



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness

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Heritage Places Act 1993

(South Australia)

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What does the Heritage Places Act do?

- Promotes understanding, appreciation & conservation of South Australia's heritage
- Allows for the identification & documentation of areas, places & objects of State heritage significance;
 - *historical towns & areas*
 - *buildings, artifacts & objects*
 - *archaeological artefacts*
 - *geological specimens & paleontological areas*

How is the Act relevant to the University?

- Some [land, buildings & objects](#) the University owns, occupies & maintains are on the State Heritage Register or Local Council Heritage Place Schedule including;
 - *Mitchell Building*
 - *Elder Hall*
 - *Barr Smith Library*
 - *Bragg Laboratories*
 - *Union House*
 - *Urrbrae House*
 - *Roseworthy Main Building*
- As a G08 University physical image & historical links are important as these buildings reflect University history & development

Heritage Agreements (Part 6 of Heritage Places Act)

A Heritage Agreement is:

- Binding on current & future owners of the land
- Generally registered on the *Certificate of Title*

A Heritage Agreement can:

- Restrict the use of land
 - *For example: 131 hectares of the Waite campus is under Heritage Agreement, which states that part of the land must be reserved for sports grounds & part must be used for agricultural-related education purposes*
- Provide for the management of land, specimens or artefacts
 - *An “understanding” that heritage places & objects will be preserved may exist*
- Provide for a reduction of rates or taxes in respect of the land if the local council agrees

Approval process for alterations to a Heritage Place

- All proposals must be discussed with Infrastructure Property
- All proposals meet conservation standards
 - See [*Burra Charter*](#)
- Infrastructure will initially organise discussions with the Local Council & with the Department of Environment & Heritage to determine heritage requirements
- Final approval will come from the Department of Environment & Heritage (State Heritage Branch) or a local council's Heritage Advisor as part of the Development Approval
- Approval is rarely given to completely demolish or substantially alter a heritage place

How is the University involved in the approval process

Infrastructure, Property & Technology Services:

- Provide appropriate advice & direction for any development, including;
 - *Updating light fixtures & glass panels*
 - *Painting & decorating*
 - *Installation of air-conditioners & non-structural alterations*
 - *Plastering & re-roofing*
 - *Salt damp repair*
- Provide appropriate co-ordination of contractors on site
- Consider if & how an existing building is maintained
 - Including the 'precinct'(surrounding area) of the building

Offences under the Act include

- Intentional or reckless damage to a State Heritage place
- Making alterations or amendment to a Heritage place without approval
- Damage, destruction or disposal of Heritage objects or specimens without a permit
- Development, damage or reduction in value a Heritage place without approval
- Failure to comply with a 'stop order'
 - *cease or not commence, work that may reduce or destroy the heritage significance of a place*

*** NOTE: Almost all work on a heritage listed building is classified as 'development'**

What can happen if I don't comply?

University Consequences:

- Fines of up to \$120,000 per breach
 - *This may include criminal or civil penalties*
- Legal & administrative costs
- Negative publicity
 - *Damage to the University's reputation*
 - *Attraction & retention of staff & students is compromised*

University obligations under the Act

- Submit all development plans & maintenance requests to Infrastructure, Property & Technology Services
 - *Central control is important*
- Follow appropriate approval channels for alterations to Heritage places or objects
 - *Obtain & comply with all necessary permits*
- Be aware of [University places, buildings & objects](#) that are on the Register
- Remember that almost all work on a heritage listed building is classified as development

Remember the criteria for State registration of a heritage building (only 1 must be satisfied)

The place or object:

- Demonstrates important aspects of the evolution or pattern of the State's history
- Has rare, uncommon or endangered qualities that are of cultural significance
- May yield information that will contribute to an understanding of the State's history, including its natural history
- Is an outstanding representative of a particular class of places of cultural significance
- Demonstrates a high degree of creative, aesthetic or technical accomplishment
- Has strong cultural or spiritual associations for the community or a group within it
- Has a special association with the life or work of a person or organisation or an event of historical importance

* *NOTE: Local criteria is in the [Development Act 1993 \(SA\)](#)*

Additional Resources

- [Harald Baulis](#), Manager, Strategy & Space Planning
 - 8313 7589
- [University of Adelaide's Heritage Inventory List](#)
- [Department for Environment & Heritage](#)
- [Burra Charter](#)
 - conservation standards of heritage places
- [Heritage Places Act 1993 \(SA\)](#)



Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Heritage Places Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Harald Baulis, Manager, Strategy & Planning* or *Legal & Risk* if you are unsure of your compliance obligations under the Act.