



Agenda Report for Decision

Meeting Date: 15 February 2024

Item Name	Heritage Sub-Committee
Presenters	Chair, Nadia Gencarelli
Purpose of Report	Decision
Item Number	5.5
Strategic Plan Reference	4. Discharging Statutory Obligations
Work Plan Reference	4.2 Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Immediately)
Related Decisions	<ul style="list-style-type: none">• 5 December 2019 – Item 4.4 – Formation of a specialist Heritage Sub-Committee for providing advice to the Minister on Heritage DPAs• 30 January 2020 – Item 4.2 – Appointment of specialist Heritage Sub-Committee membership• 24 March 2022 – Item 4.2 – Heritage Sub-Committee – Reappointment of Members• 24 August 2023 – Item 5.6 – Heritage Sub-Committee Membership Update• 14 December 2023 – Item 5.2 – Heritage Sub-Committee Update
Conflicts Declared	Nil
Is the Report author aware of any potential undeclared conflict?	No

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Immediately).
2. Approve the revised approach for the consideration of local heritage code amendments, including the ongoing role for the Heritage Sub-Committee.
3. Approve the Ex Officio to use existing delegations in the preparation of Commission advice to the Minister for Planning on the Proposals to Initiate for council led local heritage code amendments.

Background

On 14 December 2023 the Commission resolved to establish new Terms of Reference (TOR) and a revised approach for the role of the Heritage Sub-Committee in the consideration of local heritage code amendments.

Under the new planning system, the listing of Local Heritage Places occurs through the Code Amendment process, with each place required to meet the same legislated criteria as those applicable in the former system. The *Planning, Development and Infrastructure Act 2016* (the Act) does not specifically require expert consideration of proposed local heritage listings by the Commission. However, the Minister for Planning (the Minister) must seek the advice of the Commission on Proposals to Initiate a Code Amendment. The Commission has been utilising the expertise of the Heritage Sub-Committee (since January 2020) in order to gain expert heritage advice on proposals to initiate local heritage Code Amendments.

At its meeting of 30 November 2023, the Commission discussed the current practices of the Heritage Sub-Committee, including the pre-initiation site visits, and advised of a preference for a more efficient processing of Local Heritage Code Amendments, while balancing the need to seek specialist advice.

There is no requirement for a site inspection of proposed listings at the initiation stage within the ToR. However, this has emerged as common practice since the Sub-Committee's inception and has occurred for all Local Heritage Code Amendment initiation proposals to date. This process has meant that it can take some time to consider proposals for initiation because of the logistics involved to organise the site visits.

The Commission seeks to expedite consideration of local heritage code amendment initiations and requested that the process and role of the Sub-Committee be reviewed.

Discussion

Code Amendment Process

In order to progress Code Amendments seeking to list Local Heritage Places as quickly as possible, Planning and Land Use Services (PLUS) are seeking approval to implement the following process:

- Step 1 - On receipt of a Proposal to Initiate, PLUS staff will request the review of proposed listings by one heritage expert from the list of Sub-Committee members (with an aim to use staff from Heritage SA wherever possible). This may involve individual site visits as required.
- Step 2 - Following the review by a Heritage Expert, PLUS will prepare advice from the Commission (or Commission's delegate) for the Minister's consideration with a recommendation on whether or not the Code Amendment should be initiated and, where necessary, specify conditions regarding further investigations be completed prior to public engagement. Depending on the extent of additional work required, and whether early commencement is being requested, conditions may also require the Code Amendment be submitted for approval prior to engagement.
- Step 3 - Following consultation, at the final determination stage, PLUS will convene the Commission's Heritage Sub-Committee only in instances where significant concerns have been raised through the public engagement process. This will assist in final advice to the Minister.

Delegations

It is considered that sufficient checks and balances are in place to ensure that Local Heritage Code Amendments are being underpinned by heritage expertise. This includes the engagement of heritage expertise by councils in the preparation of the code amendment against statutory criteria, coupled with PLUS engaging heritage expertise to review this work. On this basis, approval is sought for the Ex-Officio to use existing delegations to provide advice to the Minister on initiation proposals. To date, delegations for local heritage code amendments have not been used for this purpose.

Should this not be agreed, the use of delegations is sought for the following three code amendments that have been through the Heritage Sub-Committee process:

- **Inter-War Housing Heritage by the City of Norwood, Payneham and St Peters** – reviewed by the Sub-Committee, Initiation package being prepared recommending approval, subject to further investigations by condition.
- **Milang Local Heritage by Alexandrina Council** – reviewed by the Sub-Committee, updated proposal submitted by Council in response. Initiation package being prepared to recommend approval (supported by Sub-Committee).
- **Yankalilla District Local Heritage Stage 1 (Delamere, Normanville, Yankalilla) by the District Council of Yankalilla** – letter from Heritage Sub-Committee sent and Council currently working on recommended additional investigations.

For the Commission's information, there is only one further code amendment seeking approval to initiate in the system:

- **Onkaparinga Local Heritage by the City of Onkaparinga** – currently under review by PLUS

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Endorsed by: Sally Smith

Date: 9 February 2024
