

## Local Heritage Place Code Amendments

Adding or removing a listed local heritage place requires an amendment to the Planning and Design Code. This factsheet outlines the specific steps and requirements for a code amendment relating to a local heritage place.

### About local heritage places

Local heritage places are structures, buildings or places that demonstrate important local historical attributes or contribute to the historical themes of a local area.

Local heritage places are contained within the Local Heritage Place Overlay and are listed in [Part 11 of the Planning and Design Code](#).

The overlay provides demolition control which considers the building's existing heritage values, structural condition and risk to safety.

### Information required to initiate a code amendment

The requirements for preparing, amending and consulting on a code amendment are outlined in the State Planning Commission's [Practice Direction 2 – Preparation and Amendment of Designated Instruments](#). Detailed guidance is available in the [Code Amendment Toolkit](#).

Any proposal to initiate a code amendment to designate or remove a local heritage place must include a heritage report prepared by a heritage architect, historian or similarly experienced professional.

The heritage report must include:

- (a) **thematic analysis:** an analysis of historic themes of importance to the area
- (b) **a heritage datasheet** for each proposed local heritage place that includes:
  - (i) property details and descriptions (with images)
  - (ii) historical background and thematic analysis
  - (iii) statement of heritage value
  - (iv) assessment against local heritage criteria
  - (v) the extent of listing (including any exclusions).

To support proponents, the Department for Housing and Urban Development provides templates and guides including the [Local Heritage Place – Proposal to Initiate template](#).

## Analysis of historic themes

The thematic analysis identifies key events, development patterns and notable figures that shaped the local area. This context supports the significance of individual properties and their eligibility under heritage criteria.

For example, the development of some areas was heavily influenced by the war effort and buildings associated with this, such as factories or housing for soldiers, have local heritage value.

If council has prepared a heritage survey in the past it is unlikely that an entirely new thematic history would need to be prepared to support a code amendment. Rather, existing documents may need to be revised and updated to ensure the importance of the proposed local heritage place is clearly articulated and understood.

## Heritage datasheets

A local heritage place datasheet needs to accompany each proposed local heritage place listing.

For a property to be listed, the datasheet must clearly demonstrate that the property meets one or more of the legislated heritage criteria under section 67 of the [Planning, Development and Infrastructure Act 2016](#), which are:

- it displays historical, economic or social themes that are of importance to the local area
- it represents customs or ways of life that are characteristic of the local area
- it has played an important part in the lives of local residents
- it displays aesthetic merit, design characteristics or construction techniques of significance to the local area
- it is associated with a notable local personality or event
- it is a notable landmark in the area
- in the case of a tree, it is of special historical or social significance or importance within the local area.

The justification for, and extent of, listings is critically important to ensure that the affected landowners understand why their property is of local historic significance and to what extent their properties are affected.

## Practical advice for proponents

- It is recommended that the heritage consultant provides editable versions of the heritage datasheets so you can make minor amendments if required.
- Ensure that the extent of the listing is clear and can be understood on its own, without needing to refer to the rest of the datasheet.
- Ensure that the places are assessed against the current criteria set out in section 67(1) of the [Planning, Development and Infrastructure Act 2016](#).
- Include all possible listings – it is easier to remove properties throughout the process than it is to include additional properties.
- Do not mark heritage datasheets or heritage reports as draft/in progress.
- A heritage consultant may be required to respond and make changes throughout the code amendment process.
- All studies, reports and heritage datasheets will be published on the PlanSA website during public engagement on the proposed code amendment.
- The location of each proposed listed place is to be mapped by the proponent as accurately as possible. GPS coordinates are preferable for large sites or when the place is located on a road reserve.

## Heritage Adjacency Overlay

A local heritage place code amendment also requires consideration of the Heritage Adjacency Overlay, which ensures development near heritage places respects their cultural and historical values.

**In urban areas**, the Heritage Adjacency Overlay is applied to any allotment directly abutting a state or local heritage place plus any property within 6 metres of the allotment on which the heritage place is located, to a maximum distance of 60 metres. It also applies to any land that falls within 30 metres of a state or local heritage place that is located entirely within a road reserve.

**In rural areas**, the overlay is applied to any land that falls within 500 metres of a state or local heritage place, excluding the allotment containing the heritage place.

The department can assist proponents with determining the extent of the Heritage Adjacency Overlay.

Further information on how to apply the Heritage Adjacency Overlay is detailed in the [Heritage Adjacency Overlay factsheet](#).

Any properties captured by the Heritage Adjacency Overlay will need to be consulted as part of public engagement on the proposed code amendment.

## Engagement requirements

Under the *Planning, Development and Infrastructure Act, 2016* engagement for a local heritage place code amendment must include:

- written notification to owners of the affected land
- written notification to owners within the Heritage Adjacency Overlay
- a minimum consultation period of 4 weeks.

Engagement must also meet the requirements and principles of the [Community Engagement Charter](#).

### Before engagement

It is recommended the draft code amendment is provided to the department before public engagement to ensure it meets the conditions applied when the code amendment was initiated and information is presented correctly.

### After engagement

When submitting the engagement report, the proponent should provide a version to publish on the PlanSA website, which has personal details such as property address, owner name and contact details redacted from submissions, and a version without redactions so these details are clear to the department during review.

## Our role before consultation

The Act requires that the PlanSA portal includes a facility which allows members of the community to make submissions and provide feedback as part of engagement on the proposed code amendment.

Before being published on the PlanSA portal, the department will check basic details in the draft code amendment, such as addresses, spelling, grammar, inconsistencies and matters that require clarification from a practitioner's perspective. The draft code amendment will then be returned to the proponent to make amendments if required.

The department will not review the merits of the proposed designation or removal of the local heritage place listing.

## Early commencement

A code amendment can be brought into effect within the code once public consultation for that code amendment has begun. This is called 'early commencement'. Early commencement may provide demolition protections to places that are awaiting the outcome of the code amendment proposal for local heritage listing.

If a development application is lodged during the early commencement period, the application will be assessed against the version of the code that has commenced early.

Approval from the Minister for Planning is required, and early commencement can only be used where the Minister forms the view it is necessary in the interest of orderly and proper development or to counter applications for undesirable development before a decision is made on the proposal.

The proposal to initiate the code amendment should identify whether early commencement will be sought and early discussions with the department are strongly recommended if early commencement is being considered.

After the proposal is initiated, the proponent must formally request approval from the Minister for early commencement comprising:

- letter addressed to the Minister detailing why early commencement is sought
- draft code amendment (noting that engagement dates are yet to be determined)
- engagement plan.

## Further information

To learn more about local heritage places:

- read our [Local heritage place code amendments frequently asked questions](#)
- visit the PlanSA [Heritage and character](#) webpage.

*Note: Further information about heritage, character areas and representative buildings can be found on the [PlanSA website](#).*