

## SOUTH AUSTRALIAN HERITAGE COUNCIL

### MINUTES

The 97<sup>th</sup> Meeting of the South Australian Heritage Council (the Council) was held on Thursday 6 June 2019 in the Level 10.5 & 10.6 Meeting Rooms, Level 10, 81 – 95 Waymouth Street, Adelaide.

#### 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: Mr Keith Conlon OAM Members: Ms Kate McDougall, Mr Michael Constantine, Ms Robyn Taylor, Mr Jason Schulz, Emeritus Professor Alison Mackinnon AM, Mr Marcus Rolfe and Mr David Stevenson and Mrs Deborah Lindsay.

Apologies: Ms Jan Ferguson OAM.

**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

The Chair welcomed all present.

It was noted that Ms Jan Ferguson OAM was an apology.

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

The agenda was adopted with the addition of a new Item 7.0 – Nomination of ‘Moorfield’ 12–14 Mooring Avenue, North Plympton.

Ms McDougall noted a conflict of interest in relation to Item 7.0 and indicated that she would leave the room for this matter.

### 3. PREVIOUS MEETING MINUTES

Council considered the draft minutes of the 11 April 2019 meeting and approved them subject to some minor edits provided to the Executive Officer.

Council considered the draft minutes of the 18 April 2019 meeting and approved them subject to the addition of Ms Robyn Taylor as an apology.

#### **4. ACTION ITEMS**

The Chair indicated he would advise Ms Voigt of some minor matters relating to the action items out of session.

The action items were noted.

#### **5. IN CAMERA DISCUSSION**

The Council agreed there was no requirement to hold a separate in-camera discussion at this meeting.

#### **6 FOR DECISION / DISCUSSION**

##### **6.1 SA Planning Commission**

The Chair welcomed Mr Michael Lennon, Chair of the South Australian Planning Commission to the meeting.

Mr Lennon thanked the Council for the opportunity to discuss planning reform. Mr Lennon noted that the State Planning Commission is committed to addressing community concerns around the preservation of heritage and character in our neighbourhoods and the design quality of our built environment.

It was noted that the State Planning Commission released a package on Heritage and Character in the New Planning System on 2 May 2019 and that the Council members had received these documents as part of their agenda package.

It was noted that the new Code will be in operation by 1 July 2020.

Mr Lennon spoke to a power point presentation.

Matters raised by individual Council members with Mr Lennon:

- A proposal to give 'character' clearer definition.
- Ms Taylor indicated that an issue of concern is that for the majority of the inner rim Councils, demolition of SHPs is a non-complying form of development. Under the new system, the demolition of SHPs will become 'performance assessed'. This is a significant change in that Councils can not give a definitive 'early no' to a proposed demolition and the loss of appeal rights.
- Also of concern is that under the new legislation, the Heritage Minister will have the power of direction in relation to development applications affecting SHPs and SHAs. Whilst the Minister could use that power to prevent demolition, he/she could equally instruct his/her delegates to approve the proposed demolition of a SHP. There would be nothing that could be done to prevent that. Mr Lennon noted that this is not the intent of the Commission.

- Criteria for demolition as indicated in the summary 'Heritage and Character in the New Planning System – a Snapshot for Practitioners', appears to be set up to allow demolition in the LHPlace Overlay and LHArea Overlay. It was suggested that the message we are getting out of the SA Planning Commission is that demolition controls will exist, yet the criteria seem to be written to enable demolition. Mr Lennon said that some Contributory Items consisted solely of an address with no further information and that these places should be able to be re-examined. Ms Taylor agreed but indicated that the SA Planning Commission need to look closely at the criteria for demolition.
- Ms McDougall suggested a template for preparation of heritage impact statements ought to be provided as support for professionals under the new planning regime.

Mr Lennon indicated he found this discussion very useful and will seek to clarify areas of concern.

The Council agreed that it would be important to continue this discussion.

Action: Mr Hanna to place on agenda for the Council's next strategic meeting.

The Council thanked Mr Lennon for his time.

## **RESOLUTIONS:**

The South Australian Heritage Council:

- **Noted** the presentation provided by Mr Michael Lennon, Chair of the South Australian Planning Commission.
- **Agreed** that it would continue the discussion at its next strategic meeting.

### **6.2 South Australian Heritage Council Strategic Plan**

Due to time constraints, this item was postponed to the next meeting of Council.

Action: Secretariat to place on agenda for next meeting.

### **6.3 ERDC Heritage Inquiry – Final Report**

Due to time constraints, this item was postponed to the next meeting of Council.

Action: Secretariat to place on agenda for next meeting.

#### 6.4 Workshop to discuss guidelines and thresholds for interpreting criteria

The Chair welcomed Mrs Anna Pope and Dr Louise Bird from Heritage South Australia to the meeting. Mrs Pope gave a presentation to the Council in relation to the guidelines document used in support of the nomination / assessment process.

Mrs Pope noted that the guidelines document is available on the Heritage South Australia website and is used by a variety of stakeholders. They include people nominating places for the register, people carrying out assessments, the general public, as well as the Council when it is considering assessments. The guidelines are designed to help heritage stakeholders interpret section 16 criteria under the *Heritage Places Act 1993* for heritage listing.

The guidelines document considers the criteria one by one, providing a general description of the types of places that may or may not be considered to meet the criterion, as well as providing some more specific tests that the place should meet to satisfy the criterion. These tests were developed in 2013 based on the Victorian model for heritage assessment, and have since been embedded in assessment reports prepared for the Council.

Staff from Heritage South Australia met with Mr. Conlon and Mr. Schulz on 27 May 2019 to discuss next steps with regard to updating the Guidelines. A two-stage process was agreed on:

1. Carry out an initial workshop on the Guidelines at today's meeting, including discussing how the tests are currently used by Heritage SA;
2. Call for volunteers from the Council to form a working group to review and potentially update the guidelines

Mrs Pope noted that templates for 'Heritage Assessment Reports' and the 'Summary of State Heritage Place' have been developed over a number of years to help improve the assessment and listing process, and to provide clarity for stakeholders about what is listed and why. There are a number of elements of these documents that are regularly reviewed, including wording for the 'extent of listing' and the way in which the 'Register entry' information is differentiated from the 'Description and notes'.

The following matters were raised during the presentation:

- Some work to do on guidelines around intangible heritage – particularly in relation to criterion a). Noted it can be difficult to pin down.
- When thinking about historical themes – how narrow or broad are these as applied by assessment officers? Noted that Heritage SA still use Ms Sue Marsden's themes of 1983.
- Some important work to be done on evaluating and revisiting these themes – what gaps are there?
- Noted there could be nuance missing re intangible fabric. Sometimes it is difficult to pin physical fabric without the context or associated story.
- Mr Schulz suggested Heritage SA look at other jurisdictions and how they interpret criteria – there may be some learnings from this exercise.
- Mrs Pope noted that when applying the tests for criterion c), we need to be careful we don't use same tests as applied to criterion a).
- Discussion about aligning to HERCON criteria.
- With regard to criterion d) – some work to be done on managing the state v local threshold.
- Discussion on whether the Register can have too many places of one type representing a particular criterion. General agreement that the test is whether a place is an outstanding

example (and consideration of how many places of that type already on the Register should not be a determining factor in whether it meets the threshold for listing or not).

- With regard criterion e) – is it an “and” or an “or” for the test? Noted that criterion e) has been split in two for HERCON.
- With regard to criterion f) – agreed that the Council may learn from how it is applied interstate.
- Noted that they are guidelines and not prescriptive.

The matters discussed above will be provided to the sub-committee for its deliberations.

Mrs Pope provided a case study scenario for Council members to consider out of session.

Mr. Conlon thanked Mrs Pope and Dr. Bird for the presentation.

The Council agreed a sub-committee will be convened to further review and/or modify the Guidelines. The membership of this sub-committee is Mr. Constantine, Mr. Schulz, Prof. Mackinnon and Mrs Deborah Lindsay.

The Council agreed a sub-committee will be convened to review the templates for the Heritage Assessment reports and Summary of State Heritage Place. The membership of this sub-committee is Mr. Rolfe, Mr. Conlon, Mr. Constantine and Mrs. Lindsay.

## RESOLUTIONS:

The South Australian Heritage Council:

- **Noted** the presentation/workshop on how the Guidelines for listing state heritage places is currently being used for the assessment of heritage places.
- **Agreed** a sub-committee should be convened to further review and/or modify the Guidelines.
- **Agreed** a sub-committee should be convened to review the templates for the Heritage Assessment reports and Summary of State Heritage Place, including how Register information is recorded.

## 6.5 DEW 20 year Infrastructure Strategy – for Council input

It was noted that Infrastructure SA has been recently established and has been charged by the Premier to develop a long term infrastructure strategy for South Australia and an ongoing infrastructure plan to prioritise projects and Government Investment.

On the 9 May 2019 the Chief Executive of the Department of Environment and Water, Mr John Schutz, wrote to all Boards and Councils associated with DEW, including the South Australian Heritage Council, seeking a contribution to the preparation of DEW’s 20-Year Infrastructure Plan.

Given time constraints, the Council had limited discussion on this matter.

Mr Schulz said it would be appropriate to consider what are the community expectations of government and what is the role of government in sale of government buildings.

Council agreed to establish a working group to progress this out of session. David Stevenson volunteered to be part of the working group and it was resolved that Jan Ferguson would be asked if she would like to participate.

## **RESOLUTION:**

The South Australian Heritage Council:

- **Agreed** to establish a working group to progress this matter.

## **6.6 Guideline – Conflict of Interest (for review) and discussion with Sonya Furey**

Ms Sonya Furey (Governance Matters) was welcomed to the meeting and provided a presentation to the Council. It was noted that this discussion was held in-camera.

Ms Furey noted that she would provide comments to Mr Hanna on the proposed Guideline – Conflict of Interest.

The following matters were raised / discussed:

- Research has showed there is a human unconscious bias towards making decisions based on values even when people sincerely believe they are remaining objective. The unconscious bias is unintentional but needs to be managed.
- Councils and Boards should not only do the right thing by their legislation but go the extra step and do the right thing with regards to managing conflicts of interest because it will uphold their reputation.
- The Council has a high standard and should have a very low or nil risk appetite for reputational risk.
- Reputation is all about perception.
- With survey work or assessment work that is more than 10 years in the past, it is considered that the individuals ability to act independently and without bias has been restored.
- The Council may like to consider introducing levels or grades of risk to help it determine appropriate course of action in regard to perceived conflicts of interest declarations.

## **RESOLUTIONS:**

The South Australian Heritage Council:

- **Noted** the presentation provided by Ms Sonya Furey.

- **Agreed** to provide comments on the draft Guideline – Conflict of Interest to Mr Hanna out of session who will liaise with Ms Furey to finalise the guideline.

### 6.7 Archaeological Provisions Guideline

Due to time constraints, this item was postponed to the next meeting of the Council.

Mr Schulz indicated he had some preliminary comments that he would email to Ms Beverley Voigt for consideration prior to the next meeting of Council.

Action: Secretariat to place on agenda for next meeting.

### RESOLUTION:

The South Australian Heritage Council:

- **Noted** that this matter would be postponed to its next meeting.

### 6.8 Policy – Description of Notes – for review

Mr Hanna noted that this policy had been updated to fully describe the process of preparing the Summary of State Heritage Place documents for places that have been provisionally entered under section 17 (2) (b) of the *Heritage Places Act 1993*. This section relates to the protection a place while a full assessment is carried out.

Council approved the revised policy subject to the addition of the word ‘for’ in the third line of the second column on page 1.

It was noted that the updated Policy would be published to the Council website.

### RESOLUTIONS:

The South Australian Heritage Council:

- **Approved** the revised Policy – Description of Notes for State Heritage Places subject to the amendments described above.
- **Noted** that DEW will arrange for the Policy to be finalised and published to the Council’s website.

### 6.9 Procedure – Confirmation or Removal of Provisional Entry – for review

Mr Hanna noted that this procedure had been improved with the addition of text to make it clear that the Council is not obliged to consider any supplementary written material that is tabled on the day of an oral representation without prior approval of the Chair.

Council approved the revisions with the deletion of the word 'prior' within the text. Council agreed that the Chair should be able to make approvals at the time of the presentation.

It was noted that the updated Procedure would be published to the Council website.

## **RESOLUTIONS:**

The South Australian Heritage Council:

- **Approved** the revised Procedure – Confirmation of Removal of Provisional Entry in the South Australian Heritage Register with the one amendment described above.
- **Noted** that DEW will arrange for the Procedure to be finalised and published to the Council's website.

### **6.10 Nomination form – Object – for approval**

Mr Hanna noted that currently there is no nomination form specifically for nominating an Object. The nomination form available on the web relates to nomination of a State Heritage Place only.

Council agreed that it would be beneficial to have a nomination form specifically to nominate an object, and approved the use of the new nomination form.

Action: DEW to upload the new nomination form – Object to the Council's website.

## **RESOLUTIONS:**

The South Australian Heritage Council:

- **Approved** the Nomination form – Object.
- **Noted** that DEW will arrange for the form to be published to the Council's website.

### **7.0 Nomination for Provisional Entry – 'Moorfield' 12-14 Mooringe Avenue, North Plympton**

Ms McDougall declared a conflict of interest and departed the room for this discussion.

Dr Louise Bird, Heritage South Australia tabled a triage assessment paper to accompany the nomination and spoke to the tabled paper.



Dr Bird noted the nomination for 'Moorfield' was received on 3 June 2019. The nomination was labelled urgent given that the property had recently been sold and is scheduled for demolition.

The nomination suggests that the place meets all seven criteria for listing under section 16 of the *Heritage Places Act 1993*.

It was noted that the nomination did not provide much detail, but did claim that 'Moorfield' was owned and built by William Edward Bagshaw c. 1863, whom, it was claimed, was responsible for founding JS Bagshaw & Sons Engineering firm. Dr Bird noted that the firm was in fact founded by John Stokes Bagshaw who passed the business onto his two sons John A Bagshaw and Thomas H Bagshaw.

Dr Bird spoke to each of the criteria and indicated that, based on her assessment, 'Moorfield' does not meet the threshold for State Heritage listing under any criteria in section 16 of the *Heritage Places Act 1993*.

Council commented on the triage process as an appropriate way of managing this type of urgent nomination.

Ms Taylor moved a motion that 'Moorfield' ought to be rejected as it clearly does not meet any criteria. The Council agreed to reject the nomination of 'Moorfield'.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Rejected** the nomination of 'Moorfield', 12-14 Mooringe Avenue, North Plympton CT 6045/178 D80276 A141, CT 5429/115 D5066 A13, CT 5429/114 D5006 A12 Hundred of Adelaide for entry in the South Australian Heritage Register as a State Heritage Place, as it does not meet any of the criteria for State heritage listing under section 16 of the *Heritage Places Act 1993*.

#### **ITEMS FOR NOTING**

##### **7.1 Update from Chair**

The report from the Chair was noted.

##### **7.2 Report from Department for Environment and Water (DEW)**

The Chair welcomed Ms Merridie Martin to the meeting. Ms Martin will be the Director, Heritage and Native Vegetation in the Department for Environment and Water from 1 July 2019.

This new divisional structure for DEW, which comes into operation on 1 July 2019, groups the Department's work into four new divisions (as opposed to the originally proposed five divisions), which are:

- Environment, Heritage and Sustainability
- Strategy, Science and Corporate Services
- National Parks and Wildlife
- Water and River Murray

The new Environment, Heritage and Sustainability Division, formerly named the Boards and Councils Division, reflects feedback and clearly represents the core business of this new Division. Heritage South Australia has been moved into this Division and will form part of a new Heritage and Native Vegetation Branch.

Ms Martin discussed the creation of the new Landscape Boards which are replacing the current Natural Resources Management Boards.

Ms Martin noted that the priorities around heritage will be incorporated into the DEW Corporate Plan.

Ms Voigt spoke about staffing changes in Heritage South Australia. With the transfer of thirteen State heritage-listed State Government Owned properties from DPTI to DEW on 1 January 2019, there has been a significantly increased workload for Heritage South Australia. This workload includes the many projects that now need to be delivered to manage these assets and to develop better leasing arrangements for them.

Heritage South Australia will create a new 2-year position for a Project Manager to oversee the urgent Government Owned Heritage projects.

In the last 12 months, there has been an addition of 6 FTE's working in heritage across DEW.

Ms Voigt also spoke briefly about the development of the Heritage Tourism Strategy. The Heritage Tourism Alliance, the key stakeholder advisory group to guide and co-develop the Strategy, is currently being formed with the first meeting proposed for late June 2019.

Following the first Alliance meeting, workshops will be held with broader stakeholder groups, including those in regional areas. It is anticipated that a draft Strategy will be available for a second round of engagement in December 2019.

## RESOLUTION

The South Australian Heritage Council:

- **Noted** the report provided by the Department for Environment and Water.

### 7.3 Reporting on Delegations

Noted.

#### RESOLUTION

The South Australian Heritage Council:

- **Noted** the report on delegations.

### 7.4 Correspondence

Noted.

#### RESOLUTION

The South Australian Heritage Council:

- **Noted** the correspondence report.

### 7.5 Feedback from TICSA and the Australian Heritage Tourism Conference

A paper was tabled by DEW summarising the outcomes of the two conferences held in Adelaide last week.

Council members noted the significant contribution Mr Keith Conlon made to both conferences and congratulated him accordingly.

It was noted that an Adelaide brochure distributed at the Heritage Tourism conference could be improved through the addition of some heritage related walking tours through the city. Ms Taylor indicated she would pass that feedback on to the City of Adelaide.

#### RESOLUTION

The South Australian Heritage Council:

- **Noted** the outcomes from the two tourism conferences.

## 8 ANY OTHER BUSINESS

### Recommendation for Adelaide Park Lands to be a State Heritage Area

Council discussed its concern that the Adelaide Park Lands recommendation to become a State Heritage Areas has not been progressed by the Planning Minister. It was noted that July 2020 is

the date that the new planning legislation will be enacted and it may be the case that the Adelaide Park Lands recommendation will not be considered until after this date.

It was noted that Council, through Heritage South Australia, can possibly progress some background documentation to support the enacting of the Park Lands as a State Heritage Area.

Action: Council to write to the Minister for Environment and Water to reinforce its desire that this nomination is progressed by the Government.

### **Additional meeting of Council**

Given that several matters on the agenda were not discussed today, the Council agreed to hold an additional meeting.

Action: Additional meeting of the Council to be organised by Mr Hanna.

### **1 August 2019 meeting of the Council**

Council gave its support for the secretariat to investigate having its 1 August 2019 meeting at Cummins House and to possibly incorporate an informal community forum.

### **CLOSE OF MEETING**

Mr Conlon thanked the Council and staff for their contributions today.

Mr Conlon closed the meeting at 1:30pm.

**Mr Keith Conlon OAM**

**Date:**

**Chair**