

# South Australian Heritage Council

## 17.10 Policy: Public Availability of Nominations for State

### Heritage Listing and Submissions Made under the *Heritage Places Act 1993*

#### **OBJECTIVE:**

To ensure transparency of the nomination and submission process relating to entries in the South Australian Heritage Register.

in Division 1 may apply to the relevant land).

#### **CONTEXT:**

The *Heritage Places Act 1993*:

17 – Proposal to make entry in Register

(1) The Council may, on its own initiative or on application by any person, consider whether a particular place within the State should be entered in the Register.

23 – Council may act if registration at State level not justified

(1) If the Council (after taking into account the criteria set out in Division 1) is of the opinion that an entry relating to a place in the Register as a State Heritage Place is no longer justified, or that an entry relating to a State Heritage Place should be altered by excluding part of the place to which the entry applies, it may give notice of its intention to alter the Register by removing or altering the entry and invite written representations on the proposal -

18—Submissions and confirmation or removal of entries

(1) Subject to this section, if the Council gives notice that it has made a provisional entry in the Register, any person may, within three months after the notice is given, make written representations to the Council on whether the entry should be confirmed.

(a) by notice in writing to the owner of land constituting the place and, if the entry relates to or includes an object under section 14(2)(b), to the owner of the object; and

(b) by advertisement in a newspaper circulating throughout the State; and

(c) if the place is within the area of a local council – by notice in writing to the local council.

22 – Certificate of exclusion

(3) The Council may (in its discretion) determine whether or not to invite public submissions on the question of whether the application should be granted (but must, in deciding whether or not to invite public submission, take into account the extent to which the criteria set out

24 – Alteration of Register if place to be designated as place of local heritage value

(1) If the Council is of the opinion that a place, or a part of a place,

entered in the Register as a State Heritage Place should instead be designated as being a place of local heritage value, the Council must invite written representations on the matter—

- (a) from the owner of the land constituting the place; and
- (b) from the local council in whose area the place is situated (if the place is within the area of a local council),

within a period (being a period of at least 28 days) specified by the Council.

#### **SCOPE:**

Public availability of nominations and submissions, including publishing on Council's webpage.

#### **POLICY:**

##### **1. Outcomes**

The policy will:

- Generate awareness of the public nomination process, the criteria nominators believe apply to the heritage place and heritage values that the heritage places exhibits.
- Contribute to transparency in relation to the listing process by ensuring public access to written representations and therefore public comment on application of heritage criteria in relation to provisional entries in the South Australian Heritage Register.
- Enhance public confidence in the nomination, listing and decision-making process.
- Enhance the public understanding of inputs to the Council's decisions.

##### **2. Course of Action**

- All nominations and submissions will be made publicly available, including on the Council's webpage, respecting the Privacy Principles and any guidelines on privacy promoted by the State Government.
- Nominators and persons making submissions will be informed that their nomination / submission will be made publicly available.
- Names and personal details will not be released.
- If a person wants to claim confidentiality in regard to a part or whole of their nomination / submission, then the basis of that claim will be considered by the Council Chair.
- Council decisions (through minutes) will also be available on the Council's webpage.

#### **APPLICATION:**

Applies to the Council, its delegates and departmental staff supporting the Council.

**DATE ADOPTED:** 28 October 2011

**CHAIR:** *Judith M Carr*

**DATE REVIEWED:** 27 June 2014

**CHAIR:** *Judith M Carr*