



DRAFT FOR CONSULTATION – 1/10/19

**State Planning Commission Practice Guideline (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019**

This practice guideline is issued by the State Planning Commission under section 43 of the *Planning, Development and Infrastructure Act 2016*.

## Introduction

Section 43 of the *Planning, Development and Infrastructure Act 2016* allows the State Planning Commission (the “Commission”), with the approval of the Minister, to issue practice guidelines for the purposes of the Act. Generally, practice guidelines provide guidance with respect to the interpretation, use or application of the Planning or Building Rules. This Practice Guideline is in respect to the Planning Rules, and in particular the interpretation of provisions of the Planning and Design Code.

## Practice Guideline

### Part 1 – Preliminary

#### 1 – Citation

This practice guideline may be cited as the State Planning Commission Practice Guideline (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019.

#### 2 – Commencement of operation

This practice guideline will come into operation on the day on which it is published on the SA planning portal.

#### 3 – Object of practice guideline

The object of this practice guideline is to assist in the interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay. Specific policy guidance is also provided for PO6.1 within the Local Heritage Places Overlay and PO6.1 within the Historic Area Overlay.

### Part 2 – Definitions as they apply to Heritage and Character

#### 1- Interpretation

1 – Specific definitions for the interpretation of policies contained within the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay are provided in *Attachment 1 – Definitions for Heritage and Character Overlays*

## Part 3 – Local Heritage Places

### 1- In relation to the extent of the place that has heritage value

1 – Where the extent of heritage listing is set out within the Planning and Design Code, this should be taken as the elements of heritage value for the purposes of undertaking a development assessment.

2 – Where the extent of heritage listing is not set out within the Planning and Design Code, the applicant should provide advice from a suitably qualified heritage expert to identify the elements of heritage value. Consideration may also be given to any extent of listing identified within a Heritage Survey completed and used to support the original listing of the property.

### 2- Interpretation of Demolition Policy

PO 6.1 Local Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:

- (a) the portion of the place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value;
- (b) the structural integrity or condition of the building represents an unacceptable risk to public or private safety and is irredeemably beyond repair.

PO 6.2 The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the place.

1 – PO6.1 seeks to establish circumstances where demolition, or part demolition, of a Local Heritage Place may be considered. Any application of PO6.1 needs to have regard to:

- The general intent of the Overlay is to preserve places of Local Heritage value; and
- No single Performance Outcome is mandatory. Rather, a planning judgement must be made against all relevant Code provisions as to the merits of any proposal;
- It is not intended that PO6.1 serve building owners who deliberately neglect their premises in order for them to fall into disrepair to enable demolition under this provision.

2 – A Local Heritage Place Impact Statement (refer checklist in Attachment 4) must be provided to support any proposed demolition, in total or in part, of a Local Heritage Place. The Statement should be prepared by suitably qualified experts and may include:

- Expert heritage advice outlining heritage values of the building/structure, and where the building has been altered, the extent to which the building can be restored, and the extent to which the proposed demolition affects the extent of listing and/or heritage values of the place; and/or
- Structural engineers report detailing the structural condition and integrity of the building/structure, including level of risk to public or private safety and ability to restore.

## Part 4 – Historic Areas

### 1- In relation to Historic Area Statements

1 – The Historic Area Statement identifies the key historic characteristics and elements of importance in a particular area. This Statement should be used to determine the prevailing styles and patterns of development for the purposes of interpreting all policies within the Historic Area Overlay.

2 – It is not intended that the characteristics described in the Historic Area Statement are used as a means to justify complete replication of traditional, historic styles. Instead, development should be designed in a way which makes reference to and complements the prevailing characteristics of the area and associated building(s).

## 2- Interpretation of Demolition Policy

PO 6.1 Buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished unless:

- (a) the front elevation of the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building's original style; or
- (b) the building façade does not contribute to the historic character of the streetscape; or
- (c) the structural integrity or condition of the building is beyond economic repair.

PO 6.2 Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.

PO 6.3 Buildings, or elements of buildings, that do not conform with the values described in the historic areas statement may be demolished.

1 – PO6.1 seeks to establish circumstances where demolition, or part demolition, of a structure that displays attributes expressed in the Historic Area Statement may be considered. Any application of PO6.1 needs to have regard to the following:

- The general intent of the Overlay is to preserve historic character derived from the collection of places that display attributes expressed in the Historic Area Statement; and
- No single Performance Outcome is mandatory. Rather, a planning judgement must be made against all relevant Code provisions as to the merits of any proposal;
- It is not intended that PO6.1 serve building owners who deliberately neglect their premises in order for them to fall into uneconomic disrepair to enable demolition under this provision.

## 3- Historic Area Impact Statement

1 – A Historic Area Impact Statement (refer checklist in Attachment 3) must be provided to support any proposed demolition in a Historic Area Overlay. The Statement should be prepared by suitably qualified experts and may include:

- Expert heritage advice outlining the contribution the building/structure makes to the historic characteristics of the area (as expressed in the Historic Area Statement), and the extent to which the proposed demolition impacts on those historic characteristics, and where the building has been altered, and the extent to which the building can be restored;
- A structural engineer's report detailing the structural condition and integrity of the building/structure, including level of risk to public or private safety and ability to restore; and /or
- A quantity surveyor's report outlining the economic cost of repair vs replacement, as the proposal relates to historic and/or structural integrity.

## **Part 5 – Character Areas**

### **1- In relation to Character Area Statements**

1 – The Character Area Statement identifies the key characteristics and elements of importance in a particular area. This Statement should be used to determine the prevailing styles and patterns of development for the purposes of interpreting all policies within the Character Area Overlay.

### **2- Contextual Analysis**

1 – A Contextual Analysis Report (refer checklist in Attachment 2) must may be provided to support any new development in the Character Area Overlay. The Report should be prepared by an architect or other suitably qualified expert, and should outline how the proposed development addresses the existing streetscape, having consideration to the key elements and characteristics outlined in the Character Area Statement.

## **Attachments**

*Attachment 1: Definitions for Heritage and Character Overlays*

*Attachment 2: Checklist – Contextual Analysis for Character Areas*

*Attachment 3: Checklist – Historic Area Impact Assessment*

*Attachment 4: Checklist – Local Heritage Place Impact Assessment*

## Attachment 1 – Definitions for Heritage and Character Overlays

The following definitions should be used for the purposes of interpretation of policy within the Local Heritage Place Overlay, Historic Area Overlay and the Character Area Overlay.

| Term                         | Definition   |
|------------------------------|--|
| Character                    | <p>The combination of the particular attributes, characteristics, and qualities of a place.</p> <p>Attributes of an area (physical, visual and facilities) that form consistent key elements and patterns, and its distinctive 'look and feel'.</p>  |
| Character Area Statement     | <p>Detailed, locality-specific guidance for the provision of planning rules within the Character Area Overlay.</p>   |
| Complement / Complementary   | <p>Demonstrate a design response that draws reference from the historic attributes expressed in the Area Statements, emphasising their qualities without confusing their legibility.</p>   |
| Conservation Works           | <p>The processes of maintaining and conserving a place in order to retain its cultural significance. Conservation activities include maintenance, preservation, restoration, adaptation, explaining and campaigning.</p> <p>Means all of the processes of conserving so as to retain its cultural significance.</p>  |
| Consistent / Consistent with | <p>Adhering to the same design principles. Being visually compatible with attributes of importance expressed in the Area Statements without confusing their legibility or detracting from the identified visual qualities of the locality.</p>   |
| Context                      | <p>The physical, social, cultural, economic, environmental, and geographic circumstances that form the setting for a place or building. This includes views to and from the site.</p>  |
| Contextual Design            | <p>Contextual Design responds to the surrounding environment, and contributes positively to the existing quality and future character of a place.</p> <p>Contextual Design creates places that improve the local area and reinforce the unique character of a neighbourhood or street.</p>   |
| Contextual Analysis          | <p>A contextual analysis establishes the immediate development context, identifying and explaining the key influences on the proposed design.</p> <p>It analyses the immediate surroundings and maps potential constraints relating to overlooking, overshadowing, view retention, building bulk, pedestrian and transport networks, streetscape, landscape and policy provisions.</p> |

| Term                            | Definition   |
|---------------------------------|--|
| Curtilage                       | <p>An area of land (including land covered by water) surrounding an item, area, or place of heritage significance, which contributes to its heritage significance and/or an area of land around a building associated with its function and/or appropriate visual space.</p> <p>It is also the term used to describe the site area of heritage places listed on the heritage register.</p>   |
| Extent of listing               | As it relates to a Local Heritage Place, the description of those elements of heritage value set out in the Planning and Design Code.  |
| Form                            | Overall shape and volume of a building and arrangement of its parts and features, e.g. base walls scale, roof pitch and shape, key features.   |
| Heritage                        | Places, areas and elements that have been determined to meet the criteria for either State or Local Heritage listing under the relevant legislation.   |
| Heritage Significance           | The specific values of a Heritage Place as defined in Section 16 of the Heritage Places ACT 1993.  |
| Heritage Value                  | The specific values of a Heritage Place as defined in Section 67(1) of the PDI Act 2016.   |
| Historic Area Statement         | Detailed, locality-specific guidance for the provision of planning rules within the Historic Area Overlay.   |
| Heritage Impact Statement (HIS) | <p>A review of the potential impact of proposed works on the heritage values of a place or places.</p> <p>Needs to explain how the heritage value of an item is likely to be affected (either positive, negatively, or not at all) by a proposed development.</p> <p>For minor development proposals, a statement outlining how the significance of the heritage place has been taken into account in formulating the proposed work should be provided. This should include a summary of any impacts on the heritage significance and any historic fabric, how these have been minimised and how decisions were reached.</p> <p>For larger and more complex development proposals, a comprehensive HIS should be prepared by a suitably qualified heritage consultant that sets out the rationale for the approach taken. The HIS should identify how the significance of the heritage place will be affected by the proposed works or future use.</p> |
| Irredeemably beyond repair      | <p>The building fabric is so compromised that its value would be lost were it to be repaired or replaced.</p> <p>Within the Historic Area Overlay, consideration should not only be given to the extent of restoration works required, but also the economic cost of repair vs replacement.</p>  |

| Term                                   | Definition   |
|--|--|
| 'Like for like' maintenance            | Replacement of damaged elements of a building or structure with new elements of the same material, detail and finish.  |
| Main face of the principal building(s) | In most cases this is the 'front' of the house that opens out toward the primary street serving the dwelling. The main face of the principal building is identified commonly by features such as the main door, the orientation of the main rooms and main architectural features of the building. In some cases such as corner site or where a building does not face a road, a level of interrogation will be necessary using the key characteristics as identified above.   |
| Minor in nature                        | <p>Works that would not undermine the integrity of the built form or be at variance with the Performance Outcome.</p> <p>Works that do not affect the function or external form; or alter the structural integrity of a building or structure.</p>   |
| Public Realm                           | <p>The collective, communal part of cities and towns that have shared access for all. The public realm includes spaces of movement, recreation, gathering, events, contemplation and relaxation – for example, streets, pathways, rights of way, parks, accessible open spaces, plazas, and waterways that are physically and visually accessible regardless of ownership.</p> <p>Comprises the streets, squares, parks, green spaces and other outdoor places that require no key to access them and are available, without charge for everyone to use. Public realm should not be seen in isolation but in the context of its adjacent buildings, their uses and its location in a wider network of public and private space.</p> <p>The three key elements that influence the public realm are:</p> <ul style="list-style-type: none"> <li>• The buildings that enclose and define the space;</li> <li>• The space itself; and</li> <li>• The people who utilise the public realm.</li> </ul> |
| Scale                                  | The size of a building and its elements, and its relationship with the surrounding buildings or landscape.   |
| Setting                                | The area around a heritage place, which contributes to its heritage significance and may include views to and from the heritage item. The listing boundary or curtilage of a heritage place does not always include the whole of its setting.  |
| Streetscape                            | Combined visual effect of all the buildings, spaces and landscape elements along both sides of a street. The extent of the visual experience defined by the street, verges, building setting, spaces, built scale and form, fencing, landscaping, car parking etc., in both the public and private realm .   |

| Term                  | Definition   |
|-----------------------|--|
| Substantially Altered | <p>Main architectural elements consisting of the original building fabric have been removed or have been so compromised by inappropriate alterations/ additions that they cannot be reasonably revealed or reinstated.</p> <p>Works that propose a change in use within a site, or an increase in the impact of the development on adjoining sites.</p>  |
| Unacceptable Risk     | <p>A risk that has been identified that if not addressed can potentially lead to injury, illness, or death, or significant damage to property.</p> <p>Such risk should be acted on immediately through exclusion and or other measures.</p> <p>Factors such as the extent of the risk, the locality and nature of the risk and measures which could be taken to reduce rather than eliminate the risk would need to be considered.</p> |
| Vistas and views      | <p>Vistas are distant views through or along an avenue or opening.</p> <p>Views are a visual image of a site, building, landscape etc.</p>   |

## Attachment 2: Checklist – Contextual Analysis Report for Character Areas

Character is important to the social and cultural fabric of our community, and is a big part of what makes many of our suburbs and towns unique.

The character of an area, historic or otherwise, is, in part, about the visual qualities or patterns that give an area its identity.

It can be described as the interplay between buildings, vegetation, density levels, subdivision types and human activity that distinguishes one place from another. All neighbourhoods have an inherent character, though the character of some neighbourhoods may be more desirable than others.

Within character areas, development should be designed to maintain, endow or strengthen desirable character traits.

The 'context' refers to the environment in which a development is located. It is the specific and immediate setting in which the development sits and with which it engages. It could be as small as a row of houses, or as large as a village centre.

Contextually responsive development can result in good design outcomes, as it produces developments that are informed by the surrounding built form and public realm, positively contributing to the quality and character of an area.

A Contextual Analysis Report should demonstrate how a proposed development both responds to, and respects, the valued characteristics of the streetscape. The Report should follow the below checklist, and should be visual in nature, providing diagrams, sketches, plans and photographs to provide detail wherever possible.

| Cover Page  | Completed |
|---|-----------|
| Address of site   |           |
| Date Report was prepared (month and year)   |           |
| Company (or individual) name who prepared the report  |           |
| <b>Introduction</b>   |           |
| Who has undertaken the Contextual Design Report? (experience/qualifications can be appended if needed)  |           |
| Why the report has been prepared (e.g. part of development application), including the legislative framework  |           |
| Who the report was prepared for?  |           |
| Schedule of documentation that the Contextual Design Report has been based on (see attachment list)   |           |
| Description of the proposed development (including scale, height, schedule of materials, design details and any landscaping works)  |           |
| An outline of the work undertaken to inform the proposal, including any consultation on the proposal  |           |
| <b>Site Context</b>   |           |
| Provide a statement of the existing site context (this should be proportionate to the scale of the development). The Statement should include a description of the surrounding natural and built form context i.e. adjoining buildings, streetscape, landscape and wider setting (refer to policy statement for guidance), and include the following parameters: <ul style="list-style-type: none"> <li>• Height /scale of development</li> </ul> |           |

|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Materials/Composition/Building style</li> <li>• Pattern of development</li> <li>• Site orientation (view corridors if necessary)</li> <li>• Site constraints (strengths and weaknesses of the site location)</li> <li>• Heritage buildings/conservation areas</li> </ul>  |  |
| <b>Policy Assessment</b>   |  |
| Detail how the proposal has been influenced by and/or addressed the relevant objectives in the Overlay and guidelines  |  |
| Recent Planning Decisions  |  |
| <b>Design Development</b>  |  |
| <p>How does the proposal respond to its context? What design techniques have been used to reference the prevailing characteristics of the surrounding area? Information should include:</p> <ul style="list-style-type: none"> <li>• Drawings demonstrating how the proposed development relates to the buildings on adjoining sites</li> <li>• Elevation and site plan, drawn to a scale of not less than 1:100, that shows the proposed development on the site within the context of the buildings on those adjoining sites and includes information showing: <ul style="list-style-type: none"> <li>- topography (existing and proposed ground levels)</li> <li>- the form, scale, height and floor levels of all relevant buildings</li> <li>- spacing between buildings</li> <li>- materials and colours of all relevant buildings</li> <li>- driveways (post development)</li> <li>- fences (post development)</li> <li>- landscaping (post development)</li> <li>- visible services and street furniture.</li> </ul> </li> </ul> |  |
| <b>Conclusion/Summary</b>  |  |
| Summarise the main points of the Contextual Design Report and justification of the proposal.   |  |
| Suggested conditions (if planning permission is granted).  |  |

**Attachments (as appropriate)**

- Structural Engineers report
- Method Statement
- Schedule of Works
- Building condition report
- Archaeological Assessment
- Detailed manufacturers specification for replacement features such as windows, doors etc.

### Attachment 3: Checklist – Historic Area Impact Assessment

A Historic Area Impact Statement should explain how the historic characteristics and attributes of an area will be impacted by development. The Report should follow the below checklist, and should also be visual in nature, providing diagrams, sketches, plans and photographs to provide detail wherever possible.

For minor development proposals, a statement outlining how the historic characteristics and attributes have been taken into account in formulating the proposed work should be provided, including a summary of any impacts, how these have been minimised and how decisions were reached.

| <b>Cover Page</b>  | <b>Completed</b> |
|--|------------------|
| Address of site  |                  |
| Date report was prepared (month and year)  |                  |
| Company (or individual) name who prepared the report   |                  |
| <b>Introduction</b>  |                  |
| Who has undertaken the Impact Assessment and their experience /qualifications (can be appended if required)  |                  |
| Why the report has been prepared (e.g. part of development application), including the legislative framework   |                  |
| Who the report was prepared for  |                  |
| Schedule of documentation that the Impact Assessment has been based on (see attachment list)   |                  |
| Description of proposed development (including scale, height, schedule of materials, design details and any landscaping/access works)  |                  |
| <b>Historic Area Analysis</b>  |                  |
| Provide a description of the existing streetscape context and in particular the key attributes/heritage values and themes that contribute to the Historic Area Overlay as <i>identified in the Historic Area Statement</i> .   |                  |
| The extent to which the subject building currently makes toward the consistent historic streetscape, having regard to both the key attributes/heritage values as <i>identified in the Historic Area Statement</i> .  |                  |
| <b>Policy Assessment</b>   |                  |
| Detail how the proposal has been influenced by and/or addressed the Historic Area Overlay and guidelines.  |                  |
| Recent Planning Decisions  |                  |
| <b>Impact Assessment and Design Development</b>  |                  |
| Summary of how the proposed development responds to the prevailing characteristics of the area   |                  |
| A detailed analysis of the impact of the proposed development on the historic characteristics as identified in the Historic Area Statement (existing building and street scene)  |                  |
| How does the proposal respond to its context? What design techniques have been used to reference the prevailing characteristics of the surrounding area? Information should include: <ul style="list-style-type: none"> <li>• Drawings demonstrating how the proposed development relates to the buildings on adjoining sites</li> <li>• Elevation and site plan, drawn to a scale of not less than 1:100, that shows the proposed development on the site within the context of the buildings on those adjoining sites and includes information showing: <ul style="list-style-type: none"> <li>○ topography (existing and proposed ground levels)</li> </ul> </li> </ul> |                  |

|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>○ the form, scale, height and floor levels of all relevant buildings</li> <li>○ spacing between buildings</li> <li>○ materials and colours of all relevant buildings</li> <li>○ driveways (post development)</li> <li>○ fences (post development)</li> <li>○ landscaping (post development)</li> <li>○ visible services and street furniture</li> <li>● Photographs and photomontages (existing and proposed), showing the proposed development in the context with its surroundings.</li> </ul> <p><i>*The specific details should be agreed with officers during pre-application discussions*</i></p> |  |
| <b>Conclusion/Summary</b>  |  |
| Summarise the main points of the impact assessment/justification of proposal   |  |
| Suggested conditions that the Planning Authority may have regard to if planning permission is granted, including pre-commencement and further details, e.g. samples of materials   |  |

**Attachments (as appropriate)**

- Structural Engineers report
- Method Statement
- Schedule of Works
- Building condition report
- Archaeological Assessment
- Detailed manufacturers specification for replacement features such as windows, doors etc.

## Attachment 4: Checklist – Local Heritage Place Impact Assessment

A Heritage Impact Statement should explain how the heritage value of an item is to be impacted by the proposed development.

For minor development proposals, a statement outlining how the significance of the heritage place has been taken into account in formulating the proposed work may be provided. This should include a summary of any impacts on the heritage significance and any historic fabric, how these have been minimised and how decisions were reached.

| Cover Page  | Completed |
|---|-----------|
| Address of Heritage Place, heritage listing number and, where relevant, name of property  |           |
| Date Report was prepared (month and year)   |           |
| Company (or individual) name who prepared the report  |           |
| <b>Introduction</b>   |           |
| Who has undertaken the Impact Assessment (experience/qualifications can be appended if needed)  |           |
| Why the report has been prepared (e.g. part of development application), including the legislative framework  |           |
| Who the report was prepared for   |           |
| Schedule of documentation that the Impact Assessment has been based on (see attachment list)  |           |
| Description of the proposed development, including scale, height, schedule of materials, method of construction, design details and any landscaping works<br>Where internal works constitute development, also include details of historic fabric, architectural features, fittings etc.  |           |
| <b>Heritage Significance</b>  |           |
| Description of place, including any identified extent of listing  |           |
| Why is the place of heritage significance? Are some parts more significant than others?<br>Detailed information should include: <ul style="list-style-type: none"> <li>• an outline of heritage significance (historical, economic and social themes, with reference to the local heritage criteria outlined under section 67(1) of the <i>Planning, Development and Infrastructure Act 2016</i>)</li> <li>• key architectural features</li> <li>• layout</li> <li>• existing use</li> <li>• existing condition</li> <li>• setting and relationship to the surroundings (landscape, trees etc.)</li> <li>• vistas and views (to and from the Local Heritage Place)</li> <li>• phases of development (new additions/alterations etc.)</li> </ul> Photos and diagrams should be provided to illustrate the above. |           |
| <b>Policy Assessment</b>  |           |
| Detail how the proposal has been influenced by and/or addressed the Local Heritage Place Overlay and guidelines.  |           |

| <b>Impact Assessment</b>   |  |
|--|--|
| Describe how the proposed works will affect the cultural heritage significance of the Place.<br>What is the level of harm?<br>Where demolition works are contemplated, the report will need to demonstrate why the Heritage Place is not capable of retention and adaptive reuse. Reports from qualified experts should be attached to support conclusions |  |
| What measures have been proposed to mitigate negative impacts or enhance the significance of the Place? For example, removing inappropriate additions/conservation works, form, proportion, design and materials.  |  |
| A consideration of alternative options – why more sympathetic solutions are not viable?<br>Reason for the selection of the final proposal with appropriate level of justification.   |  |
| <b>Summary</b>   |  |
| Summarise the main points of impact assessment to the significance of the heritage place and recommended mitigation measures to minimise potential heritage impacts.   |  |
| Suggested conditions that the Planning Authority may have regard to if planning permission is granted, including pre-commencement and further information e.g. samples of materials  |  |

**Attachments (as appropriate)**

- Structural Engineers report
- Method Statement
- Schedule of Works
- Building condition report
- Archaeological Assessment
- Detailed manufacturers specification for replacement features such as windows, doors etc.