

*Elder Hall at the University of Adelaide is listed as a State Heritage Place*

MAY 2019



## PRACTITIONER OVERVIEW OF HERITAGE & CHARACTER IN THE NEW PLANNING SYSTEM

This overview document outlines the proposed framework, timelines and high-level processes for transitioning heritage and character policies from Development Plans into the Planning and Design Code (Code).

Across South Australia there are currently 17 State Heritage Areas and around 2,300 State Heritage Places identified under specific legislation. There are another 7,000-plus Local Heritage Places. There are also hundreds more different zones and policy areas with similar names and the intent to conserve and protect character - plus about 12,000 items identified as 'contributing' to this character.

The way all these items are treated varies across the state, and the results are similarly inconsistent. Some things work well, others don't. This has also been identified in the State Parliament's recent heritage inquiry.

With the introduction of the new Code there is an immediate chance to ensure best practice regarding heritage and character and embed it across the state using new tools. For the first time we will be able to map all these different places accurately and thoroughly within the planning system and treat the same types of places consistently, while still allowing for unique local differences via consideration of local context.

The key tool in the Code to address heritage and character will be **overlays**.

## OVERLAYS

### THE NEW TOOL FOR HERITAGE AND CHARACTER

Heritage and character considerations appear in many different zones. The new way to deal with this and avoid duplication and inconsistency will be to use specific **overlays**.

An overlay can apply to many zones, or part of a zone, or even only a particular property in a zone. The policy in overlays will override policy in zones. Where there is no overlay only the zone rules will apply.

There will be a number of different overlays addressing different sorts of heritage and character types. Each overlay will have a different level of protection and set of development controls or requirements, as appropriate – for example, any applicable demolition controls, certain aspects regarding the design of replacement buildings, and rules relating to alterations/additions, conservation works and land division. Overall though, the overlays will largely be procedural in nature, with the relevant zone/subzone reflecting the different neighbourhood types and desired character.

DEVELOPMENT PLANS (VARIOUS)	TRANSITION PROPOSAL →	PLANNING AND DESIGN CODE
Existing 2,300 State Heritage Places	<i>will transition to be included under</i>	State Heritage Place Overlay
Existing 17 State Heritage Areas	<i>will transition to be included under</i>	State Heritage Area Overlay
Existing 7,000+ Local Heritage Places	<i>will transition to be included under</i>	Local Heritage Place Overlay
Existing 'Historic Conservation Zones' and similar zone policy areas	<i>will be addressed via</i>	Local Heritage Area Overlay
Existing 12,000+ 'Contributory Items**'	<i>will not be identified individually but will be addressed via</i>	Local Heritage Area Overlay
Other character and streetscape type zones and policy areas	<i>will be addressed via</i>	Character Overlay

*\*Prior to the introduction of the Code there will also be an opportunity for councils to undertake Development Plan Amendments to obtain Local Heritage Place status for Contributory Items they believe meet the legislative criteria.*

Drafts of the **State Heritage Area Overlay** and **State Heritage Place Overlay** were released with the draft Phase 1 Code for consultation in January 2019, with feedback now being considered.

	DRAFT CODE INCLUDES THE FOLLOWING OVERLAYS	DRAFT CODE RELEASED FOR FORMAL CONSULTATION	CODE 'GOES LIVE' BY	CODE WILL APPLY TO
<b>Phase 1</b>	State Heritage Area Overlay State Heritage Place Overlay	January 2019 – March 2019	July 2019	Outback areas only (outside of any council)
<b>Phase 2</b>	As above, plus: Local Heritage Place Overlay Local Heritage Area Overlay Character Overlay	October 2019	April 2020	As above, plus: rural council areas with small towns and settlements
<b>Phase 3</b>	All of the above, plus: any 'metropolitan specific' content not included in Phase 2	October 2019	July 2020	As above, plus: urban councils and councils with regional towns and cities

Further detail on the proposed treatment of each type of heritage and character appears in the following pages and a glossary appears at the back.

## STATE HERITAGE PLACES

### EXISTING PLANNING SYSTEM

To conserve our cultural heritage, the *Heritage Places Act 1993* includes specific criteria for the identification of **State Heritage Places**. The State Heritage Branch of the Department of Environment and Water manages the register of State Heritage Places, which currently includes almost 2,300 listings.

Most existing Development Plans provide a list and, in some instances, a map identifying the State Heritage Places in the relevant Council Area (note: this is not currently a statutory requirement). These Development Plans also typically include provisions that guide the assessment of development applications (DAs) relating to State Heritage Places.

The assessment process for the demolition of State Heritage Places varies between Development Plans. For example, the demolition of State Heritage Places is subject to the ‘on-merit’ assessment process in the City of Burnside, and the ‘non-complying’ assessment process in the Cities of Adelaide, West Torrens and Port Adelaide Enfield.

Currently DAs that “directly affect a State Heritage Place” are referred to the Minister for the Heritage Places Act, who comments but does not have powers of direction (noting that the assessing authority requires the concurrence of the State Commission Assessment Authority if it wants to vary from the advice of the Heritage Minister).

DAs that “in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated” can be referred to the Heritage Minister. The decision to undertake such a referral is subjective and typically left to the assessing planner at council. Again, the Heritage Minister can comment, but does not have powers of direction.

### PROPOSAL FOR THE NEW CODE

It is proposed that all existing State Heritage Places will transition to the Code via inclusion in a **State Heritage Place Overlay** (see table below).

A draft of the State Heritage Place Overlay was released for consultation within the Phase 1 ‘Outback Areas’ (land not within a council area) Code, from January-March 2019. The draft can be viewed here: [www.saplanningportal.sa.gov.au/planning\\_reforms/new\\_planning\\_tools/planning\\_and\\_design\\_code](http://www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/planning_and_design_code)

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR RURAL AND URBAN COUNCIL AREAS)
<b>Legislative criteria</b>	The <i>Heritage Places Act 1993</i> outlines the criteria for State Heritage Places	No change
<b>Listing and mapping</b>	Currently in State Heritage Register and some Development Plans	Overlay to list and map all State Heritage Places across South Australia
<b>Demolition controls</b>	Currently non-complying within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Exemptions from requiring approval</b>	Currently none	Certain simple development listed in Code, not impacting heritage value
<b>Referral to Heritage Minister</b>	Currently referred to Heritage Minister for comment	Increased power for Heritage Minister to direct decision making

In addition:

- Heritage impact statements will be retained as an assessment tool
- There may be an opportunity for Design Review.

## STATE HERITAGE AREAS

### EXISTING PLANNING SYSTEM

State Heritage Areas are established under the *Heritage Places Act 1993*. The *Development Act 1993*, which provides for the establishment of Development Plans, does not define a State Heritage Area.

Some Development Plans identify 'State Heritage Areas' and structure them similarly to Zones and/or Policy Areas, with maps and development assessment policy within each Development Plan.

Development applications (DAs) that "directly affect a State Heritage Place" (which includes a State Heritage Area) are referred to the Heritage Minister, who has no powers of direction (noting that the assessing authority requires the concurrence of the State Commission Assessment Authority if it wants to vary from the advice of the Heritage Minister).

DAs that "in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated" can be referred to the Heritage Minister.

The decision to undertake such a referral is highly subjective and typically left to a planner at local council, with the Heritage Minister able to comment, with no powers of direction. It is also important to note that the Heritage Minister is not bound by the provisions of Development Plans when commenting on DAs that relate to State Heritage Areas.

The *Development Regulations 2008* include specific exemptions from approval for certain types of simple, non-heritage-impacting development in the Colonel Light Gardens State Heritage Area.

### PROPOSAL FOR THE NEW CODE

State Heritage Areas will transition to the Code via inclusion in a **State Heritage Area Overlay**. A draft of the State Heritage Place Overlay was released for consultation within the Phase 1 'Outback Areas' (land not within a council area) Code, from January-March 2019.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR RURAL AND URBAN COUNCIL AREAS)
<b>Legislative criteria</b>	The <i>Heritage Places Act 1993</i> determines State Heritage Areas	No change
<b>Listing and mapping</b>	Currently not all State Heritage Areas are mapped in Development Plans	Overlay to list and map all State Heritage Areas across South Australia
<b>Demolition controls</b>	Currently non-complying within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Exemptions from requiring approval</b>	Currently some within Development Regulations (e.g. Colonel Light Gardens)	Certain simple development listed in Code, not impacting heritage value
<b>Referral to Heritage Minister</b>	Currently referred to Heritage Minister for comment	Increased power for Heritage Minister to direct decision making

In addition:

- Heritage impact statements will be retained as an assessment tool
- There may be an opportunity for Design Review.

## LOCAL HERITAGE PLACES

### EXISTING PLANNING SYSTEM

The *Development Act 1993* includes specific criteria for the identification of Local Heritage Places. There are currently in excess of 7,000 across South Australia.

Most existing Development Plans provide a list of Local Heritage Places in a table and, in many instances, a map identifying them. These Development Plans also include provisions that guide the assessment of DAs relating to Local Heritage Places.

The assessment process for demolition of Local Heritage Places varies between Development Plans, however the vast majority are on merit, with a handful using 'non-complying'.

There is currently no statutory referral of Development Applications relating to Local Heritage Places to the Heritage Minister. It is the responsibility of the local council or State Commission Assessment Panel to determine such applications.

These bodies are required to make a balanced decision regarding such Development Applications against all relevant provisions of the Development Plan, heritage being one aspect of such decisions.

### PROPOSAL FOR THE NEW CODE

It is proposed that all existing Local Heritage Places will transition to the Code via inclusion in a **Local Heritage Place Overlay**, which will bring a consistent set of policies for how Local Heritage Places are treated across the state.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR RURAL AND URBAN COUNCIL AREAS)
<b>Legislative criteria</b>	Definition from <i>Development Act 1993</i>	Definition replicated in <i>PDI Act 2016</i>
<b>Listing and mapping</b>	Currently Local Heritage Places are listed in Development Plans but not always mapped	Overlay to map all Local Heritage Places across South Australia
<b>Demolition controls</b>	Vast majority assessed on merit within Development Plans, handful of non-complying	Demolition approval in the Code will be Code Assessed (Performance Assessed) and will only be considered if a building: <ul style="list-style-type: none"> <li>• has little heritage value<sup>1</sup></li> <li>• is structurally unsound or has public safety issues<sup>2</sup></li> <li>• is economically unviable to repair<sup>3</sup></li> </ul> A heritage impact assessment will also be required In addition, adaptive reuse policies will be strengthened to make adaptive reuse easier
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect heritage values e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code, not impacting heritage value
<b>Referral to Heritage Minister</b>	No referrals	No referrals

<sup>1</sup> It would be a rare occurrence where a local heritage place was inaccurately identified. Specialist heritage advice would be required to demonstrate this.

<sup>2</sup> A report from a suitably qualified person would be required to demonstrate this.

<sup>3</sup> This will require further definition about what is unviable for repair and would likely consider the repair cost in comparison to the capital value of the property.

# HISTORIC (CONSERVATION) ZONES / POLICY AREAS

## EXISTING PLANNING SYSTEM

The *Development Act 1993* provided the opportunity for the establishment of ‘Historic (Conservation) Zones’ (HCZs) or ‘Historic (Conservation) Policy Areas’ (HCPAs) within Development Plans.

There are no legislative criteria for the establishment of Historic (Conservation) Zones (HCZs) or Historic (Conservation) Policy Areas (HCPAs). However, the State Government issued guidelines for the identification of HCZs or HCPAs in The Planning Bulletin – Heritage, Planning SA, October 2001.

Many existing Development Plans map HCZs and HCPAs and include specific policies (including desired character statements).

The South Australian Planning Policy Library (SAPPL) includes ‘Historic Conservation Areas’ with related provisions being located in the General Section of the Development Plan, rather than HCZs or HCPAs. Such Historic Conservation Areas have similar statutory planning effect to Zones or Policy Areas.

This means that the approval of council is required to demolish a building located within a HCZ or HCPA regardless of whether it is listed as a local heritage place. This assessment process is considered ‘on-merit’.

## PROPOSAL FOR THE NEW CODE

It is proposed that all existing Historic (Conservation) Zones and Policy Areas will transition to the Code via inclusion in a Local Heritage Area Overlay, which will bring a consistent set of policies for how these zones and areas are treated across the state.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR RURAL AND URBAN COUNCIL AREAS)
<b>Legislative criteria</b>	There are no current legislative criteria for the establishment of Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs), but they have been based on the outcomes of heritage surveys	No change
<b>Listing and mapping</b>	Currently mapped within many Development Plans through a range of zones and policy areas. No consistent approach.	Overlay to list and map all Historic Areas across South Australia
<b>Demolition controls</b>	Currently on merit within Development Plans	Demolition approval will be Code Assessed (Performance Assessed) and include consideration of: <ul style="list-style-type: none"> <li>• heritage values of the existing building and contribution to the heritage values of the area</li> <li>• proposed replacement building</li> <li>• contextual analysis outcomes</li> <li>• how well the theme is represented</li> </ul>
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect historic/period values e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code
<b>Referral to Heritage Minister</b>	No referrals	No referrals

## CONTRIBUTORY ITEMS

### EXISTING PLANNING SYSTEM

As part of the identification of Historic (Conservation) Zones and Policy Areas, the State Government has previously accepted the identification of ‘Contributory Items’ (CIs) by local Councils. There are almost 12,000 contributory items across South Australia, however no new items have been added since 2012.

Unlike State and Local Heritage Places, there is no legislative criteria for the identification of Contributory Items. It is typical for CIs to sit within Historic (Conservation) Zones and Policy Areas. In fact, it is common for them to constitute the bulk of listed properties in a Historic Conservation Area, with some rare exceptions. The demolition of CIs is typically subject to the on-merit assessment process in all Development Plans.

Given the structure of some Development Plans and current statutory tools, it is understood that some Councils with CIs typically anticipated they would be retained rather than demolished and replaced. That is, councils considered the identification of CIs to have a similar statutory force to Local Heritage Place listing because of their location within historic conservation areas. In other words, CIs currently perform much like de-facto Local Heritage Places, but without having being through a rigorous assessment. This presents equity issues for property owners. For example, owners of Local Heritage Places get directly notified and have a right of appeal under the new PDI Act.

### PROPOSAL FOR THE NEW CODE

It is proposed that CIs not be carried across to the Code because, unlike Local Heritage Places, there is no clear definition, nor are there any statutory criteria against which they should be assessed and justified.

However, given the undoubted contribution these places make to the broader character values of our neighbourhoods, it is proposed that existing CIs are captured by the proposed Local Heritage Area Overlay. It is intended that appropriate demolition controls/replacement controls will be established at the overlay level, eliminating the need for building-specific controls. It is also proposed that, converse to the current system, places that do not contribute to existing heritage and/or character values will be exempted from the more vigorous protections to enable their replacement/improvement over time.

It is also acknowledged that there may be some instances where existing CIs may be worthy of elevation to the status of a Local Heritage Place. Prior to the introduction of the Code there will be an opportunity for councils to undertake Development Plan Amendment processes (with extended timeframes) to obtain Local Heritage Place status for contributory items they believe meet the legislative criteria.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR RURAL AND URBAN COUNCIL AREAS)
<b>Legislative criteria</b>	There are no current legislative criteria for the establishment of Contributory Items	Contributory Items will not be individually identified but will be addressed within the new Local Heritage Areas overlay
<b>Listing and mapping</b>	Currently mapped within some Development Plans	Overlay to list and map all Local Heritage Areas across South Australia
<b>Demolition controls</b>	Currently on merit within Development Plans	Demolition approval will be Code Assessed (Performance Assessed) and include consideration of: <ul style="list-style-type: none"> <li>• value of the existing building to the streetscape</li> <li>• proposed replacement building</li> <li>• contextual analysis outcomes</li> <li>• how well the theme is represented</li> </ul>
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect historic/period values e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code
<b>Referral to Minister</b>	No referrals	No referrals

# RESIDENTIAL CHARACTER / STREETSCAPE ZONES / POLICY AREAS

## EXISTING PLANNING SYSTEM

Character is the presence of, or desire for, particular defined physical attributes, or visual appearance. It may or may not be related to history or historical appearance. In a character area, it is generally anticipated that the existing buildings that make a positive contribution to the character value of the area may be demolished, but the tests will be stringent as to the desired character of new buildings.

The SAPPL includes a Residential Character Zone; which does not require Development Plan Consent (in accordance with Schedule 1A of the Development Regulations 2008) so the focus of the provisions in this Zone are on the form and character of *replacement development* rather than demolition control. A number of development plans also include streetscape zones/policy areas.

The development assessment provisions relevant to such areas focus on the key design elements of any new buildings (including alterations and additions) that will make them complementary to the established desirable character, as well as adaptive re-use of existing buildings, and replacement of any buildings undesirable/no character value.

## PROPOSAL FOR THE NEW CODE

It is proposed that existing Residential Character and Streetscape Zones and Policy Areas will transition to the Code via inclusion in a **Character Area Overlay**.

The Character Area Overlay will sit over a relevant zone/subzone which will reflect different neighbourhood types and desired character. Developing the suite of Code zones and subzones will involve identifying common character themes within neighbourhoods. For example row cottages with no setback from the boundary vs areas with large sites and detached houses with large setbacks.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR RURAL AND URBAN COUNCIL AREAS)
<b>Legislative criteria</b>	There is currently no legislative criteria for the creation of Residential Character and Streetscape Zones/Policy Areas	No change
<b>Listing and mapping</b>	A range of zones and policy areas have been used to define areas of character value in relevant Development Plans	Overlay to list and map all Character Areas across South Australia
<b>Demolition controls</b>	Development consent for demolition is not required in the majority of Character Areas as the policy focus is on the form and character of the replacement building/s.	Development consent for demolition will not be required as it will be classified as accepted development The development assessment process for the replacement dwelling will require a contextual analysis to ensure that the existing character is maintained/enhanced
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect character value e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code, not impacting character value
<b>Referral to Minister</b>	No referrals	No referrals

## GLOSSARY

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### **Adaptive Reuse**

Adaptive reuse is the process of repurposing buildings for viable new uses and modern functions, other than those originally intended, to address present-day needs, action and sustainable investment.

### **Character**

All areas have character that can be analysed and described. Character is a value-neutral concept that captures the distinctive interrelationship between built form, vegetation and topography in the public and private domain that distinguishes one place from another. The concept of character is broader than just architectural style or the era of development. It is about buildings and spaces and the features around them, and how they relate to each other.

### **Code Assessed (Performance Assessed)**

Development categorised as 'performance assessed' must be assessed on its merits against the Planning and Design Code. This applies for developments which require more intensive assessment of their potential impacts, design, and how they fit within their neighbourhood.

### **Context**

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.

### **Contextual analysis**

Planning applications within Character or Local Heritage Overlay Areas will be required to include 'contextual analysis' information with their development application. This will include a site analysis and descriptive statement explaining how a proposal responds to its site and its context.

### **Deemed-to-satisfy requirements**

These will be measurable criteria that are considered to be acceptable solutions to achieve a performance outcome. The inclusion of deemed-to-satisfy policy provides a mechanism to readily approve low risk and minor development expected for an area thereby ensuring the system provides certainty for lower scale development, while qualitative performance outcomes allow design flexibility to achieve the desired outcomes for more intense and larger scale development.

### **Design Standards**

Design standards will be a new planning tool that will outline design principles, standards and specifications for infrastructure and the public realm. They will be useful in establishing desirable characteristics for an area through streetscape features such as trees, public seating, street lighting and vehicle cross overs.

### **Design review**

Design Review is currently a free, independent advisory service offered to developers in certain geographical areas and for certain types of development (e.g. 5 storey in the Urban Corridor Zone). As part of the Design Review, a panel of built environment experts review the design quality of development proposals. Design review might be expanded to be available to a wider variety of projects e.g. development affecting a local heritage place or certain kinds of development within character areas.

### **Desired Outcomes**

Zones, subzones and overlays in the Planning and Design Code will all share a common structure, including a high level description of the 'Desired Outcome'. Desired Outcomes will outline the broad objectives, purpose and envisaged form of development in the zone, subzone or overlay, guiding land use and built form intensity and essential desired future character.

### **Heritage**

Heritage has an established international frame of reference (COMOS/Burra Charter) and is about how a place represents history and evolution of an area and its people or activities that have taken place. Heritage and cultural significance is embodied in the fabric and setting of the place.

### **Heritage impact assessment**

An assessment undertaken by a heritage expert which identifies the impact of the proposed development on heritage values.

### **Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs)**

There are no legislative criteria for the establishment of Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs). However, the State Government issued guidelines for the identification of HCZs or HCPAs in *The Planning Bulletin – Heritage*, Planning SA, October 2001. These guidelines indicated that HCZs or HCPAs should comprise and demonstrate:

- significant built form composed of historic elements that contribute to the character of the streetscape;
- physical character including natural and cultural landscapes and land division patterns which relate to historic development of the local area; and
- unified, consistent physical form in the public realm with an identifiable historic, economic or social theme associated with an earlier era of development.

### **Local Heritage Place criteria**

Local heritage places are structures or buildings that demonstrate important local historical attributes or contribute to the historical themes of a local area. To be listed as a Local Heritage Place, a property must meet one or more of the following criteria (outlined in Section 23(4) of the *Development Act 1993*):

- it displays historical, economic or social themes that are of importance to the local area
- it represents customs or ways of life that are characteristic of the local area
- it has played an important part in the lives of local residents
- it displays aesthetic merit, design characteristics or construction techniques of significance to the local area
- it is associated with a notable local personality or event
- it is a notable landmark in the area
- in the case of a tree (without limiting a preceding paragraph) – it is of special historical or social significance or importance within the local area.

## Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as **heritage places**. They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone is in conflict with the policy in an overlay, the overlay policy will take precedence. There are **examples** of the use of overlays in the current system e.g. Affordable Housing Overlay and Air and Noise Emissions Overlay.

## Performance Outcomes

The Code will include performance-based policy that clearly describes the outcome sought for a particular issue. Performance Outcomes should align with the Desired Outcomes.

## Referrals

There will no longer be referrals for 'advice'. Referrals will, in future, be confined only to matters for 'direction'. Referral bodies will be statutorily required to confine their comments to matters relevant to the purpose of the referral and within their field of expertise.

The Heritage Minister will be the referral body for State Heritage Places and Areas (same as the current system) but will have increased decision-making powers.

## Regional Plans

Regional Plans provide a long-term vision for the integration of land-use, transport, infrastructure and public realm within specific regions or areas. South Australia's existing Planning Strategies are currently operating as interim Regional Plans until new ones are developed (including *The 30-Year Plan for Greater Adelaide*). For example, the *The 30-Year Plan for Greater Adelaide*, includes a policy to 'recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully'.

## Restricted development

Development may be classified as '**restricted**' by the Planning and Development Code. Restricted development may not be assessed unless the State Planning Commission determines otherwise. This will enable the Commission to provide an applicant with an 'early no' on a similar basis.

## State Heritage Areas

State Heritage Areas differ in size, location and historic elements. A State Heritage Area is notable for its distinct character or 'sense of place', formed by:

- buildings and structures
- spaces and allotments
- patterns of streets
- natural features or the developed landscape.

Although State Heritage Areas are protected under legislation, places within the area can be altered or developed as long as the work is sympathetic to the character of the area.

## State Heritage Place criteria

A place is eligible for entry on the State Heritage Register if it meets one or more of the criteria in Section 16 of the *Heritage Places Act 1993*. It would need to meet one or more of the following criteria:

1. It demonstrates important aspects of the evolution or pattern of the state's history
2. It has rare, uncommon or endangered qualities that are of cultural significance
3. It may yield information that will contribute to an understanding of the state's history, including its natural history
4. It is an outstanding representative of a particular class of places of cultural significance
5. It demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of a particular constructive technique or design characteristics
6. It has strong cultural or spiritual associations for the community or a group within it
7. It has a special association with the life or work of a person or organization or an event of historical importance.

Refer to [www.environment.sa.gov.au/topics/heritage/sa-heritage-register](http://www.environment.sa.gov.au/topics/heritage/sa-heritage-register) for further information.

## State Planning Policies

State Planning Policies are a new policy instrument that set out the state's overarching goals and requirements for the new planning system. For example, State Planning Policy #2 (Design Quality) aims to elevate the design quality of South Australia's built environment and public realm and State Planning Policy #7 (Cultural Heritage) aims to protect and conserve heritage places and areas for the benefit of our present and future generations.

## Thematic analysis

Assessing buildings for their heritage value involves assessing how a building is important historically. Historians refer to important historical themes. When assessing a building for its heritage value, an assessment can be made regarding its importance in representing historical themes.