

Heritage and Character

What is the Planning and Design Code?

The Code is the cornerstone of South Australia's new planning system and will become the state's single source of all planning zones and rules for assessing development applications. It will replace all 72 Development Plans by 1 July 2020. The Code aims to make the development application process quicker, simpler and more equitable, giving people greater access to planning information that is consistent and clear, and available online 24/7.

Context

The Commission is required by legislation to set up a new planning system that makes heritage policy and rules clearer, fairer and easier for all. Heritage in South Australia is protected by heritage specific legislation (the *Heritage Places Act 1993*) and through the planning statute (the *Development Act 1993* and its successor, the *Planning, Development and Infrastructure Act 2016*). The *Heritage Places Act 1993* provides for a listing process for heritage that is judged to be of state significance. The planning acts provide for a parallel system to list heritage that is deemed to be of local significance. There is no recognition in either Act for an additional level of heritage protection for contributory items.

State Heritage

In the new planning system, all current State Heritage Areas (17) and State Heritage Places (approx. 2,300) will transfer directly into the new Planning and Design Code under a State Heritage Places Overlay and a State Heritage Areas Overlay. They will continue to be protected under the *Heritage Places Act 1993* and continue to be listed in the South Australian Heritage Register. However, instead of councils maintaining a record of their own State Heritage Areas or Places, these will now be accurately mapped in the State Atlas. In addition, state heritage protections will be further strengthened with the Minister for Heritage given greater authority to direct decisions (at present the Minister is only empowered to provide advice). Importantly, the Minister cannot direct approval of demolition.

Demolition controls will apply in both State Heritage Areas and State Heritage Places Overlays, with any proposal to demolish a building/structure to be assessed using a single set of criteria including:

- the building's existing heritage values
- the structural condition of the building and risk to safety

Local Heritage

In the new planning system, all Local Heritage Places (approx. 7,250) currently identified in council Development Plans will transfer directly into the new Planning and Design Code under a Local Heritage Places Overlay. They will continue to be listed in the South Australian Heritage Register, and will also be accurately mapped in the State Atlas.

Demolition controls will apply in the Local Heritage Places Overlay, with any proposal to demolish a building/structure to be assessed using a single set of criteria including:

- the building's existing heritage values
- the structural condition of the building and risk to safety

Historic Areas

In the new planning system, all Historic Conservation Zones (140+) and the like, plus the 11,810 contributory items within these zones will transition into the new Planning and Design Code under a new Historic Area Overlay. Historic Conservation Zones are local areas that exhibit discernible historic character worthy of retention.

Historic Area Statements will be introduced in the Code to help clearly identify and articulate the key elements of historic importance in a particular area. These will replace Desired Character Statements in existing Development Plans. A set of generic examples have been developed for the purposes of consultation and are included in the Code. Historic Area Statements for 11 Phase Two Councils and 27 Phase Three Councils are being drafted and will be published on the SA Planning Portal for public consultation. The results of consultation will help inform the development and refinement of the Historic Area Statements across the State.

Demolition controls will apply in the Historic Area Overlay, with any proposal to demolish a building/structure to be assessed using a single set of criteria including:

- the building's historic characteristics and the ability to reasonably, economically restore
- the contribution the building makes to the historic character of the streetscape
- the structural integrity/condition and the ability to economically restore

Some councils (25 of 68) have used 'contributory items' to identify specific buildings that contribute to the character of an area. However, not all councils with Historic Conservation Zones have included them, and there are vast differences in their demolition and public notification policies. No new contributory items have been listed since 2012.

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.

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.

Character Areas

All Character Areas, such as residential character zones in council Development Plans which capture a desired visual appearance that give a community its identity, will continue to be protected in the new planning system under a Character Area Overlay. They will be accurately mapped in the State Atlas, with special individual characteristics of these areas reflected in zones and subzone policies to allow for suburban differences and uniqueness.

As in the former planning system, demolition within Character Areas will not require planning approval, however proposals for replacement dwellings will undergo rigorous assessment to ensure that existing character is maintained or enhanced.

Character Area Statements will be introduced to help clearly identify and articulate the key elements of importance in a particular area. These will replace Desired Character Statements in existing Development Plans. A set of generic examples have been developed for the purposes of consultation and are included in the Code. Character Area Statements for 12 Phase Three Councils are being drafted and will be published on the SA Planning Portal for public consultation. Please note Character Area Statements do not apply to any Phase Two council area. The results of consultation will help inform the development and refinement of the Character Area Statements across the State.

Summary of Code Overlays

The importance of heritage and character to our sense of place and identity across the state will continue to be recognised and protected in the Code. The new planning system provides rigour and specified criteria to ensure heritage and character is assessed consistently across the state via the following Overlays:

- A State Heritage Areas Overlay to protect the 17 State Heritage Areas
- A State Heritage Places Overlay to protect the 2,296 State Heritage Places
- A Local Heritage Places Overlay to protect the 7,250 Local Heritage Places
- A Historic Areas Overlay to protect all Historic Conservation Zones and the like, plus the 11,810 Contributory items within them
- A Character Areas Overlay to protect neighbourhood character and streetscapes
- A Historic Shipwrecks Overlay to protect shipwrecks in South Australian coastal waters. This overlay is already in effect.

What are the benefits?

These Overlays provide strong protection for heritage and provide a consistent basis for articulating and supporting character across the state in a fair and legally sound manner. The Code will ensure processes are simplified and applied consistently, through:

- Single, universal policies for heritage and character
- Consistency in the way heritage and character is addressed
- Accurate and thorough mapping of heritage and character
- Consistent treatment of areas and places, while still allowing for unique local differences
- A system that recognises the rights of all land owners
- Increased powers for the Heritage Minister to make decisions in relation to State Heritage (i.e. if the Minister recommends that an application be refused, the application cannot progress).

What does the Code focus on?

For details of policies relating to heritage and character, see the following draft Overlays in the Planning and Design Code:

- State Heritage Areas
- State Heritage Places
- Local Heritage Places
- Historic Areas, and example Historic Area Statements
- Character Areas, and example Character Area Statements
- Historic Shipwrecks

Overlays are intended to be applied in conjunction with the relevant zone and may apply across one or more zones. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy takes precedence.

Further detail to assist in the interpretation of the Overlays is also provided in the draft [State Planning Commission Practice Guideline \(Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay\) 2019](#).

Want to know more?

The State Planning Commission released its initial heritage and character framework in May 2019. Further information is also available in the [People and Neighbourhoods Policy Discussion Paper](#) (Heritage and Character section) released in September 2019.

For further information on the Code, you can visit the SA Planning Portal at: www.saplanningportal.sa.gov.au/en/have_your_say