4 October 2016

The Hon. John Rau
Minister for the Planning, Transport and Infrastructure
Local Heritage Reform Discussion Paper Feedback
GPO Box 1815
Adelaide SA 5000

Email: c/o - planningreform@sa.gov.au

Dear Minister Rau

RE: LOCAL HERITAGE DISCUSSION PAPER – AUSTRALIA ICOMOS RESPONSE

Thank you for the opportunity to comment on the South Australian Local Heritage Discussion Paper. I provide this letter as a submission on behalf of Australia ICOMOS.

ICOMOS is the International Council on Monuments and Sites. We are a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees comprising ICOMOS. Australia ICOMOS has over 600 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees and Australian expert committees, heritage councils and boards. We are the author and custodian of "The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013, a world renowned charter promoting best practice heritage assessment and management.

Australia ICOMOS supports the need to review and amend heritage management in South Australia through the planning reform process. We provide the following feedback on matters addressed in the Local Heritage Discussion Paper. We welcome the opportunity for further involvement in this process.

Expert Panel Recommendations

The State Government commissioned Expert Panel on Planning Reform recommendations of 2014, which included many policy recommendations and several recommendations focusing on heritage management. In particular, it was recommended that State and Local Heritage be managed under a single legislative system, to provide clarity and consistency for the community, consolidate expert resources and to cut red tape. The current discussion paper assumes that local heritage is to be managed under the Planning Development and Infrastructure Act and state heritage is to be managed under the Heritage Places Act.

Australia ICOMOS would support the management of both state and local heritage places under a revised Heritage Act, removing heritage assessment and management from the sometimes-divergent influences of state planning policy, and ensuring the public interests of heritage management are considered under the appropriate legislation and Minister. Further, this would simplify heritage management within the State, as local and state heritage places could be administered with the same policy, but under different value thresholds, providing clarity to the community and reducing red tape and assessment timelines.

Another Expert Panel recommendation was funding opportunities, which was excluded from the Discussion Paper. This is considered a crucial point for heritage management with low cost funding and financial opportunities providing a large difference for heritage place owners.
Updating of Local Heritage Listing Criteria

The current Local Heritage criteria (section 23(4), SA Development Act) are unique in Australia and have provided a basis for the assessment of the potential local heritage value of places since 1993. The criteria do not match those initially agreed, but not implemented by States as a part of early HERCON discussions. The re-worded criteria in the Discussion Paper also do not reflect the wording of HERCON criteria. South Australia’s current State Heritage Place criteria generally reflect HERCON criteria and hence allow defendable evaluation of the national or state value of a heritage place, with only the threshold, rather than the interpretation of relative criteria to be determined.

Australia ICOMOS supports the alignment of South Australia’s Local Heritage criteria with its State Heritage criteria. This alignment will allow easy, defensible assessment of the heritage value of a place against streamlined heritage criteria, with local, state and national thresholds. This is a common approach in other Australian states and would reduce contestation of heritage value by opponents based on ‘word play’ between the current mixed sets of State and Local criteria.

Interstate Reforms and Lessons

Australia ICOMOS supports the identification of significance thresholds and elements of heritage value for potential heritage places, as a best-practice approach to heritage assessment. We also support consideration of potential ‘exemptions’ to development control for Local Heritage places, in a manner similar to the Victorian Planning Scheme Schedule 43 tables, as this would provide clarity for heritage place owners and be good heritage practice.

Practice Direction and Historic Thematic Framework

Australia ICOMOS supports the development of a revised Historic Thematic Framework as sound heritage practice in the understanding and interpretation of the unique heritage values of South Australia. This approach has been previously promoted by the Australian Heritage Commission (Australian Historic Themes, 2001) and of course through the earlier 1980 Sue Marsden authored, South Australian ‘Historical Guidelines’ document.

A structured state and then local thematic framework would be a valuable tool in the testing and validation of heritage value of a potential heritage place against the criteria. The Discussion Paper questions weather there can be ‘too many’ heritage places. Australia ICOMOS argues that such an evaluation is not valid. Best practice heritage assessment would not consider if the number of heritage places was too many, but would rather consider if a group of such places were more appropriately protected for the community as a heritage area or precinct.

We support the use of a historic thematic framework as a ‘second check’ of heritage value, for the consideration of gaps in heritage lists, and as a means of adapting heritage listing to reflect changing community values over time.

Streamlining the Local Heritage Listing Process

Australia ICOMOS considers that appropriate heritage assessment involves the views of the community, the custodians of heritage value. Greater involvement in the development of historic themes and heritage assessment is encouraged. A Local Heritage Place nomination system that allows individual community driven nominations would remove political pressure and influence by local councils from the process. Furthermore the opportunity to have community consultation as part of local heritage studies should be mandatory. Heritage Development Plan Amendments are a cumbersome mechanism for Local Heritage identification. A system mirroring the current State Heritage nomination and assessment process would allow a more transparent, community focused process to occur, which is better heritage practice.

We support the review and updating of statements of heritage value and description of the listed elements of a place, however we are also cautious in relation to the outcome of having an element included or excluded from the listing. When a local heritage place or conservation area is designated, it is undertaken through the assessment process at that time. The assessment of what is significant and what change is appropriate for a local heritage place should be considered on balance as part of proposed change. New listings may have a greater amount of detail, however older listings may just have an address and single name (e.g. house) and not stipulate significant landscape fabric or setting (e.g. fence, vegetation). There is also danger that in listing all the significant components of a place for a new listing or as part of any review, that if significant fabric is not mentioned then it is not of any value and therefore change can occur without due assessment and consideration. An example may be a front
fence that is of heritage fabric and was constructed at the time of a dwelling. Another example may be significant archaeological remains.

In terms of heritage studies, we recommend that there is a standard brief available for all councils that provide clarity and consistency for heritage practitioners. Furthermore, where new local heritage listings are considered, heritage studies should be appropriately updated. The State Government should make funding available to local councils to sufficiently and effectively complete local heritage studies and reviews.

**Expert Heritage Committee and Accredited Professionals**

Australia ICOMOS recommends that expert heritage committees be based upon a clearly defined, best heritage practice Terms of Reference that needs to be developed. Australia ICOMOS has recently developed policy to facilitate the future accreditation and recognition of heritage professionals in Australia. Our members pledge to follow the principles of the Australia ICOMOS Burra Charter, the ICOMOS Ethical Principles and annually reaffirm our Code of Ethics in heritage practice. We are well placed as Australia’s peak professional heritage NGO to provide guidelines for accreditation of heritage professionals. We are also developing a Heritage Quality Framework for sustainable outcomes in heritage conservation, a benchmark of best conservation practice. We are happy to provide further details to assist in determining minimum accreditation requirements.

**Heritage vs Character and Historic Conservation Areas/ Zones/ Policy Areas**

Australia ICOMOS believes that the Discussion Paper does not address local community concerns regarding the future management of ‘contributory items’ in Historic Conservation Areas/ Zone/ Policy Area. These items and areas comprise the majority of South Australia’s heritage and directly affect the community's perception of local heritage values. We suggest that such areas be exempt in a similar way to the proposed treatment of existing Local Heritage Places in the new PDI Act. Such areas could be considered ‘Local Heritage Areas’, with heritage criteria and statements of heritage value reflecting the State Heritage Area criteria. A name change would eliminate the current confusion with nomenclature in the Development Act and would align Local Heritage Areas with established State Heritage Area management practices. Furthermore, we do not support the use of the term ‘landmark’ for heritage places as part of legislation or policy.

Area protection is one of the most effective ways of retaining historic character, where certainty across an area about anticipated retention of heritage qualities and expectation of appropriate infill development is outlined in planning policy.

**Streamlining Development Assessment Processes**

Australia ICOMOS supports the efficient management of Australia’s heritage places, to minimise owner and government expense and to ensure heritage is considered an asset, rather than obstacle within the community. We support the consideration of scheduled exemptions for owners of heritage places, to reduce financial burden and bureaucratic red tape. Any exemptions and establishment of codes of practice should consider how works might have an impact on a place’s heritage values.

Assessment of demolition of a local heritage place on merit is a provision in a vast majority of current Council Development Plans in South Australia. We have no concern with this initiative, subject to the development of clear criteria of loss of heritage value to support demolition, such as structural failure, incorrect address or property, loss by fire etc. An accredited heritage professional should undertake the assessment of demolition on merit to ensure adherence to best-practice heritage management principles.

There are currently no controls over internal alterations to local heritage places other than building Act requirements. We strongly support inclusion of the Burra Charter in planning policy to ensure best practice heritage outcomes. These points should be considered as part of any policy review.

**Community Forum**

On Monday 26 September 2016, Deborah Lindsay, our South Australian Representative on the Executive Committee of Australia ICOMOS, participated in a community forum at Adelaide Town Hall along with other experts from Adelaide City Council and the National Trust of South Australia to allow the community to comment on the Local Heritage Discussion Paper. The following issues were raised on the night in addition to the above comments.
How development occurs around heritage places is important. Australia ICOMOS supports the development of planning provisions applicable to local, state and national heritage places that consider the setting and context of a heritage place as part of any new development. This may include aspects such as scale, setback, materials and landscaping, and should be undertaken by a suitably qualified heritage consultant.

The adaptive reuse of heritage buildings (and other structures) is important. We support the adaptive reuse of heritage places, including planning provisions that consider impacts on the heritage value of the place. Heritage places can be adapted in sensitive ways with new uses, new fabric and new additions. However, a sense of its former use and retention of its heritage values is also essential. Compliance with building code regulations to heritage buildings can sometimes be seen as a barrier to adaptive reuse, however, in our experience, there is always a solution that can ensure the retention of heritage values, as defined in the Statement of Significance of a heritage place.

Heritage buildings deliver environmental benefits. There are measurable environmental sustainability benefits in the adaptive reuse and conservation of heritage listed buildings. Heritage buildings have a low embodied energy score, as building fabric is being reused, not constructed, saving primary resources and the energy to manufacture building products. Repair methods utilise traditional, low-tech methods, reducing carbon footprints. The environmental performance of many heritage buildings is also effective, as they were designed to suit the environment before the advent of mechanical air conditioning. There are opportunities to work with the Department of Environment Water and Natural Resources (DEWNR) and Department of Planning (DPTI) on this matter.

Heritage places are valued. There are numerous reports prepared that assess and consider the value of heritage places, such as The Allen Consulting Group (2005) Valuing The Priceless: The Value of Historic Heritage in Australia. These reports show that heritage listing does not generally devalue a place. Heritage is part of our identity. In South Australia ‘heritage’ often has a negative connotation in the development sphere, which needs correction. Heritage is not about retaining all places of a certain age or style and not allowing any change. Heritage places, not just buildings, contribute to our sense of place and can be conserved and adapted, and contribute to the vibrancy and economic development of our state.

Heritage jobs are important. The planning system and its current reform has the opportunity to utilise the expertise of a range of heritage professionals in South Australia. Heritage jobs, whether architects, conservators, historians, archaeologists and the like, are just as important to support as contractors and developers.

Heritage tourism is big business in South Australia. DEWNR recently published (2015) a paper titled ‘Exploring heritage-tourism opportunities in South Australia: Discussion paper’. The paper outlines the important role of heritage tourism. Australia ICOMOS supports the ‘next steps’ outlined in the paper and welcomes involvement in this process.

Summary
In summary we support development of the issues discussed in the Discussion Paper, including planning policy, heritage expertise and heritage assessment. We consider the exclusion of the Expert Panel’s recommendations pertaining to a single heritage management system in South Australia is a missed opportunity to truly achieve greater efficiencies in the planning process and to clarify the value of heritage in the community. As Australia’s peak NGO for heritage management, Australia ICOMOS would appreciate the opportunity to continue to provide advice as the Discussion Paper is developed into heritage policy.

Thank you again for your consideration of the views of Australia ICOMOS in this process.

Yours faithfully

KERIME DANIS
President, Australia ICOMOS