

SOUTH AUSTRALIAN HERITAGE COUNCIL
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MINUTES

The 106th Meeting of the South Australian Heritage Council (the Council) was held on Thursday 9 April 2020 via Electronic Means. (This meeting was held via video conference for the first time due to the isolation requirements of the COVID-19 pandemic).

Statement of Acknowledgement

The Chairperson acknowledged that this land that the majority of 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 participating in the video meeting via Beltana and acknowledged the Adnyamathanha people – the traditional owners of Beltana region and paid respect to their spiritual relationship with that country.

PRESENT

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

Apologies: Mr David Stevenson

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

1. WELCOME AND APOLOGIES

Mr Conlon welcomed all to the 106th meeting of the South Australian Heritage Council (the Council).

It was noted that there was an apology from Mr David Stevenson.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTERESTAgenda

The agenda was adopted with no amendment. Council members indicated they had some matters that could be raised under the Action Items discussion.

Declarations of conflict of interest

Mr Schulz declared a conflict of interest re the following:

- Item 5.1 – Secretary’s Office & Stud Sheep Pavilion Adelaide Showground, as his firm, DASH Architects, had acted for the lessee.

3 PREVIOUS MEETING MINUTES

13 February 2020 meeting

Council considered the minutes of this meeting and approved them subject to:

- minor grammatical amendments already provided to Mr Hanna by Mr Conlon and Ms McDougall,
- the addition of text describing when Mr Schulz and Mrs Lindsay departed the meeting in relation to the items they had declared a conflict of interest for,
- Professor Alison Mackinnon providing some grammatical amendments out of session.

26 February 2020 meeting (via electronic means)

Council considered the minutes of this meeting and approved them without amendment.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 13 February 2020 meeting subject to amendment described above.
- **Approved** the minutes of the 26 February 2020 meeting (via electronic means).

4. ACTION ITEMS

Ms Voigt spoke to the action list and Council noted the progress being made against particular items. Key points included:

- It was noted that the scheduled trip to the Flinders Ranges in June 2020 has been cancelled due to COVID-19.
- Noted that advice is pending from the Crown Solicitor’s Office in relation to the Council’s ability to list places on Commonwealth land, and, if advice is received that this is possible, the Department’s ability to influence development control of places .
- It was agreed that more frequent but shorter meetings would be beneficial while the Council is limited to meeting via electronic during COVID-19 restrictions. Suggested that the next meeting focus on the Council’s 12 month action plan.
- It was noted there is work to be done to identify 20th Century buildings for possible nomination as State Heritage Places. Dr Bird noted that she has a paper ready for an upcoming Heritage Council meeting on this matter.

- Noted that Mr Conlon and Mr Rolfe will have a telephone meeting with State Planning Commission Chairman, Mr Lennon immediately following this meeting, regarding the new Planning and Design Code. Council discussed some of the key elements that will be raised with Mr Lennon.
- Discussed the impact related to the destruction of State Heritage Places by bushfire. Agreed that Council will be sensitive and compassionate in any correspondence with the owners of State Heritage Places destroyed by Cudlee Creek bushfires.
- It was noted by Council that German State Heritage Places of timber construction are particularly vulnerable to fire. Council expressed a desire to record these places, and help owners protect these places due to their rarity. Ms Voigt raised concerns about ability of Heritage South Australia to service detailed effort to assist with protection of heritage places at risk of fire. It was agreed though that effort would be made to undertake the following:
 - Action: Identify German timber structures on the Heritage Register
 - Action: Map these places against fire risk areas to identify places of priority to record and protect
 - Action: Identify a mechanism to record these places, such as a volunteer photographer.
 - Action: Identify funding options for fire safety options (sprinklers, tanks and pumps) for these places at risk and make them known to the owners.
- It was noted there is a funding gap for protection of heritage places and it was suggested that an information kit to support heritage owners would be beneficial.

RESOLUTION:

The South Australian Heritage Council:

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

5. FOR DECISION / DISCUSSION

5.1 Secretary's Office & Stud Sheep Pavilion Adelaide Showground

It was recorded that Mr Jason Schulz exited the video meeting for this discussion.

It was noted that this matter was discussed in confidence.

The Council agreed to release the following text at its meeting of 7 December 2023.

Dr Bird noted that it was still early days in the conciliation process relating to the listing of the Secretary's Office and the Stud Sheep Pavilion. It was noted that the Crown Solicitor is not advocating a particular approach. There has been no detailed conversation yet with opposing side. Mr Peter Wells, Heritage South Australia, has seen initial drawings from them but they are not detailed yet.

Council discussed the matters raised in the paper provided by Heritage South Australia.

Council indicated it is supportive of the current Statement of Significance convention and did not see any justification for changing it for these two sites.

Council agreed that the appropriate mechanism for detail around the intricacies of a Heritage listing, including identification of elements of a place and its heritage value, is through a Heritage Agreement. Heritage Agreements are a voluntary agreement entered into by the Minister and the owner of the State Heritage Place.

It was noted that the extent of listing is in the 'Commentary' section of a listing, and does not form part of the Register entry. This provides flexibility for negotiation between the Minister's delegate and the owner when it comes to development proposals post listing.

As part of its deliberations, the Council also considered the ERD Court Judgement in relation to the Big Quad Precinct, St Peters College.

Ms Ferguson noted that the professionalism of the Heritage South Australia staff in the handling of this matter has been exemplary.

RESOLUTION:

The South Australian Heritage Council:

- **NOTED** that Heritage South Australia is still in negotiations with the Society to create a final description and map definition, on the Council's behalf, for the significant elements of the Stud Sheep Pavilion and Secretary's Office, Adelaide Showground.
- **INSTRUCTS** the Crown Solicitors Office that at this point in the negotiations it does not support a name change to its Register entries for the Secretary's Office and Stud Sheep Pavilion, Adelaide Showground. Council agreed to support the conventional description. The elements of significance ought to be included in a Heritage Agreement and not form part of the Register entry.

5.2 Management of an Object under the Heritage Places Act 1993

It was recorded that Jason Schulz returned to the meeting via video link up.

It was noted that initial advice was received from the Crown Solicitor's Office and considered at the Council meeting of 13 December 2019. The Council had discussed concerns about the impact of listing a moveable 'object' in relation to Commonwealth and International Law and the need to understand the terms, conditions and restrictions of the permit system on the owner, particularly in relation to trade and sale. This additional advice was provided to Council members within the agenda paper.

Council noted the latest advice from the Crown Solicitor's Office and agreed to take a cautious approach to listing objects. Council discussed the legal liability issues that could arise from the listing of objects. Council noted that it would seek legal advice in relation to issuing of permits on a case by case basis.

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Council agreed to begin with considering listings of objects that are intrinsically associated with government owned State Heritage Places. Council agreed that the provenance of objects is a very important part of the listing process.

It was noted that Heritage South Australia, for the August meeting, will prepare objects from Martindale Hall to be presented to Council as a collection, and also present Council with individual objects related to the State listed Cummins House at Novar Gardens.

RESOLUTIONS:

The South Australian Heritage Council:

- **Noted** the additional advice received from the Crown Solicitor's Office in relation to management of an 'object' under the *Heritage Places Act 1993*.
- **Agreed** to receive and consider nominations of 'objects' (individually or as a collection) for entry in the South Australian Heritage Register.
- **Noted** the templates provided in relation to letters to owners, submission form and permit application form and noted that Heritage South Australia will finalise these as appropriate.

6 ITEMS UNDER CONSIDERATION FOR REMOVAL FROM ENTRY IN THE SA HERITAGE REGISTER

6.1 Heritage Farm (Nitschke Farm), Cudlee Creek-Lobethal Road, Lobethal

The 'Heritage Farm (former Nitschke Farm Complex) comprising timber-framed cottage, timber-slab barn, stone and timber cellar with loft and slab cellar and loft' (Heritage Farm) was confirmed in the South Australian Heritage Register (the Register) on 12 July 2001 as it was found to meet criteria (a), (d), and (e) of the *Heritage Places Act 1993*.

It was noted that all four structures within the Heritage Farm was either substantially damaged or completely destroyed in the December 2019 Cudlee Creek bushfire.

Council noted the loss of this place with sadness and approved the recommendation to give notice of intention to remove Heritage Farm from the South Australian Heritage Register.

Action: The Council indicated it would like to express its regret to the owners in writing.

RESOLUTION:

The South Australian Heritage Council:

- **Gives notice** of intention of removal of HERITAGE FARM (former NITSCHKE FARM COMPLEX) comprising timber-framed cottage, timber-slab barn, stone and timber cellar with loft and a slab cellar and loft, CUDLEE CREEK LOBETHAL ROAD LOBETHAL, SA 5241 CT

OFFICIAL

5107/336 F101382 A6 Hundred of Onkaparinga from the South Australian Heritage Register as a State Heritage Place, as it is deemed the entry is no longer justified under section 23 of the *Heritage Places Act 1993*.

6.2 Klopsch Farm Complex, Neudorf Road, Lobethal

The Klopsch Farm Complex was entered in the South Australia Heritage Register on 14 December 1995 under the provisions of the *Heritage Places Act 1993* (the Act) as it was found to meet criteria (a) and (d). The complex was in the path of the December 2019 Cudlee Creek bushfire.

On 24 January 2020, Mr Michael Queale, Principal Heritage Conservation Architect for Heritage South Australia, visited the Klopsch Farm Complex and identified the extent of destruction to the property. The only structure not to be damaged by the fire is the main house; all other structures were either completely destroyed or substantially damaged. It was noted that the main house, when considered within the context of the complex, is a structure with relatively low heritage value as it was built late in the history of the complex using typical South Australian, rather than traditional German construction techniques. It is also typical of the symmetrical cottages built in South Australia at that time and as a building in its own right would be unlikely to meet the threshold for listing as a State Heritage Place.

Council noted the loss of this place with sadness and approved the recommendation to give notice of intention to remove Klopsch Farm Complex from the South Australian Heritage Register.

Action: Council to prepare and send correspondence to owners that expresses its sorrow at their loss.

RESOLUTION:

The South Australian Heritage Council:

- **Gives notice** of intention of removal of the KLOPSCH FARM COMPLEX, NEUDORF ROAD LOBETHAL, SA 5241 CT 5397/866 Section 58 Hundred of Onkaparinga from the South Australian Heritage Register as a State Heritage Place, as it is deemed the entry is no longer justified under section 23 of the *Heritage Places Act 1993*.

7 ITEMS FOR NOTING

7.1 Correspondence

Council noted the correspondence sent and received.

The Chair noted that the Heritage Tourism Engagement Report has been circulated to stakeholders. Ms Ferguson congratulated the authors of the report, noting it was one of the better community engagement reports she had read.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the correspondence.

7.2 Delegations Report

Council noted the delegations report.

It was noted that a permit has been issued in relation to archaeological assessment of Brougham Place, North Adelaide. The Brougham Redevelopment Project comprises the demolition of non-heritage-listed structures adjoining the State heritage-listed Dwelling ('Brougham House') & former Stable, 49 Brougham Place, North Adelaide. The development site faces Brougham Place and backs onto Ward Street at the rear and will involve the construction of a ten-storey tower with a two-level basement carpark.

Ms Taylor noted she remains concerned that State Commission Assessment Panel (SCAP) approvals, relating to Schedule 10 development applications within the City of Adelaide, result in poor outcomes for heritage. This is despite heritage advice being provided as part of the assessment process.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the delegations report.

7.3 Chair's Report

Council noted the written and verbal report provided by Mr Keith Conlon, Chair of the South Australian Heritage Council.

Mr Conlon noted that, in his meeting with the Minister, agreement had been reached to prepare a summary of the 'Report on Heritage Protection 2020' for placing on the Council's website. It was noted that Council members agreed with this approach.

RESOLUTION

The South Australian Heritage Council:

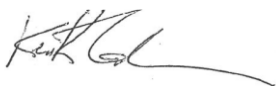
- **Noted** the Chair's Report.

8 ANY OTHER BUSINESS

Nil.

CLOSE OF MEETING

Mr Conlon closed the meeting at 11am.



Mr Keith Conlon OAM

Date: 14 May 2020

Chair