

# SA Heritage Register

Submission form

South Australian  
HERITAGE COUNCIL

## South Australian Heritage Council

Submission on whether the entry of the Place **Brinkworth Bulk Grain Handling Complex** should be confirmed in the South Australian Heritage Register

A place is eligible for entry in the Heritage Register if it meets one or more of the criteria in Section 16(1) of the *Heritage Places Act 1993* (Act). Using the table below, please explain why you believe the place should or should not be entered into the Register, using the said criteria. The South Australian Heritage Council invites your submission regarding the entry of this place. For help in making a submission, please refer to the Guidelines for Interpreting State Heritage Criteria (**Attachment E**) and also available online: [Guidelines-for-Interpreting-State-Heritage-Criteria-2024.pdf](#)

### Criteria

Criteria under the <i>Heritage Places Act 1993</i> , section 16(1)	Provide evidence or other information to support your submission
a) it demonstrates important aspects of the evolution or pattern of the State's history	See enclosed submission.
b) it has rare, uncommon or endangered qualities that are of cultural significance	See enclosed submission.

c) it may yield information that will contribute to an understanding of the State's history, including its natural history	See enclosed submission.
d) it is an outstanding representative of a particular class of places of cultural significance	See enclosed submission.
e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics	See enclosed submission.
f) it has strong cultural or spiritual associations for the community or a group within it	See enclosed submission.

(g) it has a special association with the life or work of a person or organisation or an event of historical importance	See enclosed submission.
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## Declaration

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The South Australian Heritage Council is committed to transparency in relation to the listing process and wishes to enhance public confidence in the nomination, listing and decision-making process. The Council's policy is to make nominations for State heritage listing and submissions on provisional entries publicly available via webpage or to interested parties. The Council will adhere to the Privacy Principles and your name and personal details will not be released.

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The Council will adhere to Privacy Principles. Names, identifiers and personal details will be redacted, unless you, the author, indicate otherwise.

☐ I opt for my **name only** to remain unredacted and visible to the public when this nomination / submission is posted to the DEW Heritage SA webpage. Please specify below, if you would like any other details unredacted.

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I/We, [REDACTED] wish to make a written representation regarding the provisional entry of **Brinkworth Bulk Grain Handling Complex**. The information I have provided is correct to my knowledge.

- ☐ I **support** the confirmation of this provisional entry.  
☒ I **do not support** the confirmation of this provisional entry.

I **do** / ~~I do not~~ wish to appear personally before the Council to make oral representations.

Signature: \_\_\_\_\_

[REDACTED]

Date: 2/10/2025

[REDACTED]

*Please attach any relevant documents and be aware that a heritage officer may contact you to discuss your submission.*

**Please provide your contact details here:**

Phone: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

This form must be received by 5pm on **2 October 2025**.

Please return completed submission form to the  
**Board and Policy Officer, South Australian Heritage Council**  
Via email: **DEWHeritage@sa.gov.au**  
Or via post: **GPO Box 1047, Adelaide SA 5001**

[REDACTED]

2 October 2025

Board and Policy Officer  
South Australian Heritage Council  
GPO Box 1047  
Adelaide SA 5001

[REDACTED]

Dear Sir/Madam

## **Submission on entry of Brinkworth bulk grain handling complex on the Register - Lot 32 Main Street, Brinkworth (SHP 26601)**

[REDACTED] Brinkworth bulk grain handling complex located at Lot 32 Main Street, Brinkworth (**Brinkworth Complex**).

On 26 June 2025, the South Australian Heritage Council (**SAHC**) resolved to provisionally list the Brinkworth Complex on the South Australian State Heritage Register (**Register**) on the basis that it satisfies section 16(1)(a) and (d) of the *Heritage Places Act 1993* (**Act**).

For the reasons that follow, the Brinkworth Complex does not satisfy any of the criteria specified in section 16 of the Act. As a matter of law, the SAHC cannot confirm the place as it simply does not meet the criterion in section 16.

### **Confirmation at odds with objects of the Act**

1. The powers of the SAHC are only those specified in the Act. As a body created by statute, the SAHC only has those powers and only in those terms as the Act dictates.
2. Relevantly, the SAHC is now considering the exercise of the discretion in section 18(4) whether to confirm the entry of the Brinkworth Complex in the Register.
3. Section 17(2) of the Act vests a discretionary power in the SAHC which "may" provisionally enter a place on the Register. Similarly, section 18(4) is discretionary in that the SAHC "may" (but is not obliged to) confirm the entry of a place<sup>1</sup>.
4. We explain why the Brinkworth Complex does not satisfy the criteria in s16 of the Act below. However, even if it did satisfy one or more of the criteria, confirming the Brinkworth Complex on the Register is not necessary nor is it consistent with the objects of the Act. The SAHC should exercise its discretion to decline to confirm the entry.

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<sup>1</sup> See section 11(1) of the *Legislation Interpretation Act 2021*.

[REDACTED]

[REDACTED]

5. The Brinkworth Complex is industrial agricultural infrastructure necessary for agricultural production in the State. As an item of agricultural infrastructure, it is inappropriate to confirm it on the Register. Confirmation is not conducive to any of the objects in section 2 of the Act. In particular, confirmation on the Register will not -
  - (a) Assist in "recognising the importance of South Australia's heritage places...in understanding the State's history";
  - (b) Provide for the "identification (or) documentation of a place of heritage significance";
  - (c) Provide for or promote the conservation of a place of heritage significance"
  - (d) Promote an understanding or appreciation of the State's heritage" or
  - (e) "...encourage the sustainable use and adaptation of heritage places...[or] the retention of their significance".
6. Confirming the listing of the Brinkworth Complex on the State heritage Register is a perverse outcome<sup>2</sup>. It is as needless and at odds with the purpose and objects of the Act as would be the listing of other infrastructure of importance to the State. It is akin to listing King William Street which could equally be said to satisfy criterion (a) and (g). It would be equally absurd to list King William Street as plainly inconsistent with the objects of the Act and the proper exercise of the discretion in s18(4).

### **Nature of the s16 test**

7. The discretionary powers are only enlivened if the SAHC validly forms the opinion that the place "*is of heritage significance*".
8. The Act specifies that a place is "*of heritage significance*" if it satisfies one or more of the criteria set out in section 16 of the Act. This is the express test the SAHC must validly determine under the Act.
9. The criteria in section 16 rely on adjectives that in turn involve some contextual or relative assessment ("important", "rare", "uncommon", "outstanding", "high degree", "strong", "special").
10. As a matter of statutory interpretation, the criteria in section 16 must be interpreted and applied in accordance with their text, context and purpose.<sup>3</sup>
11. In making its determination, the SAHC is obliged under the law to -
  - (a) adhere to the process under the Act (particularly the public notice and hearing requirements of section 18 of the Act); and
  - (b) apply the usual rules of administrative law in particular –
    - (i) to afford procedural fairness in its decision making process;
    - (ii) to properly interpret and apply the legal test;<sup>4</sup>
    - (iii) to take into account all relevant matters;
    - (iv) to disregard irrelevant matters; and
    - (v) to ensure the decision is not unreasonable or arbitrary or capricious.<sup>5</sup>

### **Important aspects of the Brinkworth complex**

12. The Brinkworth Complex consists of 5 structures: a horizontal shed silo; 2-cell vertical silo; 4-cell vertical silo; weighbridge and office; and a classification office. The first structure, being the

<sup>2</sup> In the sense addressed by the High Court in *Minister for Immigration and Citizenship v Li and Another* (2013) 297 ALR 225.

<sup>3</sup> *SZTAL v Minister for Immigration and Border Protection* [2017] HCA 34 at [14].

<sup>4</sup> See *Craig v South Australia* [1995] HCA 58 at [14].

<sup>5</sup> See *Minister for Immigration and Citizenship v SZMDS* [2010] HCA 16.

horizontal shed silo, was constructed in 1956. Other structures were added to the site in 1969 and others during the 1970s and 1980s. the Brinkworth Complex remained active until 2019.

13. The Brinkworth Complex was one of more than 100 similar facilities in South Australia which made up the bulk grain handling, storage and processing network established by the South Australian Co-operative Bulk Handling Ltd (**SACBH**).
14. The Brinkworth Complex is not currently active, other than for maintenance of the assets. The site is not redundant. It retains substantial capacity as a grain handling and processing facility. It is being retained and maintained [REDACTED] so that it can be activated when operations are required to recommence.

### **Does not demonstrate important aspects of the evolution or pattern of the State's history - Section 16(1)(a)**

15. To satisfy section 16(1)(a) of the Act it is necessary that the place –
  - (a) demonstrates
  - (b) important aspects of either
    - (i) the evolution of the State's history; or
    - (ii) the pattern of the State's history.
16. The meaning of those words and section 16(1)(a) are determined according to their text, context and purpose. None of those terms are defined in the Act therefore the ordinary English meaning (essentially the dictionary meaning) applies as follows-
  - (a) **demonstrates** means "*to manifest or exhibit*".
    - (i) **manifest** means "*readily perceived by the eye or the understanding; evident; obvious; apparent; plain*"
    - (ii) **exhibit** means "*to manifest or display; to place on show*"
  - (b) **important** means "*of much significance or consequence; of more than ordinary title to consideration or notice*"
  - (c) **evolution** means "*any process of formation or growth; development*"
  - (d) **pattern** means "*style or type in general*".
17. Applying those words in the context of the Act it is apparent that criterion (a) has a high bar to clear, particularly by the requirement that a place "demonstrate" and because the demonstration must be of an "important" aspect.
18. Such an approach is consistent with the *Guidelines for Interpreting State Heritage Criteria*:

*"...the product of, or is an example of, or was influenced by, or has influenced, or is associated with, or has a symbolic association with, or is the site of - an event, phase, period, process, function, movement, custom or way of life...which has made a **strong, noticeable or influential contribution to the evolution or pattern of the settlement and development of South Australia.**"<sup>6</sup>*

(our emphasis)

### **No "demonstration"**

19. The Brinkworth Complex is not demonstrative of anything. It does not manifest nor evidence, nor is it readily perceived as, nor is it plain that it has any bearing whatsoever on any aspect of the State's history. It certainly does not display or place any aspect of the State's history on show.

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<sup>6</sup> Guidelines for Interpreting State Heritage Criteria - Assessing Places for State Heritage Listing, South Australian Heritage Council, 14 March 2024, page 8 (**Guidelines**).

20. Mere observable existence is not sufficient for the test in section 16(1)(a). The place itself must demonstrate at least one important aspect of history. Given that everything constructed in a city or town is observable, the Act patently requires that before the law qualifies a place for entry on the Register, that place must do more than exist. It must positively demonstrate the aspect of historical importance.
21. The aspect of historical importance must, under this criterion, be evident, manifest, observable, on show, readily perceived by the eye or the understanding; evident; obvious; apparent; plain. This requirement is particularly difficult for matters of the evolution or pattern of history.
22. A particular form or layout of a facility and its physical characteristics, such as the Brinkworth Complex silos, is not a demonstration of a pattern or evolution of history.
23. This is particularly so where the Brinkworth Complex only draws its significance from being one of a great many similar facilities that formed part of a broader network. It is the broader network as a whole, and not the individual parts of it, which exhibit evolution or a pattern of history in South Australia. No one facility in this network can be said to demonstrate the significance of historical evolution of grain storage as a whole.
24. This is further supported by the *Guidelines for State Heritage Places* which provide:  
*Places will not normally be considered under this criterion if they are of a class of things that are commonplace, or frequently replicated across the State.*
25. The Brinkworth Complex undoubtedly represents a class of things that are commonplace, i.e., bulk grain handling facilities. Such facilities are frequently replicated across the State. The structures that constitute the Brinkworth Complex are not unique but rather commonplace.
26. As a matter of fact and law, the Brinkworth Complex therefore does not demonstrate any aspect of history.

#### **Not an aspect of the evolution or pattern of the State's history**

27. Assuming that the Brinkworth Complex demonstrated anything, the demonstration cannot be said to be of an aspect of evolution or pattern of development in the State's history.
28. To demonstrate an aspect of the "evolution" of the State's history a place must, in some way, demonstrate an aspect of the formation, growth or development of the State's history.
29. To demonstrate an aspect of the "pattern" of the State's history a place must, in some way, demonstrate a particular style or type that emerged from the historical context (eg what went before and what followed this place in that particular historical path, shape or formation).
30. The Statement of Heritage Significance, contained on page 2 of the Summary of State Heritage Place of the Provisional Register Entry (**Provisional Entry**) states:  
*Development of storage at the Brinkworth Bulk Grain Handling Complex corresponded with the growth and success of SACBH, the facility expanding to include a concrete vertical silo and steel vertical silos. Consequently, the complex at Brinkworth demonstrates not only the early implementation of the state's bulk handling system, but its rapid expansion and success during its first decades of operation.*
31. Simply because the upgrades of the Brinkworth Complex "corresponded" with that which occurred across the board for all 100 similar sites, does not demonstrate the "early implementation of the state's bulk handling system" nor the "rapid expansion and success during" the first decades of operation (even if those things are aspects of the evolution or pattern of the State's history in an important way).
32. It is not possible to readily understand or appreciate, based on the physical appearance of only one facility in a network of over 100 similar sites, the work carried out by SACBH and the evolution of bulk grain handling in South Australia. The work of SACBH and the evolution of bulk grain handling in South Australia is more complex than this.

33. The *Bulk Handling of Grain Act 1955* sought to establish, maintain and conduct "*in the State of South Australia a scheme or system for receiving, handling, transporting, and sorting wheat and other grain in bulk, and exercising powers incidental to that object.*"<sup>7</sup> The SACBH was established for the purpose of managing this scheme.
34. The network established by SACBH in South Australia and which evolved over time was significant in its capacity as a collective. As bulk storage design and technology progressed, the sites within the network were upgraded to improve storage capacity and by 1980, the network had a storage capacity of more than 4 million tonnes. In the 1990s, 33 strategic sites within the network were designated according to their locality in an effort to give effect to some concentrated upgrades to storage capacity in each of the precincts comprised in the network.
35. Put simply, the SACBH designed and gave effect to a complex network of facilities which was carefully considered to meet the evolving needs of the grain market in South Australia. It was the network as a whole which worked to develop the bulk grain handling market in South Australia. No one facility in and of itself can demonstrate the nature and complexity of this scheme and how it has evolved over time.
36. The Brinkworth Complex was just one of many sites. It does not, of itself, demonstrate an aspect of the evolution nor a pattern of any aspect of the State's history.

#### **Not "important" aspects either**

37. Assuming that the Brinkworth Complex demonstrated anything, the demonstration cannot be said to be of an important aspect of history.
38. Being one of many similar facilities constructed at the time, there is nothing unique about the Brinkworth Complex that demonstrates a "strong, noticeable or influential contribution" to the evolution or pattern of settlement and development in South Australia.
39. There were over 100 similar storage sites constructed in South Australia at the time. The Brinkworth Complex does not meet this standard by default simply because some select other similar facilities of its time have been demolished or upgraded.
40. It is wrong to say that the Brinkworth Complex satisfies section 16(1)(a) simply because it "*better demonstrates the establishment of the state's bulk grain handling network and the industrialisation of its grain industry*"<sup>8</sup> than other select modified sites. This is plainly not the test.
41. The question is whether the Brinkworth Complex, of itself, demonstrates anything uniquely important in the context of the history and evolution of South Australia. This test is simply not met.
42. What was "important" in the evolution or pattern of settlement and development in South Australia for bulk grain handling was the gradual development and expansion of the network as a whole rather than any one facility. It was what the collective was able to achieve rather than any individual site.
43. Criterion (a) is not satisfied.

#### **No rare, uncommon or endangered qualities of cultural significance - section 16(1)(b)**

44. There is no evidence that the Brinkworth Complex has any particularly "*uncommon, rare or endangered qualities*"<sup>9</sup> of cultural significance.
45. Criterion (b) is not satisfied.

<sup>7</sup> *Bulk Handling of Grain Act 1955*, Introduction to the Act.

<sup>8</sup> Bulk Grain Handling Facilities in South Australia, Heritage Assessment Report Packet, prepared by the South Australian Heritage Council, page 73.

<sup>9</sup> Guidelines, page 11.

**Does not yield information contributing to an understanding of the State's history - section 16(1)(c)**

46. There is no evidence that the Brinkworth Complex will “provide, or demonstrate a high likelihood of providing, tangible evidence that will contribute significantly to our knowledge of the past.”<sup>10</sup>
47. Criterion (c) is not satisfied.

**Not an outstanding representative of a particular class of places of cultural significance - section 16(1)(d)**

48. “Outstanding representative” is defined in the Guidelines as encompassing any of the following:

*An **exceptional example** – the place displays a large number or range of characteristics that is typical of the class. The place displays characteristics that are of a higher quality, intactness or historical relevance than are typical of places in the class, and displays the principal characteristics of the class in a way that allows the class to be understood/appreciated.*

*An **influential example** – the place contains physical characteristics of design, technology or materials that were copied in subsequent places/objects of the class (direct physical influence), or other places/objects were created, altered or used in response to the characteristics of this place.*

*A **pivotal example** – the place encapsulates a key evolutionary stage in the development of the class.*

49. Bulk handling facilities are not part of “a class of places of cultural significance”. They are places of agricultural industrial infrastructure but on no reasonable interpretation of s16(1)(d) could they be mistaken as a place of “cultural significance”. The suggestion is clearly preposterous in any context.
50. Suspending sense for a moment to assume that this industrial asset is a place of cultural significance, plainly there is nothing unique about the Brinkworth Complex which makes it a representative of the large network of such facilities, let alone one that is “outstanding”.
51. Criterion (d) simply cannot apply to this site.

**Does not demonstrate a high degree of creative, aesthetic or technical accomplishment nor an outstanding representative - section 16(1)(e)**

52. There is no evidence which demonstrates that the Brinkworth Complex has:
- (a) a high degree of creative, aesthetic or technical accomplishment; or
  - (b) be an outstanding representative of particular construction techniques or design characteristics.
53. Criterion (e) is not satisfied.

**No strong cultural or spiritual association for a community or group - section 16(1)(f)**

54. There is no evidence that the Brinkworth Complex has a strong cultural or spiritual association for the community or a group within it.
55. Criterion (f) is not satisfied.

**Does not have a special association with the life or work of a person, organisation or event of historical significance - section 16(1)(g)**

56. There is no evidence that the Brinkworth Complex has a special association with the work of a person, organisation or event of historical importance.
57. Criterion (g) is not satisfied.

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<sup>10</sup> Ibid page 14.

## Conclusion

In all the circumstances, the Brinkworth Complex does not satisfy any of the criteria that must be met under section 16 of the Act to warrant confirmation of the entry of the building on the Register.

The provisional entry of the Brinkworth Complex in the Register should not be confirmed.

Our client requests the opportunity to be heard at the meeting of the SAHC to consider submissions and any confirmation of the entry.

Yours faithfully

