

SA Guide to Developing State Heritage Places



Former Produce Markets converted to cafés, shops and offices

The South Australian Minister for Sustainability, Environment and Conservation—through the Department of Environment, Water and Natural Resources (DEWNR)—is responsible for ensuring that the development of heritage places is in harmony with cultural values.

This brochure details steps to be taken if you want to make changes to places entered in the SA Heritage Register.

The inclusion of a place in the South Australian Heritage Register does not prevent change to the place. An objective of South Australia's Heritage Places Act 1993 is "to encourage the sustainable use and adaptation of heritage places in a manner consistent with high standards of conservation practice, the retention of their heritage significance, and relevant development policies." For information concerning local heritage places, contact your local council.



**Government
of South Australia**

Department of Environment,
Water and Natural Resources

About Heritage

Heritage in South Australia

Our heritage is our inheritance from the past. It can include the natural and built environments, objects, customs, languages and beliefs.

In South Australia a broad range of heritage covering both pre-European and post-European settlement is protected by various pieces of legislation, and includes buildings and structures, archaeology, shipwrecks, geological formations, native vegetation, fossil sites, cultural objects and historical collections. This guideline focuses on non-aboriginal built heritage, which by its nature is located at a particular place or site.

These heritage places or sites can be protected at four different levels according to their significance.

- **World**

UNESCO, in collaboration with the Australian Government, manages the World Heritage List to recognise and protect sites of value on a world-wide scale. South Australia has one World Heritage place—the Naracoorte Caves mammal fossil deposits.

- **National**

The Australian Government maintains two registers of places considered significant on an Australia-wide level. The primary one is the National Heritage List, which for South Australia includes the old and new Parliament House buildings, the Adelaide Parklands and several fossil sites. There is also a Commonwealth Heritage List for Australian Government-owned places, such as the Adelaide GPO and several lighthouse complexes in South Australia.

- **State**

The SA Heritage Council protects non-aboriginal heritage of State significance by entering State Heritage Places in the South Australian Heritage Register under the Heritage Places Act 1993. The focus of the Act is on the built environment, but protection extends also to archaeological heritage and to significant geological, fossil and cave sites.

- **Local**

Places of cultural significance to local communities are protected by individual local councils through their Development Plans, under the Development Act 1993.

The role of the Minister, DEWNR and the SA Heritage Council

Responsibility for the Heritage Places Act falls within the portfolio of the Minister for Sustainability, Environment and Conservation. The Minister also has a role under the Development Act to provide specialist advice on development proposals affecting State Heritage Places.

The Department of Environment, Water and Natural Resources (DEWNR) provides administrative and policy support to the SA Heritage Council and is responsible for administering the State government's program to identify and conserve heritage places of State significance. DEWNR administers the Heritage Places Act on behalf of the Minister and the SA Heritage Council, and has delegated responsibility for the Minister's advisory role under the Development Act.

The SA Heritage Council is an independent body of seven to nine members with expertise in history, archaeology, architecture, the natural sciences, heritage conservation, public administration, urban and regional planning and property development. The Council provides strategic advice on heritage issues to the Minister, and administers the SA Heritage Register, including the entry and removal of State Heritage Places.



Café Fibonacci adjoining the Schomburgk Pavilion, Adelaide Botanic Gardens

Development Approval Process

Referral of development applications

The Development Act requires a planning authority to refer a development application affecting a State Heritage Place or State Heritage Area to the Minister responsible for the Heritage Places Act. This can include applications relating to non-listed properties in the vicinity of a State Heritage Place where the work is considered to 'materially affect the context within which the State Heritage Place is situated'.

DEWNR Heritage Advisers assess the impact of proposed development on heritage values, and provide a recommendation to the Minister's delegate. The Heritage Adviser may also assist applicants with design options, building materials and techniques sympathetic to the heritage values of the place.

Conservation principles

Development proposals are assessed against the principles of the Burra Charter and the requirements of the Heritage Places Act, with due regard to the identified significance of the place.

The Burra Charter is an internationally-recognised guiding document that defines the basic principles and procedures to be followed in the conservation and management of heritage places. The Burra Charter is widely accepted and adopted in Australia as the standard for best practice in the heritage and conservation fields. Copies of the Burra Charter can be purchased from the SA Heritage Council, or the Australia ICOMOS website <http://australia.icomos.org>.

When a place is entered in the SA Heritage Register, its cultural heritage values are identified in a Statement of Heritage Significance, which is to the basis for assessing the impact of development proposals.

Where a detailed guiding document such as a Conservation Management Plan exists for a place, recommendations relating to the conservation and development of the place are taken into account in assessing a development proposal.

What needs approval?

Where changes to a State Heritage Place involve actions that constitute 'development', an application for development approval is lodged with the relevant planning authority—usually the local council but in some cases the Development Assessment Commission (DAC).²

For State Heritage Places, 'development' as defined by the Development Act includes:

- land division
- change of use
- any building work—which includes repairs, underpinning, excavation or fill, construction and relocation
- demolition, removal, conversion, alterations, additions and painting
- any other work that could materially affect the heritage value of a State Heritage Place

New Glass and steel entry lobby to the former Balhannah Mine, now converted to a dwelling



Typically the types of work requiring development approval in relation to a State Heritage Place or State Heritage Area include:

- subdivision, or boundary realignment;
- a change of use, or introducing an additional use;
- alterations and additions;
- new buildings or structures - including carports, pergolas, decks and sheds;
- conservation, repair and remedial works - including masonry and plaster, re-pointing, underpinning, undersetting, salt damp repair, damp courses and crack repair;
- excavation, demolition or relocation;
- re-roofing, and replacing gutters or downpipes;
- electrical wiring or plumbing in areas of heritage significance;
- painting, including changes of exterior or interior colour schemes;
- interior works affecting historic fabric;
- air conditioning, solar panels, aerials, antennas and satellite dishes;
- other external works such as signage, fencing, paving, tanks and tree removal.

What doesn't need approval?

The following works would generally fall outside the definition of development for a State Heritage Place, and could therefore be undertaken without obtaining Development Approval.

- Internal works to structures that are not included in the heritage listing.
- Carpet laying or floating floors, where there is no glueing or nailing of underlays to the floor, and no trimming of doors for clearance.
- Ceiling insulation
- Curtains or internal blinds
- Routine maintenance—defined in the Burra Charter as “the continuous protective care of the fabric, contents and setting of a place”—that does not involve repair or replacement. For example:
 - cleaning out gutters, downpipes and drains;
 - re-fixing loose roof sheets or cappings;
 - cleaning masonry with low-pressure water and non-metallic brushes; or
 - waxing or oiling floors (but without power sanding and excluding film-forming finishes such as polyurethane).

If you are considering works to any State Heritage Place and are unsure what needs approval, it is recommended that you contact your Local Council Planning Officer for assistance in determining whether a development application is required.



Colonel Light Gardens

There are certain specific types of work that may be undertaken without approval within the State Heritage Area of Colonel Light Gardens. These are set out in Schedule 3A of the Development Regulations, and include:

- certain advertising displays;
- Council works to roads, drains, playground equipment and street furniture;
- outbuildings, water tanks, television aerials, swimming pools or spas meeting particular requirements;
- certain side and rear fences under 2 metres high (or under 1 metre for masonry fences and retaining walls);
- repairs, maintenance or internal alterations under certain circumstances;
- open-sided, un-roofed pergolas meeting certain requirements;
- air conditioning units, fans and exhaust fans under certain circumstances;
- smoke alarms, skylights and like-for-like replacement of windows, roofing, gutters or downpipes;
- external painting other than any previously unpainted masonry (with the exception of the Institute Hall and RSL Hall, for which external painting requires development approval).

Owners contemplating any of these works within the Colonel Light Gardens State Heritage Area should refer to the detailed provisions of Schedule 3A and consult a City of Mitcham Planning Officer or the DEWNR Heritage Adviser.



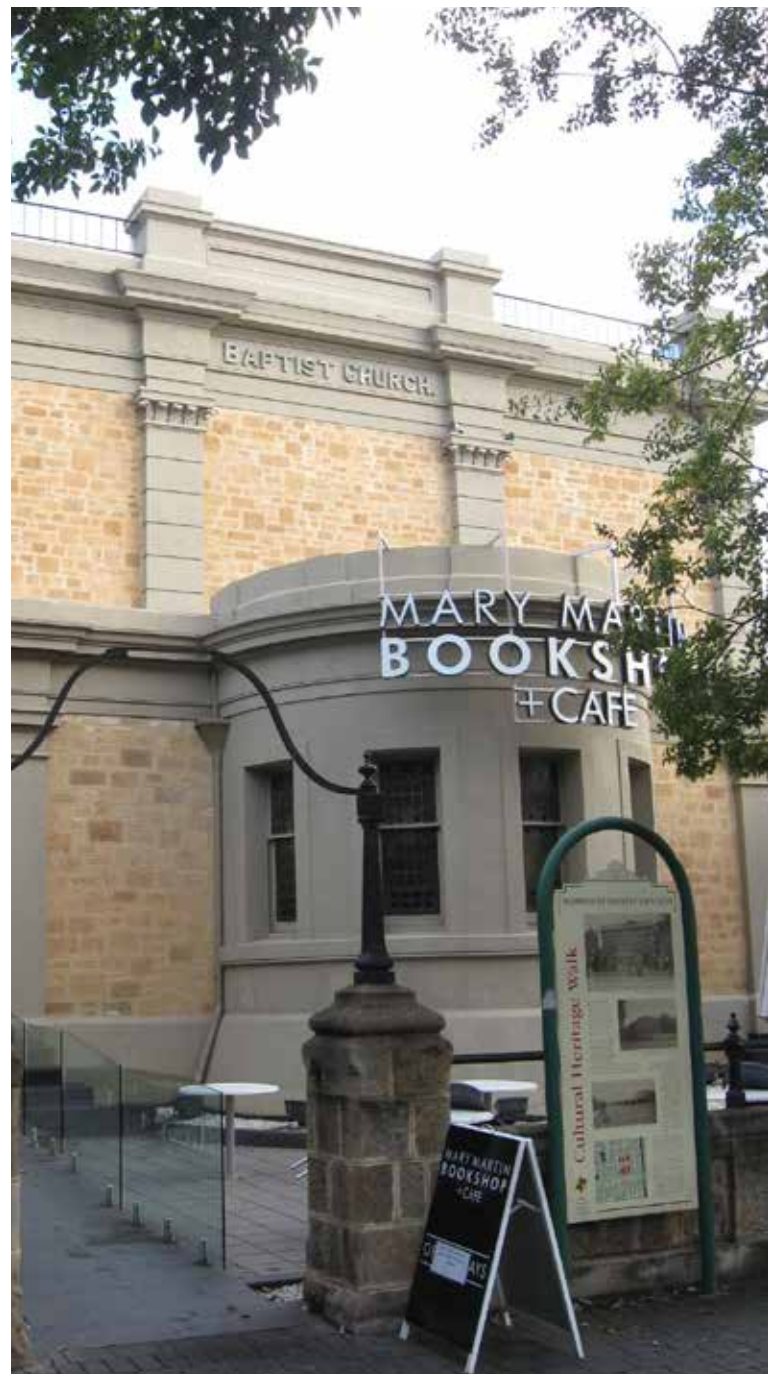
Typical home in the Colonel Light Gardens State Heritage Area

Church to Bookshop

The former Norwood Baptist Church found a new use when converted to a café and bookshop in 2009. The former worship area has been fitted with new low height partitions and services to create the bookshop and café space. New retail “pods” were added facing The Parade.



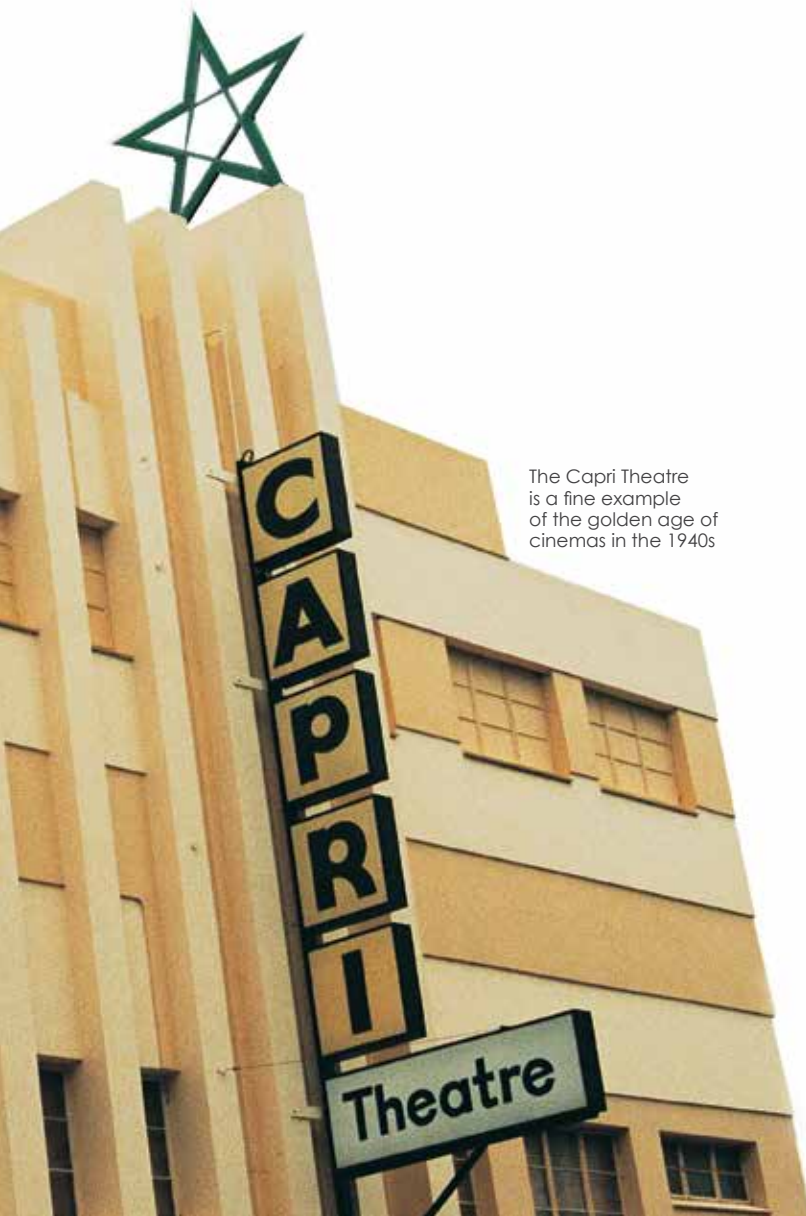
Former church converted to bookshop 2012 - interior



Former church converted to bookshop 2012



Rip Curl retail outlet is a successful infill development, built between two State Heritage Places.



The Capri Theatre is a fine example of the golden age of cinemas in the 1940s

Typical development approval process

Applicant discusses proposed development with Local Council planner or DEWNR

DEWNR Heritage Adviser provides initial advice to planner/applicant

Schematic drawings prepared by applicant or applicant's heritage architect, and Development Application submitted to the Local Council (or DAC if Out of Council Area)

Application referred by Local Council/DAC to DEWNR (Minister's delegate)

DEWNR allocates to applicable Heritage Adviser

Heritage Adviser undertakes assessment of impact of proposed works on the heritage values of the place

Further information may be requested from applicant

Heritage Adviser drafts written advice with or without conditions

Minister's delegate (in DEWNR) reviews and signs off advice to Council/DAC

Local Council or DAC assesses application against the Development Plan, having due regard to heritage advice (and any other referral bodies)

Local Council or DAC issues (or refuses) Planning Consent, with or without conditions

Applicant arranges Building Rules Consent through private certifier, if applicable

Local Council/DAC issues Development Approval, with or without conditions

Pre-lodgement discussions

Prior to lodging a development application, owner of State Heritage Places are encouraged to seek advice from a suitably experienced heritage consultant, or from DEWNR Heritage Advisers through the Local Council.

Informal discussions with a Heritage Adviser in regards to building form and scale, materials, methods and other site-specific issues can assist property owners to prepare a development proposal compatible with the heritage values of the place, to encourage and facilitate sympathetic development.



Cottages in Ruthven Place, Adelaide

Cottage to Studio

The group of cottages in Ruthven Place are some of the last remaining dwellings in this part of the city, which are being slowly overtaken by larger city developments. 16 Ruthven Place was enlarged to double its original size, providing a studio and residence for a small firm of architects currently engaged in heritage work



Rear of cottages before alterations and additions



Rear of 16 Ruthven Place with new studio space built over the rear yard and carport



Former Thebarton Baptist Church and Hall, converted to Builder's offices

Church to Offices

Following closure of this church the buildings had fallen into disrepair; they were given a new lease of life after conversion to offices for builders, architects and as artist's studios.



Timeframe for assessing development applications

The Development Regulations set a general time limit of 8 weeks for a heritage referral to DEWNR. This can be extended if the application contains insufficient information to assess heritage impact, but for straight forward applications is generally quicker. The overall time needed by the local planning authority from receiving an application to reaching a decision can vary considerably depending on the complexity of the project and the requirements for public consultation.



Information to be included when submitting a DA

Efficient processing of a development application depends on sufficient information being included. If you provide clear documentation and as much descriptive material as is necessary, this will aid assessment and prevent unnecessary delay. The following list is not mandatory but indicates the type of information required.

Details of the Place

- Provide the place name, street address and any other particulars of the location and ownership of the place so it can be easily identified. If you know the Heritage Registration number, include this as well.
- You can search for the place number on the Planning SA Heritage Places Database on-line search tool at www.planning.sa.gov.au.
- Include the Title Reference details and title plans if you have them.

Drawings

The types of drawings and amount of detail required will depend upon the complexity of the works to be undertaken; however, generally the following information is required:

- A site plan drawn to scale, illustrating the existing situation including any existing buildings, structures or landscape features.
- The area of the property titles included in the State Heritage Register listing should be indicated on the site plan.
- Existing floor plans and elevations, and if available, copies of any original historic floor plans and elevations.
- A demolition plan clearly identifying any buildings, structures or landscape elements affected by the proposal and any existing fabric to be removed.
- Measured site plan, floor plans, sections and elevations illustrating the proposed works. The extent of new construction or alterations should be hatched to clearly differentiate the new work from unaltered areas.
- Drawings should be titled, numbered and dated, and the author of the drawings identified. At least one copy of the drawings is required to be at A3 size and an electronic copy should be provided in pdf or dxf file format if possible.

Specifications

- A written specification should be submitted, particularly where it clarifies details of proposed finishes, colours, materials, conservation methods and techniques.

Photographs

- Any current photographs that show the setting, buildings or parts of a building, and/or landscape features, will assist in understanding the affect of the proposed works. You can include copies of historic photographs if you have them.

Heritage Impact Statement

- For simple applications, include a statement outlining how the heritage values of the place have been taken into account in formulating the proposed work. Summarise any impacts on heritage values and historic fabric, how these have been minimised and how decisions were reached. Refer to any historic photos or plans that you may have used
- For larger and more complex development proposals, a comprehensive Heritage Impact Statement prepared by an independent qualified heritage consultant sets out the rationale for the approach taken, and can be of great benefit to the planning authority in understanding the heritage impacts of the proposal and reaching its decision. The Statement identifies how the cultural heritage significance of the place will be affected by the proposed works or future use.

Conservation Studies

- If a Conservation Management Plan or other heritage report exists for the place, the conservation policies it contains provide the benchmark for planning the project and assessing its impact. The proposed development should address the relevant conservation policies and any urgent works identified in the report. More information on Conservation Plans is available from DEWNR Heritage Advisers.



Paxton Square cottages in Burra State Heritage Area, now tourist accommodation

Information for Owners

Below are some commonly - asked questions and answers. You should check if the work you are proposing is subject to relevant Planning, Development and Building legislation.

What can I / can't I do to my heritage place?

DEWNR recognises the rights of property owners to utilise and enjoy their heritage places to their full potential. It is not DEWNR's aim to "freeze" heritage places in time - and nor is this necessarily desirable. Compatible development of heritage places is often the best way to ensure the place is used, maintained and enjoyed into the future.

Generally, changes to heritage places should not diminish, destroy or conceal significant elements of the place. Some basic principles to consider when developing heritage places are:

- Is the new work easily distinguishable from the old?
- New work is generally permissible if it compliments the building's original scale, form and massing and the original fabric is easily identifiable. New work that mimics the original should be avoided.
- Are the alterations reversible? Changes that can be removed or reinstated without residual damage are generally considered acceptable.
- Am I respecting all significant periods of construction of the place? Often places have been changed over time and certain sections of a place will vary in construction depending on when they were built. These changes are part of the historical development of the place and may contribute to its overall significance.

Some examples of successful development and adaptation of heritage places are available on the DEWNR website www.environment.sa.gov.au/heritage.

What if I want to make changes to a recent building located on the same site as a heritage building?

In most cases State Heritage protection covers the whole land title, not just particular heritage buildings or structures, meaning that sometimes the registration will include buildings that do not necessarily contribute to the significance of the place.

Changes to or removal of these buildings or structures of lesser significance have the potential to impact on the setting of a registered place, therefore any proposed changes to them are still required to be referred to the Minister/DEWNR.

Can I still subdivide my block?

The inclusion of a place in the South Australian Heritage Register does not necessarily preclude you from subdividing the land on which the property sits. Applications for subdivision are assessed in the context of how future development of the subdivided land is likely to affect the identified significance of the place, and whether sufficient curtilage or setting is retained for the heritage place.

It should be noted that subdivision applications are also subject to relevant town planning legislation.

Can I change the internal layout of my heritage place?

Often the significance of a place lies in the evidence of its original use, and sometimes the original layout assists in illustrating the place's history. A listed building is an entity, and its historic fabric defines and encloses both its external form and appearance as well as its internal spaces.

Internal alterations are often desirable to suit a current or compatible future use for a place. Changes need to be carefully considered against the heritage values of the place, and designed to respect the construction and internal spaces of the place, minimise the loss of historic fabric and retain clear evidence of the original layout.

Changes that are reversible are generally considered acceptable.



Tiver's Row cottages in Burra, now used for tourist accommodation

Can I upgrade my bathroom/kitchen/laundry?

DEWNR recognises owners' requirements for modern amenity. If you plan to live or work in a heritage place, it is reasonable to expect service areas such as the bathrooms and kitchen to be up to current standards. Except in rare cases where the service area is of high intrinsic significance, it is generally acceptable for contemporary fixtures to be introduced. These changes should be carefully considered—in consultation with a DEWNR Heritage Adviser or an experienced heritage consultant - and undertaken in a sensitive manner such that the heritage significance of the place is not diminished.

Can I relocate my heritage building (including garages and other structures)?

The original location of a building is an integral part of its history and significance. For this reason relocation of buildings is not generally considered acceptable unless it is the sole means of ensuring a building's survival.

Some structures such as mining offices and school rooms were constructed as transportable buildings and in some cases, their relocation may continue to be acceptable depending on the context of any proposed new location.

Is the garden of my heritage place subject to the same controls as the buildings?

The answer to this question will differ for individual places and depends on the assessment of the site's significance. Sometimes the landscape elements of a place form part of its significance and proposed alterations to the layout or nature of the plantings or hard landscape treatments may require referral to DEWNR.

If you are unsure whether works to your garden require a development approval, contact your local council or the DEWNR Heritage Adviser.

How do I resolve any requirements for universal access?

There is a general expectation that publicly-accessible buildings must accommodate access for all people. In heritage buildings this can appear difficult to achieve when faced with common building traits such as narrow doorways, steep staircases and changes in floor levels. Access in heritage buildings is a specialised area of expertise and there are a number of consultants with experience in this field that can assist in achieving the joint objectives of heritage conservation and universal access. Guidelines are also available.

In some cases, waivers of certain building codes and other requirements may be considered to enable the retention of particular elements of significance in heritage buildings. Early consultation with the relevant universal access authority such as the Disability Services Commission is recommended. Contact Disability SA or visit their website, www.disability.sa.gov.au.

My place is included in a local government heritage list?

A Local Heritage List includes places that in the opinion of the local council are, or may become, of cultural heritage significance to the local community. Most local councils employ a Heritage Adviser for locally listed places, consult your local council for further information.

Who is available to assist me with conservation and development advice?

DEWNR Heritage Advisers can provide advice on general conservation and development matters. More complex development proposals or specific conservation issues may need more detailed advice, in which case you should seek the advice of an experienced heritage practitioner as early as possible in the process.

DEWNR has a variety of general and technical publications available to answer common queries about heritage places and their conservation.

Is there funding available for heritage works?

As of 1 July 2014 the South Australian Heritage Fund Grant Program has been discontinued.

Funding for essential conservation works may be available from the following sources:

- Federal Department of the Environment
- History SA
- National Trust of South Australia
- Your Local Council



For further information please contact:

Department of Environment, Water and Natural Resources, Heritage Information Line (08) 8124 4960 or see SA White Pages for your local Department of Environment, Water and Natural Resources office. Online information available at: www.environment.sa.gov.au

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