

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 113th Meeting of the South Australian Heritage Council (the Council) was held on Thursday 22 October 2020.

Statement of Acknowledgement

The Chairperson acknowledged that this land that the Council members meet on today is the traditional lands for Kaurna people and that the Council respect their spiritual relationship with their country. The Chairperson also acknowledged the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today. Ms Jan Ferguson noted she was linking in via video link via Beltana and acknowledged the Adnyamathanha people – the traditional owners of Beltana region and paid respect to their spiritual relationship with that country.

Heritage Council: Chair: Mr Keith Conlon OAM Members: Emeritus Professor Alison Mackinnon AM, Mr Marcus Rolfe, Ms Robyn Taylor, Mr Michael Constantine, Mr David Stevenson, Mr Jason Schulz, Ms Katrina McDougall, Ms Robyn Taylor and Ms Jan Ferguson OAM.

Secretariat: Mr David Hanna, Executive Officer, Heritage South Australia, Department for Environment and Water (DEW) and Ms Bev Voigt, Manager Heritage South Australia.

1. WELCOME AND APOLOGIES

Mr Conlon welcomed all to the 113th meeting of the South Australian Heritage Council (the Council).

It was noted there were no apologies.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Agenda

The agenda was adopted without amendment.

Declarations of conflict of interest

There were nil declarations of conflict of interest.

3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 24 September 2020 meeting and approved them without amendment.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 24 September 2020 meeting without amendment.

4. ACTION ITEMS

Council noted the Adelaide Park Lands State Heritage Area proposal is currently with Heritage South Australia for development of a Conservation Management Plan.

It was noted that the Minister had made a statement in Parliament about progress with the proposal to list the Adelaide Park Lands as a State Heritage Area and his statement was very positive.

It was further noted that the Adelaide City Council are reviewing its Park Lands policies to ensure they align with the State Heritage Area proposal.

RESOLUTION

The South Australian Heritage Council:

- **NOTED** the status of the action list.

5 FOR DISCUSSION / DECISION**5.1 Reconciling with the Frontier**

Mr Keith Conlon welcomed Dr Skye Krichauff, Chair of the South Australian History Council and Ms Shona Reid, Executive Director of Reconciliation SA to the meeting.

By way of introduction, Mr Conlon noted the Darwin Statement was a starting point for the SA Heritage Council's discussions about incorporating the Aboriginal story into Heritage assessments and listings.

Mr Conlon noted that the Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) came together for an historic meeting of cultural heritage leaders in Darwin on 22 May 2018.

The Heritage Chairs were joined by representatives of Aboriginal and Torres Strait Islander heritage from the Commonwealth, States and Territories and have taken the opportunity to work together in advancing a shared approach to Australia's cultural heritage.

The group agreed to implement best practice cultural heritage principles including:

- Sharing the comprehensive Australian heritage story
- Inclusion and engagement with Aboriginal and Torres Strait Islander people
- Co-operation and collaboration

The Chairs acknowledged the critical importance of recording and sharing the stories of Aboriginal and Torres Strait Islander cultural heritage.

Mr Conlon indicated that the Heritage Council had started to reach out to the State Aboriginal Heritage Committee as the Council recognised it needed to identify contact and conflict sites and tell the full story appropriately and respectfully. Sadly Mr. Syd Sparrow, Chair of the State Aboriginal Heritage Committee passed away in September, and therefore meetings with the State Aboriginal Heritage Committee will be put off until 2021 as a mark of respect for Mr Sparrow.

Mr Conlon noted that the HCOANZ met on 16 September 2020 and at this meeting they discussed and endorsed two pieces of work pertaining to Indigenous and Torres Strait Islander Heritage in Australia.

1. Dhawura Ngilan (Remembering Country): A vision for Aboriginal and Torres Strait Islander Heritage in Australia
2. Best Practice Standards in Indigenous Cultural Heritage Management and Legislation

Mr Conlon indicated that the Reconciling with the Frontier project comes at a vital time and asked Dr Krichauff and Ms Reid to talk further about this project.

Dr Krichauff thanked the Council and noted that the Reconciling with the Frontier project is being run out of the University of Adelaide. The University of Adelaide is heading the project and there are five partner organisations, the others being the History Trust of SA, South Australian Museum, State Library of SA, State Records of SA and Reconciliation SA.

The project is focussing on conflicts between European settlers and Aboriginal people from the sealing and whaling era of early 1800 through to 1901.

When the project is finalised, the outcome will be a very useful online information tool that community and organisations can access.

The starting point of the project is archival research by Dr Krichauff and Associate Professor Robert Foster and a year has been put aside for this work. There is much information in the archives re settler violence perpetrated against Aboriginal people. Dr Krichauff's focus to date is the mid north of South Australia, while Assoc-Professor Foster has been researching the south east area.

It was noted that there is evidence of approximately sixty violent incidents in each of these areas. Where possible, the name of Aboriginal people involved in the incidents is being recorded and this will help tell the story.

Following the archival research, the second step will be to go to Aboriginal communities and hear their stories. Oral history will fill gaps and help with cross referencing the archival research. It was noted that often there are no memories in community of violent incidents and this is equally telling

An online interactive map will be produced that is accessible to all. Dr Krichauff noted the work being done in New South Wales through the Newcastle mapping project – an Australia wide project. Council heard to date there is very little about South Australia through the Newcastle project. The Newcastle project is limited to telling the story of massacres involving six or more Aboriginal people. The Reconciling with the Frontier project is researching massacres but also incidents where Aboriginal people were injured or where there is a record of a violent confrontation.

Dr Krichauff noted that sometimes it is difficult to obtain accurate descriptions of exactly where an incident happened. In these cases the online map will refer to a vicinity such as within three kilometres of a particular waterhole.

Through the online map, people will be able to click on historical sources themselves. With consent, oral recordings will also be put as a link on the online map.

The impact of diseases that were introduced by white settlers to Australia was devastating on the Aboriginal population. Dr Krichauff noted that many Aboriginal people died of diseases such as Smallpox or Chickenpox that sometimes spread ahead of white exploring parties via transmission amongst Aboriginal populations. It was noted that many Aboriginal nation groups were reduced in population size by up to 50% by disease. There are accounts of explorers arriving in certain parts of South Australia and seeing large numbers of Aboriginal bodies – Aboriginal people that died as a result of white settler diseases.

Dr Krichauff indicated that the impact of disease will likely be incorporated in the project through introductory remarks, with the focus of the project on violent conflicts between European colonists and South Australia's Aboriginal people. Dr Krichauff also remarked that they will tell the stories of Aboriginal deaths in custody and Aboriginal prisoners and witnesses treatment by police during the time period of 1836 to 1901.

Ms Shona Reid introduced herself as an Eastern Arrernte Woman, with family legacy that extends into the Hart Ranges in the Northern Territory, and she is privileged to be raising her family here in South Australia. Ms Reid acknowledged the Kaurna people as the traditional custodians of the land that the Council is meeting on today.

Ms Reid acknowledged that there are some positive interactions between white colonists and Aboriginal people. For example, some white families hid Aboriginal families so they were not separated from one another. This is part of the truth telling we can do. The example of the Protector Dr Moorhouse was discussed.

Ms Reid said that even though this project is focussed on SA, the interest to do this truth telling work is strong across the whole of Australia.

The project partners are clear that this project can't be 'white-washed' and be a white version of history. The project will not filter stories – but focus on the truth. Great lengths have been taken to ensure a First Nation group drives this work. Ms Reid recommended the Uluru Statement from the Heart – with its call for truth telling and recognition of the oral version of what happened (obviously Aboriginal people did not write it down).

Ms Reid noted that the Aboriginal Reference Group is about upholding integrity as part of putting this information together. How do we do this respectfully? Some are about brutal rapes, some are about child molestation, and some are about murder. Do Aboriginal men or women or both hold this information, and who is able to tell it?

The State Aboriginal Heritage Committee is providing guidance for this project. It will be a three year piece of work. The project represents a great opportunity for developing partnerships and relationships between different individuals and organisations in SA. The collection of data is one thing, the use of the data in a sensitive way is also very important. The safe use of this information is very important. The information needs to be used in the interest of the Aboriginal community. We want to make sure people don't abuse the information.

Ms Reid indicated that this project represents great opportunities for Local Councils to tell the story to its broader communities.

Dr Krichauff noted the archival research will cover all of SA, though, at this point, they only have funding for four oral case studies across SA. Funding is provided through the Australian Research Council (ARC).

It was noted that Aboriginal people will be enthusiastic to tell the story orally when they hear about this project.

At the Commonwealth level, the desire to do truth telling is strong. Here in SA, the Government has a vested interest in the development of the Aboriginal cultural component of Lot 14 on North Terrace and therefore it is really in the interest of the SA Government to support the Reconciling with the Frontier project.

Mr Conlon noted that Dr David Kemp, Chair of the Australian Heritage Council has been driving this, so keep us in mind to apply to above to get more funding.

Noted there are incidents of Aboriginal people talking through the records – through colonists or through the court system.

The Aboriginal connections with Finniss Springs were discussed.

Ms Reid said it is never too late for white people to look at both sides of the coin i.e. account for the Aboriginal story. As an example, Ms Reid discussed what led to the vandalism of statues here in South Australia (connected to Black Lives Matter). Ms Reid said there is a great opportunity for bodies like the Heritage Council to partner with Reconciliation SA.

Mr Conlon thanked Ms Reid and Dr Krichauff for their time and said the Council is looking forward to the outcomes of their project and being able to use the information in the Heritage Council assessment and listing process.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the information provided by Dr Krichauff and Ms Reid in relation to the Reconciling with the Frontier project.

5.2 **Aboriginal Dhawura Ngilan (Remembering Country): A vision for Aboriginal and Torres Strait Islander Heritage in Australia**

Mr Conlon noted that the Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) met on 16 September 2020 via video conference. At this meeting they discussed and endorsed two pieces of work pertaining to Indigenous and Torres Strait Islander Heritage in Australia:

1. Dhawura Ngilan (Remembering Country): A vision for Aboriginal and Torres Strait Islander Heritage in Australia
2. *Best Practice Standards in Indigenous Cultural Heritage Management and Legislation* (the Standards)

Dhawura Ngilan is an aspirational document with clear practical application. It includes four high level vision statements which articulate what it is hoping to achieve and 17 key areas of focus which provide a pathway to achieving them.

The HCOANZ Chairs welcomed Dhawura Ngilan and agreed to consider how their respective Heritage Councils can respond positively to it. It was also agreed that each Chair would transmit it to their respective Ministers as an expression of the importance of Indigenous cultural heritage.

The policy context for Dhawura Ngilan states: “It is expected that jurisdictions will develop implementation plans and associated targets to address the key areas of focus and will report on progress.”

It was noted that the paper provided to Council for this meeting is the first step towards the development of an implementation plan for the SA Heritage Council that is achievable and in accordance with its functions under the *Heritage Places Act 1993*.

Council considered the table and agreed with the recommendations of Heritage South Australia in relation to those matters it would take a lead on, those it would support and those that it would watch.

It was agreed that researching the Aboriginal record / history (where relevant) when an assessment is done is important. It was further agreed that the Aboriginal story needs to be woven into the Council's thematic framework.

It was agreed that some simple steps can be taken now to tell the Aboriginal story, such as identifying Aboriginal workers that may have worked with or for a colonist owner of a State Heritage Place.

Council supported *Dhawura Ngilan* and agreed to forward it to the Minister, along with the table provided as Attachment 2.

Action: Transmit *Dhawura Ngilan* to the Minister as an expression of the importance of Indigenous cultural heritage.

RESOLUTIONS

The South Australian Heritage Council:

- **Supported** *Dhawura Ngilan* and agree to transmit it to the Minister as an expression of the importance of Indigenous cultural heritage
- **Considered** the recommendations provided by Heritage South Australia and determined the Council's role for each one.

5.3 Heritage and Planning matters

It was noted that Mr Keith Conlon wrote to the Hon Vicky Chapman MP, the newly appointed Minister for Planning on 8 October 2020, seeking to meet with her to discuss issues relating to Heritage and Planning. The Chair included a copy of the Heritage Council's 2020 Report on Heritage Protection as part of the correspondence.

Council agreed that the Heritage Council's 2020 *Report on Heritage Protection (Summary)* covering heritage and planning matters is relevant to the discussions with the Minister for Planning, in particular Theme 1 - *Refine the Planning and Design Code to support positive heritage outcomes and the ERDC Heritage Inquiry Report recommendations*. It was noted the Report on Heritage Protection was sent to the Planning Minister as an attachment to the letter.

Council agreed on the following other topics to raise with the Minister for Planning:

1. Impact of the implementation of Phases 1 & 2 of the Planning & Design Code.

Council agreed that the Planning Minister ought to be complimented on her decision to push out the timeframe for finalisation of Phase 3 of the Planning and Design Code to allow for further consultation.

It was noted that following the implementation of Phases 1 & 2 of the Planning & Design Code, it has become apparent that increases in fees and charges associated with submitting Development Applications (DAs) for 'development' affecting State Heritage Places could become a disincentive to submitting DAs. Council recognised that owners of State Heritage Places are currently being disadvantaged particularly by this change. The definition of 'development' requires a home owner who wants to paint their house which is entered in the South Australian Heritage Register to pay fees up to \$1000 (combined Council and heritage referral charges) and wait upon a development approval being processed. Council registered much concern at the hike in fees.

It was noted that an owner of a place that is not State Heritage listed doesn't have these associated costs and time delays. It was noted the lack of a heritage advisory service to State Heritage owners compounds this matter.

It was agreed that there is a need to re-examine the definition of 'development' under the new planning code. It was suggested a Practice Direction could be introduced to provide clarity on this matter.

It was noted there is no legislative obligation to maintain a Local Heritage Place. This is the gap. An owner can legally allow a place to get so run down that it becomes cheaper to rebuild than to fix. This then means an owner can demolish a Local Heritage Place on economic grounds.

2. ERDC Heritage Inquiry Recommendations:

The Heritage Council is generally supportive of the recommendations of the Environment Resources and Development Committee (ERDC) of Parliament's Heritage Inquiry, particularly:

- a) a streamline integrated system for assessing and managing State and local heritage places in South Australia, and
- b) the need for a sustainable funding model for heritage conservation.

The Heritage Council still awaits the establishment of a Heritage Reform Advisory Panel, comprising persons of appropriate expertise, including representation from the State Planning Commission, Heritage Council, Local Government and relevant Government agencies to prepare a roadmap for a staged approach to heritage reform to be presented to Parliament, as proposed in the Joint Ministerial Response to the ERDC in September 2019.

3. Increase in nominations for consideration for State heritage-listing:

There has been an increase in the number of nominations by the general public for 'unprotected' and also Local Heritage Places that are clearly not of State heritage significance. This is particularly evident where there is some threat of imminent demolition.

Due to the current inability to protect individual local heritage places in an expeditious manner, the only mechanism to attempt to protect places of importance to local communities or individuals is to nominate them for State heritage listing.

This situation has placed a significant impost on the limited assessment staff in Heritage South Australia, DEW to assess these places, given the resource effort necessary to clearly demonstrate why they do not meet the State heritage level threshold.

Further, given the recent decisions by the State Commission Assessment Panel (51 Pirie Street) and local Councils (Wallis Cinema, Lockleys) to demolish local heritage places, which is concerning in itself, these decisions may trigger nominations to elevate existing local heritage places to State heritage-listing.

4. Adelaide Park Lands State Heritage Area:

The Heritage Council has the opportunity to inform the Minister for Planning that it will be her decision to support the designation of the Adelaide Park Lands as a State Heritage Area, through a Code Amendment, and to advocate why it is an important decision of Government to do so for the benefit of the community.

Heritage South Australia is working with the City of Adelaide towards the culmination of a 'CMP' for the Adelaide Park Lands (including parts of the heritage assessment by DASH Architects, together with further supplementary analysis to inform any amendments to planning policy for the Adelaide Park Lands).

Action: Mr Hanna and Mr Conlon to organise notes as discussed as above in readiness for Mr Conlon's meeting with the Hon Vicki Chapman MP.

RESOLUTION

The South Australian Heritage Council:

- **Resolved** that the matters outlined above would form the basis of discussion between the Chair and the Planning Minister.

5.4 Archaeological Provision Guideline – Update

It was noted that to progress the refinement of the Guideline (so that it can be endorsed by the Council) Heritage South Australia is seeking the support of interested members of the Council to assist in refining the Guideline, through an out-of-session meeting.

It was noted that following Council's endorsement, the Archaeological Provisions Guideline will then be distributed to key stateholders, such as the Property Council of Australia (SA), the Planning Institute of Australia (SA Division) and the Local Government Association, in order for them understand the archaeological compliance requirements under the *Heritage Places Act 1993*.

Mr Schulz, Mr Rolfe and Ms Taylor agreed to support the refinement of the draft with Mr Angas out of session.

The South Australian Heritage Council:

- **Determined** that Mr Schulz, Mr Rolfe and Ms Taylor would support the refinement of the draft guideline out of session.

5.5 Heritage Tourism

Ms Ferguson noted that currently Regional Visitor Strategies are being developed. These strategies set out actions for 5 years and therefore it is important that the Heritage Tourism Strategy is considered when drafting these regional strategies.

Ms Ferguson suggested that, if the Department has networks in any local areas, it will be prudent to get these local areas to incorporate Heritage tourism in their local strategies.

Mr Keith Conlon invited Ms Linda Lacey from the Department to make comment. Ms Lacey noted there has been some turnover in Regional Tourism Managers recently resulting in a gap in some areas. Ms Lacey notes she meets with staff from SA Tourism Commission on a fortnightly basis and will raise the Council's concerns with them through this channel.

Ms Lacey noted that workshops have now concluded for regional tourism strategy development.

The Council discussed and agreed that it would write directly to SATC to see if SATC can further support the integration of Heritage Tourism Strategy objectives into regional tourism strategies.

Action: Letter to be drafted with the input of Ms Ferguson and Mr Stevenson.

The South Australian Heritage Council:

- **Resolved** to write to the SA Tourism Commission in relation to the Heritage Tourism Strategy and its integration into regional strategies.

6. ITEMS FOR NOTING

6.1 Listing of places situated on Commonwealth land in the South Australian Heritage Register

It was noted that the Council requested Heritage South Australia, DEW seek formal legal advice from the Crown Solicitor's Office (CSO) regarding whether or not the Council can legally enter places or land owned by the Commonwealth Government in the Register.

This legal advice has now been received and it states that Commonwealth places subject to a Commonwealth law that is inconsistent with the operation of the Heritage Places Act, should not be registered as State Heritage Places.

Council noted the advice, and agreed that it would instead promote relevant places to the Commonwealth for possible Commonwealth Heritage listing. It was noted that Corny Point and Althorpe lighthouses are not currently registered as Commonwealth Heritage places.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the advice in relation to listing of State Heritage Places on Commonwealth owned land.

6.2 Chairperson's Report

The Council thanked the Chair for his report and remarked how busy he had been promoting heritage. Mr Conlon noted, further to the written list of engagement, he has also met with the Chairperson of Genealogy SA and is looking forward to opportunities to partner with the organisation in the future.

Mr David Stevenson thanked Heritage South Australia for their support in applying for the grant that Goyder Council were successful in receiving from the Australian Government re Burra Mines.

Mr Conlon noted that the National Trust were also successful in gaining a substantial grant from the Australian Government in relation to the Moonta precinct.

Action: Agreed to write to National Trust to congratulate them on the grant funding they successfully sought.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the report by the Chairperson.

6.3 Report from DEW

Council noted with thanks the report from DEW.

Mr Conlon noted that more than 200 entries have been received to date in the Heritage SnAps photo competition. Mr Conlon thanked Mr Hanna and others in Heritage SA for their work

promoting the Heritage Snaps Photo competition. Mr Hanna in turn thanked Mr Conlon for the work he has done through radio and television promoting the competition.

Mr Conlon asked Council members to note in their diaries 11 December 2020 as the date of the event to announce the winners of Heritage Snaps at the Torrens Parade Ground.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the report from DEW.

6.4 Correspondence

Review of Botanic Gardens Master Plan

It was noted that Council had received recent correspondence from the Board of the Botanic Gardens inviting comment on the draft Adelaide Botanic Garden Masterplan 2020 and that a draft response will be prepared for Council's consideration and approval out of session.

It was noted there are 11 State Heritage Places in the Botanic Gardens and, on an initial read of the Master Plan review, the Botanic Gardens have documented well how they propose to conserve and celebrate these sites. It was noted this is an opportunity for Government to reinvest in its own State Heritage Places. It was also noted that truth telling around the Aboriginal story related to any of the places in the Botanic Gardens ought to be pursued.

Consultation on the Botanic Gardens Master Plan review closes 18 November 2020.

Action: Draft response out of session and circulate to Council members for approval.

City of Adelaide Heritage Engagement Strategy

Council had also received recent correspondence from the City of Adelaide seeking a response to its draft Heritage Engagement Strategy. It was noted that a draft response will be prepared for Council's consideration and approval out of session. Consultation closes at 5 pm on Monday 16 November 2020.

Noted there are more than 600 heritage places in the City. The strategy looks at precincts not just individual listings and this was viewed as a welcome initiative. Other matters discussed by Council included working with owners of heritage places, coordinated works and telling the Aboriginal story in relation to places.

Action: Mr Conlon and Ms Taylor will meet to discuss form of the Council response and circulate to all Council members for approval out of session.

Letter from Minister re Sands & McDougall heritage entry

Council noted the letter received from the Minister and agreed to write back to him following the decision relating to confirm or not confirm the listing in the South Australian Heritage Register.

Action: Write reply to the Minister at the appropriate time.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the correspondence sent and received.

6.5 Delegation's Report

Noted.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the delegations reports provided by Heritage South Australia.

7. ANY OTHER BUSINESS

Mr David Stevenson noted that the Moonta and Burra Conservation Management Plans will be presented to the Australian Heritage Council in November 2020.

Mr Conlon noted that he had received an invite from the Legislative Review Committee of Parliament to speak to the SA Heritage Council submission on planning reform. Mr Conlon will attend with the support of Mr Rolfe.

CLOSE OF MEETING

Mr Conlon closed the meeting at 11:45am.



Mr Keith Conlon OAM

Date: 10 December 2020

Chair