

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 131st Meeting of the South Australian Heritage Council (the Council) was held in the Pilgrim Uniting Church Hall on Thursday 10 November 2022.

Statement of Acknowledgement

The Chairperson acknowledged that this land that the Council members meet on today is the traditional lands for Kurna people and that the Council respect their spiritual relationship with their country. The Chairperson also acknowledged the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

Heritage Council: Chair: Mr Keith Conlon OAM Members: Ms Jan Ferguson OAM, Ms Eleanor Walters, Mr Marcus Rolfe, Mr Stephen Schrapel, Mrs Deborah Lindsay, Mr Simon Weidenhofer, Mr Gavin Leydon and Mrs Kate McDougall.

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 130th meeting of the South Australian Heritage Council (the Council).

There were no apologies.

It was noted that Mrs Peggy Brock OAM had resigned from the Council prior to the meeting due to ill health. The members of the South Australian Heritage Council wished her all the best and hoped she soon returns to good health.

Mr Conlon welcomed Ms Cate Hart, Executive Director, DEW and Ms Merridie Martin, Director, DEW to the meeting.

Mr Conlon noted that Ms Martin will be leaving her current role to take up a new role within the Department for Environment and Water. Ms Hart noted that Ms Martin will take up a role as Director leading the Native Vegetation, Pastoral Lands and Landscape Services groups. Ms Hart will advise a Director position relating to management of the Heritage, Dog and Cat, Coast and Planning teams in the next week.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Agenda

The agenda was adopted without and additions.

Declarations of conflict of interest

There were no conflicts of interest.

3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 13 October 2022 meeting and approved them without amendment.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 13 October 2022 meeting.

4. ACTION ITEMS

Council noted the status of action items.

Mr Conlon indicated that the Council's letter to the Minister regarding the Government's decision to demolish the Thebarton Police Barracks is available for the public to read through the Council website.

Mr Conlon noted he had spoken to the Deputy Premier about the legislation to enable the demolition of the Thebarton Police Barracks. In particular he asked why the Police Minister has been given powers to freehold a section of the Park Lands in perpetuity for the purpose of Mounted Police operations. Ms Martin noted that the pathway to enable this development is through "deemed to satisfy" under the planning system.

Mr Conlon noted he had worked with Ms Voigt to prepare a heritage investment package for the Government.

Ms Voigt noted that the Australian Heritage Council is aware of the issue. The preparation for building works at the site of the Police Barracks are being managed by Department of Health and the Department of Industry and Trade. Engagement with the Australian Heritage Council and any referral under the Environment Protection and Biodiversity Conservation Act will occur through these departments.

Mr Conlon noted that a Summary of the Heritage Protection Report is now available on the Council's webpage.

Council discussed whether an additional letter ought to be sent to the Deputy Premier regarding early consultation on any future plans for Adelaide Park Lands development.

Council agreed to write this letter and noted the focus will be on the possible excise of land for the purposes of Mounted Police operations and the request for early consultation.

Action: Mr Hanna to draft response and provide to Council out of session for endorsement.

RESOLUTION

The South Australian Heritage Council:

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

5. IN CAMERA DISCUSSION

The Council determined to have an in-camera discussion pursuant to section 7 (6) of the *Heritage Places Act 1993*.

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

Mr Hanna noted that a review has been conducted of the Council's minutes from 13 February 2020 to 4 November 2021. All in-confidence / redacted text was provided for Council's consideration.

It was recommended that Council review the text and determine whether any of the redacted topics can now be made public through the Council's website.

Council considered the recommendations put forward by Heritage South Australia and agreed with the publication of those recommended.

It was noted that Heritage South Australia will arrange for the redacted version of the minutes on the Council's website to be replaced with un-redacted text, where appropriate.

RESOLUTION:

The South Australian Heritage Council:

- **Determined** which matters previously discussed in-confidence at historic Council meetings will be made publicly available through the Council's website.

6 FOR DISCUSSION / DECISION

6.1 SA Heritage Council Strategic Plan – Status Update

Council considered the progress update in relation to its Strategic Plan's action plan for 2022/23.

Council indicated it was satisfied with the progress to date.

It is noted that the Minister for Climate, Environment and Water will attend the February 2023 meeting of the Council. Ms Voigt will work with the Chairperson out of session to determine discussion points for this meeting.

The following suggestions were made in relation to preparing for this meeting:

- Demonstrate to the Minister the body of policy work that has been achieved.
- Discuss the Heritage Protection Report 2022.
- Discuss how the Council may be able to assist the Minister in meeting the Government's election commitments.
- Discuss matters that are important to local communities.
- Discuss the Historic Themes of South Australia document with the Minister.

Ms Cate Hart noted that there will be three public forums organised regarding the Expert Panel's enquiry into the Planning System Implementation Review. The Expert Panel aims to provide its recommendations to the Planning Minister by the end of March 2023.

The Council discussed the most appropriate way to engage with further key stakeholders. It was agreed that the Chief Executive Officer of the Urban Development Institute of Australia, Mr. Pat Gerace, would be approached in the first instance to discuss engagement with the Council. Further, it was agreed that the Council would write to the Ms Cate Hart in her capacity as President of the Planning Institute of Australia.

Mr Conlon noted he has had initial discussions with Mr. Paul Leadbeter, Chair of the National Trust of South Australia. It was agreed that Mr. Leadbeter would be approached for a discussion with the whole of Council.

Action: Mr Hanna to coordinate engagement with key stakeholders.

Action: Ms Voigt to work with Mr Conlon to develop an agenda for discussion with the Minister in February 2023.

RESOLUTIONS:

The South Australian Heritage Council:

- **Noted** the status of Actions in relation to its Strategic Plan for 2022-23
- **Discussed** an approach for preparing for the meeting with the Minister on 9 February 2023.
- **Discussed** engagement with key groups.

6.2 Historic Themes for South Australia 2022

Ms Beverly Voigt provided an overview of the paper provided.

It was noted that in 2016, the SA Heritage Council identified that it wanted to update the Historical Guidelines that were then over 30 years old. In particular, the guidelines should consider where there might be alignment with the Australian Themes, as well as updating to reflect periods of time after 1979, themes that are no longer regarded as culturally important, and to recognise important themes that are missing.

The process of updating the historical themes began in 2016 and has been a long process of consultation through competing work priorities and impacts of COVID.

One purpose of the historic themes is to assist in the identification of gaps in the Register and to assist in prioritising places for assessment for State Heritage listing.

In line with the Council's Action Plan 2022-2023 Item 3, it is proposed that a gaps analysis of the Register is undertaken using the historic themes with the findings presented to the Council by December 2023.

It was noted that consultation took place with the State Aboriginal Heritage Committee prior to the Historic Themes for SA being presented to the Council for endorsement.

It was noted that only the first two pages of the document is proposed for endorsement and putting on the Council web page. The remainder of the document is about examples only.

Council agreed it is a good piece of policy work that can be showcased to the Minister in February when Council meet with her.

Ms Ferguson suggested the document could be used to show what theme each State Heritage Place relates to.

Dr Bird said that if and when the South Australian Heritage Register Database is upgraded, information about historic themes can be gradually added to each registered place. It was also noted that this work will benefit the understanding of how Local Heritage Places fit into South Australia's themes.

It was noted that the work by Australian historians Dr Susan Marsden and Emeritus Professor Peter Spearritt 'The Twentieth-Century Historic Thematic Framework: a Tool

for Assessing Heritage Places', commissioned by the Getty Conservation Institute (GCI) in the USA was not referenced in preparing the South Australian Historic Themes as its focus is on international themes.

Mr Conlon suggested that truth telling around Aboriginal heritage and history could be better infused throughout the document.

It was noted that many of the themes had a specific example after the description captured in brackets. The word "including" would be inserted before each example to show it is not exclusive to that particular matter. For example Sub theme 3.2 "Granting political rights (Aboriginal rights, Women's suffrage)" would be changed to read "Granting political rights (including Aboriginal rights, Women's suffrage)."

Action: Dr Bird will meet with Ms McDougall to progress these changes described above and then the amended document will be forwarded to Council out of session for endorsement to put on its webpage.

RESOLUTIONS:

The South Australian Heritage Council:

- **NOTED** that the *Historic Themes for South Australia* document will be amended out of session as described above and sent to Council via email for endorsement to put on its website.
- **AGREED** that it will be a living document, meaning changes can be made on request and through endorsement of this Council.
- **AGREED** that a review of the Historic Themes will commence in late 2027.

6.3 Procedure: S14(5) and 19 Alteration to an entry in the SA Heritage Register and removal of State Heritage encumbrances, relating to land title changes

Mr David Hanna introduced this draft procedure to Council. Mr Hanna noted that on occasion, a land sub division occurs on land that contains a State Heritage Place. Portions of the land that have been sub-divided may no longer have a heritage interest but the Heritage Interest (encumbrance) which will trigger a referral under property searches and development matters will remain unless removed.

If it can be ascertained by the Heritage Register Officer, in consultation with the relevant Conservation Architects, that there is no heritage interests on the new Certificates of Title, it requires an update through various platforms to remove the Heritage administrative interest by the Heritage Register Officer.

The Heritage Register Officer and the Manager, Heritage South Australia both have delegated authority from the South Australian Heritage Council under the relevant sections of the *Heritage Places Act 1993*.

Council asked some clarifying questions of Mr Hanna about the draft procedure.

Council requested two minor changes as follows:

- Change the word “rejects” to “refuse” on page 2 point # 4.
- Clarify what “pink file” is on page 2 under point # 9.

RESOLUTION

The South Australian Heritage Council:

- **CONSIDERED and ENDORSED** the ‘Procedure: S14 (5) and 19 Alteration to an entry in the SA Heritage Register and removal of State Heritage encumbrances, relating to land title changes, subject to the two changes describe above.

6.4 Planning System Implementation Review – Council Draft Submission

It was noted that Mr John Stimson, Presiding Member of the Expert Panel wrote to Mr Keith Conlon on 14 October 2022 to invite the Council to make a deputation to the Panel.

The South Australian Heritage Council has been invited to make a deputation to the Panel on Tuesday 6 December 2022 at 1.00pm. The deputation will be held at Level 10, 83 Pirie Street, Adelaide.

The Council’s deputation will reference and elaborate on a written submission to the Panel. It was noted that a written submission must be provided to the Panel seven days prior to the deputation – on 30 November 2022.

Three Discussion Papers have been released by the Panel and these were provided to Council members with their agenda package.

A working group of the South Australian Heritage Council, consisting of Mr Conlon, Ms Walters, Mr Leydon and Mr Rolfe, met on Thursday 27 October 2022 to discuss an approach to the draft submission.

Council provided specific editorial comments to Mr Hanna to improve the draft letter provided to Council.

The following issues will also be incorporated in the next draft:

- Clear recommendations on grading / sliding scale of development application fees noting that Council are of the view that the current approach of a set fee regardless of the extent of development is not working. It was noted that the installation of a shade sail, purchased for around \$1,000, would attract a DA fee of a similar amount. This same DA fee would apply for development of a multi-million dollar 20 storey building in the city.
- Two or three clear examples to be added into the letter to assist the Expert Panel and the Planning Minister.
- Compliance issue around perverse behaviour linked to increase in fees.
- The legislation be amended to include enforcement around dilapidation of State

Heritage Places by intent.

- Strengthening of the language in the letter regarding Council's intent on what it is requesting specifically to improve the system.

Action: Mr Hanna to undertake an initial first redraft and provide to Mr Conlon for his input.

RESOLUTIONS

The South Australian Heritage Council:

- **CONSIDERED** the draft submission to Expert Panel for the Planning System Implementation Review.
- **NOTED** that a revised draft would be circulated out of session for endorsement.

6.5 Guideline: Consultation with First Nations on the listing process

Mr Hanna noted that a draft Guideline for Heritage South Australia consultation with First Nations people in relation to the State heritage listing process has been prepared for the Council's consideration.

It was noted that this Draft Guideline has a strong emphasis on the requirements of consultation PRIOR to the Provisional Entry of a Place in the Register. The Guideline is about consultation above and beyond the formal requirements of the *Heritage Places Act 1993*.

The Guideline provides guidance on timeframes around consultation and it also attempts to demonstrate where or where not pre-Provisional Entry consultation is required. If deemed consultation is not required, Heritage South Australia decision-making is conveyed to the Council through the covering agenda paper provided at time of Provisional Entry.

Ms Hart noted that Green Adelaide has an Aboriginal Liaison Officer that Heritage SA could possibly approach as a resource to assist in communication.

RESOLUTIONS:

The South Australian Heritage Council:

- **ENDORSED** the draft Guideline subject to Heritage South Australia consulting with Reconciliation SA and the State Aboriginal Heritage Committee.

7 ITEMS FOR NOTING

7.1 Chairperson's Report

The Chair provided a verbal report that was noted.

RESOLUTION:

The South Australian Heritage Council:

- **Noted** the report provided by the Chairperson, Mr Keith Conlon OAM.

7.2 Correspondence

RESOLUTION:

The South Australian Heritage Council:

- **Noted** the correspondence sent and received since the last meeting.

7.3 Delegations Report

Noted.

RESOLUTION:

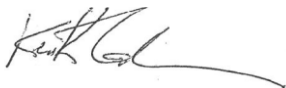
The South Australian Heritage Council:

- **Noted** the delegations report.

8 Any Other Business

CLOSE OF MEETING

Mr Conlon closed the meeting at 12:30pm.



Mr Keith Conlon AM

Date: 8 December 2022

Chair