

## SOUTH AUSTRALIAN HERITAGE COUNCIL

### MINUTES

The 111<sup>th</sup> Meeting of the South Australian Heritage Council (the Council) was held on Thursday 13 August 2020 via Electronic Means. (This meeting was held via video conference due to the isolation requirements of the COVID-19 pandemic).

#### Statement of Acknowledgement

*The Chairperson acknowledged that this land that the majority of Council members meet on today is the traditional lands for Kaurna people and that the Council respect their spiritual relationship with their country. The Chairperson also acknowledged the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today. Mr David Stevenson noted he was participating in the video meeting via Burra and acknowledged the Ngadjuri people – the traditional owners of the Burra region and paid respect to their spiritual relationship with that country. Ms Jan Ferguson noted she was participating in the video meeting via Beltana and acknowledged the Adnyamathanha people – the traditional owners of Beltana region and paid respect to their spiritual relationship with that country.*

**Heritage Council:** Chair: Mr Keith Conlon OAM Members: Emeritus Professor Alison Mackinnon AM, Mr Marcus Rolfe, Ms Robyn Taylor, Mr Michael Constantine, Mr David Stevenson, Ms Katrina McDougall, Mr Jason Schulz and Ms Jan Ferguson OAM.

Apologies: Nil.

**Secretariat:** Mr David Hanna, Executive Officer, Heritage South Australia, Department for Environment and Water (DEW) and Ms Bev Voigt, Manager Heritage South Australia.

### 1. WELCOME AND APOLOGIES

Mr Conlon welcomed all to the 111<sup>th</sup> meeting of the South Australian Heritage Council (the Council).

Apologies – nil.

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

#### **Agenda**

The agenda was adopted without amendment.

#### **Declarations of conflict of interest**

Mr Jason Schulz declared a conflict of interest in relation to Item 7.1 Pewsey Vale as his firm DASH Architects has employed a family member of the owners of Pewsey Vale for some time;

and Item 7.2 Sands & McDougall, King William Street as his firm had acted for previous owners. It was noted Mr Schulz would depart the meeting for these two items.

### 3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 23 July 2020 meeting and approved them subject to one minor amendment.

#### RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 23 July 2020 meeting.

### 4. ACTION ITEMS

Council considered and noted the action log.

Mr Conlon noted advice received from Mr Toby Forde regarding nominations of six members from the State Aboriginal Heritage Committee for the Thematic Framework Working Group.

Progress on the list of Twentieth Century Architecture was discussed.

It was noted that Reconciling the Frontier group is compiling a list of contact and conflict sites and it is anticipated this will be available within twelve months. This will be provide necessary research and evidence for the Council in recognising Aboriginal contact and conflict sites through the SA Heritage Register.

It was noted that Mr Conlon would join a meeting with Heritage Chairs from across Australia and New Zealand in late August.

### 5. IN CAMERA DISCUSSION *(text released for public as per 10 November 2022 meeting)*

The Council had a short in-camera discussion pursuant to Section 7 (6) of the *Heritage Places Act 1993*.

It was noted that Mr Schulz was not present for this discussion given his declared conflict of interest.

#### Pewsey Vale nomination

Council discussed powers relating to entry of the property if the owner continues to decline access.

Professor Mackinnon noted that there was an opportunity to record first contact and the Aboriginal custodians of Pewsey Vale within the report.

#### Sands & McDougall nomination

Noted that City of Adelaide are in negotiations with the owner around development of the building given it is a Local Heritage Place.

## 6. FOR DISCUSSION / DECISION

### 6.1 Post WWII Churches of South Australia – Review of list for assessment

Dr Louise Bird, DEW was welcomed to the meeting.

It was noted that during the course of his research, Mr Burns found 406 extant places of worship that had been built in South Australia between 1945-c.1990.

Mr Burns, Adjunct Professor Christine Garnaut (Director Architecture Museum) and Heritage South Australia staff met to consider an initial short list for further assessment consideration. This list was further refined by Council members Professor Mackinnon and Ms Taylor who proposed 20 places of worship for assessment as identified in the agenda paper.

Council discussed the representation of different religious denominations on the proposed list and discussed the process for short listing them. Council is seeking representation across different religious denominations on the SA Heritage Register.

Council agreed with the proposed short list and the order of assessment.

Action: Ms McDougall will liaise with Mr Hanna to distribute copies of Mr Burns' monograph to Council members.

The Council thanked Ms Taylor and Professor Mackinnon for their help in defining the short list for assessment. Council thanked Dr Bird for her role in this process on behalf of the department.

The Council commended Mr Chris Burns on producing an excellent report.

## RESOLUTIONS

The South Australian Heritage Council:

- **Approved** the postwar places of worship recommended for assessment.
- **Approved** the order of assessment.

### 6.2 Annual Report 2019-20

The South Australian Heritage Council is required to prepare an annual report on its operations at the end of each financial year for the Minister to table in the Parliament of South Australia.

Mr Hanna noted that the Department of Premier and Cabinet (DPC) Circular *PC013 Annual Reporting Requirements* sets out the requirements for annual reporting. The South Australian Heritage Council Annual Report for 2019-20 has been prepared using a template provided by DPC.

DPC encourages Boards / Councils to place general promotional/marketing information on their websites instead of through the formal annual reporting process. The Council has prepared a separate communications document for this purpose.

It was noted that the Council's Annual Report for 2019-20 is due to be provided to the Minister by 30 September 2020.

Council endorsed the Annual Report subject to one amendment to the last paragraph on page 13: the word 'underrepresented' be included in the sentence regarding twentieth century places in the South Australian Heritage Register, and remove the word 'gap'.

The Chair's Report within the document was commended, given it took the opportunity to alert Parliament to the important work of Council and its awareness of the economic stresses of the year.

## RESOLUTIONS

The South Australian Heritage Council:

- **Approved** the South Australian Heritage Council Annual Report 2019-20 subject to the amendment above.
- **Noted** that the Council's Annual Report will be signed by the Chair and submitted to the Minister for Environment and Water.

### 6.3 Termination of remaining Monarto Heritage Agreements

Mr Conlon welcomed Mr Andy Burnell (DEW) to the meeting. Mr Burnell noted that the Monarto Heritage Agreements (MHA) came about after extensive planting of native and non-native trees was undertaken on Crown land during planning for a satellite city at Monarto in the 1970's. When the satellite city did not eventuate parts of the Crown land were sold and to protect the amenity values of the plantings, buyers were required to enter into a MHA.

A MHA is a legal contract between the landholder and the SA Government that prevents the landholder from removing or damaging planted trees and saplings on the land subject to the Agreement. The Agreement is administered pursuant to the *Heritage Places Act 1993*.

There only remains agreements with 29 landholders over 36 parcels of land. These were the only surviving agreements after most of the original 200 or so were not extended by landholders when invited to do so, and thus lapsed.

Heritage SA proposes that the Minister, after seeking the advice of the Council, as per *Heritage Places Act 1993, Section 32 (3)*, seeks to terminate the remaining MHAs.

Mr Burnell noted that landholders would be asked to confirm their agreement with the termination and invited to liaise with the Murraylands and Riverland Landscape Board should they wish to seek ongoing protection for the plantings.

It was noted that Heritage SA will continue to service those MHA where the landholder wishes to retain the agreement until its expiration in 2041-2045.

Mr Burnell agreed that there would be biodiversity value in some of the areas currently covered by a MHA. Mr Burnell explained that native trees that were planted do not have protection under the Native Vegetation Act, though native trees that have grown through natural regeneration would have protection.

It was noted that the 'Revitalising Heritage Agreement Fund' was launched by the Minister recently. Council agreed it would not be appropriate to jeopardise MHA owner's capacity to access the fund.

Council observed there is an inherent risk to the vegetation in terminating the MHA.

Council accepted the need for the MHA to be terminated but also encouraged the Department to consider other mechanisms to protect these plantings. It was noted that it was appropriate that Council comment in this fashion given the MHA are currently under the remit of the *Heritage Places Act 1993*.

## RESOLUTION

The South Australian Heritage Council:

- **Agreed** to advise the Minister that it accepts the termination of the remaining Monarto Heritage Agreements and encourages the Department for Environment and Water to consider other mechanisms to protect any vegetation of significance.

## 7. ITEMS UNDER CONSIDERATION FOR PROVISIONAL ENTRY IN THE SA HERITAGE REGISTER

### 7.1 Pewsey Vale, via Lyndoch

It was noted that Mr Schulz departed the meeting at this point given his declared conflict of interest.

Mr Conlon welcomed Mr Alexander McLachlan (owner) and Ms Felicity Niemann of Wallmans Lawyers (representing the owner) to the meeting.

Mr Conlon invited Ms Niemann to speak to Council. Ms Niemann:

- Noted the letter prepared by Ms Niemann on behalf of the owner was provided to Council members prior to the meeting. The letter outlines in full the objections to the assessment and listing.
- Emphasised the owner's continual frustrations with these proceedings, noting it has been going on for 30 years.
- Noted the place had previously been provisionally listed by Council.
- The owner's position is unwavering and they do not want it considered for State Heritage listing.
- The concept of Pewsey Vale being a village is not apparent. The remaining buildings are used as an active farm. It is in ongoing and continual use.
- Council's attention was drawn to the conclusions of heritage consultant Mr Ron Danvers that were included as an attachment to the letter provided to the Council members.
- Argued that if this property was State Heritage listed, it would be a real impediment to the way the property is maintained.

- The Church and Chapel is protected by a Trust Deed, and, with the permission of the owner, a copy of the Trust Deed (redacted) could be provided to the Council.
- The owner will not provide access to the land for the purpose of a heritage assessment. The owner wishes to be left alone and does not want to be involved in any heritage obligations.
- Noted there was restricted access provided in 2012 and there does not need to be another site visit.

Mr Conlon thanked Ms Niemann for her time. Mr Conlon noted the Council's role under the Heritage Places Act with regard its consideration for listing a place.

Mr Conlon invited Dr Bird to provide introductory remarks in relation to the assessment she had provided to Council.

Dr Bird noted that based on the available evidence, the recommendation to the Council is that Pewsey Vale fulfils criteria (a) and (g) of section 16 of the Heritage Places Act:

- (a) It demonstrates important aspects of the evolution or pattern of the State's history
- (g) it has a special association with the life or work of a person or organisation or an event of historical importance

It was noted by Dr Bird that without a site visit it is not possible to definitively identify all of the components of Pewsey Vale. Some elements such as the homestead, winery cellar ruins, St Thomas' Church and a complex of outbuildings that includes shearing facilities and stables still remain. There are a number of other unidentifiable structures on site and the outbuilding complex requires further investigation to determine what other buildings remain.

Dr Bird noted that a site visit is required to determine if Pewsey Vale also fulfils criterion (d), while it would provide the opportunity to determine if the integrity and intactness of the place is sufficient or not to fulfil criteria (b) and (e).

It was noted that Pewsey Vale complex has never been formally rejected by Council, though previous Councils have discussed its assessment.

Dr Bird noted she had not seen the Trust Deed regarding the Chapel.

Mr Conlon thanked Dr Bird for her remarks.

Council discussed Mr Danvers written comments (provided by the owner) in comparison with the findings of the assessment report.

It was noted there are several large pastoral properties on the SA Heritage Register. A site visit would be useful to determine the quality and calibre of this compared to the others.

It was noted that it would be impractical for departmental officers to assess the property properly if they were only granted access to part of it. Full access of the site is required to determine the intactness of all possible heritage components.

The old cellar is described as a dangerous ruin by Mr Danvers. It was noted Mr Danvers is not a structural engineer, and therefore is not qualified to say whether it is a dangerous ruin. A site visit is required to assess his conclusion.

Dr Bird has access to the family archive through members of the Gilbert family. This has provided her with access to many family member's recollections of the buildings.

The Council acknowledged the family commitment to the property.

Council determined it would like the assessment to incorporate the insight of a full 'unfettered' site visit to make a conclusive determination of the criteria under section 16 of the Act that applies.

## RESOLUTION

The South Australian Heritage Council:

- **Agreed** to write to the Minister for Environment and Water (or delegate), requesting an exercise of power under section 39(1) of the Act, Instrument of Authorisation Right of Entry, to authorise Dr Louise Bird, Mrs Margaret Heathcote and Mr Michael Queale of Heritage South Australia to enter Pewsey Vale for the purposes of a full site visit to facilitate a full assessment of the property for the purposes of consideration for listing under the *Heritage Places Act 1993*.

### 7.2 Sands & McDougall Building, 64 King William Street, Adelaide

Mr Conlon welcomed Mr Peter Tunno (owner), Mr Stuart Henry SC (representing the owner) and Mr Chris Vounasis (Future Urban) to the meeting.

It was noted that this place had been nominated by a member of the public for consideration for provisional entry as a State Heritage Place. An assessment report has been provided to Council members to support their deliberations on whether this place may meet one or more of the criteria for listing under section 16 of the *Heritage Places Act 1993*.

Mr Conlon invited Mr Henry SC to speak to this matter, on behalf of the owner.

Mr Stuart Henry SC:

- Noted that the property has been recommended to Council under criterion e) under Section 16 of the *Heritage Places Act 1993*. Criterion e) sets out a stringent test – it has to be 'outstanding'. It is a 19<sup>th</sup> century classical building with an added Art Deco facade and not an art deco building. It is a hybrid building – it cannot be an 'outstanding' representative of art deco building.
- Contested that this building is an outstanding representative of this genre.
- Noted the assessment relies heavily on Cosgrove's analysis. Noted that 'key' and 'influential' do not amount to an outstanding representative.
- The word 'significant' is not the same as 'outstanding'. What is being put in the report to Council does not rise to the height it needs to rise to meet criterion e). It says 'high degree of design merit' – not outstanding. The report does not justify registration for the property.
- A State Heritage listing captures the whole of the building, even though the report indicates the important elements are only the façade and awning.
- Noted the place is already Local Heritage listed. What further does State listing the whole building add?

- It would have been incumbent on the report author to look at the whole building. The interior is riddled with white ants and has been highly modified. The interior does not warrant any State heritage consideration.

Mr Conlon thanked Mr Henry for his remarks on behalf of the owner of 64 King William Street, Adelaide.

Mr Conlon invited Dr Bird, author of the assessment report, to provide introductory remarks in relation to the assessment.

Dr Bird noted that it has been usual practise for Council to list the whole Certificate of Title of a State Heritage Place. The elements of heritage significance can be drawn out in the documentation of the heritage place.

It was noted by Dr Bird that the former Sands & McDougall building was the shopfront for manufacturing stationery company Sands & McDougall. They occupied the building in the late nineteenth century and in 1933 modernised the premises with the Art Deco façade and awning. The façade is highly intact and an outstanding example of Art Deco architecture in South Australia, demonstrating many of the key attributes of the style. It transformed the nineteenth century classical building, eschewing the past and expressing optimism for the future.

It was noted that the awning extends beyond the Certificate of Title and into the public realm. Dr Bird indicated she would liaise with her colleague Mr Michael Queale regarding the question of adjacency.

It was noted that Ms Carol Cosgrove wrote a history of art deco buildings and the monograph is available through the Architecture Museum. It was noted that Ms Cosgrove wrote a history – not a heritage assessment, and therefore the language she used in her document was not intended to be consistent with the language one would use in a heritage assessment report.

Dr Bird noted that it is the second part of the test for criterion (e) that her report focusses on, though Council can deliberate on whether the first part of the test may apply to the proposed listing. The assessment recommends that this place, namely the frontage is an outstanding representative of particular design characteristics.

It was noted that Richard Apperley's work is well known as the authoritative source for identification of architectural types, and this has been referred to in the assessment of this place.

It was noted there are several places included on the Register that were/are shops or were/are a mixed-use building that included shops. The former Balfour's Shop and Café), Rundle Mall, Adelaide was cited as an example.

The design of the Art Deco façade and awning for Sands and McDougall building was undertaken by the Adelaide firm, known at the time as P Claridge in association with LG Bruer and NG Fisher. It was noted that in a 1980s interview Jack McConnell, who was employed by Claridge from 1937, stated the design was by Russell Ellis. It was noted that this cannot be proven.

Mr Conlon thanked Dr Bird for her remarks.



It was noted that Council would focus its deliberation on whether this place meets criteria e) and / or g) as it was agreed it does not meet any of the other criteria under section 16 of the Heritage Places Act.

Mr Conlon tested with Council on whether criterion g) was met and it was agreed that it was not.

It was noted that an upgrade of an existing facade was characteristic of this period when the owner could not afford to redevelop the whole built structure. Further, it was noted that after WW2 there were economic restrictions on development.

Mr Conlon posed the question of whether Council agreed with the recommendation to provisionally enter the frontage of the Sands & McDougall building under criterion (e) of section 16 of the Heritage Places Act. It was noted that a majority of members voted in favour of provisional entry. The motion was passed five votes to one (noting that two Council members abstained from voting and Mr Schulz was absent for this discussion given his declared conflict of interest).

Council contemplated specific wording for its resolution that focusses on the frontage of the shop as being the elements of heritage significance.

## RESOLUTIONS:

The South Australian Heritage Council:

- **Provisionally entered**, under section 17(2) of the *Heritage Places Act 1993*, Frontage of Shop (Former Sands & McDougall Building), 64 King William Street, Adelaide (CT 5686/236 D50156 A22 Hundred of Adelaide) in the South Australian Heritage Register as a State Heritage Place, as it is deemed to fulfil criterion (e) under section 16(1) of the *Heritage Places Act 1993*.
- **Approved** the Summary of State Heritage Place for the shop frontage of the Shop (Former Sands & McDougall Building).

## 8 ITEMS UNDER CONSIDERATION TO CONFIRM REMOVAL FROM THE SA HERITAGE REGISTER

### 8.1 Heritage Farm (Nitschke Farm), Cudlee Creek-Lobethal Road, Lobethal

Council noted that, sadly, this property was destroyed by the Cudlee Creek fires in the summer of 2019/20. Council has previously advertised notice of its intention to remove it from the SA Heritage Register.

The period for making a public submission closed on 24 July 2020. It was noted that no submissions were received.

## RESOLUTION

The South Australian Heritage Council:

- **Removed Heritage Farm** (former Nitschke Farm Complex) comprising timber-framed cottage, timber-slab barn, stone and timber cellar with loft and a slab cellar and loft, Cuddlee

Creek, Lobethal Road, Lobethal, SA 5241 from the South Australian Heritage Register as a State Heritage Place, as it is deemed the entry is no longer justified under section 23 of the *Heritage Places Act 1993*.

## 8.2 Klopsch Farm Complex, Neudorf Road, Lobethal

It was noted that Mr Schulz re-joined the meeting at this point.

Council noted that, sadly, this property was also destroyed by the Cudlee Creek fires in the summer of 2019/20. Council has previously advertised notice of its intention to remove it from the SA Heritage Register.

The period for making a public submission closed on 24 July 2020 and one submission, in favour of removal, was received from the owner. The owner indicated generally that they supported its removal from the Register.

### RESOLUTION

The South Australian Heritage Council:

- **Removed** Klopsch Farm Complex, Neudorf Road Lobethal, SA 5241 CT 5397/866 Section 58 Hundred of Onkaparinga from the South Australian Heritage Register as a State Heritage Place, as it is deemed the entry is no longer justified under section 23 of the *Heritage Places Act 1993*.

## 9 ITEMS FOR NOTING

### 9.1 Chairperson's Report

Mr Conlon discussed the progress with the preparation of a Heritage Tourism Strategy. A draft will go to stakeholders next week.

It was noted that the President of the National Trust will take the draft Heritage Tourism Strategy to its Cultural Heritage Advisory Committee.

Ms Ferguson noted the consultation on this Strategy has been exemplary and Mr Stevenson echoed these comments. Both are in the Heritage Tourism Alliance group overseeing the project.

### RESOLUTION

The South Australian Heritage Council:

- **Noted** the Chairperson's report.

### 9.2 Correspondence

### RESOLUTION

The South Australian Heritage Council:

- **Noted** the correspondence received and sent.

### 9.3 Delegation's Report

#### RESOLUTION

The South Australian Heritage Council:

- **Noted** the Delegation's Report.

### 9.4 Status of Assessment Report

#### RESOLUTION

The South Australian Heritage Council:

- **Noted** the status of Assessments.

### 10. ANY OTHER BUSINESS

Council discussed the need for further work following the receipt of the Economics of Heritage report. It was noted that Ms Ferguson and Mr Stevenson would work to extend the value of its findings.

#### CLOSE OF MEETING

Mr Conlon closed the meeting at 12:00pm.



**Mr Keith Conlon OAM**

**Date:** 24 September 2020

**Chair**