



# LOCAL HERITAGE PLACES

## Introduction

The City of Victor Harbor has a unique character, which is highly valued by many residents and visitors to the area. The area has been a popular seaside holiday destination for around 130 years. The many surviving historic buildings in the region make a substantial contribution to its character and to the appeal of the area for tourists and holidaymakers who contribute to the region's economy.

The Council is committed to conserving the built heritage in Victor Harbor. A total of approximately 95 places have been included as Local Heritage Places in Council's Development Plan.

## Why have a Local Heritage list?

Our built and natural heritage provides us with a sense of continuity, of identity and of stability. It provides an understanding of the forces that have shaped our existence and our identity.

Local Heritage listing enables the identification and conservation of places of heritage significance to the local community.

## How are Local Heritage places identified?

Local Heritage lists are usually the product of a heritage survey undertaken by a consultant experienced in heritage assessment. The consultant researches the history of the area and identifies historical themes. The consultant then identifies places representative of the themes and which fulfil one or more of the criteria set down in the Development Act, 1993.

## What is a Local Heritage Place?

Section 23(4) of the Development Act, 1993 states that a Development Plan may designate a place of local heritage value if:

- a) it displays historical, economic or social themes that are of importance to the local area; or
- b) it represents customs or ways of life that are characteristic of the local area; or

- c) it has played an important part in the lives of local residents or;
- d) it displays aesthetic merit, design characteristics or construction techniques of significance to the local area or;
- e) it is associated with a notable local personality or event; or
- f) it is a notable landmark in the area.

## How are Local Heritage lists formalised?

A local heritage place is described within the Development Act as a place that is designated as a place of local heritage value by a Development Plan. A Development Plan is a statutory document prepared by Councils to guide development in their region. A current list of Local Heritage places in the region is included in the Victor Harbor (DC) Development Plan (refer to Table ViH/3 at the end of the document).

Once potential Local Heritage Places have been identified they can only be listed through a statutory process undertaken by Council which amends Council's Development Plan, known as a Development Plan Amendment (DPA), the process includes public consultation, opportunity for objections and amendments to the list and requires Local and State Government approval at various stages. The DPA process usually takes around a year but may be less, or more, depending on circumstances.

## What are the implications of Local Heritage listing for property owners?

If a property is included in Council's list of Local Heritage Places it is subject to specific policies in Council's Development Plan, primarily relating to building design issues and demolition control. The development controls are written into Council's Development Plan as 'Objectives' and 'Principles' of development control. Applications for development affecting individual local heritage places and development on sites adjoining local heritage places will be assessed against the 'Objectives' and 'Principles'.

Local Heritage listing does not prevent the property owner from making changes to a building. In most circumstances if an owner wishes to undertake building work on a property, Development Approval is required whether the property is a heritage place or not. For example, if you wish to build an addition to your home (heritage place or not), Council will need to assess the proposed design of the extension before making a decision on an application. This is the same for an extension to a local heritage building, however there are additional principles in the Development Plan to guide the assessment of development applications affecting Local Heritage Places. A Development Application for work associated with a Local Heritage Place will need to provide sufficient information for such an assessment to be made. A guide to the sort of information required is contained in Council's help guide titled "*Development Applications*".

Under the Development Act 1993, in relation to Local Heritage Places (only), "*development*" means:

- f) *in relation to a local heritage place – the demolition, removal, conversion, alteration of, or addition to, the place, or any other work (not including painting but including, in the case of a tree, any tree-damaging activity) that could materially affect the heritage value of the place;*

There are various activities listed in the Development Regulations 1993 that are excluded from the definition of development and therefore do not require an application to be lodged with Council for Development Approval. However these exemptions from the definition of "*development*" do not apply when those listed activities relate to a Local Heritage Place. For example, certain kinds of fencing do not usually require Development Approval, but if the fence is on the site of a Local Heritage Place, an application to the Council for Development Approval will be required.

There are also forms of development, such as demolition, which are usually "complying" (ie: must automatically be granted approval). In the case of Local Heritage Places however, they can not be processed as a "complying" form of development and must be assessed by Council, taking into consideration the heritage values of the Place/item.

## **Are insurance premiums affected?**

It is sometimes suggested that insurance companies will not insure heritage - listed buildings or that insurance companies will increase insurance premiums when buildings are heritage listed.

Heritage status, on its own, should have no effect on insurance premiums. Insurance cover should reflect the age, construction and condition of a building.

Insurance premiums should not increase as a result of heritage listing, provided that properties have already been insured to cover replacement cost.

Some insurers may be under the misapprehension that the replacement cost for a heritage building would be higher than a non-heritage building. This should not be the case. In the event that a heritage place is destroyed, its heritage value is lost. In such a case, the Council will not require reconstruction to the original design. Accordingly, there should not be any extraordinary costs associated with constructing a new building.

Where an existing building is already insured for an adequate sum, (usually the replacement cost), there is no reason why the replacement cost of all or part of the building should be any greater as a consequence of heritage listing.

If you experience difficulty in obtaining cover for a heritage listed property, the Insurance Council of Australia may be able to assist you (phone 08 82240277, or outside of the metropolitan area 1300 728 228).

Heritage SA has prepared a brochure "*Insurance Implications for Heritage Listed Properties*" which includes a Register of Insurance Brokers. For a copy contact Heritage SA (08 8204 9262) or view the website at [www.heritage.sa.gov.au](http://www.heritage.sa.gov.au)

## **Is an owner of a Local Heritage Place required to carry out any special maintenance?**

As with any property, it is in the owner's interest to carry out ongoing maintenance work so that the value and structural soundness of the asset can be retained. Under current legislation there is no requirement for the owner of a Local Heritage Place to maintain a building.

If the maintenance involves work that requires an application to Council for Development Approval there may be a condition of approval requiring complementary construction materials to be used, but not necessarily the same materials as those used in the original construction.

## **What assistance is available to owners of Local Heritage Places?**

To demonstrate its commitment to the heritage of the region and to assist owners in conserving and maintaining Local Heritage places, Council operates a '*Local Heritage Incentives Grants Scheme*' and offers an annual a '*Heritage Project Grant*'. The Grant Schemes offer a monetary fund set aside by Council to provide

subsidies for owners for work associated with the conservation of their Local Heritage Places (only). More information about both schemes can be found in Council's other Help Guides titled '*Local Heritage Incentives Grants Scheme*' and '*Heritage Project Grant*'.

With funding assistance from the State Government through the Heritage Branch, Council provides free professional architectural and heritage advice to owners of State and Local Heritage Places within the City of Victor Harbor. The advice does not extend to design advice or documentation of proposed work. It is intended to provide guidance in relation to such matters as conservation and maintenance, how to approach adaptation of and addition to historic buildings while maintaining their heritage value, possible funding sources and development applications. More information about the advisory service can be found in Council's Help Guide titled '*Heritage Advisory Service*'.

## **Can the heritage status of a place be changed?**

The heritage status of a place can only be changed through a Development Plan Amendment (DPA) which amends Council's Development Plan. Any change in status would normally need to be supported by appropriate historical research and a case for listing or removal from the list which related to the criteria under the Act.

## **Want to know more?**

The above information is advisory and a guide only to give you a *general understanding* of the key points associated with the implications of Local Heritage listing. It is recommended that you seek professional advice or contact the City of Victor Harbor regarding any specific inquiries or further assistance concerning the use and development of land and buildings. Being properly prepared can save you time and money in the long run.

While care has been taken to ensure the accuracy of material contained in this publication, no responsibility will be accepted for any errors or omissions.

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Other *Local Heritage* related Help Guides:

- 'Heritage Project Grant'
- 'Heritage Advisory Service'
- 'Local Heritage Incentives Grant Scheme'