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Use of 'Economic' in Proposed PO 6.1 Demolition in Historic Area'

I write in relation to the proposed terminology of 'economic' 'economically' to apply to demolition in historic areas (PO 6.1 a and c).

What is Proposed

Demolition

PO 6.1

Buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

- (a) the front elevation of the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building's original style; or
- (b) the building façade does not contribute to the historic character of the streetscape; or
- (c) the structural integrity or condition of the building is beyond economic repair.

DTS 6.1

None are applicable

PO 6.2

Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.

DTS 6.2

None are applicable

PO 6.3

Buildings, or elements of buildings, that do not conform with the values described in the historic areas statement may be demolished.

DTS 6.3

None are applicable

I acknowledge the Performance Outcome sought to be achieved is the retention of buildings and structures that demonstrate the historic characteristics as expressed in the statement. This is a particularly subjective test and will require that the actual statements are carefully crafted to describe the built form elements that are important.

Primary Concern

I primarily am concerned by the proposed use of the terms 'economically' 'economic' in a performance assessment.

Long term practice has held that 'valuation' or impact of a development on the values of properties is not a consideration.

In my opinion, the assessment of impact on the amenity of a locality, and its properties, act as a proxy to assess suitability, and to some extent, by default, property value. It is well understood many factors impact property values, macroeconomics to begin with.

Fact and Degree

Subjective tests in planning assessment have been and are matters of 'fact' around what is proposed, what are the impacts, and the 'degree' to which they 'perform' adequately regarding, in this case, the Code's relevant performance outcomes.

It is likely that the cost of works to restore the frontage of a character building that has lost some integrity will be, after various experts – e.g. heritage architects, quantity surveyors and/or specialised tradespeople - reasonably understood. I would expect such experts to come to a reasonable consensus around what works are reasonable, their cost, and risks of unknowns.

The capacity of the applicant to then fund those works is, in my view, opened by the use of 'economic' 'economically'. It is well known households are in a wide variety of financial situations and circumstances. Use of these terms I anticipate would mean these financial circumstances would be presented as 'facts' that an assessment authority would need to consider. What level of financial information would be needed? What about privacy matters of households financial situation?

Assessing the financial capacity of a household to 'economically' fund the works is a task that experts other than accredited assessment professionals through the new system would have. It is not the role of planning assessment experts to do an economic or financial assessment.

It is a policy choice of South Australians over many years to establish these 'historic areas' and setting aside policy discussions about contributory items or different policy regimes to achieve the intent of conserving the historic character of an established area, the intent is that this 'historic character' is maintained through the application of, what is to become, the new Planning and Design Code.

It seems to me that use of 'economic' 'economically' will open assessing authorities to matters beyond both their remit and expertise. This is possibly not the Commissions intent of the use of this term.

I note that the recommendations of the Expert Panel around funding to support heritage and possibly character is a matter yet to be properly considered within SA. I acknowledge there will be households for whom an older house with limited integrity will be beyond their means to restore. However, I do not think that task is one that should be asked of planning assessment authorities.

I am not an expert in planning law. Nonetheless, planning policy is not actual law, it is policy to be applied on a fact and degree, and around intent or on this case, performance basis. Use of the word 'reasonable' in my opinion is enough.

I suggest that the removal of 'economic' from PO 6.1 (a and c) would have no impact on the proper assessment of proposals to alter buildings of historic value.

I bring these comments having – some years back now – been heavily involved in the introduction of Historic Conservation Zones in the City of Charles Sturt, as well as heavily involved in policy proposals to recognise the heritage value of literally hundreds of buildings in the Cities of Charles Sturt and Adelaide. I am also the Presiding Member on the City of Holdfast Bay Council Assessment Panel and last year, conducted the mock trial with the assistance of the Environment Resources and

Development Court for fourth year undergraduate urban and regional planning students at University SA.

I also suggest that extensive information and guides around what is historic character, how best to adapt it, how to determine it, and so on, should be collaboratively prepared.

Please contact me should you wish to discuss this further.

Yours sincerely

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