

## SOUTH AUSTRALIAN HERITAGE COUNCIL

### MINUTES

The 135<sup>th</sup> Meeting of the South Australian Heritage Council (the Council) was held on Level 10, 81 – 95 Waymouth Street, Adelaide on 30 March 2023.

#### Statement of Acknowledgement

*The Chairperson acknowledged that the 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 Stephen Schrapel, Ms Eleanor Walters, Mr Gavin Leydon, Mr Rob Donaldson, Ms Kate McDougall, Mrs Deborah Lindsay, Mr Marcus Rolfe and Mr Simon Weidenhofer.

**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

Mr Conlon welcomed all to the 135<sup>th</sup> meeting of the South Australian Heritage Council (the Council).

There were apologies from Ms Jan Ferguson.

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

##### **Agenda**

The agenda was adopted without any additions.

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

Mr Gavin Leydon declared a conflict of interest in relation to Item 6.1 Victa Cinema, as his firm Norman Waterhouse acts for Victor Harbor Council. Mr Leydon indicated he would depart the meeting for this item.

### 3. PREVIOUS MEETING MINUTES

#### Minutes of 16 February 2023 meeting

A couple of minor administrative changes were made and Mr Rolfe requested that the text explaining his workplaces association with the owner of the Semaphore Carousel under “Declarations of Conflict of Interest” be expanded, and he provided appropriate words to Mr Hanna.

#### Minutes of 14 March 2023 meeting

No amendments required.

#### **RESOLUTIONS:**

The South Australian Heritage Council:

- **Approved** the minutes of the 16 February 2023 meeting subject to the above.
- **Approved** the minutes of 14 March 2023

### 4. ACTION ITEMS

Council members considered and noted the action items.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Noted** the action items.

### 5. IN CAMERA DISCUSSION

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

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### 6. FOR DISCUSSION / DECISION

#### **6.1 Victa Cinema, (former Ozone Theatre), Ramindjeri and Ngarrindjeri Country, 37-41 Ocean Street, Victor Harbor**

It was noted that Mr Gavin Leydon departed the meeting at this point in time.

Mr Chris Burns was welcomed to the meeting. He indicated that on 7 November 2022, a member of the public nominated the Victa Cinema (former Ozone Theatre), 37-41 Ocean Street, Victor Harbor for listing as a State Heritage Place in the South Australian Heritage Register as they believe it meets criteria (a), (e), (f) and (g) under s16 criteria of the *Heritage Places Act 1993*.

Council heard that the owner, the Victor Harbor Council, proposed some changes to the interior of the Cinema as a part of a wider development. Given this, and following advice from Heritage South Australia, Mr Conlon, under delegated authority, provisionally entered this Place under Section 17 (2) (b) of the *Heritage Places Act 1993* to protect it to allow a full assessment to take place.

Mr Burns noted that a full assessment had now been finalised and was provided to Council members to review with their agenda papers.

The assessment recommended it for State Heritage listing under criteria a), d), e) and g) of section 16 of the *Heritage Places Act 1993*, and therefore a draft Summary of State Heritage Place has also been prepared for Council's consideration.

Mr Conlon thanked Mr Burns and invited Council members to discuss.

In relation to Criterion a), the Council discussed and all were in favour of it meeting this criterion.

In relation to Criterion d), the Council discussed and all were in favour of it meeting this criterion.

In relation to Criterion e), the Council discussed and all were in favour of it meeting this criterion.

In relation to Criterion g), the Council discussed and all were in favour of it meeting this criterion.

Mrs Lindsay requested a change on page 2 of the draft Summary of State Heritage Place to clarify the theme being discussed by writing "inter-war cinema going". The Council agreed with this amendment.

Council approved the Summary of State Heritage Place subject to the minor change above.

It was noted that Heritage SA has sent the Assessment Report to the Victor Cinema so that their elected members can comment.

## **RESOLUTION:**

The South Australian Heritage Council:

- **Approved** the Summary of State Heritage Place for the Victa Cinema (Former Ozone Theatre, Ramindjeri And Ngarrindjeri Country, 37-41 Ocean Street, Victor Harbor (CT 5309/930 A94 F165303, CT 5309/931 D99 A86 Hundred of Encounter Bay), as it is deemed to fulfil criteria (a), (d), (e) and (g) for State heritage listing under section 16(1) of the *Heritage Places Act 1993*:
  - (a) it demonstrates important aspects of the evolution or pattern of the State's history
  - (d) it is an outstanding representative of a particular class of places of cultural significance
  - (e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics
  - (g) it has a special association with the life or work of a person or organisation or an event of historical importance

## 6.2 Review of Guideline for Interpreting State Heritage Criteria

Mr Leydon returned to the meeting.

Dr Louise Bird was welcomed and introduced this item, noting that Council members had received a paper outlining the context for the review of the Guideline for Interpreting State Heritage Criteria.

Dr Bird proposed that a working group of Council be established and recommended that it reconsider existing Guidelines from other jurisdictions and the Burra Charter when reviewing the SA Guidelines. Dr Bird noted that the Assessment Team have identified a number of ways the Guidelines could be modified to improve understanding and the approach to completing a heritage assessment.

Dr Louise Bird and Mr Chris Burns will join the working group to assist with the review and updates to the SA Guidelines as they have authored most of the assessments considered by the Council using the SA Guidelines.

Council members Mrs Lindsay, Mr Leydon, Ms McDougall and Mr Schrapel volunteered to be part of the working group.

Dr Bird noted she had reviewed Guidelines from other all other jurisdictions in Australia.

It was noted that all jurisdictions base their criteria on HERCON (Heritage Convention).

Action: Dr Bird to email the working group to set up meeting dates.

Mr Conlon thanked the four members for agreeing to be part of the working group.

### RESOLUTIONS:

That the South Australian Heritage Council:

- **Approved** the approach to update the Guidelines for Interpreting State Heritage Criteria.
- **Selected** Mrs Lindsay, Mr Leydon, Ms McDougall and Mr Schrapel of the Council to form the Guidelines working group, noting the proposed timeline to complete the review.

## 6.3 Guideline: Consultation with First Nations on Listing matters

Mr Hanna noted that the Guideline was provided to the State Aboriginal Heritage Committee and it considered it at its meeting on Thursday 9 February 2023.

The State Aboriginal Heritage Committee expressed its appreciation for the efforts of Heritage South Australia and the Council to engage meaningfully with South Australian

Aboriginal people in listing matters, and had offered some suggestions for clarity and enhancement.

The State Aboriginal Heritage Committee noted that under law and based on legal advice there is an onus on the Heritage Council and the department to consult with native title holders and claimants as 'owners of land' in certain circumstances.

The State Aboriginal Heritage Committee was particularly interested that efforts be made to facilitate approaches to native title holders and claimants as potentially interested individuals where practicable, rather than consultation approaches being limited to an approach to any representative body. It may be the case that a member may hold an interest where directors do not; or that a native title holder who is not a member of the representative body has an interest. Given the timeframes for consultation, it is possible that a consultation approach limited to a representative body will not elicit an opportunity for such Aboriginal peoples to offer their views.

Mr Hanna noted that the Guideline has been broadened to account for these views on the need for a wider consultation approach, noting that timeframes in some circumstances may need extending.

Mr Conlon thanked Mr Hanna for his introduction and opened the matter up to the Council for comment.

The Council agreed that the comments provided by the State Aboriginal Heritage Committee, and subsequent amendments to the Guideline by Mr Hanna, would be beneficial and improve the Guideline.

Council also discussed the distinction between alienated and unalienated land in terms of First Nation consultation. Council requested that the introductory remarks in the Guideline be strengthened by including reference to the IAP2 consultation approach. Council agreed that it needs to be clearer about the level of consultation that is expected of staff, and for those expectations to be communicated to the stakeholders.

Action: Mr Hanna to clarify the consultation approach in the introductory text of the Guideline and provide back to Council for ratification.

## **RESOLUTIONS:**

The South Australian Heritage Council:

- **CONSIDERED** the comments provided by the State Aboriginal Heritage Committee.
- **ENDORSED** the redrafted 'Guideline: Consultation with First Nations on the listing process' subject to changes described above being approved out of session.
- **WILL WRITE** a letter of thanks to the State Aboriginal Heritage Committee.

## 6.4 Heritage Conservation Grants

Ms Voigt noted that the State government announced as part of the Mid-year budget review 2022-23, a \$1million per annum for the next ten years 'Protecting heritage for the future' initiative.

This initiative included a \$250,000 annual Community Heritage Conservation Grants Program (the Program) to support owners of State Heritage Places, thus providing a total of \$2.5million over the next decade.

At the Council meeting on 16 February 2023 the Council discussed the Program and resolved that it may be worth establishing a subcommittee or similar to review the guidelines for the Program, prior to the next grant round.

Council discussed a summary document outlining the projects funded under the previous round of grants, and it was noted that the grant is a small percentage of the overall spend.

It was noted that Ms McDougall, Mr Weidenhofer and Ms Ferguson would form part of the steering committee.

The following matters were raised in discussion about the Grants system:

- It was noted that a small amount of money granted can make a huge difference through a much larger spend by the owner.
- The amount of work and time to complete an application would be useful to know. Suggested this question could be added to a questionnaire template.
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- For every \$1 the government put in, the community put in \$6.60. This represents a good multiplier effect.
- Council agreed that it is important that the review is undertaken quickly and efficiently so as not to hold up the next round of grants.

Action: It was agreed that a meeting in May would be arranged to review the Guideline.

### RESOLUTIONS:

The South Australian Heritage Council:

- **Noted** the attachment with details of grant recipients over the five (5) years.
- **Appointed** Ms McDougall, Mr Weidenhofer and Ms Ferguson of the Council to form part of a steering committee with Heritage SA representatives to meet once a year to review the grant guidelines and provide strategic governance and oversight to the program.

## 7 ITEM TO BE CONSIDERED FOR CONFIRMATION ON THE SA HERITAGE REGISTER

### 7.1 St Alphonsus' Church, Bunganditj Country, 87 George Street, Millicent

Mr Burns noted that on 17 February 2022, the Council provisionally entered St Alphonsus' Catholic Church the South Australian Heritage Register as a State Heritage Place as it meets criteria (a), (d) and (e) under s16 of the *Heritage Places Act 1993*.

The period for making a public submission closed on 25 February 2023, after an extension was granted by Hon Dr Susan Close, Minister for Climate, Environment and Water, under Section 18 (1a) of the Act.

One submission was received from the owner that supports State Heritage listing, but requests amendments to the Extent of Listing. The submission broadly supports listing of the church under criterion (a), (d) and (e), but requests changes to the Extent Of Listing to exclude the parish office or presbytery building.

Heritage South Australia recommended that the interior of the parish office is explicitly excluded from the Extent of Listing.

Mr Burns noted that an amended Summary of State Heritage Place for St Alphonsus' Catholic Church was provided for the Council's consideration and approval.

Mr Conlon invited the Council to discuss the recommendation. Council members were in agreement with the request of the nominator and agreed to amend the listing to exclude the interior of the parish office.

Council approved the revised Summary of State Heritage Place.

### RESOLUTIONS:

The South Australian Heritage Council:

- **Considered** the submission received in relation to the entry of St Alphonsus Catholic Church in the South Australian Heritage Register;
- **Confirmed** the entry of St Alphonsus' Catholic Church (CT 5767/931 FP192084 A712 Hundred of Mount Muirhead) in the South Australian Heritage Register as a State Heritage Place, pursuant to sections 18(4) & 18(5) of the Heritage Places Act 1993 as it satisfies criterion (a), (d) and (e) under section 16(1) of the Act:
  - (a) it demonstrates important aspects of the evolution or pattern of the State's history
  - (d) it is an outstanding representative of a particular class of place of cultural significance
  - (e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics



- **Amended** the Summary of State Heritage Place to exclude the interior of the parish office from the elements of significance in the Extent of Listing and on the Site Plan.
- **Approved** the Summary of State Heritage Place.

## 8 ITEMS FOR NOTING

### 8.1 Chairpersons Report

Noted.

#### RESOLUTION:

The South Australian Heritage Council:

- Noted the Chairperson's report.

### 8.2 Status of Assessment Reports

Council thanked Dr Bird for the update on the status of assessments.

Council noted there are currently three outstanding nominations related to the Adelaide Park Lands. These are currently on hold pending the Government's determination around the recommendation to list the Park Lands as a State Heritage Area.

It was noted that SA Police's preferred location for the Mounted Police is in Park 21, southern Park Lands. Council noted that if this development proceeded it would pose a risk to the Dardanelles Memorial grove of five pine trees, the subject of one of the nominations. Given this risk, the Council asked Heritage SA to make an assessment of the nomination as a matter of priority.

Action: Heritage SA to undertake an assessment related to the nomination of Dardanelles Memorial as a matter of urgency.

#### RESOLUTION:

The South Australian Heritage Council:

- **Noted** the Chairperson's report.
- **Requested** an urgent assessment in relation to the nomination of Dardanelle's Memorial in the southern Adelaide Park Lands.

### 8.3 Correspondence

Noted.

#### RESOLUTION:

The South Australian Heritage Council:

- **Noted** the Correspondence.

### 8.4 Delegations Report

Noted.

#### RESOLUTION:

The South Australian Heritage Council:

- **Noted** the Delegations Report.

## 9 IN CAMERA

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

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## 10 ANY OTHER BUSINESS

Nil.

### CLOSE OF MEETING

It was noted that this was the last meeting for Mr Keith Conlon as Chairperson and member of the SA Heritage Council.

Mr Conlon thanked Council members and Heritage South Australia staff for their excellent support and service to heritage. He said meetings have been open and generous of spirit.

Mr Conlon spoke about the rewarding opportunity he had to “Protect, Preserve, Promote” heritage through listing decisions, advocacy and public education.

The Chair thanked Mr Hanna for his excellent support as Executive Officer and noted that sometimes the two of them were in danger of having too much fun!

Mr Conlon welcomed Ms Sandy Verschoor to the role as incoming Chair and said that Ms Verschoor will be strong on policy and governance and these are what the Council needs going forward.

Mr Conlon spoke about his sense of optimism about the future for heritage.

In conclusion Mr Conlon said “It had been hell! – a hell of a ride!”

Council members thanked Mr Conlon for his outstanding service to the Council and Heritage over the past five years.

Mr Conlon closed the meeting at 1:15pm.



**Sandy Verschoor**  
**Chair**

**Date:** 15 June 2023