

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 132nd Meeting of the South Australian Heritage Council (the Council) was held on Level 10, 81 – 95 Waymouth Street, Adelaide on Thursday 8 December 2022.

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: Ms Jan Ferguson OAM, Mr Stephen Schrapel, Ms Eleanor Walters, Mr Marcus Rolfe, Mr Gavin Leydon, Mrs Kate McDougall and Mrs Deborah Lindsay.

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 132nd meeting of the South Australian Heritage Council (the Council).

There were no apologies.

Mr Conlon thanked Ms Merridie Martin, outgoing Director, for her diligence, care and attention to heritage matters during her time as the Director responsible for heritage.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Agenda

The agenda was adopted with the addition of the Theberton Cottage, former West End Brewery site under “Any Other Business”

Declarations of conflict of interest

Ms Walters declared a potential conflict of interest in Item 7.4 Dr Kent's Paddock, due to this being located within the Local Council that she works as a planning officer. Ms Walters indicated she would not participate in this matter.

Ms Deborah Lindsay declared the following conflicts of interest:

- Item 5.1 - Adelaide Showgrounds: DASH Architects have provided advice on both the Secretary's Office and Stud Sheep Pavilion to the RAHS.
- Item 7.4 - Dr Kent Paddock: DASH Architects provided some very preliminary advice to Housing SA on the nomination.
- Item 8.1 - Woodgate: DASH Architects are providing advice on behalf of the property owner, and Mr Schulz from the office will be doing a presentation at this meeting.

Ms Lindsay indicated she would not participate in any of these matters.

3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 10 November 2022 meeting and approved them without any changes.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 10 November 2022 meeting without amendment.

4. ACTION ITEMS

Council noted the status of action items and the following was noted:

- "Designing the Built Environment" was suggested by Ms McDougall as an addition to Historic Themes document. Action: Ms McDougall to provide information to Heritage SA in the New Year.
- Mr Conlon thanked to Ms Voigt, Mrs Pope and Dr Bird for their work in preparing the Historic Themes document.
- Ms Walters, Mr Rolfe and Mr Conlon noted their discussion with the Expert Panel on Planning Implementation Review on 6 December 2022. Their oral presentation was based on the Council's written submission. The Expert Panel were interested inter alia, in adaptive reuse options for heritage places.

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*.

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6 FOR DISCUSSION / DECISION

6.1 The Heritage Chairs and Officials of Australia and New Zealand

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

Ms Voigt indicated that on the 24th November 2022, Heritage (Historic and Indigenous) Chairs and Officials from across Australia and New Zealand met in person at the Fremantle Maritime Museum with some attending on line.

Ms Voigt provided an update to the Council on the deliberations. Ms Voigt noted there were many common threads and issues across the jurisdictions. A summary of the issues are:

- Reinforced commitment to share information and knowledge across the jurisdictions.
- Upgrade to Heritage Registers.
- Legislative reforms.
- Agreement to share business case and analyst work regarding Register upgrades.
- Western Australia has completed a thematic study, similar to SA Heritage Council.
- Emergency preparedness for natural disasters such as earthquakes.
- Presentation on climate change.
- Rock art – interest in World Heritage listing. Some work being led by Northern Territory. Noted that Ms Voigt has passed on Mr Jason Irving's details to Northern Territory counterparts to consider SA sites such as Koonalda Caves in the listing.
- Heritage Skills Training. Discussed the work on a WA employee who has employed specifically to encourage Heritage Skills.
- Incentive schemes for Heritage Conservation.
- NSW had the first significant refusal to a mining company regarding an application to develop a historic homestead that also had Indigenous cultural values.
- Broader application of a NSW project on protection of sightlines.

Mr Conlon noted he participated via video link from Adelaide.

RESOLUTION:

The South Australian Heritage Council:

- **Noted** the outcomes of the Heritage Chairs and Officials of Australia and New Zealand meeting of 24 November 2022.

7 ITEMS TO BE CONSIDERED FOR PROVISIONAL ENTRY ON THE SA HERITAGE REGISTER

7.1 Nelly Creek Fossil Flora, Oodnadatta Track, Callana (On Arabana Country)

Mr Conlon welcomed Ms Megan Thomas, Heritage South Australia to the meeting.

Ms Thomas noted that on 4 November 2021, the Council considered the findings of the Fossil Heritage Survey and added Nelly Creek Fossil Flora Complex to the Assessment List.

Council noted that the Arabana People are both the Native Title Holder and miscellaneous Crown Lessee.

Letters regarding the potential heritage listing and designation of Nelly Creek Fossil Flora Complex were sent to Mr Damien Underwood, Chair of the Arabana Aboriginal Corporation RNTBC (the Corporation), on 23 March 2022 and 13 July 2022. To date, Heritage SA has not had a reply. It was noted that the traditional owners will have another opportunity to comment through the formal consultation process.

Ms Thomas indicated it is an Eocene fossil site. It contains 220 specimens with 16 species identified. The site is particularly significant in that it has mummified fossils.

The site has been recognised as a Geological Monument in 1994. This is included within the area proposed for the State Heritage Place.

All seven fossil hotspots that are known are included within the proposed State Heritage Place boundary.

Ms Thomas noted that the Burra Charter includes the definition of scientific cultural value and that is the reasoning behind recommendation of criteria (b).

Mr Conlon thanked Ms Thomas and led a discussion with Council regarding this proposed listing.

Council agreed it meets criteria (b) and (c) under Section 16 of the *Heritage Places Act 1993*.

Furthermore, Council gave notice of its intent to Designate this place for its palaeontological significance. Designation provides additional protection given that a permit is required.

Ms Ferguson suggested that Heritage SA consider signage to educate the public about the significance of the site and to identify that they are protected – spell out the

parameters of the Heritage Places Act 1993. Noted you won't stop the person with intention to damage, but it will stop the people who are not intending to do so.

Action: SA Heritage Council asked for a report from Heritage SA on signage for vulnerable natural State Heritage Places.

It was requested that the word "epoch" replace the word "era" on page 10 of the Summary of State Heritage Place.

RESOLUTIONS:

The South Australian Heritage Council:

- **Provisionally** entered Nelly Creek Fossil Flora Complex, Arabana Country, South of Kati Thanda South (Lake Eyre South), CL6178/960, Oodnadatta Track, Callanna, 5733 (Out of Hundreds), in the South Australian Heritage Register as a State Heritage Place, as it fulfils criteria (b) and (c) for State heritage listing under section 16 (1) of the *Heritage Places Act, 1993*:
 - (b) it has rare, uncommon or endangered qualities that are of cultural significance
 - (c) it may yield information that will contribute to an understanding of the State's history, including its natural history
- **Agreed** that there is an intent to designate the Nelly Creek Fossil Flora Complex as a place of palaeontological significance, pursuant to section 14(7)(a) of the Heritage Places Act 1993 after a three-month consultation process.
- **Approved** the Summary of State Heritage Place for Nelly Creek Fossil Flora Complex Arabana Country, South of Kati Thanda South (Lake Eyre South), CL6178/960, Oodnadatta Track, Callanna, 5733 (Out of Hundreds).
- **Noted** the Arabana People do not need to apply for a permit under s25 of the Act to undertake non-commercial cultural activities within the boundaries of the Nelly Creek

7.2 Poole Creek Fossil Flora Complex (On Arabana Country)

On 4 November 2021, the Council considered the findings of the Fossil Heritage Survey and added Poole Creek Fossil Flora Complex to the Assessment Priority List.

The Heritage Assessment Report recommends that the place meets s16 criteria (b) and (c) of the *Heritage Places Act 1993* and is eligible for entry as a State Heritage Place in the South Australian Heritage Register.

It is also recommended that the Poole Creek Fossil Flora Complex is considered for intention to designate as a place of palaeontological significance pursuant to section 14(7)(a) of the Act.

Ms Megan Thomas noted it extends about 30kms along a paleo channel. This place has been recognised as a Geological Monument to acknowledge its geological heritage status.

Mr. Neville Ally, lead member of the working group, has reviewed the documents before Council today.

There are 14 hotspots related to this site.

Mr Conlon thanked Ms Thomas for her introduction and led a discussion by the Council.

Council agreed with the recommendation to provisionally enter this place under criteria (b) and (c) of Section 16 of the *Heritage Places Act 1993*. Council also approved to give notice of its intent to designate this place as a place of palaeontological significance.

Council requested a change to Summary of State Heritage Place on page 12 - change "13 hotspots" to "14 hotspots".

RESOLUTIONS:

The South Australian Heritage Council:

- **Provisionally** entered Poole Creek Fossil Flora Complex, Arabana Country, South of Kati Thanda South (Lake Eyre South), CL6178/960, CL6234/961, Callanna, 5733 (Out of Hundreds), in the South Australian Heritage Register as a State Heritage Place, as it fulfils criteria (b) and (c) for State heritage listing under section 16 (1) of the *Heritage Places Act, 1993*:
 - (b) it has rare, uncommon or endangered qualities that are of cultural significance
 - (c) it may yield information that will contribute to an understanding of the State's history, including its natural history
- **Agreed** that there is an intent to designate the Poole Creek Fossil Flora Complex as a place of palaeontological significance, pursuant to section 14(7)(a) of the *Heritage Places Act 1993* after a three-month consultation process.
- **Approved** the Summary of State Heritage Place for Poole Creek Fossil Flora Complex Arabana Country, South of Kati Thanda South (Lake Eyre South), CL6178/960, CL6234/961, Callanna, 5733 (Out of Hundreds), subject to the change above.
- **Noted** the Arabana People do not need to apply for a permit under s25 of the Act to undertake non-commercial cultural activities within the boundaries of the Poole Creek Fossil Flora Complex SHP 26547 but that a permit may apply for commercial activities that disturbs or excavates land within those boundaries.

7.3 Everard Court (flats), 46 Anzac Highway, Everard Park (On Kurna Country)

Mr Burns, Heritage SA was welcomed to the meeting.

It was noted that on 12 May 2021, a member of the public nominated Everard Court (flats), 46 Anzac Highway, Everard Park for listing as a State Heritage Place in the South Australian Heritage Register as they believe it meets criteria a) and e) under s16 criteria of the *Heritage Places Act 1993*.

An Assessment of Everard Court (flats) has been prepared and recommends that the place meets criteria (a), (b) and (e) under s16 of the Act for listing as a State Heritage Place.

Council discussed the recommendations and agreed to provisionally enter the place under criteria (a), (b) and (e) of Section 16 of the *Heritage Places Act 1993*.

Mr Burns noted that while preparing the Everard Court (flats) Assessment Report, a further 31 intact purpose-built interwar flats were identified. Of these 31, six are recommended to the Council for consideration to add to the Council's 20th Century Assessment List, for future assessment, as they are likely to meet one or more of the s16 criteria for listing as a State Heritage Place, namely:

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These assessments are being suggested as priority one assessments given they are prone to development.

Council agreed with Mr Burns' recommendation and requested that these six places be added to the Assessment List.

RESOLUTIONS:

The South Australian Heritage Council:

- **Provisionally entered** Everard Court (Flats), 46 Anzac Highway, Everard Park (CT 5867/503 UN1, CT 5867/504 UN2, CT 5867/505 UN3, CT 5867/506 UN4, CT 5867/508 UN6, CT 5867/509 UN7, CT 5867/510 UN8, CT 5867/511 UN9, CT 5867/512 UN10, CT 5867/513 UN11, CT 5867/514 UN12, CT 5867/515 UN13, CT 5867/516 UN14, CT 5867/517 Common Property, CT 6123/858 UN5, S14477 Hundred of Adelaide) in the South Australian Heritage Register as a State Heritage Place, as it is deemed to fulfil criteria (a), (b) and (e) 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

- (b) it has rare, uncommon or endangered qualities that are 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
- **Approved** the Summary of State Heritage Place for Everard Court (Flats), 46 Anzac Highway, Everard Park.
 - **Added** the 6 places detailed above and in the Appendix to the 20th Century Assessment List (Priority 1) for future assessment and consideration for listing as State Heritage Places.

7.4 Dr Kent's Paddock Housing Complex (Stage 1), Kaurana Country, 3-57 Capper Street & 28-48 Rundle Street, Kent Town

It was noted that Mrs Lindsay departed the meeting at this point due to her declared conflict of interest in this matter.

Mr Keith Conlon welcomed Mr James Levinson and Lydia Hart, Botten Levinson lawyers, representing the SA Housing Authority. He also welcomed Mr Tom Currie, Senior Manager Investment and Portfolio Planning, SA Housing Authority and Ms Emily Hatfield, Urban Planner, SA Housing Authority.

Mr Conlon welcomed Dr David Baker (nominator) to the meeting. He was accompanied by Hon. Greg Crafter AO and Michael Pilkington (Director at Phillips/Pilkington Architects) who were both present to observe proceedings.

On 25 November 2022, the Authority requested an opportunity to address the Council prior to consideration of provisional entry. After considering the request, Mr Keith Conlon indicated he had granted permission for the Authority and / or its representative to address the Council for 5 minutes. A written submission from the SA Housing Authority was included in the Council's agenda package.

To ensure fairness, an invitation was also forwarded to the nominator Dr David Baker, President of the Kent Town Residents Association Incorporated to address the Council whom had accepted the invitation.

Mr Conlon noted that the name, Dr Kent's Paddock Housing Complex (Stage 1), will reflect that what is being considered today is only Stage 1 of the Dr Kent Paddock development, and not Stage 2.

Mr Conlon invited Dr David Baker to speak and the following is a summary of the points made by Dr David Baker:

- Supported by Michael Pilkington and Greg Crafter, MP for the area when it was built.
- Impressed by the staff comprehensive analysis.
- The history of awards and commendations for this place make us proud.
- Discussed the importance of architect of Newell Platten.
- Highlighted the open space living, the historic Pepper Tree and elements that contribute to excellent social housing design.

The following is a summary of the points made by Mr James Levinson on behalf of the SA Housing Authority:

- The Authority opposes the provisional entry of Dr Kent's Paddock in the South Australian Heritage Register under the *Heritage Places Act 1993*.
- Dr Kent's Paddock does not satisfy any of the criteria for registration as a place of heritage significance under section 16 of the Act and on that basis cannot and should not be entered in the Register.
- The Authority has various housing programs and support many vulnerable people. South Australia is presently in a housing crisis. The ability to house people in urban infill is critical.
- Delivers housing for people at risk of homelessness and people expiring homelessness and domestic violence. In the order of 39% of tenancies are people with a disability. 37% registered for housing live with a disability. SAHA owns over 32,000 properties.
- There is nothing unique about this facility when you consider the 30,000 properties that it manages. There are many examples of all of these attributes by the Authority and others. This simply fails the threshold test. Criterion a) is clearly not met.
- Regarding the case for criteria e), there are numerous design flaws. Barriers have been erected that stops mixing. The vision has not played out in reality. Tenants have erected these barriers. The design aspiration was there but it does not work.
- Plenty of spaces for entrapment of people and also prone to dumping of rubbish.
- With regard to criterion g), it is misplaced when applying this to a Statutory Authority. Many other houses that the Authority operate. This is but one of 30,000.
- Newell Platten was one of many people that worked on this project. Platten is not well known or lauded now. He was not the principal architect. He was under Greg Phillips.

Mr Conlon thanked Mr Levinson for his remarks and invited Dr Louise Bird, Heritage SA to summarise the assessment report.

Dr Louise Bird provided the following overview:

- On 9 April 2020, a nomination was received for Dr Kent's Paddock, Kaurna Country, 3-57 Capper Street & 28-48 Rundle Street, Kent Town, for listing as a State Heritage Place in the South Australian Heritage Register as they believe it meets all seven criteria under s16 of the *Heritage Places Act 1993*.
- A Heritage Assessment of Dr Kent's Housing Complex has been prepared and recommends that the place meets criteria (a), (e) and (g) under s16 of the Act for listing as a State Heritage Place.

- Dr Louise Bird and Mr Michael Queale undertook a full site visit on 24 June 2022, with Dr Bird also visiting the site again on 28 October 2022.
- The SA Housing Authority was the most innovative housing body in SA at the time.
- In 1966/67, the Housing Trust moved to social housing. They went from housing workers to housing providers.
- The Housing Trust acquired land in inner urban areas for social housing as it was better for access to services. There were at least 30 of these types of developments. Professor Jennifer Taylor acknowledged Dr Kent's Paddock as a generational build.
- It was noted that Dr Bird had had an interview with Newell Platten several years ago. Newell spoke highly of his work for the Housing Trust.
- He came in as Chief Design Architect for this project while working at the height of his career. He showed the plans to the then Premier, Don Dunstan.
- It is interior looking and has caused some safety issues
- Recommended it meets criterion g) on two counts – for the special association with the work of Newell Platten and for the special association with the SA Housing Authority.

Mr Conlon thanked Dr Bird for her remarks.

Mr Conlon asked the Council if it was satisfied that this place did not meet the criteria that had not been recommended to them through the assessment report, namely criteria (b), (c), (d) and (f). Council agreed that the place did not meet these criteria.

Mr Conlon proceeded to lead a discussion against criteria a).

A brief summary of some of the discussion points follows:

- Dr Kent's Paddock demonstrates the shift in social housing at the time. Accommodation options for different life phases.
- It reflects an evolution in the Trust's thinking during the 1960's and 1970's. The South Australian Land Commission took on the role of the Trust in the 70's and 80's. The Housing Authority became a social housing provider.
- Newell Platten came in to create better ways of living. He improved the stock housing for the Trust.
- The Trust had built at least 30 of these types of housing accommodation.
- This is a significant form of housing for South Australians.

Council agreed it meets criterion (a) in a unanimous decision.

Mr Conlon proceeded to lead a discussion against criteria e).

A brief summary of some of the discussion points follows:

- Housing SA wanted to design housing for all of life needs.
- It represents elements of the Adelaide regional style.

- medium density housing was prioritised over high rise living as it is more conducive to social cohesion and living.
- The design intent of this social housing is very important.
- Discussed the high degree of creative style required to meet the threshold for this criteria.
- The awards won by Newell Platten were discussed.

Council voted and determined it did not meet criterion e).

Mr Conlon then led the Council through a discussion on whether it met criterion (g).

It was noted that it was recommended for association with Newell Platten and the Housing Trust of SA.

Council discussed these two associations. Through a vote, the Council agreed through a majority decision that it did not meet criterion (g).

RESOLUTIONS:

The South Australian Heritage Council:

- **Provisionally entered** the Dr Kent's Paddock Housing Complex, Kaurna Country, 3-57 Capper Street & 28-48 Rundle Street, Kent Town (CT5400/161 D28437 A102, Hundred of Adelaide) in the South Australian Heritage Register as a State Heritage Place, as it is deemed to fulfil criterion (a) 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
- **Approved** the proposed naming convention with the Register name recorded as 'Dr Kent's Paddock Housing Complex' and the Details known as recorded as 'Dr Kent's Paddock Housing Complex (Stage 1)'.
- **Endorsed** the Summary of State Heritage Place for the Dr Kent's Paddock Housing Complex, Kaurna Country, 3-57 Capper Street & 28-48 Rundle Street, Kent Town subject to removal of text around criterion (e) and (g) and approval via email following the meeting.

8 ITEMS TO BE CONSIDERED FOR CONFIRMATION ON THE SA HERITAGE REGISTER

8.1 Dwelling (former 'Woodgate'), 5 Fitzroy Terrace, Thorngate

Mr Conlon welcomed Ms Louise Roe (owner), Mr Lindsay Causon (owner) and Mr Jason Schulz (DASH Architects) to the meeting.

It was noted that on 18 August 2022, the Council provisionally entered Dwelling (former 'Woodgate'), Kaurna Country, 5 Fitzroy Terrace, Thorngate as a State Heritage Place in the South Australian Heritage Register (the Register) as it was found to meet criteria (e) and (g) under s16 of *the Heritage Places Act 1993* (the Act).

The period for making a public submission closed 25 November 2022. Two submissions were received during the consultation period, from Ms Roe and Mr Causon.

Ms Roe and Mr Causon had asked Mr Schulz (DASH Architects) to attend to provide the oral representation on their behalf.

Mr Conlon invited Mr Schulz to speak and the following is a summary of his address to Council:

- The property was settled at the time of the provisionally listing.
- The existing owners are going to be good custodians of this State Heritage Place and will care for the existing dwelling.
- Seeking the Council to refine the listing by removing the garage and later additions. The garage is not original and there are later additions.
- The place was provisionally listed as outstanding. The rear additions or garage don't meet this criteria.
- They are not on the original design standard.
- The garage was constructed around 1919. It is certainly not part of the original Dancke design. It is a relatively basic design and it is now infested with white ants.
- The term "interwar" ought to be removed for the sake of clarity.

It was noted that Heritage SA agree that the garage and later additions are not of design quality and that they ought to be removed as a place of heritage significance from the extent of listing.

Council agreed to confirm the listing with the removal of the garage and later additions.

Council discussed the use of the phrase "interwar" and agreed it should remain to describe the style.

RESOLUTIONS:

The South Australian Heritage Council:

- **Considered** the submissions received in relation to the entry of 'Dwelling (former 'Woodgate')' in the South Australian Heritage Register.
- **Approved** the recommendation to remove the addition and garage from the extent of listing.
- **Confirmed** the entry of 'Dwelling (former 'Woodgate')', Kaurna Country, 5 Fitzroy Terrace, Thorngate (CT 5781/436 F109086 A20 Hundred of Yatala) 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 criteria (e) and (g) under section 16(1) of the Act:
 - (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 special associations with the life or work of a person or organisation or an event of historical importance.
- **Confirmed** the Summary of State Heritage Place subject to the removal of the garage and addition from the elements of significance.

ITEMS FOR NOTING

9.1 Chairperson's Report

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

Mr Conlon indicated to Council that he had decided to resign as Chairperson effective end of March 2023; at the completion of five years service. Mr Conlon noted he would write to the Minister to advise of his intention to step down from the Chairperson role.

The Chairperson's Report was noted.

RESOLUTION:

The South Australian Heritage Council:

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

9.2 Status of Assessments Report

Noted.

RESOLUTIONS:

The South Australian Heritage Council:

- **Noted** the status of assessments.

9.3 Correspondence

Noted.

RESOLUTIONS:

The South Australian Heritage Council:

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

9.4 Delegations Report

Noted.

RESOLUTIONS:

The South Australian Heritage Council:

- **Noted**

10 Any Other Business

Remains of Theberton Cottage, Former West End Brewery site

Council discussed email correspondence provided by Simon Weidenhofer in relation to future conservation of the remains of the Theberton Cottage. It was noted that Council members were hopeful of a good outcome in regards interpretation of the site, but agreed that Council did not have a specific role to provide formal advice to Government in this regard.

CLOSE OF MEETING

Mr Conlon closed the meeting at 1:25pm.



Mr Keith Conlon OAM

Date: 16 February 2023

Chair