

QUESTIONS

Change in policy direction?

1. Is it now planning policy that Historic Conservation Zones have a role to play in accommodating higher levels of urban infill, in areas that were previously considered by the Government as “no-go” zones for urban infill?
2. Why is there a move to allow Historic Conservation Zones to be carved up to fulfil urban consolidation needs when re-zonings over the last 10 years to allow urban infill in post 1940 suburbs have provided ample space for urban infill needs to cope with our projected 1.9 million people by 2030?
3. Why are the needs of citizens to continue to appreciate and stay connected to their past being ignored? Why do the rights of people who choose a modern home/environment take precedence over those who desire a more traditional/historical setting? Why, for equity and posterity reasons, aren't both being accommodated - separately?

Future of Contributory Items?

- a. Contributory Items (CIs) play a very important role in conserving an area-based grouping of buildings. It is all about the collective streetscape value, based on the fact that they are well-represented in a designated area. CIs have been the subject of State government policy for a number of years and many have been rigorously assessed and approved by the Minister of the day. They have been listed in development plans following a statutory process involving Statement of Intent, Statement of Investigations, public consultation, council and Ministerial endorsement, through the statutory parliamentary Environment, Resources and Development Committee, and Governor's assent. It is stated that non- rigorous processes have been used – could examples be provided?
- b. It has been stated that the Code would contain the “same demolition controls for CIs as currently”, “there will be equal protection” and that there will be a “like-for-like” policy transition of current policy with reform reserved for future generations of the Code. However, the policy proposed particularly for CIs will mean that they will lose their individual building protection and instead there will be a broader (and potentially lesser test) for demolition. This involves looking at value of the existing building to the streetscape, proposed replacement building, contextual analysis outcomes and how well the theme is represented.
 1. The practitioner overview says "It is proposed that Contributory Items 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." Was there any thought given to establishing a clear definition and set of statutory criteria for assessment of CIs in the new system, rather than simply deleting all reference to them in the new code?
 2. Why are we moving away from the process for listing CIs as is done in Victoria and New South Wales?

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3. Why are there entirely new policy tests proposed for what we currently retain as CIs eg representation of other similar buildings and why is this being used to justify demolition? What is the theme? Where will that be outlined? Is the reference to its representation to the area where the subject building is situated or to the Council area or state generally?
4. Why are the strong demolition policy controls such as structural integrity not included?
5. It has been stated that the Commission had considered modelling of the effects of these new policy settings for more flexible demolition of currently listed buildings. Can that modelling be provided as evidence in support of the intended changes?
6. In a Local Heritage overlay would one of the considerations for an item's existing heritage value be that a building is partly hidden from the streetscape by a high fence or vegetation?
7. Does a replacement building get considered only once all other policy criteria for demolition have been met or is it used to support the evolution of an area to a more contemporary character?
8. Will there be notice taken of the Environment, Resources and Development Court's findings in the decision "13 Hutt Street Pty Ltd v Adelaide City Council" [2010]SAERDC 52? In that case the Court said, (at para21):"It follows that references in a Development Plan to heritage value or heritage character are referable only to items on the Register. It would be unfair were it otherwise. If a place contributes to the heritage of the city because it makes a distinctive contribution to the historic character of the city, it is reasonable to expect that it would be on the register of Heritage places. To interpret the development plan provisions to infer that there are places not on the register that are worthy of retention because of the contribution they make to the heritage of the city or their distinctive contribution to the historical character of the city would be to imply that there are other places that are de facto heritage places, the identity of which is not to be revealed until they become the subject of a development application." If the heritage overlays contemplated in the Practitioner guide are intended by their wording and reference to heritage value or character to include places that were formerly CIs then the provisions must be drafted very carefully to avoid the application of the 13 Hutt Street reasoning to them.

Alternative approach?

Could CIs be transferred into the Code and then a strategic and collaborative review be undertaken as to their role and need in future generations of the Code as recommended by the Parliamentary Inquiry? Is there support for an audit at all levels of the spectrum of State, Local, CIs? If so, when would that occur and would the current process to alter currently listed buildings in development plans jeopardise that process?

QUESTIONS

State Heritage Places and Areas –extent of Ministerial Power?

Will the Heritage Minister have power to direct that approval be given to the demolition and alterations to State heritage places and areas? Will the Heritage Minister's powers "to direct" be defined and limited in any way?

Consultation and Discussion Papers on People and Neighbourhoods?

What consultation will there be and when will the papers be released?