

“In developing the Code, the Commission has proposed that contributory items not be individually identified in the new planning system because they have no statutory basis; have been applied inconsistently and processes to identify them have not afforded home owners the rights associated with the listing of state and local heritage. (sic)

The intention of the Historic Area Overlay is to ensure Historic Conservation Zones and the contributory items within them are subject to a consistent assessment process and the same level of protection. In this way, the Overlay will bring equality and fairness to land owners regardless of where they live. “

While recognising the Commissions proposed Code target, one notes the Planning Commission’s statement founding the desire to amalgamate the heritage contributory items into the over all “Overlay” for historic areas. The desire is based on the extravagant and inconsistent opinion regarding the alleged approach of Councils in relation to contributory items said to found that opinion.

While examining the proposals overall in relation to all development proposals in Urban areas, the decisions are centralised in the one planning authority. Worse still, behind the Ministerial powers, the Minister is able to employ the departmental wall to fend off feedback regarding decisions that have significant impact on the residential area, often, if at all, with some insignificant notification in the local newspaper or Government Gazette. This is particularly so in Heritage areas where a proposed development proposal can merely allege, without justification, that a contributory item is beyond “ the viability restoration” in relation to its “structural condition”. “Economic restoration” is a new Planning determinate for demolition. These are very flexible value judgments.

Demolition and redevelopment is already and understandably occurring in areas that do not enjoy the heritage aspects of an historical area, e.g. on a major arterial road. However, the development so characterised still has been subject to objection resulting in a reduction of building height levels in circumstances that much more in original height was proposed, e.g. aged care facilities on lower Payneham Road. My submission is:

- Notification is required independently to surrounding contributory items to ensure equity and accurate information.
- Nothing stops a developer under various corporate guises acquiring contributory items and allowing them to decay with the motherhood statement that it is beyond “economical repair”. An example would be one of a 1900 century semidetached “contributory item” dwelling that has had thousands of dollars spent on it. Damp courses, water diversion into the grounds (rather than the street) and substantial permanent and other building works have been performed to preserve longevity. The other semidetached “contributory item” has not begun that process. Who establishes the facts before demolition permits are granted for the “beyond economical repair” demolition permit (even if the Minister gets to hear of the consequences)? Why does the adjoining owner remain without notification under the proposed system until the bulldozers arrive? It’s farcical.
- Many other examples exist where large areas of contributory items close to the CBD in Historical Areas have been developed well beyond the economical value of the premises acquired by the new owner. In some cases a million dollars or more, has been spent simply based on the contributory item appeal of the premises. The area is richer for that action.
- The overlays etc. are beyond the comprehension of even those with an experienced extensive legal background. The overlays are confusing, open to abuse and in some cases, corruption in the milder form.
- The admirable desire to simplify the “1500 zone variations and 2300 pages” of planning policy content fails at the first hurdle because the Planning Commission planners have failed in the simplification wording. Plain English will achieve the removal of red tape in the planning process objective. The use of plain concise non-

technical English is appropriate. A simple Glossary where technical terms must be used can be employed. Notification in simple terms is a must.

- The standard allotment size of 300 sqm is no comfort to those endeavouring to maintain the status of the Historic Area simply because a remote department apparently classifies those concerned as “Nimbies”. It is heartening to see busloads of tourists being taken along the streets of Historic Areas occasionally.
- Overall, the Councils have done a pretty good job of listening to local concerns, moderating the more extreme examples of development and balancing the competing interests during urban infill, especially in Historic Zones. Yes, delay has occurred.
- Personally, I don’t have a problem with the Minister not having the power to direct demolition in Historic Areas since the present initiative was begun and continued under two different political parties while governing the State of South Australia. It is interesting to note that the present Premier insisted that one councillor be on the independent Council Planning body while he was in opposition.
- Finally, I am cynical enough to believe that approximately 30% of the State’s Gross Domestic Product, according to the Real Estate developer’s claimed figures (and the attendant employment), is tied up in Real Estate development. Accordingly, the request by DPTI for consultation is merely box ticking in the process of centralising decision-making processes. My submission will end up with all the other disregarded submissions in relation to the uniqueness of South Australian Historic Areas and Contributory Items.
- I claim to have resided in a number of rural and urban areas here and interstate (mostly here). That residency included 6 years on a major rural city Council in SA as a chair of Finance. That Council was apolitical for the good of the City, its inhabitants and its surrounding areas. I respectfully submit that condition is about to be unintentionally abandoned In Adelaide.

Yours faithfully

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