

South Australian Heritage Council

Procedure: Designation

OBJECTIVE:

To establish procedures for the designation of a State Heritage Place (Place).

CONTEXT:

Sections 14(7) and 17(4) of the *Heritage Places Act 1993* (the Act).

Special protection is provided for designated Places pursuant to Part 5 of the Act.

The 2nd Reading Speech of the Heritage Places Bill '*There are new provisions in the Bill which will enable places of special geological or archaeological significance to be identified by the authority. Excavating or collecting specimens from these places will be controlled by permit. These provisions are intended to be used only for a small number of scientifically valuable and fragile sites, such as the Precambrian fauna deposits at Ediacara.*' Source: Hansard, House of Assembly, 31 March 1993, page 2788.

SCOPE:

Relates to the designation process under sections 14(7) and 17(4) of the Act.

APPLICATION:

This procedure applies to Heritage South Australia, Department for Environment and Water (DEW), the South Australian Heritage Council (Council) and Minister for Environment and Water

PROCEDURE:

Nominations

A State Heritage Place can be proposed for designation through the nomination process, a recommendation made in the assessment report, a recommendation of DEW or proposed by the Council of its own accord.

Considerations

When designating a Place as being of **geological, palaeontological or speleological** significance, the Council will consider whether it meets one or more of the following criteria.

1. The Place has outstanding geological, palaeontological or speleological heritage values.
2. The Place is considered a 'special' place for designation by a relevant advisory body or independent expert. Advisory bodies will include key stakeholders identified for each of the types of significance, such as The Geological Society of Australia (SA Branch) and the Australasian Association of Palaeontologists. An up-to-date list of advisory bodies/experts will be maintained by DEW.
3. The Place has rare or irreplaceable qualities that make it an outstanding representative of a class of place demonstrating geological, palaeontological or speleological qualities.
4. The heritage values related to the Place's geological, palaeontological and speleological qualities are not

adequately protected through the planning system, or are at risk or endangered by threats that can't be managed through the permit process.

When designating a Place as being of **archaeological** significance, the Council will consider whether it has outstanding archaeological potential based on well-documented evidence and/or investigations. In addition, the Place may meet one or more of the following criteria.

1. The Place is recognised as having high archaeological potential by archaeological experts or peak bodies.
2. The Place has rare or irreplaceable potential that is not replicated elsewhere.

Designation

The Council will be provided with sufficient evidence to justify the designation of a Place.

1. Designation immediately after provisional entry in the Register

If a place has been nominated for entry in the Register and for designation, and there is **sufficient evidence** to support designation at the time of provisional entry of the Place in the Register, the Council may designate under section 14(7) and give notice in accordance with section 17(4) of the Act, which will include providing the Statement of Designation to the owner. The period of three months in which the owner may make written submissions pursuant to section 17(5) of the Act will apply.

2. Designation some time after provisional entry in the Register but before confirmation of the entry

If a place has been nominated for entry in the Register and for designation, but there is **insufficient evidence** to support designation at the time of provisional entry of the Place in the Register, the Council may request that an expert assessment be carried out and consider designation of the Place at a later date. In these circumstances the Council will give written notice to the owner of the land constituting the Place that it has been provisionally entered in the Register. At the same time it will give notice that it is considering designation of the Place and has requested an expert assessment to be undertaken.

The owner will be advised that there is a period of three months in which to make written submissions pursuant to section 17(4) of the Act, and that if the Council designates the Place, the period for written submissions will be extended for a further three months from the date of designation.

If Council decides to designate, it will give notice in accordance with section 17(4) and provide the Statement of Designation to the owner. The notice will advise that the period during which the owner has the right to make written submissions has been extended by three months from the date of designation and state the revised closing date.

If, having considered the expert assessment report, Council decides not to designate, no further notice will be given to the owner.

3. Deferral of consideration of provisional entry and designation

If a place has been nominated for provisional entry in the Register and it is determined that there may be a basis for designation but no expert assessment has been undertaken, the Council may request that consideration of the place for entry in the Register be deferred pending preparation of an expert assessment of the case for designation. Council will consider the Heritage Assessment Report, Designation Assessment Report and DEWNR recommendations at a later date.

If Council decides to provisionally enter and designate, the provisions of 1. Designation immediately after provisional entry in the Register (above) will apply.

4. Designation of a State Heritage Place after confirmation

Information may come to the attention of the Council that a State Heritage Place could be considered for designation. Council may request the preparation of an expert assessment of the case for designation.

If, following review of an expert assessment, the Council believes the Place ought to be designated, it will give written notice to the owner of the land constituting the Place. This written notice will advise the owner that Council is considering designation, the reasons why, and that the owner has three months in which to comment.

At the discretion of Council, the three months consultation can be extended to the general public, noting there is no legislative requirement to consult publically on an intent to designate a confirmed State Heritage Place.

At the end of three months, DEW will provide to Council details of any submissions

received and Council may consider designating the Place under section 14 (7) of the Act.

If the Council designates the Place, the Statement of Designation must be provided to the owner.

Entry in the Register

At the time of designation, an approved Statement of Designation which contains the evidence to justify the designation of the Place will be added to the Register.

DATE ADOPTED: 1 March 2017

REVIEWED: 4 November 2021



Keith Conlon

Chair, South Australian Heritage Council