

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 121st Meeting of the South Australian Heritage Council (the Council) was held on Friday 24th September 2021.

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.

Heritage Council: Chair: Mr Keith Conlon OAM Members: Mr Marcus Rolfe, Mr Stephen Schrapel, Ms Eleanor Walters, Mrs Deborah Lindsay, Ms Katrina McDougall, Mr Simon Weidenhofer and Mrs Peggy Brock AM.

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

1. WELCOME AND APOLOGIES

Mr Conlon welcomed all to the 121st meeting of the South Australian Heritage Council (the Council).

It was noted that the Council meeting was held at Hornsdale Winery, Fraser Avenue, Happy Valley – a State Heritage Place. The Hornsdale Winery and Distillery Group is significant because it represents, in a virtually unaltered and intact form, both a stage in wine production technology and the importance of agriculture in developing the Southern Vales areas. The buildings, including the manager's cottage on the northern side of the winery, have a cohesive entity, represent a period of wine, and brandy production from 1896 to 1979.

There were apologies from Ms Jan Ferguson OAM and Mr Gavin Leydon.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Agenda

The agenda was adopted without amendment.

Declarations of conflict of interest

Mrs Deborah Lindsay declared a conflict of interest in relation to Item 6.2 Fort Largs Heritage Agreement. It was noted that DASH Architects is providing ongoing heritage advice in relation to the development of the site to property owners and developers. It was noted Mrs Lindsay would not participate in the discussion or decision on this matter.

Mr Stephen Schrapel declared a conflict of interest in relation to Item 6.2 Fort Largs and it was noted he would not participate in the discussion or decision on this matter.

Mrs Lindsay asked for it to be noted, in relation to Item 6.3, that her firm, DASH Architects have prepared a Conservation Management Plan and Adaptive Reuse Analysis for Adelaide Gaol (SHP) for the Department for Environment and Water (DEW).

It was noted that DASH Architects have also prepared an Analysis of the National Heritage listing of the Adelaide Park Lands for ACC & DEW.

Mr Simon Weidenhofer declared a conflict of interest in relation to Item 6.3 Adelaide Park Lands given his role with the Adelaide City Council and he would not participate in the discussion for this item.

Mr Marcus Rolfe declared a conflict of interest in relation to the Adelaide Park Lands discussions as his firm, URPS, is working with SA Health on the new Women's and Children's Hospital build. It was noted he would not participate in discussion for this item.

3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 5 August 2021 meeting of Council and approved them without amendment.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 5 August 2021 meeting without amendment.

4. ACTION ITEMS

Ms Beverley Voigt, Manager, Heritage SA talked to Council about the progress being made against specific actions.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the status of the action list.

5. IN CAMERA DISCUSSION

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

Council briefly discussed the advice received from the Crown Solicitors Office in relation to State Heritage Places listed under historic legislation, and whether the Council had the power to amend their listing status in the South Australian Heritage Register. The Council noted that the advice provided an avenue for updating the listing through “notes” on the Register, and that it will have further discussion on this matter at its November meeting.

Council approved the above text for release at its 10 November 2022 meeting.

6 FOR DISCUSSION / DECISION

6.1 Strategic Plan – update on status of Action Plan

Ms Voigt discussed the updates to the Council’s Action Plan.

The Chair noted progress with the Heritage Reform Advisory Panel and foreshadowed possible amendments to legislation. The Panel is hopeful of being able to draft recommendations to Ministers after one more meeting.

It was agreed by Council that the Chair would seek a meeting with Minister Speirs.

Regarding the operation of the Planning and Design Code, the following was noted:

- There is now a bigger impost on heritage advisers as a result of the application process online. This provides even more impetus to fund a regional heritage advisory service.
- The high referral fee is now a disincentive for owners to lodge an application. Council discussed ways Local Councils can encourage greater compliance. Discussed sliding scale of fees.
- Discussed the “user pays” concept and Council agreed the “user” can be broadly described as the community at large, given that society benefits from heritage conservation and not just the home owner. Given this, an argument can be mounted that the Government ought to support or subsidise development application fees and heritage advice for State Heritage owners.

- Discussed types of works that may not qualify as “development” under PDI Act and whether it is possible for an architect to provide a permit for an owner to do these without the need for a development application.
- Plan SA now retain all lodgement fees from development applications.

Action: Council to investigate the cessation of the Heritage Advisory service and the various proposals that were put forward at the time.

Action: Provide consolidated written advice on the imperatives for a Heritage Advisory service.

It was suggested Council construct the intent behind the need for changes to the Code, rather than the exact changes themselves, and give the ‘intent’ to AGD Planning and Land Use Services and ask their staff to look at how to make it apply in relation to the Code.

Action: Organise meeting of a SA Heritage Council working party to discuss the above matter, comprising Mr Simon Weidenhofer, Ms Eleanor Walters, Mr Stephen Schrapel and Ms Deborah Lindsay. Mr Michael Queale from Heritage SA would also be invited to attend.

Action: Ms Voigt indicated she would ask the Heritage SA Conservation Architects how much time they spend assessing development applications on large multi-million dollar projects versus development applications from regular residential sized projects.

It was suspected that the time spent is weighted towards bigger projects given their complexity, even though the fee for a development application is the same, regardless of the scale of the project.

Council agreed to discuss Planning matters at its November 2021 meeting.

The Chair discussed progress with the Heritage Tourism Action Plan. It was noted that the objectives of the Heritage Tourism Plan have been broadly adopted across the Department for Environment and Water and the South Australian Tourism Commission with a range of initiatives complementary to the Plan.

It was noted that TICSA will be approached to help facilitate meetings.

RESOLUTIONS

The South Australian Heritage Council:

- **Considered** the revised action plan for 2020/21.
- **Approved** the action plan.

6.2 Fort Largs Heritage Agreement

Mrs Lindsay and Mr. Schrapel declared a conflict of interest and departed the meeting prior to discussion on this matter.

It was noted that, in consultation with Mr. Peter Wells, Principal Conservation Architect, Heritage South Australia, a draft Fort Largs Heritage Agreement has been prepared by the Crown Solicitor's Office and agreed with the proposed developer who, subject to all Government approvals, will become the Owner of Fort Largs.

The draft Fort Largs Heritage Agreement will be attached to the Contract of Sale for Fort Largs. It is a condition prior to settlement that the Owner will enter into a Heritage Agreement with the Minister for Environment and Water.

The draft Fort Largs Heritage Agreement requires the Owner to maintain an open setting ensuring that any development of the land preserves the views.

The draft Fort Largs Heritage Agreement sets out the Owner's obligation to maintain and preserve Fort Largs in accordance with Maintenance Schedules.

Council spoke with Mr Peter Wells, Heritage South Australia via telephone and discussed the developer's plans for the site. Council discussed the requirements that will be placed on the owner as a result of the Heritage Agreement.

Council endorsed the draft Heritage Agreement and noted that a Conservation Architect from Heritage SA will be involved in preparation of the maintenance schedules.

Action: Draft letter for Chairperson to send to Minister's delegate

RESOLUTIONS

The South Australian Heritage Council:

- **Endorsed** the draft Heritage Agreement and agreed to advise Renewal SA that it was satisfactory in its current form.
- **Noted** that Heritage SA will draft a letter to the Minister for the Chair's signature.
- **Approved** the Chair of the Council to sign the letter on Council's behalf and send at the appropriate time.

6.3 Adelaide Park Lands

It was noted that Mrs Lindsay and Mr Schrapel returned to the meeting at this point.

Mr Weidenhofer and Mr Rolfe both departed the meeting given they had declared a conflict of interest in relation to this matter.

It was noted that the Chief Executive of the Attorney General's Department (Ms Caroline Mealor) released a draft Code Amendment to the Planning and Design Code (the Code)

for the Riverbank Precinct on 15 September 2021, for consultation, as required under the *Planning, Development and Infrastructure Act 2016*.

The Draft Riverbank Precinct Code Amendment can be viewed online on the PlanSA website.

Written submissions on the Riverbank Precinct Code Amendment are to be provided to Planning and Land Use Services Division, Attorney-General's Department by Wednesday 27 October 2021.

The Council agreed to put in a submission.

Council discussed the value of input that could be made by the Australian Heritage Council, given that the development proposed out of the land use rezoning is likely to be deemed a controlled action under Federal legislation.

Council agreed that any development in the Park Lands subject to the rezoning proposal would have a detrimental impact on the character and layout. It was agreed that it would impact on Adelaide submitting a proposal to be declared a Park Land city and proposals for World Heritage Listing.

Action: Agreed that the SA Heritage Council write to Australian Heritage Council regarding its concerns.

Action: Council to hold a special meeting in mid-October to discuss the form of its submission. Mr Hanna to circulate a proposed date.

RESOLUTIONS:

The South Australian Heritage Council:

- **Determined** to provide a written submission on the Riverbank Precinct Code Amendment to Planning and Land Use Services, Division Attorney-General's Department by Wednesday 27 October 2021.
- **Agreed** to hold a special meeting of the Council in mid-October to draft the submission.

7 ITEMS FOR NOTING

7.1 Chairperson's Report

Keith raised the questions posed in the Chairs DEW Board report including:

- Youth representation.
- Impact of Climate Change on Heritage Places.

- Noted a Statement of Intent around Reconciliation will be developed when the Reconciliation Action Plan of DEW can be sighted.

Noted that Mr Conlon, Mr Rolfe and Mr Leydon met with Ms Dyer the Planning Commissioner and Ms Anita Allen, Planning and Land Use Services, to discuss matters relating to planning reform. The recommendations were well received.

Action: Share the list of points raised at the above meeting with the full membership of Council.

Discussed the need to integrate local and State and aligning listing criteria.

RESOLUTION:

The South Australian Heritage Council:

- **Noted** the report provided by the Chairperson.

7.2 DEW Report

Council thanked DEW for its report on activities within Heritage South Australia.

Council were pleased to note that there would be recruitment of new staff in Heritage South Australia, and encouraged the recruitment of a graduate to help train up a heritage expert of the future.

The Council discussed the potential risk associated with Section 7 reports (reports requested by the public, real estate agents etcetera into the heritage encumbrance that may be on a property). It was noted that Local Government are experiencing some issues regarding Local Heritage Places not being identified and brought to their attention.

The Council discussed the representation of State Heritage listings on the mapping database and it was noted that places are represented by a red dot in the middle of the property which does not show the true extent of the physical listing.

Action: Find out from Register Clerk whether there are any issues with Section 7's being received? Council agreed it could write to AGD, if needed, with examples of errors.

RESOLUTION:

The South Australian Heritage Council:

- **Noted** the DEW Report.

7.3 Correspondence

Council noted the correspondence sent and received.

Council discussed the correspondence from Mr. Eli Bickley regarding a plea to retain the old Victor Harbor Causeway.

The Council were generally sympathetic to the proposal to retain the State Heritage listed Causeway. It was noted that Heritage SA provided advice as part of the development process when the new Causeway was proposed. Council agreed to forward on the correspondence to the Minister without any particular recommendation.

Action: Council agreed to forward the correspondence from Mr. Bickley to the attention of Minister.

RESOLUTIONS:

The South Australian Heritage Council:

- **Noted** the correspondence report.
- **Agreed** to forward the correspondence from Mr Eli Bickley to the Minister for his consideration.

7.4 Delegations Report

RESOLUTION:

The South Australian Heritage Council:

- **Noted** the Delegations Report.

8 ANY OTHER BUSINESS

Nil.

CLOSE OF MEETING

Mr Conlon thanked Phil Albrecht the owner of the Horndale Winery for his hospitality and closed the meeting at 2:30pm.

Mr Keith Conlon OAM

Date:

Chair