

## SOUTH AUSTRALIAN HERITAGE COUNCIL

### MINUTES

The 75<sup>th</sup> Meeting of the South Australian Heritage Council (the Council) was held on Wednesday 19 October 2016 in the Conference Room, Level 7, 81-91 Waymouth Street.

#### Statement of Acknowledgement

*We acknowledge this land that we meet on today is the traditional lands for Kurna people and that we respect their spiritual relationship with their country. We also acknowledge 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.*

### PRESENT

**South Australian Heritage Council:** Chair: Mrs Judith Carr; Members: Mrs Carolyn Wigg, Mr Rob Donaldson, Mr Gavin Leydon, Prof Alison Mackinnon, Ms Sara Beazley, Mr Jason Schulz and Ms Ali Ben Kahn (Acting Member).

Apologies: Nil.

**Secretariat:** Mr David Hanna, Executive Officer, State Heritage Unit, Department of Environment, Water and Natural Resources (DEWNR) and Mrs Beverley Voigt, Manager Heritage and Major Reform, State Heritage Unit, DEWNR.

**Guests:** Minister for Sustainability, Environment and Conservation the Hon Ian Hunter MLC; and Mr Hamish Angas, Senior Heritage Officer (policy), State Heritage Unit, DEWNR.

### 1. WELCOME AND APOLOGIES

The Chair welcomed all present.

### 2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Agenda adopted without any additions. It was noted that Mr Gary Joyce of DEWNR was not able to attend to discuss the management of Naracoorte Caves and Adelaide Gaol and therefore Item 8.4 was struck from the agenda.

There were no conflicts of interest to declare.

### 3. CSO ADVICE – DESIGNATION OF BROMPTON GASWORKS

The Chair introduced the matter and noted that the South Australian Heritage Council (Council) had met early today to discuss its advice to the Minister.

The Crown Solicitor's advice has been sought and received regarding whether designation could be subject to Ministerial direction under the *Heritage Places Act 1993*. It was noted that the advice was addressed to DEWNR whereas it ought to have been addressed to the Council given the Council requested it.

The Council discussed the nature of the legal advice and noted the advice in relation to the decision of Council to designate the site. Based on the recommendations in the heritage assessment report, the views of the archaeologist member of Council and the discussions held at the time, the Council considered that it had made a valid decision to designate the Place as being of archaeological significance.

Council noted that the Crown Solicitor had not directly responded to the question of the power of the Minister to direct removal of a designation and that the Act is not clear on this matter.

Council noted that Renewal SA has concerns about the effect of designation post remediation of the site, particularly in relation to the designation being recorded on land titles which may deter sales. It discussed whether, when Renewal SA had completed remediation work, it would be valid to consider whether the designation could be reconsidered and reduced to only the curtilage of remaining structures. Council agreed that this would be a valid consideration under the Act.

#### **RESOLUTIONS:**

The South Australian Heritage Council:

- **Noted** the permit requirements under the *Heritage Places Act 1993*;
- **Considered** the advice provided by the Crown Solicitor's Office, and
- **Determined** advice to provide to the Minister for Sustainability, Environment and Conservation concerning the Minister for Housing and Urban Development's request for the removal of the archaeological designation of the Brompton Gasworks.

#### **4. MINISTERIAL CONSULTATION – BROMPTON GASWORKS AND OTHER MATTERS**

The Minister was welcomed to the meeting.

The Council advised the Minister of the Crown Solicitor's advice received and indicated that the Council believed it had made a valid decision to designate the Place as being of archaeological significance.

The process of designation was discussed more broadly with the Minister. Council agreed with the Minister that the process needed some refinement and that DEWNR would prepare a related policy/procedure for Council's consideration.

The Minister and Council discussed the importance of ongoing consultation with the Department of Planning, Transport and Infrastructure (DPTI) in heritage reform matters. It was suggested that Council, through DEWNR, work closely with some key contacts in DPTI to progress this collaboration.

The Minister was thanked for attending and departed the meeting.

After further discussion, the Council resolved to write to Renewal SA requesting it to provide a desktop archaeological assessment to determine whether there is new information to consider in regard to the designation. It was noted that this work is already agreed to as part of Renewal SA requirement to meet conditions of a permit under section 27(1)(b) of the Act.

It was agreed that it would assist Council if the assessment could be received before the Council considers the confirmation in the Register of the Brompton Gasworks. In order to allow Renewal SA time to do the archaeological study, the Council agreed to write to the Minister asking that the period of the provisional entry of Brompton Gasworks be further extended beyond 15 December 2016.

The Council continued to further discuss the issue of designation and resolved that in future two separate reports would be prepared where places warranted consideration of a designation. The first report would be an assessment of heritage significance and the second report would be an assessment of archaeological (or geological, palaeontological or speleological) significance including a draft statement of designation. The second report would only be required if Council/the heritage assessor believed there was a strong case for designating a particular site and would be prepared by a separate expert assessor.

#### **RESOLUTIONS:**

The South Australian Heritage Council:

- **Provided** advice to the Minister in relation to the designation of Brompton Gasworks.
- **Requested** DEWNR to draft a procedure in relation to the designation process.
- **Resolved** to write to Renewal SA requesting an archaeological assessment report.
- **Resolved** to write to the Minister seeking an extension of time with regard to the decision to confirm the Brompton Gasworks site.

#### **5. CONFIRMATION OF PREVIOUS MEETING MINUTES**

The Council confirmed the minutes of the 7 September 2016 meeting with the following amendments:

- change date of meeting on footer of page 1; and
- on page two, remove the names of people in relation to voting on Fisherman's Wharf Market Building and instead note that one person abstained from voting, two people voted against the recommendation.

The Council noted that the text highlighted in yellow in the draft minutes will be redacted before loading the minutes to the Council's website given it relates to discussion held in-camera.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Approved** the minutes of 7 September 2016 meeting subject to the above amendments.

## 6. ACTION ITEMS

Each of the outstanding actions was reviewed by Council.

Council discussed the prioritisation of places suggested for designation (Item # 2 on the action list). It was noted that designation of a place provides certainty that processes for protection will be followed. The designation threshold is important in terms of when permits are required. Council requested DEWNR focus their resources on providing policy advice in regard to thresholds of designation rather than pursuing the places that might be considered for designation.

With regard to the Adelaide Park Lands assessment brief, the Council requested that the archaeological assessment should be excised from the brief. It was noted this may be dealt with separately at a later date.

It was noted that Ms Marsden has provided a quote for updating South Australia's historic themes, however DEWNR, DPTI and History SA are now looking at the mechanism rather than content re State Thematic Framework.

Council queried whether the State Thematic Framework was specifically called up in the regulations to the new *Planning Development and Infrastructure Act 2016* (PDI Act)? Action: DEWNR to advice and report back to Council.

Council indicated that listing and threshold matters relating to heritage should be within the responsibilities defined under the *Heritage Places Act 1993*.

### RESOLUTION:

The South Australian Heritage Council:

- **Noted** and provided comment on the status of outstanding actions.

## 7. SA HERITAGE COUNCIL IN-CAMERA DISCUSSION

DEWNR staff departed the meeting room to enable the Council staff to have an in-camera discussion.

## 8. ITEMS FOR DECISION / DISCUSSION

### 8.1 UPDATE ON SA HERITAGE COUNCIL STRATEGIC PLAN

Mrs Voigt provided Council with an update on the Council's Strategic Plan.

With regard to the proposed program logic workshop planned to explore the public value of heritage, it was noted that one or two representatives of the Council would be welcome to attend.

Mrs Voigt discussed the DEWNR budget bids that have a heritage component.

It was noted that if a bid can demonstrate an economic return in conserving heritage it would help promote and sell it. Council noted that Unley Council had bought an old heritage listed property to restore and sell to demonstrate to community the benefit of restoring heritage. It was noted this has been achieved with the Beresford Arms in the city as well.

Council considered the draft deliverables set out in the 2017 action plan. Council requested DEWNR to clearly state what will be delivered as part of this process and place them in priority order. As part of this process it is important that DEWNR considers what is possible to be delivered with the available resources.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Noted** the status update on the Heritage Council's 12-month action plan.
- **Requested** DEWNR to update the 'key deliverables' listed in the draft 2017 action plan and provide back to Council for further comment.

## **8.2 REVISION OF HERITAGE PLANNING POLICIES DISCUSSION PAPER**

Mr Hamish Angas was welcomed to the meeting.

Council was provided with a copy of the 'Heritage Places Module' and also the 'Historic Conservation Area Module' which form part of DPTI South Australian Planning Policy Library. It was noted that both documents require revision.

It was agreed that DEWNR is a key player in supporting DPTI update these modules. Council suggested that the department seeks support from the Minister to advocate for DEWNR's expertise in updating these planning policies.

It was noted that DPTI is currently at the point of conversion from Development Plans to the Planning and Design Code, and Council needs to be part of this decision making process. Council agreed there was a need to refresh the current policy material.

Council discussed the nature of the policy documents and whether it should be at a high level or whether it should be prescriptive. The Council agreed that there ought to be scope for heritage experts to use their professional judgements on case-by-case referrals. The review of heritage planning policy needs to consider the balance between expert assessment and written codes of practice.

Mrs Voigt noted that she had met with DPTI officials regarding their approach to the referral mechanism and it had been a positive meeting.

It was noted that there will no longer be individual Council Development Plans under the new PDI Act.

Council agreed to write to the Minister in regard to how this planning policy review impacts on the management of State and local heritage places and to suggest he write to Minister for Planning about working collaboratively with DPTI.

**RESOLUTIONS:**

The South Australian Heritage Council:

- **Noted** the paper provided by DEWNR.
- **Requested** DEWNR draft a letter for Council to send to the Minister with regard how the revision of heritage planning policy will impact on the management of State and local heritage places and the importance of DEWNR working collaboratively with DPTI on this review.

**8.3 TOURISM ACTION PLAN – UPDATE**

Council members expressed their appreciation of the work that DEWNR is undertaking in relation to the tourism action plan.

It was suggested that DEWNR had an important role in providing heritage data/material in the development of tourism promotion products however it would be unlikely that DEWNR has the resources to be involved in the development of the end product (whether they be beacons or websites etc.). Therefore the Council asked that DEWNR carefully manage its input and role in regards tourism promotion.

It was noted that in relation to the development of heritage material for the Riverbank Precinct, that Renewal SA would take the lead on the production of the beacons and ongoing maintenance rather than DEWNR.

Action: DEWNR to define scope of its work and ensure that the role is well defined and deliverable.

**RESOLUTION:**

The South Australian Heritage Council:

- **Noted** the update on activities against the Heritage Tourism Action Plan.

**8.4 NARACOORTE CAVES AND ADELAIDE GAOL – DEWNR UPDATE**

It was noted that Mr Gary Joyce, DEWNR was unable to attend the meeting and therefore the discussion on this item will be postponed to a future meeting of Council.

**8.5 REVIEW OF PROCEDURE: MEETINGS**

The Council considered a revised Procedure: Meetings.

Council agreed that on page 3 the text in relation to decisions made in confidence should read 'All resolutions made by the Council to retain the documents, deliberations, minutes and decisions in confidence will be reviewed every twelve (12) months to determine whether it still needs to be

kept in confidence. Any documents / text taken out of in confidence will be made available to the community.'

In relation to members of the public wishing to address the Council, Council members agreed that this approval would be delegated to the Chair and therefore the words 'in consultation with Council members' on page 3 would be deleted.

Council agreed with the remainder of the suggested amendments and approved the policy subject to these changes being made.

**RESOLUTION:**

The South Australian Heritage Council:

- Approved the revised Procedure: Meetings subject to the amendments discussed above.

**8.6 REVIEW OF POLICY: STRATEGIC ADVICE TO THE MINISTER ON HERITAGE PROTECTION**

The Council considered a revised Policy: Strategic Advice to the Minister on Heritage Protection. The Chair noted that the changes made were to reflect the abolition of the Register Committee.

Council agreed with the amendments suggested and approved the updated policy.

**RESOLUTION:**

The South Australian Heritage Council:

- Approved the revised Policy: Strategic Advice to the Minister on Heritage Protection.

**9 CHAIRPERSONS REPORT**

The Chair noted that she had met with the Minister to discuss the Council's response to DPTI regarding the Local Heritage discussion paper.

The Minister suggested the Council strengthen its comments in relation to the economic value of heritage and the Chair indicated this update had been included prior to sending the submission.

The Chair also discussed the current status of Bells Plumber Shop, Manitoba and Adelaide Park Lands with the Minister.

The Chair indicated she also had a meeting with Ms Sandy Pitcher, Mr Tim Goodes and Mr Matt Ward, executives within DEWNR, and urged them to retain the current heritage budget allocation so that the Council could meet its statutory obligations.

The CEO DEWNR suggested that Council consider possible re-instatement of the Register Committee. The Council discussed the opportunities and challenges associated with reforming a Register Committee as a subcommittee of Council. The Council decided that the greatest need currently was supporting DEWNR in reviewing heritage assessments before they were tabled at

Council and decided to instigate a procedure where 2-3 members of Council would be rostered on a rotational basis to review documents/recommendations before listing meetings.

It was noted that DEWNR would need to provide draft documents to assigned Council members a few days prior to papers being distributed to enable their comments to be included.

Action: The Executive Officer will set up a schedule of review of assessment summaries by Council members beginning with the December meeting of Council.

## 10 DEWNR REPORT

Mrs Voigt discussed the matters raised in the DEWNR report with Council members.

It was noted that if the report was to be circulated more widely, the notes on discussion between the Chair and the Chief Executive of DEWNR (page 6) would be reviewed to ensure it is concise rather than a full transcript of what was discussed.

### RESOLUTION:

The South Australian Heritage Council:

- **Noted** the DEWNR report.

## 11 CORRESPONDENCE

### RESOLUTION:

The South Australian Heritage Council:

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

## CLOSE OF MEETING

The Chair thanked all in attendance and closed the meeting at 12:45pm.



**Mrs Judith Carr**

**Date:** 12 December 2016

**Chair**