



Local heritage places

Local councils can list Local Heritage Places in their Development Plan if the property meets certain criteria (see 'Local heritage Criteria' overleaf). Such a listing may affect the development rules and processes that apply to the property.

As part of the process, the council must write to affected property owner(s) at the time the proposed list is introduced into the Development Plan, enabling them to support or object to the listing.

The Minister must seek advice of the Local Heritage Advisory Committee if the owner objects to the listing and the owner will be given the opportunity to appear before this committee. This brochure explains the role of the Local Heritage Advisory Committee.

LOCAL HERITAGE ADVISORY COMMITTEE

The Local Heritage Advisory Committee (the committee) is an independent committee which advises the Minister for Planning on a range of matters, including local heritage listings.

The committee is made up of people with experience in local government planning, property development, property valuation, South Australian history, local heritage, planning law, and architecture.

The committee assists the Minister for Planning by:

- providing advice about proposed changes to Development Plans as they relate to local heritage;
- reviewing objections made against the listing of a property as a Local Heritage Place.

In other words, the committee is not a decision making body. Its role is purely to provide independent advice to the Minister. This advice is generally not made public and any decision to release copies of advice in relation to a particular property is at the discretion of the Minister.

OBJECTIONS TO LOCAL HERITAGE PLACE LISTING

If the owner(s) choose(s) to object to the committee about their property being listed as a Local Heritage Place the objection must focus on the criteria listed below as these are the only criteria able to be used by the committee.

(Issues such as perceived or real economic loss, emotional hardship or similar, are not considered to be assessment criteria.)

The owner(s) may submit their objection in two ways:

- in writing by sending a letter to:

The Committee Coordinator
Local Heritage Advisory Committee
GPO Box 1815
ADELAIDE SA 5001

or

- in writing and by speaking at a hearing.
See information about the hearings overleaf.

LOCAL HERITAGE CRITERIA

To be designated as a Local Heritage Place in a Development Plan a property must meet one or more of the following criteria:

1. It displays historical, economic or social themes that are important to the local area.
2. It represents customs or ways of life that are characteristic of the local area.
3. It has played an important part in the lives of local residents.
4. It displays aesthetic merit, design characteristics or construction techniques of significance to the local area.
5. It is associated with a notable local personality or event.
6. It is a notable landmark in the area.
7. 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.

INITIAL ASSESSMENT

The committee may conduct its assessment by:

- inspecting the property
- assessing the property against the prescribed criteria, the written objection of the owner(s), and the report from the council's heritage adviser.

THE HEARINGS

The committee conducts hearings to allow objectors to elaborate on, and submit additional material in support of, their written objection to a property being proposed for listing as a Local Heritage Place. The council is also given an opportunity to restate its grounds for proposing the designation of a property as a Local Heritage Place.

It is important to note that:

- Hearings are conducted in English and it is recommended that an interpreter be brought along to assist if needed.
- Objectors may be represented and/or accompanied by:
 - a co-owner of the property
 - a family member
 - a professional adviser (eg a planner, a heritage consultant, an engineer, a solicitor).

- Hearings are friendly and informal and will revert to strict rules of meeting procedure only if order cannot otherwise be maintained. This is at the discretion of the Presiding Member.
- The committee may ask questions during and/or at the end of presentations to ensure that objections are fully understood.

Please also note:

- The committee is not bound by rules of evidence.
- Proceedings may be recorded for minute purposes only.
- To assist the committee, any written reports/information/data of relevance should be made available for copying and distribution.
- Taking photographs or making video recordings or audio-taping of the proceedings is not allowed.

FOLLOWING THE HEARING

After the hearing, the committee provides recommendations to the Minister for Planning, via the Development Policy Advisory Committee. The Development Policy Advisory Committee will generally consider broader policy issues with the Development Plan, in the context of the relevant volume of the Planning Strategy.

DECISION

The Minister for Planning makes the final decision on whether a property is to be listed. The Minister may approve, refuse or amend the Development Plan Amendment, or any part of the Amendment in which a property has been proposed as a Local Heritage Place. A notice of the decision will be placed in the Government Gazette.

The local council will be advised of the decision and will advise owners regarding the final decision about the listing of a property as a Local Heritage Place.

INTERIM OPERATION

The Development Plan Amendment in which a property is listed as a proposed Local Heritage Place may be on interim operation. The interim operation will lapse either 12 months after the start of this period or when the Minister makes the final decision.

