kensington's heritage. In 1994, we achieved the designation of Kensington as an Historic Conservation Zone in recognition of the built heritage and history of the former colonial village. The designation was fully supported by Council and was championed by a former mayor.

The Historic Conservation Zone has served our community well for 25 years. The result is that Kensington retains some aspects of early colonial, late 19<sup>th</sup> century and early 20<sup>th</sup> century built heritage. Otherwise many of these houses and other buildings would have been demolished given the propensity for developers to look to the inner suburbs for development opportunities at the expense of what already exists.

Accordingly, our Association maintains its position that Kensington's heritage and historic character must be protected and preserved for the benefit of both present and future generations. This means the protection and preservation of not only our State and Local Heritage Items but also all our Contributory Items, as without them the Historic Conservation Zone has no integrity.

We offer the following comments and suggestions for consideration by the inquiry:

**Local Heritage Listing Process**

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

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

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

### **Local Heritage Listing Criteria**

Local heritage is what local people believe to be their heritage. Accordingly, different criteria are to be expected in different areas and between different councils. Diversity is important to local heritage. When it comes to local heritage, one size does not fit all. Protection of heritage should be absolute whatever the council area but the nature of local heritage is bound to differ widely.

We do not believe local heritage listings should be determined based on the rarity of an example either within the local area or the broader area. To say that we have plenty of examples of a particular style of building within an area, and that they are over represented will eventually destroy the character of an area.

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

### **Demolition on Merit**

The Local Heritage Discussion Paper of 2016 suggested allowing “demolition on merit”. In our opinion this would be dangerous. On what basis would it be allowed and who would determine the merit? Would the merit of the proposed development be more important than the merit of local heritage listing as determined by the community?

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

### **Historic Conservation Zones**

As mentioned above, Kensington was designated an Historic Conservation Zone in 1994. Such zones are the foundation for preserving what we love and appreciate. Heritage is not just about landmark buildings but, more importantly, about groups of buildings that contribute to the character of an area. This grouping of buildings is at the core of Historic Conservation Zones.

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

### **Contributory Items**

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

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

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

### **Improving the Recording of Local Heritage Places**

An integrated heritage register should list all State and Local Heritage Places, including Contributory Items. It should be managed under a Heritage Act by an appropriate heritage authority, such as the Heritage Council, not by the Department of Planning, Transport & Infrastructure. The heritage authority should be allocated sufficient resources. Such an authority should work with local councils and communities on matters of local heritage. It should ensure that heritage status cannot be removed on invalid or spurious grounds. As an example, Local Heritage status was removed from one of Kensington's most significant corner buildings (the "flat iron" building at 296 The Parade) because the owner objected on financial grounds. This is not a valid reason.

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

## **Adaptive Reuse**

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

## **Intentional Neglect of Heritage Properties**

There is a need to address owner's long term neglect of Local Heritage and Contributory Items, in an attempt to gain demolition approval. They argue that such neglected buildings are beyond repair at a reasonable cost. Significant penalties should be in place for such neglect.

## **Heritage Listing & Property Values**

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

## **The 2016 Heritage Discussion Paper**

The Department of Planning, Transport and Infrastructure's (DPTI) 2016 Heritage Discussion Paper titled *"Renewing our Planning System: Placing Local Heritage on Renewed Foundations"* appeared to be an attempt to downgrade and get rid of local heritage protection. Despite the short time available, there were 183 written responses to the discussion paper. In addition there were a number of public meetings and an online survey. The National Trust of South Australia commissioned a study and prepared a detailed analysis of the responses. This was published in the ***2016 South Australian Community Consultation on Local Heritage.***

The National Trust report found "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".

The report also found that "the existing system of heritage protection works pretty well. Any changes should be to enhance, not diminish protection".

Our Association endorses the findings of the National Trust and urges that your committee gives their report the consideration that it deserves.

## **Conclusion**

Is this inquiry an attempt to advance the cause of heritage and heritage protection or is it in fact an attempt to water down protection of our built heritage for the benefit of the development industry?

The DPTI 2016 Heritage Discussion Paper claimed that the local heritage system was "broken" in order to justify reforms, but provided no evidence to support the claim. Our Association viewed the 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 was a serious threat to the integrity of the Kensington Historic Conservation Zone and the heritage character that residents have fought so hard to preserve and protect.

The watering down of heritage protection threatens to cause significant and irreversible damage to the character of Adelaide's older suburbs and that of the older towns or older parts of towns throughout the state.

Will there be any discussion around the positive contribution that heritage makes to our society, in terms of lifestyle; the economy; tourism; and a "sense of place"?

We request the opportunity for one of our members to appear as a witness before the inquiry.

In conclusion our Association seeks strengthening, not weakening of heritage protection in South Australia.

Yours faithfully,



**Stewart Caldwell**  
**President** ( [REDACTED] )

**Andrew Dyson**  
**Secretary** ( [REDACTED] )

cc The Premier, Mr Steven Marshall  
Deputy Premier, Ms Vickie Chapman  
Department of Planning, Transport &  
Infrastructure  
City of Norwood, Payneham & St Peters  
Community Alliance South Australia  
National Trust of South Australia  
History Trust of South Australia  
South Australian Heritage Council

Fig Her/18 ADJOINS

THE PARADE

Fig Her/22 ADJOINS



PORTRUSH RD

SHIPSTERS RD

KENSINGTON RD

12.9

12.8

12.8

12.10

11.3

11.3

BOWEN ST

PHILLIPS ST

MARCHANT ST

REGENT PL

THORNTON ST

HUGHES AVE

BRIDGE ST

GROVE PL

MAESBURY ST

WELLINGTON ST

HIGH ST

BRIDGE ST

GROVE PL

HIGH ST

BISHOPS PL

REGENT ST

SALTER ST

HILL ST

TRAM ST

BISHOPS PL

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GROVE PL

HIGH ST

BISHOPS PL

REGENT ST

SALTER ST

HILL ST

TRAM ST

BISHOPS PL



Fig Her/24 ADJOINS

-  State Heritage Place
-  Local Heritage Place
-  Contributory Item

Mixed Use Historic (Conservation) Zone  
11.3 Kensington

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

 Policy Area Boundary  
 Development Plan Boundary



Scale 1:5000



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

**Fig Her/23**

Consolidated - 31 October 2013