

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 117th Meeting of the South Australian Heritage Council (the Council) was held on Thursday 23 April 2021.

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.

Heritage Council: Chair: Mr Keith Conlon OAM Members: Mrs Peggy Brock, Mr Marcus Rolfe, Mr Stephen Schrapel, Mr Simon Weidenhofer, Ms Eleanor Walters, Mr Gavin Leydon 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 117th meeting of the South Australian Heritage Council (the Council).

There were apologies from Mrs Deborah Lindsay and Ms Katrina McDougall.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Agenda

The agenda was adopted without amendment.

Declarations of conflict of interest

Mr Rolfe declared a conflict of interest in relation to Item 6.1, 1 Bagot Street, North Adelaide as his firm represents the owner. It was agreed Mr Rolfe would depart the meeting for this discussion.

Mr Weidenhofer declared a conflict of interest in relation to Item 6.1, 1 Bagot Street, North Adelaide as he works for the City of Adelaide who is responsible for processing the demolition application of this property. It was agreed Mr Weidenhofer would depart the meeting for this discussion.

3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 18 February 2021 meeting and approved them without amendment.

Council considered the minutes of 29 March 2021 meeting and approved them without amendment.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 18 February 2021 and 29 March 2021 meetings without amendment.

4. ACTION ITEMS

Council noted the action items.

RESOLUTION

The South Australian Heritage Council:

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

5 FOR DISCUSSION / DECISION

5.1 Appointment of Deputy Chair

It is the responsibility of the Council to appoint one of its members as Deputy Chair under section 7 (1) of the *Heritage Places Act 1993*.

Mr Conlon called for nominations. Ms Jan Ferguson offered to nominate herself but was equally supportive of any other Council member considering the role. It was noted that no other Council member nominated, and Council indicated its full support for Ms Ferguson. Council resolved to appoint Ms Ferguson as Deputy Chair for the period 23 April 2021 to 22 April 2022.

RESOLUTION

The South Australian Heritage Council:

- **Appointed** Ms Ferguson as Deputy Chair for the period 23 April 2021 to 22 April 2022.

5.2 Governance Presentation

Mr David Hanna provided a presentation to Council members about governance matters.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the presentation.

5.3 Evaluation of Self-Assessment tool results

Council thanked the previous Council for providing it with results of its self-evaluation survey. The Council remarked that it was notable that the Council performed well in the majority of assessable fields.

It was noted that the presentation by Mr Hanna today had been comprehensive and covered all areas of responsibility for the Council. This has given the Council confidence in undertaking its responsibilities appropriately and with due diligence.

It was noted that Council were pleased that alternate meetings would be dedicated to strategic matters, as, otherwise, listing matters can tend to consume most of the time of meetings.

Heritage South Australia to advise the Chair of any training opportunities for Council as they arise.

RESOLUTION

The South Australian Heritage Council:

- **Noted** and **thanked** the previous Council for providing results of its self-evaluation.

5.4 Heritage and Planning Reform: Recent Developments

Council noted the informative paper provided by Heritage South Australia.

Council discussed the following matters:

- The Code amendment for listing a Local Heritage listing is far simpler and more flexible.
- A single statute and single Minister for Local and State Heritage listing is desirable, and ought to be under a Minister responsible for Heritage, and not the Planning Minister.
- Discussed the tests for demolition of a Local Heritage Place. It was noted that they differ to the tests applied to State Heritage Places and Council indicated they ought to be the same.
- The provisions for Local Heritage should be broadly consistent with that for State Heritage Places.
- It was noted that there is little policy of any substance around encouraging adaptive reuse.

- Use – a use that doesn't fit a development zone could be catered for adaptive reuse of a heritage building (an incentive).
- Requested to view the Terms of Reference of the Heritage Reform Panel so that Council knows this scope of its work and can make appropriate comment.

Action: DEW to investigate whether Terms of Reference could be made available.

RESOLUTIONS

The South Australian Heritage Council:

- **Noted** the contents of the agenda paper on recent developments regarding Heritage and Planning Reform in South Australia;
- **Discussed** topics the Council would like its Chair to raise during the deliberations of the Heritage Reform Advisory Panel; and
- **Discussed** other matters the Council would like to raise with the Minister for Environment and Water and/or the Minister for Planning and Local Government regarding any future 'heritage' planning reform.

5.5 Planning and Design Code (Heritage Adjacency Overlay)

It was noted that in order that owners of properties 'adjacent' to Provisionally Entered State Heritage Places are aware of their 'heritage' obligations under the Heritage Adjacency Overlay of the Planning and Design Code, the Council may like to inform those affected owners of its decision to Provisionally Enter a particular State Heritage Place.

A draft letter to affected owners 'adjacent' to Provisionally Entered State Heritage Places was provided to Council members for consideration.

Ms Voigt noted that although this correspondence is not a legal requirement under the *Heritage Places Act 1993*, it is being proposed in the spirit of transparency and openness, as the 'adjacent' owners will be affected by the listing decisions of the Council. It was proposed that the Council will not write to these affected owners again, unless the Provisional Entry is not confirmed.

Council discussed the draft letter and it was agreed that, given it is not a legal requirement, there is no effective change under the PDI Act, and it may cause more angst for adjacent owners than re not Council's responsibility to write such letters. The only additional matter is a referral. No effective change under PDI Act. Mr Rolfe agreed.

Council indicated that if there is any resource capacity in DEW, the education approach may be better pitched at the planning officer rather than the neighbour of State Heritage Place owners.

RESOLUTION

The South Australian Heritage Council:

- **Determined** that a letter to adjacent owners was not required.

6. ITEMS UNDER CONSIDERATION FOR PROVISIONAL ENTRY IN THE SA HERITAGE REGISTER

6.1 1 Bagot Street, North Adelaide

It was noted that Mr Rolfe and Mr Weidenhofer departed the meeting for discussion on this item.

Mr Conlon noted the circumstances around speaking at time of Provisional Entry.

Dr Louise Bird was welcomed to the meeting. Dr Bird noted that on 22 January 2021, a member of the public nominated Office Building, 1 Bagot Street, North Adelaide for listing as a State Heritage Place, suggesting that the place meets criteria (e) and (g) under s16 of the *Heritage Places Act 1993*:

Criterion (e) – It demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics

Criterion (g) – It has a special association with the life or work of a person or organisation of an event of historical importance.

The nominator also indicated that the place was under threat of demolition as the owner had submitted a Development Application to the City of Adelaide for approval to redevelop the site with four houses.

The Chair of the South Australian Heritage Council agreed to an expedited assessment process, and an Assessment Report has been prepared by Dr Louise Bird and Mr Peter Wells for the Council's consideration. The Assessment Report recommended that the place does not meet any of the s16 criteria for listing as a State Heritage Place.

Given that the building has been consistently changed since the 1960's, the building has been altered many times, including roof and downstairs area. The additions were done by the same architect. The courtyard was reduced and enclosed.

The nominator suggested it meets criterion (g) as it was designed by John S Chappel, a South Australian architect, who also was a regular columnist for the *Advertiser*. While John Chappel did design many buildings, he is most widely recognised for his residential commissions.

Dr Bird noted that the assessment found that although the office building is a good example of its period, design and class, it is not an outstanding representative of these qualities. Similarly, it is also a good example of Chappel's work, but is not one of the places that best represents his significance to South Australia. Overall, it does not meet the threshold for State-listing against any of the section 16 criteria. Therefore, it is recommended that the nominated place should not be entered in the SA Heritage Register as a State Heritage Place.

It was noted there has been media interest in the Office Building since it was nominated for consideration for listing as a State Heritage Place. An article and letter appeared in *The Advertiser*

respectively on 11 March and 22 March, and a feature on 15 March in *ArchitectureAU News*, the online journal for the Australian Institute of Architects (AIA). The letter, written by architect Michael Pilkington, and article in the AIA news are both supportive of State Heritage listing.

It was noted that five members of the public have contacted Heritage South Australia, by email, since the Office Building featured in the media, all in support of State Heritage listing.

Mr Conlon thanked Dr Bird for her overview and invited the nominator, Ms Pippa Buckberry to address the Council.

The following points are a summary of Ms Buckberry's submission:

- The nomination submitted was not taken lightly, and consulted a number of architects as part of the process.
- Was keen to ensure that the building received an appropriate hearing into its heritage merits before the demolition application was processed, and noted that the 46 page report by Dr Bird has done just that.
- There is a general neglect of modern commercial structures.
- The SA Heritage Register has only a small number of places built from 1950's onwards – about 1% of the total places on the Register.
- Smaller domestic commercial style buildings are overlooked and not well represented on the SA Heritage Register.
- Would like the Council to elevate the need for a contemporary heritage survey.
- Frustratingly, the Dr Bird heritage assessment report concedes it was once an important building, but failed to meet the threshold for listing due to the alterations.
- Modifications could be viewed as minor. Primary design features still prominently displayed.
- Noted that other examples in the assessment report predate 1 Bagot Street property. The Bradford example is not as striking or well loved by the community as 1 Bagot Street.
- John Chappel a significant architect and there are no buildings on the Register to recognise his significance to South Australia.
- Mr Chappel's residential skills that have been applied to this wonderful commercial place and therefore it warrants consideration for heritage listing.

Mr Conlon thanked Ms Buckberry and invited the owner and representatives to address the Council.

The following points are a summary of the submissions of Mr Levinson (legal representative of the owner) Mr Schulz (architect consultant for owner) and Mr Kotses (owner):

- The focus of the submission was on criteria (e) and (g) of section 16 of the *Heritage Places Act 1993*.
- The property in question, 1 Bagot Street North Adelaide, does not have a good interior design.
- Mr Jason Schulz, whose report was provided to Council members, is accepted by the Courts as an expert Heritage Architect.
- No expert report put to Council suggested it ought to be listed.

- In case of criterion (e) the test is “high degree” or “outstanding” characteristic. This place has no particular high degree.
- Discussed the Dickson Platten Building, Mackinnon Parade matter. In that case the Council listing was overturned on appeal to the ERD Court. Dickson Platten was far more renowned than Jon Chappel. 1 Bagot Street has not won any architectural awards.
- Noted paragraph 29 of the Court order that says the houses demonstrate “some” degree but falls well short of a “high” degree and therefore the court overturned the listing. This decision is important in considering 1 Bagot Street, as it too has been found in the expert reports to fall short of the “high degree” of accomplishment needed for listing.
- To satisfy criterion (e) – the *Heritage Places Act 1993* does not seek to capture a representative of each type of architecture.
- In terms of criterion (g), John Chappel is well known in architectural circles due to his column in the Advertiser and his residential builds, but it was respectfully suggested he is not important to the whole of South Australia.
- Mr Schulz supported the notion of doing a survey for post 1950’s architecture.
- Mr Schulz sits on the South Australian Institute of Architects and recognises the shortfall of modern commercial buildings on the SA Heritage Register and the importance of expanding the list.
- 1 Bagot Street, North Adelaide, falls well short of being an architectural award winner and would not meet the test for listing under criterion (e).
- Cited examples that are worthy of State Heritage including the Walkely building, Union building and Bragg Laboratories and their point of difference to 1 Bagot Street, North Adelaide.
- The place is a transitional style that has elements of two styles of architecture being the Adelaide Regional Style and the International Style, and therefore not a great example of either style.
- Mr Schulz has personally worked in the building, and noted the downstairs areas lack natural light.
- Noted that a rigorous architectural analysis has been presented to Council and 1 Bagot Street, North Adelaide clearly does not meet the test for meeting any of the criteria under section 16 of the *Heritage Places Act 1993*.
- Functionally, this place has many design flaws making it a difficult building to tenant.
- It has only been tenanted for just over 50% of the period of Mr Kotses ownership, spanning 36 years.
- It is not an outstanding building.
- Noted that Mr Kotses aims to replace the building with a high end product that will compliment the area.

Mr Conlon thanked the presenters.

Mr Conlon asked the Council to consider the information presented by way of reports and oral submission and discuss whether Council agrees with the recommendation from the department that 1 Bagot Street does not meet the threshold for provisional entry.

It was noted that Council would focus its attention on criteria e) and g) as it was clear that 1 Bagot Street, North Adelaide did not meet any of the other criteria under section 16 of the *Heritage Places Act 1993* for listing.

With regard criterion (e), Council noted the high bench mark for State Heritage listing, and noted that both reports presented recommend that 1 Bagot Street does not meet this bench mark.

It was noted that the initial sketch design of the building was in the international style.

At the period of time for this build, the Adelaide Regional Style was coming into favour and perhaps 1 Bagot Street, North Adelaide is an example of a build starting to experiment with more modernist examples.

It was noted there is not a comparable benchmark on the SA Heritage Register. There are many small commercial places outside of Adelaide that may meet the threshold for listing (such as Banks, Surgeries etc), but they need testing in their own right.

Council agreed it is important to consider exemplary 20th century commercial builds for possible listing as it is a current gap in the SA Heritage Register, but agreed that 1 Bagot Street is not an exemplar and does not meet the test for listing.

The Chair noted this place did not warrant a mention in the Stuart Simon report.

With regard criterion g), the Council discussed the test for listing and agreed that this particular place does not have a special association with architect Jon Chappel, given that his residential work is better associated with his work. Council members also argued that John Chapel is not of historical importance to South Australia but, this does not need to be proven on this case, given criterion g) fails under the first test as described above.

Council accept the recommendation that criterion (g) is not met.

The Council determined to reject the nomination of 1 Bagot Street, North Adelaide.

It was noted that along with commercial builds, the Council also wants to ensure the SA Heritage Register has a good representation of post war churches.

RESOLUTION:

The South Australian Heritage Council:

- **Rejected** the nomination of Office Building, 1 Bagot Street, North Adelaide (CT5548/66 F183407 A135 Hundred of Yatala) for entry in the South Australian Heritage Register as a State Heritage Place, as it does not meet any of the criteria for State Heritage listing under section 16 of the *Heritage Places Act 1993*.

6.2 Former Bible Christian Chapel, Robe

It was noted that Mr Rolfe and Mr Weidenhofer returned to the meeting at this point.

Mr Chris Burns, Heritage South Australia was welcomed to the meeting.

Mr Burns noted that on 15 February 2021, the former Robe Bible Christian Chapel was nominated by a member of the public on behalf of the Robe Branch of the National Trust of South Australia. The nominator believes the Chapel meets criteria (a), (c), (f) and (g) of s16 of the *Heritage Places Act 1993* for listing as a State Heritage Place, in the South Australian Heritage Register.

Following a rigorous assessment of the former Robe Bible Christian Chapel, it is recommended that this place does not meet any of the criteria for listing as a State Heritage Place. It was noted, nonetheless that it does have heritage qualities that are likely to be of significance at the local level.

Given the chapel is not currently listed as a Local Heritage Place, Mr Burns recommended that the South Australian Heritage Council write to the District Council of Robe, encouraging them to assess the former Robe Bible Christian Chapel for Local Heritage listing during their next Development Plan Amendment.

Council discussed the non-conformist Christianity link to the nominated place and agreed that many other places have stronger associations than this place. Mr Burns noted the places built on the Gawler Plains are more enduring examples of buildings of this faith.

Council discussed whether it may meet the threshold for listing through its educational connection as well as its faith connection. Council agreed it would possibly meet the threshold at the local level but not at the State level. It was noted that, as a school, it was one of more than 10 in the regional area. It was the first in Robe but not the first in South Australia and therefore not special at the State level in that regard.

Council discussed the dilemma of only listing exemplar buildings that are connected to people of money and wealth. It was noted that the more modest buildings, built modestly because of their connection with people of less wealth, are not listed as they are not usually exemplar builds and fail to meet the threshold for listing.

Mr Conlon led a discussion of the Council regarding each criteria under section 16 of the *Heritage Places Act 1993* and Council agreed with the report that it did not meet any of the criteria for listing at the State level.

It was suggested that Council write to the Robe Local Council and provide them a copy of the assessment report.

It was noted that an Instrument of the Crown and an owner has the legal authority to make a Code Amendment to list a Local Heritage Place. This is a new opportunity under PDI Act and Ms Voigt noted that how this comes into effect in an operational sense could be an issue for the Heritage Reform Panel.

Council agreed not to write to Robe Council, but, instead, write to the owner.

Action: Write to the proponent (owner).

Council commended the nominator on bringing this place to its attention.

RESOLUTIONS:

The South Australian Heritage Council:

- **Determined** that a full Assessment Report is not required for Former Robe Bible Christian Chapel, 1 Davenport Street, Robe as the nomination and a desk-top assessment provide no evidence that it meets any of the criteria for State Heritage listing under s16 of the *Heritage Places Act 1993*; and
- **Rejected** the nomination of Former Robe Bible Christian Chapel, 1 Davenport Street, Robe for entry in the South Australian Heritage Register as a State Heritage Place, as it does not meet any of the criteria for State Heritage listing under s16 of the *Heritage Places Act 1993*.
- **Agreed** to write to the Owner to encourage them to consider the former Robe Bible Christian Chapel for Local Heritage listing through a Development Plan/Code Amendment.

7 ITEM FOR AMENDMENT IN THE SA HERITAGE REGISTER

7.1 Christian Church, Hindmarsh

Dr Louise Bird noted that on 23 November 1989, the South Australian Heritage Committee (predecessor body to the South Australian Heritage Council) confirmed the State Heritage listing of Religious Building – Christian Church on the South Australian Heritage Register. During pre-Development Application discussions between Heritage South Australia and Adelaide Venue Management Corporation held in February and March 2021, the extent of listing was questioned when Adelaide Venue Management Corporation suggested the hall associated with the church was not State Heritage listed and proposed its demolition.

A review of the listing documentation by the Assessment Team indicates that the church and hall were both intended to be part of the original State Heritage listing, but that naming conventions and database restriction of the time have resulted in confusion about what is actually listed. Heritage South Australia propose that the Council review the documentation proposed in this agenda paper, and consider updating both the name and new Statement of Significance.

Recommendations

The naming of the State Heritage Place as Religious Building – Christian Church and later the name it is known by as Hindmarsh Christian Church has caused confusion giving rise to the belief that the listing includes only the church and not the hall. However, the documentation supporting the original listing clearly identified the church and hall as being of State Heritage significance. To minimise further uncertainty, two recommendations are proposed for the Council's consideration:

Recommendation 1: The Register Name and Details (known as) fields in the Register are changed respectively from Religious Building – Christian Church and Hindmarsh Christian Church to **Hindmarsh Christian Church Complex**.

Recommendation 2: The Council approve a new Statement of Significance for the place (provided in the agenda paper to Council members).

Dr Bird noted that the church and hall are currently owned by Minister for Recreation, Sport and Racing and managed by Adelaide Venue Management Corporation. Adelaide Venue Management Corporation would like to demolish the hall. They consider that the hall is not heritage listed and that they should be allowed to demolish it.

Mr Conlon thanked Dr Bird for her introduction. The Council discussed each recommendation in turn. Council agreed with the request to change the name of the place and therefore endorsed recommendation #1, noting that Mr Leydon abstained from voting.

In relation to recommendation # 2, the Council discussed whether it had the legal right to amend the SA Heritage Register by including a Summary of State Heritage Place, for a place listed under previous legislation. Council was of the belief that this was beyond its legal scope and could not be done retrospectively. Council determined not to make a decision in relation to recommendation # 2.

Action: The Council requested Crown Solicitor advice be sought on whether there is any legal impediment to it amending listings on the SA Heritage Register that were listed under older heritage legislation.

RESOLUTIONS:

The South Australian Heritage Council:

- **Approved** the proposed change to the Register Name and Details (known as) fields in the Register respectively from Religious Building – Christian Church and Hindmarsh Christian Church to **Hindmarsh Christian Church Complex**.
- **Postponed a decision on whether to approve** the Statement of Significance for the Hindmarsh Christian Church Complex, pending Crown Solicitor Advice

8 ITEMS FOR NOTING

8.1 Chairperson's Report

Council noted with thanks the report from the Chair.

Mr Conlon noted that he was very pleased to be invited to speak at Colonel Light's birthday party at the Adelaide Town Hall on 28 April 2021.

RESOLUTION

The South Australian Heritage Council:

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

8.2 Correspondence

Noted.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the correspondence report.

8.3 Delegations Report

Noted.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the delegations reports provided.

9. ANY OTHER BUSINESS

Nil.

CLOSE OF MEETING

Mr Conlon closed the meeting at 1:30pm.



Mr Keith Conlon OAM

Chair

Date: 20 May 2021