



# SUBMISSION ON THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE HERITAGE INQUIRY

Drafted on behalf of the Norwood Residents Association Inc.

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The Parliamentary Officer  
Environment, Resources and Development Committee  
By Email: ERDC.Assembly@parliament.sa.gov.au

**SUBMISSION ON THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE INQUIRY  
INTO THE OPERATION OF THE HERITAGE SYSTEM IN SOUTH AUSTRALIA**

To whom it may concern,

This submission is prepared on behalf of the Norwood Residents Association (the 'NRA'). We are an association that consists of home owners and tenants in the electorate of Dunstan. We thank you for the opportunity to provide input on such a significant topic. We would also like to express our gratitude in granting our association leave to submit this document after your initial deadline.

At the core of this submission is an emphasis on the importance that we place on our built heritage. We believe that heritage is exemplified in cities across South Australia (and in particular Norwood), by both the physical manifestation of the buildings and precincts, but also by the cultural significance that our inherited space provides. These assets cannot be rebuilt or replaced. As such, any examination of the current framework needs to be done with extreme deference and in consultation with heritage experts and historians, not merely a panel of former and current developers. We believe that the threshold to decline a listing or remove a currently listed property, should err in favour of preservation. The assumption should be that a heritage listing will be of benefit to the community and South Australia, rather than considered an initial obstruction to "progress". We note that the current direction of State Planning Policies does not place importance on the conservation of built heritage. The new policy is proposing to remove consultation on individual projects and the checks and balances are becoming increasingly opaque. Below we have offered our considered opinion on how the system could be revised and where we believe importance should be emphasised.

**Inquiry Topic 1: Highlighting the differences in, and consistency of, processes and criteria between listing and assessing local, state and national heritage.**

The NRA agrees that the current system is labour intensive, burdensome and could benefit greatly from refinement. However, we submit that streamlining a system requires an assessment of workflow and decision making – not necessarily a change in the underlying values. We would argue that there are inherently different needs at the local, state and national levels when it comes to the recognition and protection of heritage. The benefit of a revised system should be focused on being transparent and easy to use, rather than standardised across hierarchy and jurisdictions. Taking a uniform approach to assessment across these levels of interest puts local character and built heritage at risk for the sake of national unity on heritage matters – something that the NRA is sceptical can be achieved in the short term and is dubious that this inquiry could fully consider and address.

We submit that the differences in the tiers of heritage listing (local/state/national) should be addressed through careful legislative framing rather than ignoring the subtleties. Assessing heritage at a national level, requires a very different context and set of considerations from that of a local

level decision. Currently, the decision-making for local heritage listings and demolitions resides with local councils and the NRA submits that this should **remain** the case.

Instead of looking to provide consistency across the three tiers, we would suggest that focus should first be given to providing minimum standards for identifying and protecting sites with heritage value. Take for example the differing thresholds at a local council level for the demolition of heritage buildings – it ranges from ‘merit based’ to ‘so seriously unsound as to be unsafe and irredeemable’. We support an approach to recognising heritage that begins with protecting the safety of our community, protecting the historic integrity of our neighbourhoods and then looks at additional economic benefits that may be gained through land use. In the first instance we suggest that there should be a consistent threshold across local bodies. Once a level of protection to heritage is agreed across this lower tier, then the assessment of listings against the criteria should rest with local councils.

**Inquiry Topic 2: How heritage should be managed in the future; including, but not limited to investigating:**

As mentioned above, The NRA is supportive of the implementation of a new system that increases transparency and ease of use. We believe that the success of a revised system should hinge on being objective, impartial, err on the side of preservation and be informed by the professional input of heritage experts. As part of a transparent process we would expect that the process for listing would engage the community and be subject to independent oversight. The NRA submits that local bodies continue to be best placed to manage this process and assess listings within the new system.

We respectfully suggest that the assessment of any listing should be an objective measure of its value (be it as a heritage building, historic zone or contributory item etc), taking into account any likely impact on what lies nearby. When it comes to listing buildings, these should NOT be based on neighbourhood quotas for two reasons. A quota system can lead to inappropriate buildings being listed to make up numbers in an area that is otherwise sparse with heritage buildings. However, a quota system can also result in sites that deserve heritage listing being declined heritage status due to reaching an arbitrary ceiling. This second issue is especially problematic, since it encourages the selection of sites that are ‘representative’ of a style or era of construction at the expense of preserving a block of equally important buildings.

We would caution against any removal of transparency in the listing process. The Department of Planning Transport and Infrastructure (the ‘DPTI’) has recently released a proposed policy that would reduce the visibility of assessment and development proposals and removes public consultation on the individual project level almost entirely. A recent report published by Transparency International<sup>1</sup> states that the perceived corruption in Australia has dramatically risen due to an increase in obstructive policies that subrogate residents’ rights. Secrecy breeds distrust, and trust will be instrumental to the success of any iterative systems for heritage recognition.

The NRA recognises that part of the listing process should remain confidential at certain stages. However the process itself should be clear to all stakeholders and should balance the interest of the public to be informed against the harm that can occur from divulging the information. We recognise that landowners and the greater community should be consulted in the process of heritage listing.

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<sup>1</sup> 34% of respondents indicated that they felt corruption had increased in the past year.

[https://www.transparency.org/news/feature/corruption\\_in\\_asia\\_pacific\\_what\\_20000\\_people\\_told\\_us](https://www.transparency.org/news/feature/corruption_in_asia_pacific_what_20000_people_told_us) - 25 September 2018

Beyond the balance of interests that should be weighed up prior to releasing information, consideration should also be given to a stakeholder's ability to pre-emptively subvert the process, e.g. a landowner wishing to avoid heritage listing could demolish property prior to heritage status being assessed.

### **What is the relationship and distinction between 'character' and 'heritage'?**

The NRA supports the definition guidance provided by the Norwood, Payneham and St Peter's council (the 'NPSP') set out below.

***Character**, in a built form or geographic sense, relates to the qualities of an area including street and allotment pattern, building scale, building materials and details, level and nature of activity, extent of mature vegetation etc. It is these features which distinguish one area from another. Character can include desirable or undesirable attributes and planning policies will generally seek to preserve or change these attributes depending on the desired future character of the area.*

*A character zone, such as a Residential Character Zone, is envisaged within the South Australian Planning Policy Library, as typically being an area with a 'high quality' character which is desirable to retain and preserve, but does not necessarily contain homogenous building stock as may be the case for a Historic (Conservation) Zone. For example, a character zone may contain a range of building ages and styles but have an intact allotment pattern, generally consistent building heights and roof forms, spacious building settings and established gardens. Design criteria or policies for a character zone may not be as specific as a Historic (Conservation) Zone, but still require new buildings to complement the existing built form character through elements such as wall height, setbacks, roof pitch etc. Planning controls in a Residential Character Zone do not extend to preventing demolition, but are likely to set out desired allotment size and the design considerations for replacement dwellings.*

*In its most simplistic sense, **heritage** is what the community values from the past. What a community values will differ both between and within communities based on the different experiences and cultural groups within that area. In the planning and development framework, 'heritage' is commonly, although not always correctly, used as a synonym for a 'historic place'. Identifying heritage places and areas for planning policy is a process of identifying one 'experience' of heritage, and aims to preserve a particular place or theme which is important in the history or identity of that area. In this sense, built form heritage is often (but not always) a contributor to the character of an area.*

The DPTI definition, however, appears to be striving for state wide consistency at the expense of local recognition. By removing the value that individuals place on heritage the DPTI is attempting to make the definition more objective. We submit that the removal of the subjective aspect to the definition removes the very essence of what 'heritage' and 'culture' are. Fundamentally, the removal of a subjective test fails to recognise local and personal importance placed on built heritage.

The NRA is concerned that a change in the system and the classification definitions will provide an opportunity for currently listed sites to be challenged. We recommend that any change to the heritage listing system should protect current listings and avoid retrospective challenges that may result in irreversible demolition.

### **Have there been unexpected or perverse outcomes?**

There are numerous examples in Norwood and the surrounding suburbs of unexpected adverse outcomes involving heritage listed sites. One of the core attributes that a revised system should include is **continuity**; residents should be able to buy land in areas with a reasonable expectation of how the neighbourhood will be developed in their lifetime. Everyday people, i.e. not companies, tend to make the biggest investment of their lives when they buy a house. When they buy a property in an area that is zoned for one and two storey buildings they (rightly) do not expect to be surprised/shocked that a medium rise building will be built adjacent to them. Heritage listings are a simple way to reinforce the character of a neighbourhood and assure prospective buyers of the nature of the suburb that they are looking to move into. This assumes that heritage listings are actually valued and that efforts to enforce heritage listing are not abandoned at the earliest whiff of a dollar.

By way of example, The Urban Corridor Zones and recent Major Development declarations have seen numerous heritage listings ignored for the sake of appeasing the development sector. Sites like the Logues Brewery bluestone cottage on King William Street, the Bath Hotel on the Parade, and the Hackney Hotel are all prime examples of where commercial interest has prevailed over the heritage listings and the individual interests of the people who actually live in the communities that are being bulldozed. These projects are either approved or under construction at the moment, but there are dozens more sites across Adelaide that have been given the 'green light' to disregard local zoning requirements, and seemingly heritage listings, under a guise that the city "needs" more apartment buildings.

Another core attribute that a revised heritage listing system needs is **integrity**. As we have outlined above, heritage listings should be given a positive threshold, i.e. the assumption of a heritage listing assessment should be that the site is a heritage site and the onus is then to establish why it is not. This can, and should, be reinforced by financial incentives to preserve heritage. Taking the Bell's Plumber's Shop on Payneham Road as an example, it is apparent that punitive measures and feckless rulings from the ERD Court that are not enforced, do not actually protect heritage listed sites. The Bells Plumber's Shop site is literally disintegrating on the side of the Road.

Careful and sympathetic consideration should also be given to the juxtaposition of existing built heritage with dramatically different new developments. One glaringly inappropriate example of a new development, which is already TOTALLY at odds with the integrity of its surrounds in terms of scale and character, is the Peregrine building on the SE corner of The Parade and Portrush Road. The State Heritage listed properties which occupy all other corners of this intersection will be even more negatively affected by the proposed massive, Governor sanctioned re-development of this structure.

Integrity needs to be an inherent feature in the system for heritage listing, but it also needs to be exemplified in the people who administer the system. Simple and clear conflict of interest protocols should be implemented by any commission, committee or panel that is making a decision on a heritage site (or a development for that matter). They, their colleagues, friends, family and former clients should not stand to gain directly from decisions that a conflicted person in a public office makes. It would follow that property developers and construction lobbyists are not the best placed cohort to arbitrate the fate of a heritage listed site. This is an incredibly fundamental attribute of a

democratic system and is generally left unsaid. In light of recent decision making processes and committee choices, we feel this may be a principle worth revisiting.

#### **Any other relevant matters**

The protection and preservation of heritage in South Australia should be a primary consideration in planning policy. There are obvious local economic benefits to well managed heritage preservation. The State benefits from associated historical tourism. The maintenance, expansions of and renovations to heritage listed properties represents millions of dollars of trade that takes place in our suburb alone every year. However, there are also benefits to our communities that are not easily expressed in dollar amounts – preservation of heritage and culture also protects the allotment size, neighbourhood layout and building sizes. The local culture and built heritage in cities across South Australia provide local beauty and sense of community that is being put at risk by the shift in policy. Any revised system should recognise that not all areas are suitable for all types of development.

It should also be noted that, if a full reform of State Planning Policy and Heritage Listings proceeds, then an assessment of the financial system that supports this change should also be scrutinised. Currently, at a crude level, a property developer can purchase a site with a heritage listing, have the heritage listing removed and demolish the structure. From there, presuming the State Commission Assessment Panel approves the plans, the developer can commence construction (dig a hole) and start selling allotments in a strata title. If the property developer does not reach their breakeven threshold for sales the project will be abandoned and the company will likely be liquidated. At this stage all of the jobs that have been “created”, i.e. the construction workers, architects and engineers beginning trying to recover costs to pay their employees and subcontractors. Fortunately, the individual employees are backed up by State guarantees and will likely get some of their wages paid by a tax funded safety net. Current legislation does not impose any penalty on the individual behind the property development collapse. Even if the company is a limited liability company and the director also declares personal bankruptcy that same director could establish as many new companies as they have family members. If the system is going to set the stage for corporate interest to trample our heritage and culture it should at least have the decency to make them clean up their own mess and never be allowed to trade in that capacity again. There needs to be personal culpability under the new system for maleficence, maladministration and reckless actions and omissions.

Thank you for the opportunity to participate in the Heritage Inquiry process. The NRA is supportive of revisiting a system for the sake of increasing consistency and transparency in the application of policies. We feel that recent developments in State Planning Policies make a dramatic departure from protecting historic, cultural and listed heritage assets in South Australia. We hope that the views expressed in this submission help to shape a system that values heritage and will protect the interests of South Australian residents over corporate development plans.

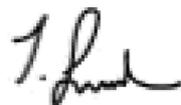
Sincerely,



Christine Francis

President

Norwood Residents Association Incorporated



Tom Smith

Secretary

Norwood Residents Association Incorporated

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