

This Practice Guideline is issued by the State Planning Commission under section 43 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 43(1) of the Act allows the Commission, with the approval of the Minister responsible for administering the Act, to make practice guidelines with respect to the interpretation, use or application of the Planning Rules or the Building Rules (as those terms are defined under the Act).

Practice Guideline

Part 1 – Preliminary

1 – Citation

This Practice Guideline may be cited as Practice Guideline 3 – Historic Area Overlay.

2 – Commencement of operation

This Practice Guideline will come into operation on the day on which it is published on the SA planning portal.

3 – Object of Practice Guideline

The object of this Practice Guideline is to clarify the interpretation, use and application of policies and historic area statements for development proposed within the Historic Area Overlay within the Code. It also clarifies the role of Representative Buildings within the planning system and the Code.

4 – Interpretation

Act means the *Planning, Development and Infrastructure Act 2016*

Code means the Planning and Design Code.

Commission means the State Planning Commission

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017*

SAPPA mean the *South Australian Property and Planning Atlas*

Note: Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Historic Area Overlay

5 – Background

The Historic Area Overlay identifies localities that comprise characteristics of historic themes and existing characteristics of recognised importance. These characteristics can include land divisions, streetscapes, and built form features including architectural styles, form, scale, proportions, and design features that provide a legible connection to the historic development of a locality.

In some cases, State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area. The Historic Area Overlay is supported by Historic Area Statements which detail the key attributes of historic importance for the specific area that should be conserved and/or to guide new development.

The Historic Area Statements are given effect in the assessment of a development application through the Historic Area Overlay policy within the Code relating to desired outcomes, performance outcomes and deemed-to-satisfy criteria.

6 – Demolition of buildings within an Historic Area Overlay

The Act and Regulations set out that the partial or whole demolition of a building in the Historic Area Overlay is development. The Code specifies for the purpose of planning consent, applications for partial or whole demolition of a building is performance assessed development.

In assessing an application for the partial demolition of a building:

- (1) the relevant authority should consider whether the portion of any building to be demolished contributes to the historic character of the streetscape as outlined in the Historic Area Statement. The partial demolition of buildings or elements of buildings that are not considered to display attributes described in the Historic Area Statement can be supported.

In assessing an application for the demolition of a whole building:

- (2) the relevant authority should consider whether the building displays attributes identified in the Historic Area Statement. Where the building displays any of those attributes, the building should not be approved for demolition unless:
 - (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style; or
 - (b) the structural integrity or safe condition of the original building is beyond reasonable repair¹.

Note - The demolition of a Representative Building located within a Character Area Overlay is not development under the Act and Regulations and does not require approval to demolish.

¹ Some examples in which the South Australian Courts which have considered the intent of these policies include: *IKKAJ P/L v DISTRICT COUNCIL OF THE COPPER COAST* [2009] SAERDC 36 (12 June 2009) [Para 19] *IKKAJ P/L v DISTRICT COUNCIL OF COPPER COAST* (2010) 106 SASR 131, [2010] SASC 38 [Paras 58, 62 and 63] *SHACKLEY v TOWN OF GAWLER & ANOR* [2005] SAERDC 108 (17 October 2005) [Paras 34 and 35] *ZHE JIN v THE CORPORATION OF THE CITY OF UNLEY & ORS* [2014] SAERDC 53 (8 December 2014)

Part 3 – Representative Buildings

7 – Background

The ‘Administrative Terms and Definitions’ Table in Part 8 of the Code identifies that:

Representative Buildings referenced in Historic Area Statements and Character Area Statements and mapped in the South Australian Planning and Property Atlas are buildings which display characteristics of importance in a particular area. The identification of representative buildings in a particular area is not intended to imply that other buildings in a historic area are not of importance.

Representative Buildings have no statutory basis in heritage legislation (*Heritage Places Act 1993*) or planning legislation (the *Planning, Development and Infrastructure Act 2016*).

Note - Under the former planning system, ‘Contributory Items’ were identified within Historic Conservation Zones or similar areas in council development plans. The policies that applied to Contributory Items varied from council to council, and within different areas of a council. Contributory Items were subsequently carried over into the new planning system as Representative Buildings.

8 – Representative Buildings and development assessment

For the purposes of the definition of ‘*Representative Building*’ in the Code, the following outlines how policies should be applied to Representative Buildings in the assessment of applications for planning consent within an Historic Area Overlay:

- (a) Representative Buildings are to be used to assist relevant authorities and applicants in interpreting the attributes/characteristics identified in Historic Area Statements.
- (b) Representative Buildings located within an Historic Area Overlay may, or may not, contain attributes or features identified in an Historic Area Statement.
- (c) a Representative Building cannot be assumed to be worthy of retention and an assessment will be required by the relevant authority to determine the extent to which the building demonstrates the attributes outlined in the Historic Area Statement; and
- (d) Representative Buildings are not afforded greater protection than other buildings located within an Historic Area Overlay.

For the avoidance of doubt, an application for the whole or partial demolition of a Representative Building shall be assessed by a relevant authority in the exact same manner as any other building in a Historic Area Overlay (as outlined in **Part 2 – 6** of this Practice Guideline).

Issued by the State Planning Commission.

Note: This Practice Guideline commences operation in accordance with ‘Part 2 – Commencement of operation’.

Versions

Version 1: Commenced operation on 18 August 2025.