

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 130th Meeting of the South Australian Heritage Council (the Council) was held on Level 10, 81 – 95 Waymouth Street on Thursday 13 October 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.

Ms Jan Ferguson joined the meeting via Microsoft Teams on the traditional lands of the Adynamantha Country.

Heritage Council: Chair: Mr Keith Conlon OAM Members: Ms Jan Ferguson OAM, Mr Rob Donaldson, Ms Eleanor Walters, 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 apologies from Mr Marcus Rolfe, Mr Stephen Schrapel, Mrs Deborah Lindsay, Ms Peggy Brock AM and Mr Simon Weidenhofer.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Agenda

The agenda was adopted without amendment.

Declarations of conflict of interest

The following conflicts of interest were declared prior to the meeting leading to these members being apologies.

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- Mr. Stephen Schrapel declared an actual conflict of interest in relation to the In Camera discussion on the Thebarton Mounted Police Barracks due to his firm Swanbury Penglase's involvement in assessing it. He also declared an interest in relation to Item 6.1 "Election Commitment" due to his firm's involvement in the places being discussed. Mr Schrapel determined to put in his apologies due to the fact these conflicts would require him to be absent for a large portion of the meeting.
- Mrs. Deborah Lindsay declared a conflict in relation to the In Camera discussion on the Thebarton Mounted Police Barracks due to her firms' involvement in it and also in relation to Item 6.1 "Election Commitment" due to her firm's involvement in the places being discussed. Mrs Lindsay determined to put in her apologies due to the fact these conflicts would require her to be absent for a large portion of the meeting.
- Mr Simon Weidenhofer was invited to attend as an Acting Member, but declared conflicts of interest in relation to the Thebarton Mounted Police Barracks and also the Adelaide City based items up for discussion in Item 6.1 "Election Commitment". Given this, he put in his apologies and determined not to attend any part of the meeting.

3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 18 August 2022 meeting and approved them without amendment.

RESOLUTION:

The South Australian Heritage Council:

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

4. ACTION ITEMS

Council noted the status of action items.

Ms Voigt suggested Council discuss perverse behaviour linked to the increase in fees for development applications at its November meeting.

It was noted that an independent review of the *Planning, Development and Infrastructure Act 2016* and the Planning and Design Code has begun. The expert panel is operational and information about it and making submissions is available on the Plan SA website.

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 approved release of the following text at its 7 December 2023 meeting.

Thebarton Police Barracks

Mr Conlon indicated that Council would focus its attention on its response to the Government's decision to demolish the Thebarton Police Barracks to make way for the new Women and Children's Hospital.

Mr Conlon welcomed Ms Merridie Martin, Director, Environment, Heritage and Sustainability to the meeting. Ms Martin noted that the Minister has said publically that she would seek a report from Council on ways the history and heritage of the Thebarton Police Barracks can be recorded.

Ms Martin discussed the Government's approach to this matter and noted a Bill will be introduced to Parliament to enable the demolition of the barracks to occur.

It was noted that the Council had not received this request from the Minister in writing.

Council discussed the merits of responding to the Minister without clear written direction about what they should specifically be addressing.

Noted that Council has information in relation to the Thebarton Police Barracks' heritage values, provided as supporting material for this meeting.

It was noted there is nothing about the heritage values of the site in the Department of Health report on the proposal for the new Women's and Children's Hospital.

The Chair indicated that this decision sets a dangerous precedent and endangers the foundation of heritage and community understanding of heritage protection.

For a short period, the Council requested the staff to depart the meeting so it could discuss its response to the Minister.

Following the return of the staff to the meeting, the Council indicated they had come to an agreement to write a letter to the Minister, even though they had not received a written request.

Ms Walters typed the draft key points for the letter while staff were absent. Ms Walters indicated she would forward it to Mr Hanna to finalise for Council.

It was noted that Council agreed they would use the information provided in the report by Dr Louise Bird, Heritage SA as the basis for the description of heritage values of the Thebarton Police Barracks.

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Action: Council to consider whether the letter to Minister be made public, and, if agreed, Mr Conlon would contact the Minister's office about it.

Council agreed it would like to have discussions with the Minister about the future of heritage in this state.

Council agreed to reinforce the need for a thorough archaeological investigation and recording of the site, given it was built in 1917.

Mr Conlon invited Dr Louise Bird to talk to her paper on ideas for recording the site. Dr Bird provided a summary of the ideas around recording / preserving the State Heritage Place prior to it being demolished.

Council thanked Dr Louise for her work and agreed that an appropriately modified version of the intellectual piece on the matter be included as an appendix to the letter to the Minister.

RESOLUTIONS:

The South Australian Heritage Council:

- **Accepted and endorsed** the report.
- **Noted** the report will be used as a basis for the letter to the Minister.
- **Noted** that Mr Conlon would finalise the letter as soon as possible to send to the Minister on behalf of the Council.

Heritage Initiatives

Council discussed a range of heritage initiatives it would take to the Government with a strong recommendation for implementation to strengthen heritage protection and appreciation. These included but were not limited to:

- Legislative reform.
- Heritage grants for private properties and heritage for community owned properties.
- Open days for Government Owned State Heritage Places.
- Heritage promotion and education.
- Assistance to Heritage SA with Heritage Assessment back log.
- Heritage Tourism grants.

Action: Mr Conlon to arrange a meeting with the Minister as soon as possible.

RESOLUTION:

The South Australian Heritage Council:

- **Resolved** to list a range of the heritage initiatives that will form the basis of further discussions with the Minister.

Heritage Protection Report 2022

Ms Voigt introduced the discussion on this matter to Council. A draft report was provided to Council with their papers and its content was developed by updating the report that was sent to the previous Minister in March 2020.

Mr Conlon noted that the Hon Dr Susan Close MP had requested an updated report be sent to her now that she has responsibility for the *Heritage Places Act 1993*.

The Council discussed the draft and suggested some minor changes to Ms Voigt.

Action: It was noted Ms Voigt would make the changes and provide to Mr Conlon to send to the Minister under a cover letter.

Council thanked the Heritage staff for their good work.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the Heritage Protection Report 2022 for sending to the Minister, subject to the amendments that were provided to Ms Voigt.

6 FOR DISCUSSION / DECISION

6.1 Election Commitment: Investigate National Heritage Listing for Ayers House, Edmund Wright House, Fort Largs and Martindale Hall.

Mr Conlon welcomed two members of the public as observers.

Mr Conlon invited Dr Louise Bird to introduce this investigation. Dr Bird noted that one of its 'Heritage' Election Commitments prior to the 2022 State Election, the State Government committed to investigate National heritage listing for Ayers House, Edmund Wright House, Fort Largs and Martindale Hall.

In response to this Election Commitment, Heritage South Australia, in particular the Assessment Team, have undertaken a desktop assessment of the National heritage values of Ayers House, Edmund Wright House, Fort Largs and Martindale Hall, using the National Heritage Criteria in the *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) and the guidelines for using this criteria.

To determine whether or not Ayers House, Edmund Wright House, Fort Largs and Martindale Hall are of potential National heritage significance, each place would need to fulfil at least one of the National Heritage Criteria as being of 'outstanding heritage value to the nation'.

Heritage South Australia's Assessment Team are of the view that none of them demonstrate that they would meet the National Heritage Criteria for National heritage listing and these reports were provided in the Council's agenda package. Heritage SA therefore recommended that they did not warrant the preparation of a full nomination to the Australian Heritage Council.

Council agreed with the assessment that these four places did not meet the threshold for listing at the National level. Council noted that all four are, however extremely important at the State level.

Council considered the draft letter that had been prepared. It endorsed it subject it to the last paragraph being amended to indicate that these four places would not meet the threshold for National Heritage Listing.

Action: Mr Hanna to finalise the letter with Mr Conlon and provide to Heritage SA to send with its package of information to the Minister.

RESOLUTIONS:

The South Australian Heritage Council:

- **Noted** the reports provided.
- **Approved** the letter to be sent to the Minister via Heritage SA, subject to amendments outlined above.

6.2 Permits for Palaeontological, Geological and Speleological Sites

Dr Louise Bird provided an overview of the paper provided.

It had previously been suggested that when a State Heritage Place is designated as a Place of geological, palaeontological or speleological significance on Country where Native Title has not been determined or is extinguished, a permit to the Prescribed Body Corporate would be issued to enable non-commercial Cultural Activities to be undertaken on Country.

It was noted, however, that it is considered poor practice to issue open-ended permits, i.e. with no expiry or reconsideration date.

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Council agreed with the sentiment but endorsed an approach where permits are not required. The Council preferred not to enforce the permit requirements of the *Heritage Places Act 1993* in relation to these matters.

It was noted that the legislation ought to be amended to address these matter more fully, but meanwhile Council endorses approach not to enforce permit requirements for non-commercial Cultural Activities undertaken by First Nations people on Country.

RESOLUTIONS:

The South Australian Heritage Council:

1. **Discussed** permit requirements for First Nations People to undertake Cultural Activities on Country.
2. **Resolved** that the permit requirements under s25 of the *Heritage Places Act 1993* for First Nations People, to undertake non-commercial Cultural Activities on Country, would not be enforced.
3. **Agreed** that the minutes of the Council taken at the time of designation of a State Heritage Place for palaeontological, geological and / or speleological significance will record that a permit is not required to be pursued for the relevant First Nations People to undertake non-commercial Cultural Activities on Country.

7 ITEMS FOR NOTING**7.1 Chairperson's Report**

It was noted that Mr Gavin Leydon departed the meeting at this point.

Mr Conlon discussed the exciting archaeological finds at the former West End Brewery site. He noted that Council listed Colonel Light's Cottage assuming there would be archaeological remains and that has certainly turned out to be the case.

Ms McDougall suggested a site visit for Council to the former West End Brewery site.

Action: Mr Conlon to speak to Mark Polzer to see if a site visit can be arranged with Lion (owners).

Council thanked Mr Conlon for his report.

RESOLUTION:

The South Australian Heritage Council:

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

7.2 DEW Report

Council noted the progress on the State Heritage Area Heritage Standards.

Council indicated they appreciated receiving the DEW Report

RESOLUTION:

The South Australian Heritage Council:

- Noted the DEW Report.

7.3 Correspondence

RESOLUTION:

The South Australian Heritage Council:

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

7.4 Delegations Report

Noted.

RESOLUTION:

The South Australian Heritage Council:

- **Noted** the delegations report.

It was noted that Ms Jan Ferguson departed the meeting at this point.

8 Any Other Business

Council noted the excellent work of Ms Megan Thomas and Ms Anna Pope (as per the DEW Report) in relation to fossils. Council agreed with Mr Conlon's suggestion to write them a letter of thanks

Council also agreed to write to Ms Sher'ee Ellis, the former Heritage Register Officer, and thank her for her contributions to heritage over more than a decade.

Council welcomed Ms Celeste Klose into the position of Heritage Register Officer, Heritage SA.

Action: Mr Hanna to draft these two letters and provide to Mr Conlon for review.

OFFICIAL**CLOSE OF MEETING**

Mr Conlon closed the meeting at 1:30pm.

Mr Keith Conlon OAM**Date:****Chair****OFFICIAL**