

7 October 2016

Honourable John Rau MP  
Minister for Planning  
Government of South Australia  
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## Local Heritage Reform Discussion Paper – Feedback

Dear Minister,

Thank you for the opportunity to provide comment on the Local Heritage Reform Discussion Paper.

The Property Council of Australia commends the State Government on its commitment to planning reform and for now taking the next step of improving the management of local heritage places in South Australia through this consultation process.

We have consulted with our members, who cover the full spectrum of the industry including investors, owners, managers and developers, and have identified multiple issues within the parameters of the discussion paper that require further attention and consideration.

These include:

1. Absence of detail and clarity;
2. Local heritage listing criteria;
3. Heritage listings;
4. Accredited heritage professionals; and,
5. Decision making process.

In terms of general commentary, any narrow-minded proposals to impose blanket local heritage listings for all buildings constructed in a particular period – and therefore place an onus *only* on developers – is completely nonsensical and will potentially apply a handbrake on investment activity in South Australia.

At a time when our state lacks demand, battles with confidence and struggles to generate strong economic development activity, the last thing we need is a backward mentality.

There's no doubt that we need to be cognisant of our heritage sites and our heritage buildings, but this shouldn't act as an impossible barrier or an obstacle to either repurposing stock or revitalising a place. The past should absolutely inform our future but it shouldn't permanently handcuff us to it.

## About the property sector

Property is South Australia's largest private sector employer and biggest industry, accounting for 10.8% of the state's economic activity (or \$10.5 billion).

It builds prosperity by paying \$4.4 billion in wages and salaries – one in six people draw their wage directly or indirectly from property – and one million South Australians have a stake in property through their super funds.

Property is the largest single industry contributor paying 56.6% of state taxes, local government rates, fees and charges.

In your state electorate of Enfield, property is responsible for 5,447 direct and indirect jobs, provides \$137 million in wages and generates \$301 million in economic activity.

### 1. Absence of detail and clarity

The discussion paper makes reference to the development of a 'framework document'. As the framework document will be responsible for identifying themes and forming the basis of the Planning Commission's Practice Direction, it is not clear whether a consultation on the framework document is intended or planned. This needs to be clarified from the outset.

Section 67(3) of the *Planning Development and Infrastructure Act* stipulates consultation with the owner under the Community Engagement Charter. The charter is also identified – in a general way – in the paper, but there is a lack of detail about how it will be applied or what it will mean.

The discussion paper also outlines that the need for an 'interim operation' as part of the consultation process will no longer be required. If this is the intention, the Government needs to explain, for example, the method to prevent the demolition of a local heritage place between the consultation phase and the time of incorporating it into the Planning and Design Code. We understand there will be some prohibitions in place; however, these have not been identified in the paper and require clarification.

#### *Recommendations:*

- *Clarity around consultation with the framework document.*
- *Clarity around consultation with the owner under the Community Engagement Charter.*
- *Clarity around prohibitions in the event there is no need for 'interim operation'*

### 2. Local heritage listing criteria

The Local Heritage Listing Criteria needs to be tightened to alleviate ambiguity and subjectivity.

The property sector encounters many local councils that will not acknowledge a place as heritage, but will place an importance on it due to its contribution to character. This has demonstrably impeded development in the past. In the event that a place is demolished, there are still constraints due to the associated heritage restrictions put on it. Despite the place

having not been included on the heritage list, there are still constraints associated with it. Character is distinct from built form and this will need to be drawn out in the code and criteria.

*Recommendation:*

- *Tighten Local Heritage Listing Criteria.*

### **3. Review heritage listings**

The discussion paper highlights that there are more than 8,000 local heritage places listed across South Australia. It is our firm belief that the Government should undertake a review of those local heritage listings on the basis of the new Practice Direction rather than automatically including those already listed. Based on feedback from this organisation's members, there are many places listed that do not or should not be listed. We presently have an opportunity to review the existing list and then put in place frameworks for periodic review thereafter. Whilst we acknowledge and understand this will consume time and resources, it is an important task in the pursuit of fullness and accuracy.

*Recommendations:*

- *Undertake a comprehensive review of existing local heritage listings.*
- *Install frameworks for periodic review.*

### **4. Accredited heritage professionals**

The discussion paper recommends a separate expert heritage committee; however, in prescribing that only heritage specialists can express a view on heritage is risky. The Property Council firmly believes that rather than having a separate expert heritage committee, the Government should instead appoint an accredited heritage professional to the State Planning Commission. The Planning Commission then has the ability to play a role in discussing and determining heritage issues with a more holistic view.

*Recommendations:*

- *Abolish expert heritage committee and streamline committee structure.*
- *Appoint a heritage professional to the State Planning Commission.*

### **5. Decision making process**

For the property sector, the local heritage planning assessment tends to be one of the main barriers encountered with proposed job-creating projects. It can at times add months to the early concept design phase of projects, which means at times an unnecessary financial handbrake. From a practitioner's viewpoint, the unpredictable timeframe makes it difficult to devise proper fee structures and from a developer's viewpoint it adds time and cost. When both conspire, it means a hit to the economy and a dent to confidence.

The main recurring issue involves a lack of absolute decision making in DPTI case managed meetings and/or workshops that are called for the specific purpose of resolving key issues. Compounding this problem is the fluctuating opinion from the assessing officer once the meeting has concluded. It is this lack of structure and shift in position which causes time drift and deep frustration with ever-shifting goal posts.

The review and decisions made at these meetings – where all stakeholders including developers are present – should provide the clarity needed to proceed with confidence. Actions and decisions made at these meetings should be binding and a planning control mechanism that does not allow the heritage officer to maintain detailed design control after the design intent has been clearly established should be put in place.

*Recommendation:*

- *A planning control mechanism that does not allow the heritage officer to maintain detailed design control after the design intent has been clearly established.*

If you or your Departmental officials have any questions in relation to this submission, please don't hesitate to contact my office on 8236 0900.

Yours sincerely



**Daniel Gannon** | SA Executive Director